CITY OF PITTSBURG
AGENDA

JULY 01, 2019

CITY HALL COUNCIL CHAMBER
65 CIVIC AVENUE, PITTSBURG, CA

CLOSED SESSION
5:30 P.M.

REGULAR MEETINGS
7:00 P.M.

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

PRESIDING

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: Harbor Street and Bliss Avenue (APN 088-171-037); Agency Negotiator: Garrett Evans and Maria Aliotti; Negotiating Parties: Raj Dhillon; Under Negotiation: Both price and terms of payment

2 CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION FOR THE SUCCESSOR AGENCY; Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9:

One (1) case

3 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION FOR THE SUCCESSOR AGENCY; Initiation of potential litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9:

One (1) case

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

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

CITY MANAGER REPORTS/REMARKS

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

CITIZENS REMARKS

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

PITTSBURG ARTS AND COMMUNITY FOUNDATION

CONSIDERATION

4 Adoption of a Pittsburg Arts and Community Foundation Resolution to approve the Budget for Fiscal Year 2019-20 Appropriation of Funds for Fiscal Year 2019-20 and accept the 5-Year Financial Plan

FY 2019-20 Budget for the Pittsburg Arts and Community Foundation, Inc. ("Foundation") must be appropriated by July 1, 2019 to provide ongoing funding for the Foundation's activities during the next fiscal year. The 5-Year Financial Plan provides a framework for the Foundation to manage its financial resources and programs.

PITTSBURG POWER COMPANY

PUBLIC HEARING

5 Adoption of a Pittsburg Power Company Resolution Approving Island Energy Fiscal Year 2019-2020 Annual Rate Case for Electricity and Natural Gas Retail Services on Mare Island

Pittsburg Power Company ("PPC"), a Joint Powers Authority under the City of Pittsburg, provides electric and natural gas utility services on Mare Island, Vallejo under the name of Island Energy ("IE"). PPC presents its Fiscal Year ("FY") 2019-2020 Annual Rate Case to its governing board for approval. Once the proposed rate schedules are adopted, the rates will remain affective from July 1, 2019 through June 30, 2020.

CITY COUNCIL MEETING

PUBLIC HEARING

6 Adoption of a Resolution Certifying a Final Supplemental EIR and Approving CEQA Findings, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program, and General Plan Map Amendment; Introduction and Waive First Reading of an Ordinance Approving a Zoning Map Amendment and Development Agreement Amendment; and Adoption of a Resolution Approving an Amended Vesting Tentative Map and Design Review for the Alves Ranch Project, AP-18-1348 (GP, RZ, VTM, DR, DA)

This is a public hearing on a request by William Lyon Homes, Inc., for certification of a Final Supplementation Environmental Impact Report (SEIR) and adoption of associated California Environmental Quality Act (CEQA) findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program (MMRP) and approval of: 1) a General Plan map amendment to change the 57.81-acre site's land use designation from a combination of High Density Residential and Business Commercial, to Medium Density Residential and Community Commercial; 2) a zoning map amendment to rezone the site to PD (Planned Development) District and CC (Community Commercial) District; 3) an

amendment to an existing development agreement; 4) an amended vesting tentative map to facilitate the construction of 346 single family dwelling units (along with 10 accessory dwelling units), the 12-acre commercial site, and ancillary features; and 5) design review of landscape and architectural plans for the residential portion of the site. The project site is located along the north side of West Leland Road, south of State Route 4, at the intersection of Alves Ranch Road. Assessor's Parcel Nos. 093-460-001; 093-460-002; and 093-460-005. On May 28, 2019, the Planning Commission adopted Resolution No. 10121, recommending approval of the proposal in its entirety.

CONSIDERATION

7 Adoption of a City Council Resolution Authorizing an Application to the Statewide Park Development and Community Revitalization Program Grant Funds for the Buchanan Park Renovation Project

City Council approval is required for staff to proceed in a grant application to the Statewide Park Development and Community Revitalization Program Grant Funds for the Buchanan Park Renovation 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 ARTS AND COMMUNITY FOUNDATION, PITTSBURG POWER COMPANY AND SOUTHWEST PITTSBURG GHAD II CONSENT CALENDAR

8 Minutes of June 17, 2019

9 Adoption of a Pittsburg Power Company Resolution to Approve the 2018 Annual Power Source Disclosure Report to the California Energy Commission

State Law (Public Utilities Code Section 398.1(b)) requires all retail suppliers of electricity products to file an annual report to the California Energy Commission (CEC) to disclose resources or fuel types of power procured and sold to end use customers. The Pittsburg Power Company (PPC), provide electricity retail service on Mare Island Vallejo in the name of Island Energy, is required by law to disclose the sources of its energy procurement and sales to its end users on Mare Island. The CEC requires the Governing Board of Pittsburg Power Company to approve its 2018 Annual Power Source Disclosure Report.

10 Adoption of a Pittsburg Power Company Resolution to Enter into a Contract with Contra Costa County Workforce Development Board for the Future Build’s Cohort 16 and 17

The Pittsburg Power Company (PPC) proposes to enter into a contract (Contract 18-426-1) with Contra Costa County Workforce Development Board (WDB) for Future Build’s Cohorts 16 and 17 for July 1, 2019 through June 30, 2020 for $200,000.

11 Adoption of a Pittsburg Power Company Resolution for the 2019-2020 Consultant Agreement with Open Opportunities Incorporated

Pittsburg Power Company (PPC) is seeking approval for the 2019-2020 consultant agreement (Agreement) with Open Opportunities Incorporated (OOI) in the amount of $312,000 for the case management and day to day program supervision of the Future Build Program.

12 Approving a City Council and Pittsburg Power Company Resolution Authorizing the City of Pittsburg to Enter into a Three-Year Agreement with Craft Community Care Center, Inc. Doing Business as Success Through Self Academy to Provide Youth Programs

The City of Pittsburg and Craft Community Care Center, Inc. doing business as Success Through Self (STS) Academy propose to enter into a three-year agreement (Agreement) for youth based programs (Program) from 2019 through 2022 (Term). The Agreement includes the use of the community rooms on a portion of 60 Civic Avenue (Premises) and a flat fee charge of $500 annually for the use of Buchanan Swim Center by STS in the summer months. In addition, in the event of a proclaimed or declared disaster City will require STS to provide childcare to children of City employees.

13 Adoption of a City Council Resolution to Amend the Master Pay Schedule as Required by California Public Employees' Retirement System

To comply with CalPERS' interpretation of the requirements of California Code of Regulations, Title 2, Section 570.5 by amending the single master pay schedule already on the City's website representing all previously approved actions on the individual classifications of the pay schedule. The single master pay schedule will be submitted to Council for approval each time any single MOU or compensation plan is brought to the City Council for approval.

14 Adoption of a City Council Resolution Authorizing Negotiation and Execution of an Agreement between the City of Pittsburg and Peregrine Technologies

Resolution authorizing the City Manager of his designee to negotiate and execute an agreement between the City of Pittsburg and Peregrine Technologies for the purchase of Peregrine Software License for one year and waiver of the formal bidding requirement. Peregrine software is an advanced analytic platform that provides a single point of access to view and analyze large-scale data from various data sources.

15 Adoption of a City Council Resolution Authorizing the City Manager to Execute an Agreement Between the City of Pittsburg and the Contra Costa County Office of the Sheriff Forensic Services Division

The Pittsburg Police Department is seeking City Council approval of the Resolution to execute an Agreement between the City of Pittsburg and Contra Costa County Office of the Sheriff Forensic Services Division for forensic services to assist the Pittsburg Police Department in the investigation of criminal matters.

16 Adoption of a City Council Resolution to Authorize Execution of Contract with Quantum For Purchase of Video Camera Data Storage Infrastructure

The City's system of cameras at road intersections, parks and outside public buildings are credited with contributing to a reduction in the City's crime rate. Storage of data from the camera system is insufficient. If approved, the resolution will authorize the purchase of additional data storage infrastructure consistent with the City's current camera system.

17 Adoption of City Council Resolution to Approve a Contract Amendment No. 6 to the Delta Diablo Street Sweeping Contract

The Public Works Department maintains provides street sweeping services for the City as a contractor to Delta Diablo(DD). The previous contract extension has expired June 30. The City and Delta Diablo would like to extend the existing Contract with a three-year extension that will begin July 1, 2019 and run through June 30, 2022. The Lease Agreement exceeds the $75,000 threshold and requires approval of City Council.

COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

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

18 Consideration of a PACF Board Request for a Future Agenda Item Related to a 5-Year Strategic Action Plan for the Pittsburg Arts and Community Foundation

At the June 17, 2019, meeting, Board Member Holland Barrett White requested staff to evaluate the steps necessary to produce a 5-year strategic action plan for the Pittsburg Arts and Community Foundation (PACF). The PACF Governing Board will consider directing staff to create a 5-year strategic plan after the discussion.

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)

ADJOURNMENT to July 15, 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 take by the City Council in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised in the public hearing, or in written correspondence delivered to the City Council prior to or at the public hearing. The City Council may be requested to reconsider a decision if the request is made prior to the next City Council meeting, regardless of whether it is a regular or special meeting.

NOTICE TO THE DISABLED AND VISUALLY OR HEARING IMPAIRED

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

DISRUPTIVE CONDUCT

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

LIVE MEDIA BROADCASTING ADVISEMENT

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

City Council Outside Agency / Liaison / Sub-Committees Assignments - 2019

Updated February 4, 2019

OUTSIDE AGENCY BOARDS	COUNCIL MEMBER(S)	TYPE	MEETS	STAFF
ABAG	Jelani Killings / Merl Craft Alternate	Standing	Annual	G. Evans
Delta Diablo**	Juan Banales / Shanelle Scales-Preston Alt.	Standing	2nd 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	2nd Thursday	J. Hecht
Tri-Delta Transit (2 reps)***	S. Scales-Preston & Merl Craft / Jelani Killings Alt.	Standing	Last Wednesday	J. Hecht

LIAISON TO	COUNCIL MEMBER(S)	TYPE	MEETS	STAFF
East Bay League of Calif. Cities	Jelani Killings / Juan Banales Alt.	Standing	3rd Thursday	*Rotational
Mayor's Conference	Juan Banales / Jelani Killings Alt.	Standing	1st Thursday	G. Evans
School Districts Committee (2x2)	Holland White & Jelani Killings / Merl Craft Alt.	Standing	4th Thursday even months	G. Evans

SUBCOMMITTEES	COUNCIL MEMBER(S)	TYPE	MEETS	STAFF
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	2nd and 4th Tuesdays
Community Advisory Commission	1st Wednesday

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

Community Advisory Commission meetings are regularly held the first Wednesday of the 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.

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 Arts and Community Foundation Resolution to approve the Budget for Fiscal Year 2019-20 Appropriation of Funds for Fiscal Year 2019-20 and accept the 5-Year Financial Plan

MEETING DATE: July 1, 2019

EXECUTIVE SUMMARY

Fiscal Year (FY) 2019-20 Budget for the Pittsburg Arts and Community Foundation, Inc. (Foundation) must be appropriated by July 1, 2019 to provide ongoing funding for the Foundation's activities during the next fiscal year. The 5-Year Financial Plan provides a framework for the Foundation to manage its financial resources and programs.

FISCAL IMPACT

The Foundation's budget for FY 2019-20 estimates revenues of $633,517 and expenditures of $691,517, resulting in a projected utilization of available fund balance of $58,000. The remaining fund balance is projected to be approximately $74,000 at the end of FY 2019-20.

RECOMMENDATION

The Foundation Board approves the resolution adopting the proposed Operating Budget for FY 2019-20 and accept the Foundation's 5-Year Financial Plan.

BACKGROUND

A copy of the Preliminary Operating Budget Summary document for FY 2019-20 and the 5-Year Financial Plan will be posted on the Foundation's website before the July 1, 2019 Board meeting.

SUBCOMMITTEE FINDINGS

The Foundation's Operating Preliminary Budget for the Fiscal Year 2019-20 was presented to the Foundation's subcommittee on June 5, 2019. The Committee made suggestions for changes to the FY 2019-20 draft budget which have been incorporated into the budget as presented.

STAFF ANALYSIS

The proposed FY 2019-20 Operating Budget will continue to use the Foundation's fund balance as well as revenues from grants and fundraising over the next several years. The existing master leases with the Successor Agency at Vidrio will expire in December 2021 and the Foundation anticipates the lease may not be renewed. The 5-Year Financial Plan reflects this decrease in lease revenues in FY 2021-22.

The following are highlights of the FY 2018-2019 fiscal year:

• In 2018-19 the Foundation took over managing the City of Pittsburg's California Theatre. The 5-year Financial Plan reflects additional revenue and expenses associated with managing the theatre.

• The Foundation received an early loan payment of $100,000 to help maintain existing programs for the community.

The following are the Foundation's 2019-20 goals:

• Sustainability Plan to achieve and maintain a structurally balanced budget by FY 2023-2024.

• Work more collaboratively with the Chamber of Commerce to promote activities.

• Work to create more partnerships with the City of Pittsburg Recreation Department, Pittsburg Unified School District and other non-profits to generate education and cultural awareness.

• Gain a better understanding of community needs to strengthen the bond between the Foundation and the residents.

• Seek additional board members to attract volunteers, sponsors and benefactors to ensure the continuation of existing services or to provide additional services requested by the community.

ATTACHMENTS: Resolution
5-Year Financial Plan

Report Prepared By: Laura Mendez, Financial Reporting Manager
Report Reviewed by: Brad Farmer, Treasurer

BEFORE THE PITTSBURG ARTS AND COMMUNITY FOUNDATION, INC.

In the Matter of:

A Resolution Approving the Pittsburg Arts and Community Foundation Budget for Fiscal Year 2019-20, and Accept the 5-Year Financial Plan

RESOLUTION NO. 19-

The Pittsburg Arts and Community Foundation, Inc. Board DOES RESOLVE as follows:

WHEREAS, the Pittsburg Arts and Community Foundation, Inc. (Foundation) is a nonprofit, 501(c)3 Foundation formed for the purpose of providing assistance to the City of Pittsburg, and all actions, budgets, projects and programs that the Foundation engages in or approves must be reasonably related to, or in furtherance of the Foundation's charitable purposes as stated in the Articles of Incorporation as amended on March 1, 2010; and

WHEREAS, the Foundation prepares and adopts the Pittsburg Arts and Community Foundation, Inc. Budget with the intent of providing planned programs for services and a financial system to carry out the planned program of services; and

WHEREAS, the Treasurer has submitted a budget for FY 2019-20 with estimated revenues of $633,517 and expenditures of $691,517; and

WHEREAS, the management supports the proposed Operating Budget for FY 2019-20, and the 5-Year Financial Plan.

NOW, THEREFORE, BE IT RESOLVED by Pittsburg Arts and Community Foundation, Inc. Board as follows:

Section 1. The recitals set forth above are true and correct statements and are hereby incorporated in conjunction with the respective staff report.

Section 2. The proposed FY 2019-20 Budget for the Foundation is reasonably related to and/or in furtherance of the Foundation's charitable purposes as stated in the Articles of Incorporation.

Section 3. Those funds are hereby and shall be appropriated in the estimated revenue of $633,517 and expenditures of $691,517.

Section 4. The proposed 5-year Financial Plan will help the Foundation plan and manage its budget and programs in furtherance of the Foundation's charitable purposes. The 5-year financial plan anticipates using lease management income and increased fund raising and grant revenue to support its future activities.

Section 5. That the Executive Director or his/her designee is hereby authorized to approve payment of goods and services received by the Pittsburg Arts and Community Foundation, Inc. in accordance with the Foundation's approved budget, programs and policies.

Section 6. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the Pittsburg Arts and Community Foundation Board at a regular meeting on the 1st day of July 2019, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

_____
Juan Antonio Banales, Chair

ATTEST:

_____
Alice E. Evenson, City Clerk

Pittsburg Arts and Community Foundation

5-year Financial Plan

Revenues	Projected FY 2018-19	Proposed FY 19-20	FY 20-21	FY 21-22	FY 22-23	FY 23-24
Leases	$ 272,612	$ 303,197	$ 317,444	$ 271,967	$ 222,980	$ 224,633
Fundraisers /Donations	92,026	75,500	77,765	80,098	82,501	84,976
Bookstore Sales	61,200	60,000	61,800	63,654	65,564	67,531
Interest Income/Loan Payoff	43,720	43,720	43,720	43,720	43,720	18,217
Other Revenue/Community Benefit Support	11,038	8,100	8,262	8,510	8,765	9,028
Calif. Theater Bar/Concessions & Mgmt Fee	128,172	140,000	144,200	148,526	152,982	157,571
Fees-Classes	3,500	3,000	3,060	3,121	3,184	3,247
Insurance Reimbursement	229,738	-	-	-	-	-
Developer Fees	61,266	-	-	-	-	-
Palermo Balloon Payment (Due 12/1/2023)	-	-	-	-	-	-
Total Revenues	**903,272**	**633,517**	**656,251**	**619,596**	**579,695**	**565,203**
Expenditures						
Wages and Benefits	322,484	255,420	260,528	265,739	271,054	276,475
Maintenance Agreements & Maint & Repairs	109,035	106,000	108,120	110,282	112,488	114,738
Contractual & Professional Services	140,191	118,020	80,380	6,988	7,128	7,270
Contractual Services for Flood Damage	226,386	-	-	-	-	-
Fundraising Events/Donations	15,450	26,000	26,520	27,050	27,591	28,143
Audits, Bank Fees, Legal & IT	18,796	15,305	15,611	15,923	16,242	16,567
Lease Expense	49,575	43,722	43,722	43,722	43,722	18,217
Advertising, Promotion & Community Outreach	7,401	7,500	7,650	7,803	7,959	8,118
Bookstore Purchases	50,986	38,000	38,760	39,535	40,326	41,132
Utilities	42,014	39,650	40,443	41,252	42,077	42,918
Telephone	3,772	3,900	3,978	4,058	4,139	4,221
Supplies/Postage	29,012	12,450	12,699	12,953	13,212	13,476
Insurance	9,970	10,000	10,200	10,404	10,612	10,824
Credit Card/Bank Fees/Other fees	6,848	5,550	5,661	5,774	5,890	6,007
Calif. Theater Concession Supplies	5,157	10,000	10,200	10,404	10,612	10,824
Travel/Training/Conferences	91	-	300	300	300	300
Total Expenditures	**1,037,168**	**691,517**	**664,772**	**602,188**	**613,351**	**599,232**
Change in Net Assets	**(133,896)**	**(58,000)**	**(8,522)**	**17,408**	**(33,657)**	**(34,029)**
Palermo Balloon Payment (Due 12/1/2023)	100,000	-	-	-	-	429,890
Fund Balance at Beginning of year	165,896	132,000	74,000	65,478	82,886	49,229
Fund Balance at End of year	**$ 132,000**	**$ 74,000**	**$ 65,478**	**$ 82,886**	**$ 49,229**	**$ 445,090**

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 Island Energy Fiscal Year 2019-2020 Annual Rate Case for Electricity and Natural Gas Retail Services on Mare Island

MEETING DATE: July 1, 2019

EXECUTIVE SUMMARY

Pittsburg Power Company ("PPC"), a Joint Powers Authority under the City of Pittsburg, provides electric and natural gas utility services on Mare Island, Vallejo under the name of Island Energy ("IE"). PPC presents its Fiscal Year ("FY") 2019-2020 Annual Rate Case to its governing board for approval. Once the proposed rate schedules are adopted, the rates will remain effective from July 1, 2019 through June 30, 2020.

FISCAL IMPACT

IE's FY 2019-2020 Rate Case projects operating revenue from electricity and natural gas retail sales to be $6,091,516 and the total operating expense with depreciation expense to be $6,198,283. Without the non-cash depreciation expense, IE projects its net operating income to be $375,743, which will be used for Capital Improvement Projects ("CIP") to improve the overall reliability and necessary upgrades to the electric and natural gas distribution systems on Mare Island.

RECOMMENDATION

PPC Board open the Public Hearing, take testimony, close the Public Hearing, consider the testimony, and adopt the attached PPC Resolution authorizing the adoption of the FY 2019-2020 Rates Schedules and authorizing the Executive Director to take such further actions as may be necessary to continuously deliver reliable services to customers on Mare Island.

BACKGROUND

PPC is a Joint Powers Authority formed under and pursuant to Article 11, Section 9 of the California Constitution with the right to acquire assets, set rates and provide utility service on Mare Island in the City of Vallejo.

Each year, PPC staff prepares an annual Rate Case pursuant to PPC's responsibilities to set rates for providing retail electric and natural gas services on Mare Island.

SUBCOMMITTEE FINDINGS

The FY 2019-2020 Rate Case was presented to the PPC Subcommittee on June 24th, 2019.

STAFF ANALYSIS

Based on the historical load patterns and business development forecasts on Mare Island, IE projects an overall 2.9% increase in electric load, mainly from new business opportunities of one large commercial account. FY 2019-2020 natural gas load forecast remains the same as that of FY 2018-2019.

Island Energy's Rate Case is developed based on the costs of providing utility distribution services on Mare Island, which includes energy procurement costs, administrative and general expenses, operation and maintenance expenses, Depreciation Expense and Capital Infrastructure investments. IE's FY 2019-2020 Rate Case determines that the minimal cost recovery rate will be $0.21116/kWh.

IE's FY 2019-20 Rate Case proposes the residential electric rate RES-1 to be $0.21116/kWh, a 2.4% increase from its rate schedule of FY 2018-2019. The proposed residential rate is estimated to be 9.4% below PG&E's averaged residential electric rate. With PG&E shifting peak hours to 5:00-10:00 pm and allocating the highest costs to that time-frame, residents on Mare Island will realize a generous discount under IE's flat rate structure.

IE's FY 2019-2020 Rate Case proposes the commercial electric rate CES-1 to be $0.23206/kWh, a 0.6% increase from its rate schedule of FY 2018-2019. The proposed commercial rate is about 0.5% below PG&E's general commercial rate as of April 1, 2019.

Large commercial customers have enjoyed a generous discount in electric rates due to their large quantity of electricity usage. IE's FY 2019-2020 Rate Case proposes the large commercial rate CES-2 to be $0.21116/kWh, a 1.8% increase from its rate schedule of FY 2018-2019. Island Energy has determined that any capital Investments made towards large commercial customers will be reimbursed through contract negotiation, specifically to the customer benefiting from such investment.

IE has received requests from some commercial customers to take electrical service at primary voltage level of 12,000 volts. After conducting a cost of services study and allocating appropriate costs to serve this customer class, staff proposes the electric rate for Direct Access Customers to be $ 0.19230/kWh for Fiscal Year 2019-2020.

Island Energy charges a fixed usage for streetlights on Mare Island. Such fixed usage has not been changed for many years. IE's FY 2019-2020 proposes the electric rate for streetlight services to be $0.16755/kWh, a 5% increase from its rate schedule of Fiscal Year 2018-2019.

For IE's natural gas operation, the commodity charge remains a pass-through and no proposed change to the current natural gas delivery rate at $1.00/Therm.

IE's new rate schedules for FY 2019-2020 are attached to this staff report and will be incorporated into IE's Tariff Schedule.

ATTACHMENTS: Resolution
Electric Rate Schedule CES-1, CES-2, CES-3, CES-4, RES-1, LS

Report Prepared By: Vanessa Xie, Administrative Officer

BEFORE THE GOVERNING BOARD OF THE PITTSBURG POWER COMPANY

In the Matter of:

A Pittsburg Power Company Resolution) Approving Island Energy Fiscal Year 2019-) 2020 Annual Rate Case for Electricity and) Natural Gas Retail Services on Mare) Island Vallejo)	RESOLUTION NO. 19-

The Governing Board of the Pittsburg Power Company DOES RESOLVE as follows:

WHEREAS, the Pittsburg Power Company ("PPC"), a Joint Powers Authority under the City of Pittsburg, provides electricity and natural gas retail service at Mare Island, Vallejo in the name of Island Energy ("IE"); and

WHEREAS, Pursuant to PPC's responsibilities to set rates for providing retail electric and natural gas services on Mare Island, staff prepares and presents the Fiscal Year ("FY") 2019-2020 Annual Rate to PPC's Governing Board for approval; and

WHEREAS, the FY 2019-2020 Rate Case proposes the residential electric rate RES-1 to be $0.21116/kWh, a 2.4% increase from its rate schedule of FY 2018-2019; and

WHEREAS, the FY 2019-2020 Rate Case proposes the commercial electric rate CES-1 to be $0.23206/kWh, a 0.6% increase from its rate schedule of FY 2018-2019; and

WHEREAS, the FY 2019-2020 Rate Case proposes the large commercial rate CES-2 to be $0.21116/kWh, a 1.8% increase from its rate schedule of FY 2018-2019; and

WHEREAS, the FY 2019-2020 Rate Case proposes the electric rate for Direct Access Customers taking electrical services at primary voltage level of 12,000 volts to be $ 0.19230/kWh; and

WHEREAS, the FY 2019-2020 Rate Case proposes the electric rate for streetlight services to be $0.16755/kWh, a 5% increase from its rate schedule of FY 2018-2019; and

WHEREAS, the natural gas commodity charge remains a pass-through and no proposed change to the current natural gas delivery rate at $1.00/Therm.

NOW, THEREFORE, the Governing Board 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.

The proposed electric rates meet the revenue requirement for the upcoming fiscal year and allow PPC to continue supplying reliable and responsive service to customers on Mare Island.

Section 3.
PPC Board approves the IE Rate Schedules CES-1, CES-2, CES-3, CES-4, RES-1 and LS. The electric and gas rates will be effective from July 1, 2019 until June 30, 2020 or until changed.

Section 4.
The Executive Director is hereby authorized to enact the Rate Schedule changes and take such further actions as may be necessary or appropriate to carry out the PPC Board's obligations pursuant to the delivery of services on Mare Island as detailed in the Rate Case and this Resolution.

Section 5.
The Executive Secretary shall certify to the adoption of this Resolution.

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

PASSED AND ADOPTED by the Governing Board of the Pittsburg Power Company at a regular meeting on the 1st day of July 2019 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

_____
Juan Antonio Banales, Chair

ATTEST:

_____
Garrett Evans, Executive Secretary

Rate Schedule CES-1

METERED SMALL COMMERCIAL ELECTRICAL SERVICE

APPLICABILITY

This schedule is applicable to small industrial/commercial Customers whose single meter monthly electricity consumption is no greater than 86,400 kWh.

TERRITORY

Mare Island Vallejo, California

RATES

Service Type

Secondary Voltage (120, 120/208, 120/240, 240, 480, 277/480)

Basic Service Fee, per meter per day $0.3220

Energy Charge, per kWh $0.23206

Primary Voltage (12,000 volts)

Basic Service Fee, per meter per day $0.3220

Energy Charge, per kWh $0.19230

The minimum charge on this rate schedule shall equal the Basic Service Fee.

SPECIAL CONDITIONS:

1. Definitions: The definitions of terms used in this Rate Schedule are found either herein or in Section 1 of the tariff.
2. Voltage: Service under this schedule normally will be supplied at a standard available voltage in accordance with Section 2 of the tariff.
3. Voltage Regulators: Voltage Regulators, if required by the Customer, shall be furnished, installed, owned, and maintained by the Customer.
4. Reconnection Charge: In the event that a Customer terminates service under this Rate Schedule and re-initiates service under this, or any other, Rate Schedule at the same location within 12 months, there will be a Reconnection Charge equal to the minimum charge which would have been billed had the Customer not terminated service.

Rate Schedule CES-2

METERED INDUSTRIAL/COMMERCIAL ELECTRICAL SERVICE

APPLICABILITY

This schedule is applicable to industrial/commercial Customers whose single meter indicates its monthly electricity usage is between 86,400 and 360,000 kWh in any particular month. Customers whose monthly consumption falls in this range will be billed at this rate class for that particular month.

TERRITORY

Mare Island Vallejo, California

RATES

Service Type

Secondary Voltage (120, 120/208, 120/240, 240, 480, 277/480)

Basic Service Fee, per meter per day $4.50760

Energy Charge, per kWh $0.21116

Primary Voltage (12,000 volts)

Basic Service Fee, per meter per day $4.50760

Energy Charge, per kWh $0.19230

The minimum charge on this rate schedule shall equal the Basic Service Fee.

SPECIAL CONDITIONS:

1. Definitions: The definitions of terms used in this Rate Schedule are found either herein or in Section 1 of the tariff.
2. Voltage: Service under this schedule normally will be supplied at a standard available voltage in accordance with Section 2 of the tariff.
3. Eligibility for Primary Voltage Service. The Utility at its sole discretion will determine whether a Customer may receive Primary Voltage Service.
4. Voltage Regulators: Voltage Regulators, if required by the Customer, shall be furnished, installed, owned, and maintained by the Customer.
5. Reconnection Charge: In the event that a Customer terminates service under this Rate Schedule and re-initiates service under this, or any other, Rate Schedule at the same location within 12 months, there will be a Reconnection Charge equal to the minimum charge which would have been billed had the Customer not terminated service.

Rate Schedule CES-3

METERED LARGE INDUSTRIAL/COMMERCIAL ELECTRICAL SERVICE

APPLICABILITY

This schedule is applicable to large industrial/commercial Customers whose single meter indicates its monthly electricity usage is between 360,000 and 720,000 kWh in any particular month. Customers whose monthly consumption falls in this range will be billed at this rate class for that particular month.

TERRITORY

Mare Island of Vallejo, California, United States

RATES

Service Type

Secondary Voltage (120, 120/208, 120/240, 240, 480, 277/480)

Basic Service Fee, per meter per day $19.3183

Energy Charge, per kWh……..$0.20736

Primary Voltage (12,000 volts)

Basic Service Fee, per meter per day $32.1971

Energy Charge, per kWh……..$0.19230

The minimum charge on this rate schedule shall equal the Basic Service Fee.

SPECIAL CONDITIONS:

1. Definitions: The definitions of terms used in this Rate Schedule are found either herein or in Section 1 of the tariff.
2. Voltage: Service under this schedule will be supplied at the voltages listed above
3. Eligibility for Primary Voltage Service. The Utility at its sole discretion will determine whether a Customer may receive Primary Voltage Service.
4. Voltage Regulators: Voltage Regulators, if required by the Customer, shall be furnished, installed, owned, and maintained by the Customer.
5. Reconnection Charge: In the event that a Customer terminates service under this Rate Schedule and re-initiates service under this, or any other, Rate Schedule at the same location within 12 months, there will be a Reconnection Charge equal to the minimum charge which would have been billed had the Customer not terminated service.

Rate Schedule CES-4

METERED VERY LARGE INDUSTRIAL/COMMERCIAL ELECTRICAL SERVICE

APPLICABILITY

This schedule is applicable to very large industrial/commercial Customers whose single meter indicates its monthly electricity usage exceeds 720,000 kWh in any particular month. Customers whose monthly consumption exceeds this threshold will be billed at this rate class for that particular month.

TERRITORY

Mare Island of Vallejo, California, Unite States

RATES

Service Type

Secondary Voltage (120, 120/208, 120/240, 240, 480, 277/480)

Basic Service Fee, per meter per day $38.6365

Energy Charge, per kWh……..$0.19230

Primary Voltage (12,000 volts)

Basic Service Fee, per meter per day…….$48.2962

Energy Charge, per kWh……$0.18062

The minimum charge on this rate schedule shall equal the Basic Service Fee.

SPECIAL CONDITIONS:

1. Definitions: The definitions of terms used in this Rate Schedule are found either herein or in Section 1 of the tariff.
2. Voltage: Service under this schedule will be supplied at the voltages listed above
3. Eligibility for Primary Voltage Service. The Utility at its sole discretion will determine whether a Customer may receive Primary Voltage Service.
4. Voltage Regulators: Voltage Regulators, if required by the Customer, shall be furnished, installed, owned, and maintained by the Customer.
5. Reconnection Charge: In the event that a Customer terminates service under this Rate Schedule and re-initiates service under this, or any other, Rate Schedule at the same location within 12 months, there will be a Reconnection Charge equal to the minimum charge which would have been billed had the Customer not terminated service.

Rate Schedule LS

LIGHTING SERVICE

APPLICABILITY

This rate schedule applies to all electric Customers receiving unmetered service from the utility for lighting facilities that are controlled by an electronic photo-sensitive switch. This rate schedule further applies only to Customers that own, operate and maintain the lighting fixtures and wiring connected to the utility's system, and is limited to the lamp types and wattage ranges listed below.

TERRITORY

Mare Island of Vallejo, California, United States

RATES

The total monthly charge per lamp is equal to the sum of the facility charge and the energy charge:

Facility Charge Rate, per lamp per month.....$0.20700

Energy Charge Rate, per kWh $0.16755

Monthly energy charges per lamp are calculated using the following formula:

(Lamp-wattage + Ballast-wattage) x 4100/12/1000 x Energy-rate
Where: Ballast-wattage = Lamp-wattage x ballast-factor

Ballast Factors by Lamp Type and Wattage Range:

Watt Range	Ballast Factor	Watt Range	Ballast Factor
INCANDESCENT		LIGHT EMITTING DIODES	
0 to 200	0.00%	0 to 50	0.00%
MERCURY VAPOR		HIGH PRESSURE SODIUM VAPOR (120 VOLT)	
1 to 75	31.00%	1 to 40	25.44%
76 to 125	17.07%	41 to 60	22.93%
126 to 325	13.69%	61 to 85	21.25%
326 to 800	11.22%	86 to 125	20.00%
801 +	10.34%	126 +	17.07%

Rate Schedule LS

LIGHTING SERVICE

(CONTINUED)

METAL HALIDE

1	to	85	25.44%
86	to	200	24.39%
201	to	375	22.93%
376	to	700	18.54%
701	+		13.27%

LOW PRESSURE SODIUM VAPOR

1	to	40	75.61%
41	to	75	54.32%
76	to	110	46.34%
111	to	160	34.42%
161	+		26.83%

HIGH PRESSURE SODIUM VAPOR (240 VOLT)

1	to	60	40.49%
61	to	85	42.16%
86	to	125	37.56%
126	to	175	34.63%
176	to	225	18.54%
226	to	280	17.07%
281	to	380	14.35%
381	+		12.68%

INDUCTION

0	to	200	3.45%

SPECIAL CONDITIONS

1. Type of Service: Service under this rate schedule will normally be provided only to multiple lighting systems that are supplied by the utility at a standard secondary voltage of 120 volts or 240 volts single-phase.
2. Photo Controls: This schedule is predicated on electronic type photo controls meeting ANSI standard C136.10, with a turn-on value of 1.0 foot-candles and a turn-off value of 1.5 foot-candles. Electro-mechanical or thermal type photo controls are not acceptable for this rate schedule.
3. Annual Operating Schedules: The rates under this schedule assume 4100 operating hours per year (approximately 11 hours per night), and apply to lights which will turn on and off once each night.
4. Light or Pole Numbering: Pole number sequencing and coding for single lights or multiple lights on a single pole shall be provided by the Customer in a format acceptable to the utility. The Customer shall provide physical numbering on lights or poles in order to facilitate accurate billing and inventory reporting prior to energizing facilities. Numbering must be legible from the ground.
5. Lighting Inventories: The Customer shall submit an initial inventory of the location, type and wattage for each light, including any non-conforming loads connected to the lighting system, in a format acceptable to the utility before the lighting system is connected to the utility system. An updated inventory shall be submitted annually after the initial inventory. The Customer shall inform the utility in writing within 30 days of any changes to the inventory.
6. Non-conforming loads: Any load other than the lighting loads listed in this rate schedule is a non-conforming load, and shall require approval from the utility before they are connected to an unmetered lighting service. Non-conforming loads will only be approved for governmental agencies. Each non-conforming load shall not exceed 150 watts per circuit, or light for individually connected lights. Any non-conforming load exceeding this limitation requires metering of the Customer's system at the utility's connection point. The monthly billed charges for approved unmetered non-conforming loads will be based on the rated or measured full-load input wattage and verified hours of operation.

Rate Schedule RES-1

METERED RESIDENTIAL ELECTRICAL SERVICE

APPLICABILITY

This schedule is applicable to all residential Customers with monthly usage below 4,500 kWh. A residential Customer is defined as using a single-phase domestic service for lighting, heating, cooking, water heating, and power, or a combination thereof, in single family dwellings, flats, and apartments, separately metered by the utility and to single-phase service used in common for residential purposes by tenants in multi-family dwellings.

TERRITORY

Mare Island of Vallejo, California, United States

RATES

Basic Service Fee, per meter per day $0.32220

Monthly Electricity Usage <=4,500kWh

Energy Usage Charge, all kWh, $/kWh……$0.21116
The minimum charge on this rate schedule shall equal the Basic Service Fee times the number of days in a billing cycle.

SPECIAL CONDITIONS:

1. Definitions: The definitions of terms used in this Rate Schedule are found either herein or in Section 1 of the tariff.
2. Voltage: Service under this Rate Schedule normally will be supplied at a standard available voltage in accordance with Section 2 of the tariff.
3. Voltage Regulators: Voltage Regulators, if required by the Customer, shall be furnished, installed, owned, and maintained by the Customer.
4. Reconnection Charge: In the event that a Customer terminates service under this Rate Schedule and re-initiates service under this, or any other, Rate Schedule at the same location within 12 months, there will be a Reconnection Charge equal to the minimum charge which would have been billed had the Customer not terminated service.
5. FERC Adjustments: As FERC could potentially legally change the terms and conditions in PG&E's electricity purchase contracts, any resulting incremental rate increase of electricity to Island Energy will be added to the Energy Charge above as a pass-through rate.

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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a Resolution Certifying a Final Supplemental EIR and Approving CEQA Findings, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program, and General Plan Map Amendment; Introduction and Waive First Reading of an Ordinance Approving a Zoning Map Amendment and Development Agreement Amendment; and Adoption of a Resolution Approving an Amended Vesting Tentative Map and Design Review for the Alves Ranch Project, AP-18-1348 (GP, RZ, VTM, DR, DA)

MEETING DATE: July 1, 2019

EXECUTIVE SUMMARY

This is a public hearing on a request by William Lyon Homes, Inc., for certification of a Final Supplementation Environmental Impact Report (SEIR) and adoption of associated California Environmental Quality Act (CEQA) findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program (MMRP) and approval of: 1) a General Plan map amendment to change the 57.81-acre site's land use designation from a combination of High Density Residential and Business Commercial, to Medium Density Residential and Community Commercial; 2) a zoning map amendment to rezone the site to PD (Planned Development) District and CC (Community Commercial) District; 3) an amendment to an existing development agreement; 4) an amended vesting tentative map to facilitate the construction of 346 single family dwelling units (along with 10 accessory dwelling units), the 12-acre commercial site, and ancillary features; and 5) design review of landscape and architectural plans for the residential portion of the site. The project site is located along the north side of West Leland Road, south of State Route 4, at the intersection of Alves Ranch Road. Assessor's Parcel Nos. 093-460-001; 093-460-002; and 093-460-005. On May 28, 2019, the Planning Commission adopted Resolution No. 10121, recommending approval of the proposal in its entirety.

FISCAL IMPACT

One-time revenues related to construction permits and other development fees and exactions (as outlined in the proposed development agreement) are anticipated with this project.

RECOMMENDATION

Staff recommends the City Council take the following actions in the order shown:

1. Open the public hearing; take public comment; and close the public hearing;

2. Adopt the attached resolution certifying the Final Supplemental Environmental Impact Report (SEIR), adopting California Environmental Quality Act (CEQA) Findings and Statement of Overriding Considerations, and adopting a Mitigation Monitoring and Reporting Program, and approving a General Plan map amendment;

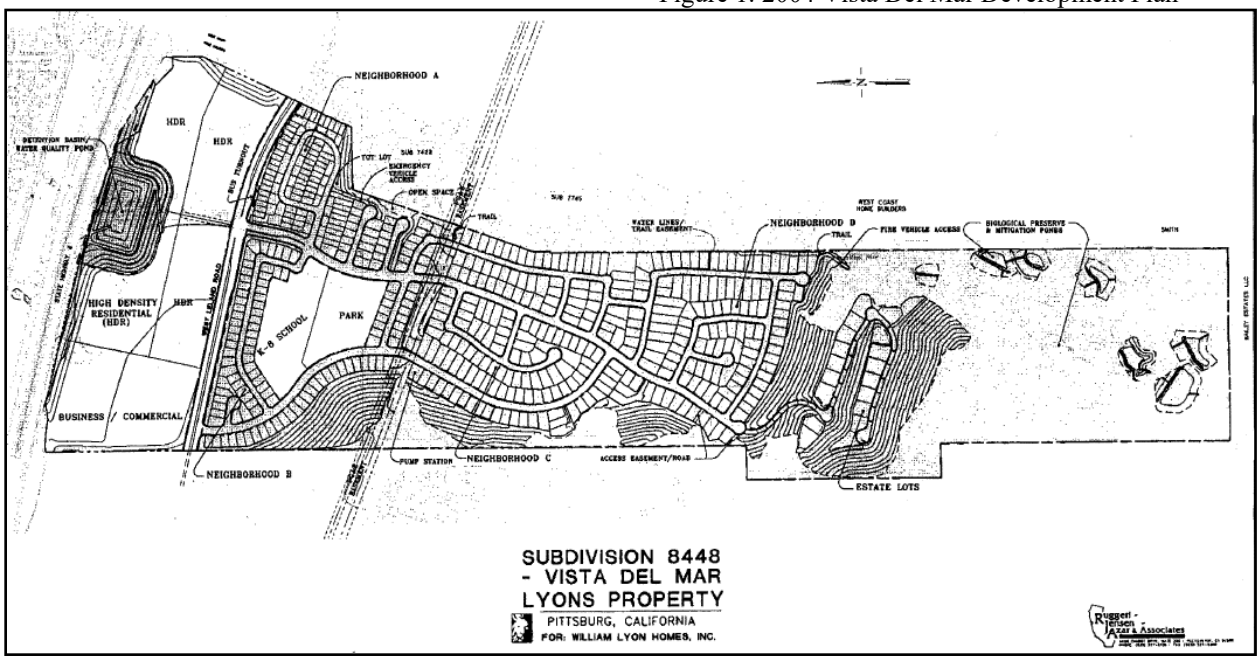
3. Introduce, waive further reading, and pass to second reading, the attached ordinance approving a zoning map amendment and development agreement amendment for the Alves Ranch Project; and

4. Adopt the attached resolution approving a vesting tentative map and design review, contingent on adoption of the rezoning ordinance, for the Alves Ranch Project.

BACKGROUND

In 2004, William Lyon Homes, Inc. and Alves Ranch, LLC, submitted a plan to develop approximately 293-acres as a residential and commercial subdivision, known as the Vista Del Mar development. The 2004 Vista Del Mar project anticipated approximately 1,100 housing units (spanning the north and south sides of West Leland Road), approximately 257,500 square feet of commercial floor space, including up to 540 medium and high-density residential units and up to 20 acres of business commercial development on the project site (See Figure 1, below).

Figure 1. 2004 Vista Del Mar Development Plan



On December 6, 2004, the City Council adopted an Ordinance (No. 04-1230) rezoning the portion of the project located north of West Leland Road (see Figure 2) to CO-P (Commercial Office with a Master Plan Overlay) and RH-P (High Density Residential with a Master Plan Overlay) Districts; however, no specific master plan/development plan was adopted at that time.

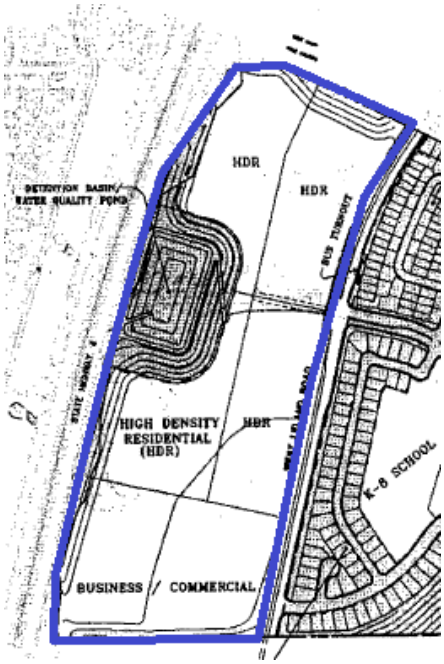


Figure 2. Alves Ranch Site

In August 2008, a development plan for the Alves Ranch site was proposed. On January 20, 2009, the City Council approved a master plan for the site (Ordinance No. 08-1312; "Alves Ranch Master Plan), which allowed up to 560 housing units, a 0.6-acre recreational facility, and 221,500 square feet of commercial floor area on approximately 14 acres.

Since adoption of the Alves Ranch Master Plan, the project proposal for the site has been further refined based on current market conditions, as well as the desire of residents for additional retail commercial opportunities within the area of the City west of Bailey Road. On June 18, 2018, the applicant filed a formal application with the Planning Division requesting approval for rezoning of the site, a new vesting tentative map, and modified design review.
On May 28, 2019, the Planning Commission voted 5-0 to recommend approval of the proposed project.

Existing Conditions: The proposed project covers approximately 57.81 acres and is located north of West Leland Road, south of State Route (SR) 4, and approximately one-half mile west of the Pittsburg/Bay Point BART Station. The site proposed for development has been previously graded, so it is relatively flat, with the exception of a dirt mound that exists along the eastern project boundary and straddles the property line between the Alves Ranch site and the West Coast Home Builders owned property to the east, and a large detention basin located along the northern property boundary. The project site is also located at a higher elevation than the adjacent SR 4, so there are large graded slopes along the northern project boundary line that slope down to the adjacent freeway. The elevation difference from the freeway and the areas proposed for residential development is approximately 35 to 40 feet. The rest of the project site is currently vacant and undeveloped and there is no infrastructure (water, sewer, etc.) built on the site yet, with the exception of the intersection signal improvements at West Leland Road and Alves Ranch Road. This intersection will serve as the main entrance to the new development.

Surrounding Land Uses: See Attachment 12, "Project Location Map and Existing Conditions," for an overview of surrounding uses.

Proposed Project: The applicant proposes to construct 346 single-family residential units. The residential portion of the project is broken up into three sub-neighborhoods: Neighborhood A (comprised of sections A-1 and A-2), which includes 136 single-family attached units ("duets"); Neighborhood C, which includes 110 alley-loaded detached units; and Neighborhood D (comprised of sections D-1 and D-2) which includes 100 small lot, traditional single family detached homes. Ten of the homes within Neighborhood D would also include attached accessory dwelling units, which would be income restricted.

General Plan Land Use Map Amendment

Multiple approvals are requested for this project; the first is for a General Plan Land Use Map amendment which would change the land use designation of the site from 'Business Commercial' and 'High-Density Residential,' to 'Community Commercial' and 'Medium Density Residential.'

Zoning Map Amendment

In order to maintain consistency with the proposed General Plan Land Use Map amendment, the second approval would entail a zoning map amendment that would eliminate the existing master plan and rezone the site from CO-P (Office Commercial with a Master Plan Overlay) and RH-P (High Density Residential with a Master Plan Overlay) Districts, to CC (Community Commercial) and PD (Planned Development) Districts. The PD District would allow for flexible, small lot development within the residential areas, while the CC District would facilitate the future development of a commercial shopping center. As shown in the PD Plan (Attachment 7), the proposed development regulations and lot sizes for the residential portion of the project, as well as for the recreation area, streets, alleyways, and other features, would be the same as those shown within the vesting tentative map and project plans.

Vesting Tentative Map

The third approval requested is for an amended vesting tentative map (Attachment 10) that would subdivide the 57.81-acre site into 346 residential lots ranging in size from approximately 1,686 to 4,645 square feet (yielding a residential density of approximately 14 dwelling unit per acre); a 12-acre commercial parcel; a 0.8-acre recreation area; a 9.11-acre stormwater detention area to be dedicated to the Southwest Geological Hazard Abatement District (GHAD); and various smaller open spaces, streets, and alleyways. Access to the residential portions of the development would be provided at two separate access points, one leading directly into Neighborhood D, and another between the commercial parcel and residential Neighborhood C.

All homes within Neighborhood A would be served by private, 20-foot wide driveways which would allow for automobile access to each unit's garage. Access to each Neighborhood A unit's front door would be via a pedestrian pathway between each four- or eight-unit bunch. Homes within Neighborhood C would be served by private streets or alleyways which would provide garage access. Similar to Neighborhood A, the front of each home would be accessed via a private paseo. Units in Neighborhood C would each have a private yard approximately 9-feet wide, which would be placed between houses. Lots 75-76, as well as 177-186 would be oriented so that the front façade faces West Leland Road, helping to create an active streetscape that encourages non-automobile travel.

Neighborhood D would have a more traditional layout, with each home maintaining a rear yard and two side yards. Seventy-six of the proposed units in Neighborhood D would be accessed via private driveways, similar to recent development approved within the City, such as the Waterstone and Liberty Subdivisions; the remaining 24 units would be accessed via private streets. Parking would be prohibited along alleys/motor-courts; however, approximately 163 marked, on-street spaces would be available for guest parking.

Six-foot sidewalks would be installed along all streets and within paseos as necessary to provide a safe pedestrian pathway to all homes. In addition, the developer has proposed a

Class I bike/pedestrian facility along the frontage of Neighborhoods C and D. This facility would include an eight-foot wide pathway, as well as two-foot wide shoulders on either side, allowing for a comfortable pedestrian or biking experience.

Design Review

The fourth approval requested is for design review of architectural and landscape plans for the residential components (see Attachment 11). The architectural plans contain numerous house models, including two plans and three architectural styles for Neighborhood A, and three different plans and distinct architectural styles for Neighborhood C and D. In addition, the applicant has proposed over a dozen different color schemes and a plotting plan which shows no two adjacent homes would be alike.

Each unit within the subdivision would be two-story. The house model designs are characterized by a mixture of hipped and gable-end roofs with composite tile roofing material, stucco siding and simulated stone veneer or horizontal lap siding, and windows with wrought iron railings. The proposed house models range from 1,375 to 1,934 square feet in total living area. Homes in Neighborhoods A and C would include three bedrooms and two and one-half baths, while homes in Neighborhood D would include up to five bedrooms and two and one-half baths. Ten of the homes in Neighborhood D would be designed with a 452 square foot, two-story, one bedroom/one bathroom accessory dwelling unit (ADU) to meet the City's affordable housing requirements. These ADUs would maintain a separate entrance from the main home.

The landscape plans include fencing, planting, and irrigation details. Along West Leland Road, the proposed landscape improvements include wide landscaped areas with the aforementioned 12-foot wide Class I pathway and upwards of 80 street trees. Although the vesting tentative map and landscape plans show otherwise, the applicant has agreed to construct decorative masonry walls along all side and rear residential yards adjacent to West Leland Road. The applicant also proposes a recreation area complete with bocce courts, a basketball half-court, an asphalt track, and benches, picnic tables, and a generous amount of open turf space, along with decorative plantings.

Development Agreement Amendment

The fifth and final approval requested would entail adoption of the fourth amendment to the Vista Del Mar DA. This amendment would make minor changes to two existing portions of the 'Recitals' section of the DA, and would also amend the Developer's affordable housing obligation be specifying the developer, as part of the project, shall provide a minimum of ten (10) affordable accessory dwelling units ("ADUs"). Location of all required ADU's shall be finalized prior to the City's approval of the first final subdivision map for the Alves Ranch Property. Each ADU shall be at least four hundred (400) square feet in size and contain a fully functional kitchen (including cabinets with countertop, one (1) refrigerator, one (1) four burner range with oven, one (1) sink with garbage disposal and electrical receptacles for small appliances), as well as at least two hundred (200) cubic feet of private storage space and a separate closet for the bedroom area.

GENERAL PLAN/CODE COMPLIANCE:

General Plan: The project site is located within the 'Southwest Hills' subarea of the General Plan. Currently, the approximate western half of the site is designated 'Business Commercial', while the approximate eastern half is designated 'High Density Residential.'

As part of the proposed project, the developer is seeking a General Plan Land Use Map amendment which would designate approximately 12 acres of the site as 'Community Commercial', and the remaining portions 'Medium Density Residential.'

The 'Community Commercial' land use designation is intended to provide sites for retail shopping areas (primarily in shopping centers) containing a wide variety of businesses, including retail stores, eating and drinking establishments, commercial recreation, service stations, automobile sales and repair services, financial, business and personal services, motels, educational and social services. The 'Medium Density Residential' land use designation is intended for housing at densities from 7 to 14 units per gross acre, and dwelling types may include one- or two-story garden apartments, townhouses, and attached or detached single-family residences.

The residential portion of the proposed master plan includes a total of 346 residential units, as well as 10 ADUs, on approximately 25.2 acres, yielding an overall gross project density of 14 dwelling units per acre. The project density would be within the allowable density range identified by the General Plan for the 'Medium Density Residential' designation. The uses proposed are consistent with the accompanying General Plan land use designation and the provisions of the Vista Del Mar Development Agreement.

In addition, General Plan policy 2-P-88 is directly applicable to the project site, and it generally states that development shall be allowed on the site east of the proposed West Leland Road/San Marco Boulevard intersection (Alves Ranch) with a maximum of 560 medium- and high-density residential units and a maximum of 20 acres of 'Business Commercial' land between West Leland Road and SR 4. The current project proposal is consistent with policy 2-P-88 and the overall intent of the General Plan in that there would be approximately 12 net acres of commercial development and 356 residential units proposed, which is within the maximum allowable development program.

Finally, the project is also consistent with General Plan Policy 2-P-11, as it has been determined that adequate sites are available elsewhere to meet the City's office and business development objectives, as additional land near the Pittsburg Center BART Station has been designated for these types of uses, and the City's focus for office and business development has shifted to this area. The land currently designated as 'Business Commercial' has stood undeveloped for nearly 20 years, with almost no interest in its development as an office park or similar type of use and point to the availability for these opportunities elsewhere.

Zoning: In similar fashion to the land use designations mentioned above, the western third of the site is zoned CO-P (Office Commercial with a Master Plan Overlay) District, while the eastern two-thirds is zoned and RH-P (High Density Residential with a Master Plan Overlay) District. These zoning districts were established as part of the 2009 Alves Ranch Master Plan, which was never developed. The requested zoning map amendment would eliminate the master plan component and change the zoning designation for the project site as follows: 1) the 12-acre commercial portion generally located near the center of the site would be rezoned to CC District; and 2) the remaining portions of the site would be rezoned to PD District.

Pursuant to PMC section 18.62.010(D), PD Districts can be utilized in order to provide for flexibility, consistent with the general plan, from the rigid land use and development regulations found in base districts in order to take advantage of unique land use or site characteristics. The proposed PD District is consistent with the PMC section, in that it

includes reduced setback and lot size requirements, and increased lot coverage allowances, in order to construct a unique development pattern on a relatively-large infill site with a variety of housing types which have successfully been implemented in other areas of the City, as well as a retail commercial area. The development pattern was not contemplated by the existing base districts and would likely not be possible using the City's established standard residential development regulations. Pursuant to PMC section 18.48.030, the Planning Commission shall include written findings to support any recommendation it makes to the City Council to amend the Zoning Ordinance.

In contrast to the previous master plan, which identified more general design and development regulations for the majority of the residential areas, the proposed PD Plan provides a more detailed development program, and the developer proposes to entitle and construct all units in succession.

Design Guidelines: The proposed project is subject to the City's Development Review Design Guidelines (DRDG), adopted by the Planning Commission through Resolution No. 9864. As shown in Attachment 15, the project is substantially consistent with the City's DRDGs.

Required Findings – General Plan Map Amendment: In order to adopt a general plan amendment, the City Council must determine, in accordance with Government Code section 65358, that the amendment would be in the public interest.

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

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

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

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

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

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

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

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

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

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

F. the design of the subdivision or the type of improvements would not conflict with

easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

Required Findings – Design Review: In order to grant design review approval for a project, the City Council must determine, in accordance with PMC section 18.36.220.B, that:

A. the structure conforms with good taste, good design and in general contributes to the character and image of the City as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality;

B. the structure would be protected against exterior and interior noise, vibrations and other factors that may tend to make the environment less desirable;

C. the exterior design and appearance of the structure is not of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value;

D. the structure is in harmony with proposed developments on land in the general area; and

E. the application conforms with the criteria set forth in any applicable City adopted Design Guidelines.

Required Findings – Development Agreement: Pursuant to City Council Resolution No. 96-8371, the City Council may adopt an ordinance approving a development agreement if it finds that:

A. the development agreement is consistent with the General Plan and any applicable specific plan; and

B. the development agreement would promote the public health, safety, and general welfare.

Environmental Review: On October 18, 2004, the City Council adopted Resolution No. 04-10168 certifying that the Final Environmental Impact Report (FEIR) for the Vista Del Mar project (SCH # 2004012097) was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. On November 29, 2004, after having reviewed and considered the environmental documentation prepared for the Vista Del Mar project, the Council adopted Resolution No. 04-10191 approving CEQA findings, adopting a Statement of Overriding Considerations, and a Mitigation and Monitoring and Reporting Program (MMRP) for the Vista Del Mar project.

The original 2004 EIR addressed the environmental implications of a proposed comprehensive mixed-use development project occupying an approximately 293-acre site (2004 EIR project site) located south of State Highway 4 between the Oak Hills and San Marco subdivisions (both north and south of West Leland Road) in the City's Southwest Hills planning subarea. The development project addressed in the 2004 EIR consisted of a residential and commercial subdivision including a maximum of 1,100 housing units (537 single-family lots and courtyard houses south of West Leland Road, and 563 multi-family units north of West Leland Road), approximately 257,500 square feet of commercial floor space (also north of West Leland Road), an 11.3-acre school/park site, approximately 117.7 acres of permanent hillside open space, and associated landscaped buffers, public and

private roadways (including an extension of West Leland Road through the site), detention basin site, water tank site, and water pump station site.

CEQA includes a presumption against requiring any further environmental review once an EIR has been prepared and certified for a project. Section 21166 of the Public Resources Code provides that "no subsequent or supplemental environmental impact report shall be required by the lead agency or any responsible agency" unless one of three circumstances apply: 1) Substantial changes to the approved project will require major revisions to the certified EIR; 2) substantial changes occur with respect to the circumstances under which the approved project is being undertaken will require major revisions to the certified EIR, or 3) new information, that was not known and could not have been known at the time the EIR for the approved project was certified becomes available.

The factors used to evaluate whether a subsequent or a supplemental EIR should be prepared are set forth in CEQA Guidelines 15162 and 15163 and relate to whether "substantial changes" to the EIR are required. As identified in CEQA Guidelines Section 15162, substantial changes to the EIR are those that are required: 1) due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; 2) where mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or 3) where mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15163 of the CEQA Guidelines provides that the City may choose to prepare a supplement to an EIR rather than a subsequent EIR if any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, but only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation. Section 15163 further explains that:

1. The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.

2. A supplement to an EIR shall be given the same kind of notice and public review as is given to a draft EIR under Section 15087.

3. A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR.

4. When the agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the supplemental EIR. A finding under Section 15091 shall be made for each significant effect shown in the previous EIR as revised.

In late 2018, an Initial Study for the new 2018 project was prepared. Based on this Initial Study, the City determined that a Supplemental Environmental Impact Report (SEIR) would be appropriate.

On December 18, 2018, the City released a Notice of Preparation (NOP) of a Draft SEIR for the new 2018 Project, along with the Initial Study. The Initial Study identified issues that would require further study in the Draft SEIR and individual topical areas that were

determined not to be significant and not warranting further review. The Initial Study found that the following topical areas may contain potentially significant environmental issues that would be further analyzed in the Draft SEIR. These sections are as follows: Air Quality; Biological Resources; Greenhouse Gas Emissions; Noise; and Transportation. On January 9, 2019, a public scoping session was held to receive comments regarding the environmental concerns to be addressed as part of Draft SEIR.

The Draft SEIR that was prepared (included as Attachment 19) supplements the analysis presented in the 2004 EIR in accordance with applicable laws and regulations, including a description of the proposed modifications of the 2018 Project, as well as addressing any changed circumstances, and an evaluation of the potential to generate significant impacts not disclosed in the 2004 EIR. It contains sufficient information necessary to make the 2004 EIR adequate for the 2018 Project as revised.

On March 27, 2019, the City released the Notice of Availability (NOA) for the Alves Ranch Project Draft SEIR (SCH# 2004012097). The Draft SEIR was circulated for a 45-day public review and comment period that concluded on May 10, 2019. On April 9, 2019, a public meeting was held to accept oral comments on the adequacy of the Draft SEIR. The Final EIR, consisting of the Draft EIR (by reference) and the Response to Comments Document (providing responses to comments and making minor revisions to the Draft EIR), was released for a public review period on May 24, 2019 (included as Attachment 20).

Public Notice: On or prior to June 21, 2019, in accordance with Government Code sections 65090 and 65091, and PMC section 18.14.020.A, B, C and D, a “Notice of Public Hearing,” for the July 1, 2019, public hearing on this item was published in the East County Times; was posted at City Hall; was delivered for posting at the Pittsburg Library; and was mailed via first class or electronic mail to the applicant, to the property owner, to owners of property located within 300 feet of the proposed project site, to local service agencies whose services might be affected by this project, and to individuals who had previously filed written request for such notice. Although not required, the notice was also posted on www.nextdoor.com (Nextdoor) and was sent directly to all subscribed residents in the surrounding Nextdoor neighborhoods including: 1) Toscana; 2) Vista Del Mar; 3) Oak Hills South; 4) San Marco; and 5) San Marco Villas.

SUBCOMMITTEE FINDINGS

On November 7, 2017, the proposed project was discussed by the Land Use Subcommittee. The Subcommittee was generally supportive of the modifications proposed, including an amendment to the previous affordable housing requirement specified within the DA in exchange for reduced density, retail commercial acreage instead of office commercial, and prioritization of development of the commercial portion of the project.

STAFF ANALYSIS

Staff believes that the City Council can make the required findings to approve the proposed project. In particular, staff believes the proposed project would promote a diversity of housing types and densities near the Pittsburg/Bay Point BART station. The development would also enhance the visual quality of the area by developing a long-standing vacant site. In addition, the proposed development would potentially kick-start a new, large retail commercial development in the area, which residents west of Bailey Road have been requesting for several years.

The proposed rezoning would be consistent with the objectives, goals, and policies in the General Plan in that, among other reasons provided as part of the resolution, the project would: a) provide a variety of types of single-family residential units in an area accessible to transit and services; b) expand Pittsburg's housing diversity by providing higher-density single-family development on smaller lots; c) promote the development and intensification of the area near the Pittsburg/Bay Point BART Station as a neighborhood retail center by increasing the demand for retail and other amenities, while providing utility stub-outs to streamline future commercial development; d) encourage walking as a regular means of transportation due to the site's proximity to various amenities; e) provide a recreation area that is centrally located and within reasonable walking distance of all homes in the subdivision; f) provide sound walls along the northern site perimeter; and g) provide ten single-family homes with ADUs that would allow extended families to live near each other, increase the affordable and rental housing stock, and provide income assistance to homeowners.

The proposed project would conform with good taste, good design and in general contributes to the character and image of the City as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality, in that the proposed house models would feature an attractive architectural design characterized by a mixture of hipped and gable-end roofs with high-quality, composite tile roofing material; stucco siding with horizontal trim, and simulated stone veneer and/or horizontal lap siding; and windows with decorative wrought iron railings. The proposed project would also provide an attractive outdoor environment for residents. A variety of colorful, drought-tolerant landscaping would be provided, and a decorative, masonry sound wall with wall caps would be installed. Residential front yards would feature drought-tolerant plants and blooming street trees that would provide seasonal color throughout the subdivision.

Lastly, the proposed project would substantially conform to the applicable DRDGs for single-family development, particularly if conditions are added requiring the developer to: a) provide split face block walls with pilasters at intervals of 25 feet or less along West Leland Road; b) provide screening for utility boxes, transformers, backflow preventers, meters, and junction boxes; c) provide, as part of the options package for homebuyers, solar panels or an option offering pre-wiring for solar panels; d) proposed landscaping be required to meet the standards set forth in PMC Section 18.84.310; and e) provide cool roofs for reduction of heat island effect or installation of solar panels, consistent with DRDG sections 1.c, 2.b through 2.d, 2h, and 6.A.1 through 6.A.2, 6.A.4, and 6.A.6.

ATTACHMENTS:

1. Proposed Resolution Certifying a Final SEIR and Approving CEQA Findings, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program, and General Plan Map Amendment
2. Exhibit A to Resolution – Findings of Fact and Statement of Overriding Considerations
3. Exhibit B to Resolution – MMRP
4. Exhibit C to Resolution – General Plan Map Amendment
5. Proposed Ordinance Approving a Rezoning and DA Amendment
6. Exhibit A to Ordinance – Rezoning Map
7. Exhibit B to Ordinance – PD Plan
8. Exhibit C to Ordinance – DA Amendment
9. Proposed Resolution Approving an Amended VTM and Design Review
10. Vesting Tentative Subdivision Map

11. Project Plans
12. Project Location Map & Surrounding Uses
13. Preliminary Trash Pick-Up Plan
14. General Plan Goals & Policies
15. Development Review Design Guidelines
16. Adopted Planning Commission Resolution No.10121
17. Planning Commission Staff Report, dated May 28, 2019
18. Public Hearing Notice
19. Draft SEIR (without Appendices*)
20. Final SEIR

*The 2004 Vista Del Mar EIR, and the 2018 Alves Ranch Final & Draft SEIR (with all appendices) can be downloaded at www.ci.pittsburg.ca.us/alvesranch.

Report Prepared by: Kristin Pollot, AICP, Planning Manager

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Certifying a Final Supplemental EIR and Approving CEQA Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program and a General Plan Map Amendment for the Alves Ranch Project, AP-18-1348 (GP)	)	RESOLUTION NO. 19-___

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, on June 18, 2018, Mandy Leung of William Lyon Homes, Inc., filed Planning Application No. AP-18-1348, requesting approval of: 1) a zoning map amendment rezoning the site from a combination of RH-P (High Density Residential with a Master Plan Overlay) and CO-P (Office Commercial with a Master Plan Overlay) Districts to PD (Planned Development) and CC (Community Commercial) Districts; 2) a new vesting tentative map subdividing the 57.81-acre site to allow for the construction of a 346-unit, single family development as well as a 12-acre commercial site; and 3) design review of architectural and landscape plans. The project site is located along the north side of West Leland Road, south of State Route 4. Assessor's Parcel Nos. 097-700-001; 097-700-002; and 097-700-005.; and

WHEREAS, the proposed project is governed by the applicable goals and policies of the Pittsburg General Plan, the Pittsburg Municipal Code (PMC), and the City's Design Review and Development Guidelines adopted by Planning Commission through Resolution No. 9864; and

WHEREAS, in 2004, William Lyon Homes, Inc. and Alves Ranch, LLC, submitted a plan to develop approximately 293-acres as a residential and commercial subdivision, known as the Vista Del Mar development. The 2004 Vista Del Mar project anticipated approximately 1,100 housing units (spanning the north and south sides of West Leland Road), approximately 257,500 square feet of commercial floor space, an approximately 11.33-acre school/park site, approximately 117.68 acres of permanent hillside open space, associated landscaped buffers, public and private roadways, a detention basin, a water tank site, and a water pump station site; and

WHEREAS, on October 18, 2004, the City Council adopted Resolution No. 04-10168 certifying that the Final Environmental Impact Report (2004 FEIR) for the Vista Del Mar project (SCH # 2004012097) was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines; and

WHEREAS, on November 29, 2004, after having reviewed and considered the environmental documentation prepared for the Vista Del Mar project, the City Council

adopted Resolution No. 04-10191, approving CEQA findings, adopting a Statement of Overriding Considerations, and a Mitigation and Monitoring and Reporting Program (MMRP) for the Vista Del Mar project; and

WHEREAS, the original 2004 EIR addressed the environmental implications of a proposed comprehensive mixed-use development project occupying an approximately 293-acre site (2004 EIR project site) located south of State Highway 4 between the Oak Hills and San Marco subdivisions (both north and south of West Leland Road) in the City's Southwest Hills planning subarea. The development project addressed in the 2004 EIR consisted of a residential and commercial subdivision including a maximum of 1,100 housing units (537 single-family lots and courtyard houses south of West Leland Road, and 563 multi-family units north of West Leland Road), approximately 257,500 square feet of commercial floor space (also north of West Leland Road), an 11.3-acre school/park site, approximately 117.7 acres of permanent hillside open space, and associated landscaped buffers, public and private roadways (including an extension of West Leland Road through the site), detention basin site, water tank site, and water pump station site; and

WHEREAS, on December 6, 2004, the City Council adopted Ordinance No. 04-1230, rezoning the portion of the project located north of West Leland Road (Alves Ranch site) to CO-P (Commercial Office with a Master Plan Overlay) and RH-P (High Density Residential with a Master Plan Overlay) Districts; however, no specific master plan/development plan was adopted at that time. On the same night, the Council also approved a Development Agreement (Ordinance No. 04-1231) for the full Vista Del Mar project allowing development for up to 540 medium and high-density residential units, and no more than 20 acres of business commercial development; and

WHEREAS, on August 2008, a master plan for development of the Alves Ranch site was proposed by the property owner. On January 20, 2009, the City Council adopted Ordinance No. 08-1312, approving the Alves Ranch Master Plan and an EIR addendum, which allowed for up to 560 housing units, a 0.6-acre recreational facility, and 221,500 square feet of commercial floor area on approximately 14 acres; and

WHEREAS, since adoption of the Alves Ranch Master Plan, the project proposal for the site has been further refined based on current market conditions, as well as the desire of residents for additional retail commercial opportunities within the area of the City west of Bailey Road; and

WHEREAS, on November 7, 2017, the proposed project was discussed by the Land Use Subcommittee. The Subcommittee was generally supportive of the modifications proposed, including an amendment to the previous affordable housing requirement specified within the development agreement in exchange for reduced density, retail commercial acreage instead of office commercial, and prioritization of development of the commercial portion of the project;

WHEREAS, on August 21, 2018, the Planning Commission held a public hearing

to consider the project (which did not include a general plan map amendment or development agreement amendment at the time) and voted 3-1 to recommend approval of the proposed project; and

WHEREAS, on September 4, 2018, prior to a public hearing before the City Council, the applicant requested the project be continued, in order to allow the developer to refine and bolster the environmental documentation; and

WHEREAS, following that meeting, the applicant modified their planning application to include a general plan amendment to ensure the general plan land use designations matched the proposed zoning; and

WHEREAS, pursuant to PMC section 17.16.100, an applicant may request that two or more applications for separate discretionary approvals, including zoning amendments under Title 18 of this Code, requested or required in conjunction with a project be consolidated; and

WHEREAS, under Government Code section 65358, the City Council, upon recommendation of the Planning Commission, may amend the City's general plan, in whole or in part, if it finds that the amendment would be in the public interest. No more than four general plan amendments to each required element may be adopted within one calendar year. In this calendar year so far, the City Council has not adopted any amendments to the General Plan; and

WHEREAS, the proposed project is subject to the California Environmental Quality Act (CEQA), and the State CEQA Guidelines (Public Resources Code section 21080). Pursuant to the provisions of the State CEQA Guidelines, and specifically, Guidelines Section 15163 the City may choose to prepare a supplement to an EIR rather than a subsequent EIR if any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, but only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation. Section 15163 further explains that:

1. The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.

2. A supplement to an EIR shall be given the same kind of notice and public review as is given to a draft EIR under Section 15087.

3. A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR.

4. When the agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the supplemental EIR. A finding under Section 15091 shall be made for each significant effect shown in the previous EIR as revised; and

WHEREAS, in late 2018, an Initial Study for the new 2018 project was prepared. Based on this Initial Study, the City determined that a Supplemental Environmental Impact Report (SEIR) would be appropriate.

WHEREAS, on December 18, 2018, the City released a Notice of Preparation (NOP) of a Draft SEIR for the new 2018 Project, along with the Initial Study. The Initial Study identified issues that would require further study in the Draft SEIR and individual topical areas that were determined not to be significant and not warranting further review. The Initial Study found that the following topical areas may contain potentially significant environmental issues that would be further analyzed in the Draft SEIR. These sections are as follows: Air Quality; Biological Resources; Greenhouse Gas Emissions; Noise; and Transportation; and

WHEREAS, on January 9, 2019, a public scoping session was held to receive comments regarding the environmental concerns to be addressed as part of Draft SEIR; and

WHEREAS, on March 27, 2019, the City released the Notice of Availability (NOA) for the Alves Ranch Project Draft SEIR (SCH# 2004012097). The Draft SEIR was circulated for a 45-day public review and comment period that concluded on May 10, 2019; and

WHEREAS, on April 9, 2019, a public meeting was held to accept oral comments on the adequacy of the Draft SEIR; and

WHEREAS, the Final EIR, consisting of the Draft EIR (by reference) and the Response to Comments Document (providing responses to comments and making minor revisions to the Draft EIR), was released for a public review period on May 24, 2019; and

WHEREAS, the Final EIR identified significant and potentially significant impacts from the project, most of which can be substantially reduced through the implementation of mitigation measures; therefore, approval of the Project must include CEQA mitigation findings, as set forth in Exhibit A of this resolution; and

WHEREAS, some of the significant impacts identified in the Final EIR cannot be reduced to a less-than-significant level even with mitigation; therefore, approval of the project must include CEQA findings regarding alternatives, and a Statement of Overriding Considerations, also included as part of Exhibit A of this resolution; and

WHEREAS, consistent with PRC Section 21081.6 and CEQA Guidelines Section 15097, a Mitigation Monitoring and Reporting Program has been prepared to assure implementation of the adopted mitigation measures and has been attached as Exhibit B of this resolution; and

WHEREAS, on May 28, 2019, the Planning Commission adopted Resolution No. 10121 recommending approval of the proposal in its entirety; and

WHEREAS, on or prior to Friday, June 21, 2019, in accordance with Government Code sections 65090 and 65091, and PMC section 18.14.020.A, a "Notice of Public Hearing," for the July 1, 2019, public hearing on this item was published in the East County Times; was posted at City Hall; was delivered for posting at the Pittsburg Library; and was mailed via first class or electronic mail to the applicant, to the property owner, to owners of property located within 300 feet of the proposed project site, to local service agencies whose services might be affected by this project, and to individuals who had previously filed written request for such notice. Although not required, the notice was also posted on www.nextdoor.com (Nextdoor) and was sent directly to all subscribed residents in the surrounding Nextdoor neighborhoods including: 1) Toscana; 2) Vista Del Mar; 3) Oak Hills South; 4) San Marco; and 5) San Marco Villas; and

WHEREAS, on July 1, 2019, the City Council held a duly-noticed public hearing to adopt a resolution certifying a Final SEIR and Approving CEQA Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program and General Plan map amendment for the Alves Ranch Project.

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

Section 1. Certification of Final EIR

A. The Final EIR for the project consists of the Initial Study, dated December 17, 2018, Draft SEIR, dated March 27, 2019, and the Final EIR, dated May 24, 2019. Together, all documents constitute the Final SEIR for the Project.

B. Based on the evidence and oral and written testimony presented at the public meetings, and based on all the information contained in the City's files on the project, including not limited to, the Final EIR for the Project, and the City Council staff report dated August 17, 2015, and entitled, "Adoption of a Resolution Certifying a Final Supplemental EIR and Approving CEQA Findings, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program, and General Plan Map Amendment; Introduction and Waive First Reading of an Ordinance Approving a Zoning Map Amendment and Development Agreement Amendment; and Adoption of a Resolution Approving an Amended Vesting Tentative Map and Design Review for the Alves Ranch Project, AP-18-1348 (GP, RZ, VTM, DR, DA)," the City Council does certify, in accordance with CEQA Guidelines Section 15090, that:

1. The Final EIR for the Project was prepared and completed in compliance with Public Resources Code Section 21000 et seq. and CEQA Guidelines Section 15000 et seq.; and

2. The Final EIR was presented to the City Council of the City of Pittsburg and that the City Council has reviewed and considered the information contained in the Final EIR prior to action on the Project; and

3. The Final EIR reflects the independent judgment and analysis of the City Council of the City of Pittsburg.

Section 2. Adoption of CEQA Findings and Mitigation Monitoring and Reporting Program

A. Based on the findings and the authority set forth above, the City Council hereby adopts the following with respect to the project: 1) Mitigation Findings Pursuant to CEQA Guidelines section 15091, Findings Concerning Alternatives and Statement of Overriding Considerations, all as set forth in Exhibit A to this resolution; and 2) Mitigation Monitoring and Reporting Program, as set forth in Exhibit B to this resolution.

Section 3. Findings Related to General Plan Amendment

A. Based on the City Council staff report entitled, "Adoption of a Resolution Certifying a Final Supplemental EIR and Approving CEQA Findings, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program, and General Plan Map Amendment; Introduction and Waive First Reading of an Ordinance Approving a Zoning Map Amendment and Development Agreement Amendment; and Adoption of a Resolution Approving an Amended Vesting Tentative Map and Design Review for the Alves Ranch Project, AP-18-1348 (GP, RZ, VTM, DR, DA)," dated July 1, 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, and based on all written and oral testimony presented at the public hearing, the City Council finds that:

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

2. The proposed amendments to the General Plan are in the public interest, in that the proposed land use change will facilitate quality residential development, promote the use of a long-standing vacant site, help facilitate commercial development west of Bailey Road, help the City maintain a compact urban form, and promote a diversity of housing types and densities near the Pittsburg/Bay Point BART Station. The development will also enhance the visual quality of the area and increase the number of residents within the area that naturally monitor the streetscape and one another, enhancing community safety.

B. The City Council Staff Report entitled, "Adoption of a Resolution Certifying a Final Supplemental EIR and Approving CEQA Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; Introduction and Waive First Reading of an Ordinance Approving a Zoning Map Amendment and Development Agreement Amendment; and Adoption of a Resolution Approving an Amended Vesting Tentative Map and Design Review for the Alves Ranch Project, AP-

18-1348 (GP, RZ, VTM, DR, DA)," dated July 1, 2019, is referenced hereto as additional support for findings.

Section 4. Decision

Based on the findings and the authority set forth above, the City Council hereby amends General Plan Figure 2-2 (Land Use Diagram) to change the land use designation of the properties shown in Exhibit C, from a combination of 'Business Commercial' and 'High Density Residential,' to 'Community Commercial' and 'Medium Density Residential' as substantially presented in Exhibit C of this resolution, as well as modify other Land Use Element tables and charts as necessary to reflect the change in land use acreages and maintain internal consistency with the General Plan document.

Section 5. Effective Date

This resolution shall take effect immediately upon its adoption.

Section 6. Adoption

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 1st day of July 2019, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

_____
Juan Antonio Banales, Mayor

ATTEST:

_____
Alice E. Evenson, City Clerk

FIRSTCARBONSOLUTIONS™

CEQA Findings of Fact
2018 Alves Ranch Project
City of Pittsburg, Contra Costa County, California

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SECTION 1: INTRODUCTION

1.1 - Statutory Requirements for Findings

The City of Pittsburg ("City") is the lead agency for the 2018 Alves Ranch Project ("2018 Project") for purposes of environmental review. Having received, reviewed, and considered the 2018 Project's Supplemental Environmental Impact Report (SEIR) and other relevant information in the administrative record of proceedings, the City Council hereby finds and adopts the findings contained herein in compliance with the California Environmental Quality Act (Cal. Gov't Code § 21000 *et seq*.) and the CEQA Guidelines (Cal. Code Pub. Res. § 15000 *et seq*.) (collectively, "CEQA").

As explained more fully in Sections 2.2 and 2.4 below, the SEIR for the 2018 Project has been prepared in accordance with CEQA to evaluate minor changes to the Alves Ranch Project originally analyzed in the Vista Del Mar EIR, State Clearinghouse No. 2004012097, certified on October 18, 2004. The Vista Del Mar EIR consists of the following documents: the Draft EIR (including all appendices attached thereto); the Response to Comments/Final EIR; and Resolution 04-10168, which certified the Vista Del Mar EIR, made the required findings (including the Statement of Overriding Considerations), approved the Vista Del Mar Mitigation Monitoring and Reporting Program (2004 MMRP), and approved and authorized the original Alves Ranch Project as part of the larger Vista Del Mar development. This Vista Del Mar EIR consisting of the foregoing documents, collectively, is referred to herein as the "2004 EIR."

Subsequent to the certification of the 2004 EIR, minor changes were proposed to the Alves Ranch Project. The City prepared a SEIR in conformance with CEQA to evaluate these minor changes described in the 2018 Project. The SEIR is intended to serve as an informational document for the City's decision makers and the public regarding the 2018 Project and serves as a supplement to the 2004 EIR. For purposes of these Findings, the Draft Supplemental EIR (dated March 27, 2019) (including all appendices attached thereto) and the Final Supplemental EIR (dated May 24, 2019) (including all appendices attached thereto) shall collectively be referred to as the "SEIR." Prior to approving or carrying out the 2018 Project, the City Council must make one or more of the following findings, accompanied by a brief explanation of the rationale, pursuant to Public Resources Code Section 21081 and Section 15091 of the CEQA Guidelines, for each identified significant impact shown in the 2004 EIR as further evaluated, as appropriate, in the SEIR:

1. Changes or alterations have been required in, or incorporated into, the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

CEQA Guidelines Section 15092 states that after consideration of an EIR, and in conjunction with the Section 15091 Findings identified above, the lead agency may decide whether or how to approve or carry out the project.

For those impacts that cannot be mitigated below a level of significance, pursuant to Section 15093, the lead agency may approve a project with unavoidable adverse environmental effects only when it finds that specific economic legal, social, technological, or other benefits of the proposed project outweigh those effects. Section 15093 requires the lead agency to document and substantiate any such determination in a "statement of overriding considerations" as a part of the record.

These CEQA Findings of Fact (hereafter referred to as "Findings") and the updated Mitigation Monitoring and Reporting Program for the 2018 Project ("2018 MMRP") have been prepared in accordance with CEQA. These Findings and the 2018 MMRP satisfy the requirements of Public Resources Code Section 21081 and Sections 15090, 15091, 15092, 15093, and 15097 of the CEQA Guidelines, in connection with the approval of the 2018 Project.

The City Council's Findings regarding impacts identified in the SEIR for the 2018 Project are presented here, along with a presentation of facts in support of the Findings. Concurrent with the adoption of these Findings, the City Council will adopt the MMRP.

Because the City already documented the benefits of the original project in the statement of overriding considerations approved along with the 2004 EIR, this document reaffirms those benefits without limitation, which remain valid bases with respect to the 2018 Project (as explained more fully in Section 9 below). Moreover, the City Council hereby adopts an updated Statement of Overriding Considerations to address the significant unavoidable impacts identified in the SEIR, as set forth in Section 9, below.

Accordingly, the City Council expressly finds that the SEIR for the 2018 Project reflects the City's independent review and judgment, as required by CEQA. In accordance with the provisions of CEQA, the City Council adopts these Findings as part of its certification of the SEIR.

1.2 - Incorporation by Reference

Resolution 04-10168 and the 2004 Vista Del Mar EIR, including, without limitation, the technical appendices attached thereto and the Findings of Fact and Statement of Overriding Considerations adopted in connection therewith, are incorporated by reference into this document and made a part of these Findings. These documents are available for review at the City of Pittsburg City Hall as part of the administrative record for this matter.

Furthermore, as permitted by CEQA Guidelines Section 15150 and as explained more fully in Section 1.0 of the Draft SEIR, in addition to the 2004 EIR documents noted above, the SEIR referenced numerous other planning documents, technical studies and analyses, including, without limitation, the City of Pittsburg General Plan and the City of Pittsburg Municipal Code. In accordance with CEQA Guidelines Section 15150(b), the General Plan, Municipal Code, and the 2004 EIR and the administrative record related thereto, which have been used in the preparation of the SEIR are

available for review at the City of Pittsburg City Hall, and are hereby incorporated by reference into this document and made a part of these Findings.

1.3 - Procedural Findings and Record of Proceedings

To analyze the proposed minor changes contemplated in the 2018 Project, the City initially prepared an Addendum to the 2004 Vista del Mar EIR. On August 3, 2018, in accordance with Government Code Sections 65090 and 65091, and PMC section 18.14.020.B, C and D, a "Notice of Public Hearing," for August 14, 2018, was published and circulated. On August 14, 2018, the Planning Commission continued the public hearing on this item to August 21, 2018, at which time the Planning Commission considered the environmental documentation along with the Project and recommended approval of the 2018 Project to the City Council by a vote of 3-1. The 2018 Project was calendared for the City Council to consider during a noticed public meeting on September 4, 2018, but was removed from the agenda and continued to a date uncertain in light of comments submitted on behalf of a neighboring property owner, which suggested that the 2018 Project warranted the preparation of subsequent environmental review to study certain limited issues.

As a result, the City, to ensure full disclosure, prepared a Draft Initial Study and circulated and published a Notice of Preparation (NOP) of a Supplemental EIR[1] for public review and comment on December 20, 2018. To solicit community input and comment, a noticed public scoping meeting was held on January 9, 2019, and written comments on the scope of the 2018 Project and the associated SEIR were accepted by e-mail, fax, or regular mail until 5:00 PM on January 17, 2019. Responses to the NOP are included as Appendix A to the Draft SEIR.

The Draft SEIR and related appendices were circulated for public review between March 27, 2019 and May 10, 2019 to ensure that the potential environmental impacts of the 2018 Project were fully analyzed, disclosed, and mitigated to the extent feasible. All relevant documents were available during the public review period at the City and on-line via the City's website. As noted, the Draft SEIR includes additional analysis related to Air Quality, Biological Resources, Greenhouse Gas (GHG) Emissions, Noise, and Transportation and Traffic, including impacts to surrounding roadways and cumulative traffic volumes. The analysis of cultural resources contained in the Initial Study was based on field survey and research by a qualified archaeologist, Dr. Dana DePietro, PhD. The City also held a public meeting, open to all members of the community, on April 16, 2019, at 6:00 p.m., at Pittsburg City Hall, during which time the City accepted oral and written comments on the 2018 Project. For purposes of CEQA and the Findings set forth herein, the record of proceedings for the City Council's decision on the 2018 Project consists of: (a) matters of common knowledge to the City, including, but not limited to, applicable federal, State, and local laws and regulations; and (b) all of the following documents which are in the custody of the City, and to the extent they are available as a matter of law.

- Various documents, information, testimony, reports, studies, analyses and other materials (both oral and written) constitute the record upon which the City Council bases these Findings and the decision for approval and/or adoption contained herein. These Findings cite specific

[1] As noted previously, an agency's discretionary decision to prepare a supplemental EIR rather than a subsequent EIR is subject to a reasonableness standard, with the focus on the "substance of the EIR, not its nominal title." *City of Irvine v. County of Orange* (2015) 238 Cal. App. 4th 526.

pieces of evidence, but none of the City Council's findings are based solely on those cited pieces of evidence. Rather, these Findings are based upon the entire record, and the City Council intends to rely upon all supporting evidence in the record for each of its conclusions contained herein.

- The entire administrative record for the 2004 Vista Del Mar EIR, State Clearinghouse No. 2004012097, certified October 18, 2004, including, but not limited to, the following: all notices; the Draft EIR and all attached technical appendices; the Response to Comments/Final EIR; Resolution 04-10168, which certified the original 2004 EIR; Findings of Fact and a Statement of Overriding Considerations; and, the 2004 Mitigation Monitoring and Reporting Program.
- The documents in the record include all items referenced in Public Resources Code section 21167.6(e), including, without limitation, those set forth below.
- All Project application materials.
- The Notice of Preparation/Initial Study and other public notices issued by the City in conjunction with the 2018 Project (see Appendix A of the Draft SEIR for the Notice of Preparation) to comply with CEQA and/or any other law(s) governing the processing and approval of the 2018 Project.
- The public review Draft SEIR (including all attached technical appendices) and other supporting documentation prepared for the 2018 Project, dated March 27, 2019.
- All written and verbal comments submitted by agencies, organizations, and members of the public during the Draft SEIR public comment period and responses to those comments (see Response to Comments Document/Final SEIR and attached appendix, dated May 24, 2019).
- The 2018 Mitigation Monitoring and Reporting Program.
- All Staff Reports prepared for the 2018 Project and related documents prepared by the City and/or consultants with respect to the City's compliance with the substantive and procedural requirements of CEQA and with respect to the action on the 2018 Project.
- All written testimony or documents submitted by any person relevant to any findings or statement of overriding considerations adopted by the City Council pursuant to CEQA.
- All Findings, resolutions, and/or ordinances adopted by the City in connection with the 2018 Project, and all documents cited or referred to therein.
- All final reports, studies, memoranda, maps, correspondence, and all planning documents prepared by the City and/or consultants, or responsible or trustee agencies with respect to: (a) the City's compliance with CEQA; (b) development of the 2018 Project; or (c) the City's action on the 2018 Project.
- All written evidence or correspondence submitted to, or transferred from, the City with respect to compliance with CEQA and/or the 2018 Project.
- All documentary and oral evidence received and reviewed at public hearings, public meetings, study sessions, and workshops on the SEIR and/or the 2018 Project, and any transcript or

minutes of the proceedings at which any advisory body or decision making body (i.e., the Planning Commission, and/or the City Council) heard testimony on, or considered the SEIR.

- Any proposed decisions or findings submitted to the City Council by City staff, or the Project proponent, Project opponents, or other interested agencies, organizations and/or individuals.
- The documentation of the final City Council decision, including, without limitation, the SEIR and all documents, in addition to those referenced above, cited or relied on in the findings or in a statement of overriding considerations adopted pursuant to CEQA.
- For documentary and informational purposes, all locally-adopted land use plans and ordinances, including, without limitation, general plans, specific plans and ordinances, master plans together with environmental review documents, findings, mitigation monitoring programs, and other documentation relevant to planned growth in the area.
- Any other written materials relevant to the City's compliance with CEQA or to its decision on the merits of the 2018 Project, including, without limitation, copies of studies or other documents relied upon in any environmental document prepared for the 2018 Project and either made available to the public during the public review period or included in the City's files on the 2018 Project.
- The full written record before any inferior administrative decision-making body whose decision was appealed to a superior administrative decision-making body prior to the filing of litigation.
- Any additional items not included above if otherwise required by law.

The location and custodian of the documents and materials that comprise the 2018 Project's administrative record is City of Pittsburg, 65 Civic Avenue Pittsburg, CA 94565, Attn: Jordan Davis (email: jdavis@ci.pittsburg.ca.us).

1.4 - Organization/Format of Findings

Section 2 of these Findings contains a summary description of the 2018 Project, sets forth the objectives of the 2018 Project, briefly describes alternatives evaluated in the Draft SEIR. Section 3 discusses the incorporation of mitigation measures into the 2018 Project. Section 4 identifies the issues that were determined not to be significant and that did not require further review. Section 5 identifies the 2018 Project's potential environmental effects that were determined not to be significant and that do not require mitigation. Section 6 identifies the potentially significant effects of the 2018 Project, which were determined to be mitigated to a less-than-significant level. All numbered references identifying specific mitigation measures refer to numbered mitigation measures found in the Draft SEIR, unless otherwise noted. Section 7 discusses the feasibility of project alternatives, and sets forth the City Council's findings regarding the identified alternatives. Section 8 identifies the significant effects that cannot be mitigated to a less-than-significant level, and Section 9 contains the Statement of Overriding Considerations. Conclusions are provided in Section 10.

SECTION 2: 2018 ALVES RANCH PROJECT

This section lists the objectives of the 2018 Project, provides a brief description of the 2018 Project, and lists the 2018 Project alternatives evaluated in the SEIR.

2.1 - Project Objectives

The primary objectives of the 2018 Project are set forth in Section 2.4 of the Draft SEIR[2]:

- Contribute to the local economy in an economically viable manner through new capital investment, expansion of the tax base, and creation of new jobs and housing opportunities.
- Promote infill growth within the existing City limits that is consistent with the City of Pittsburg General Plan and related prior planning and entitlement actions for the project site and adjacent areas.
- Develop new housing, and provide potential employment and shopping opportunities within walking distance of the Pittsburg/Bay Point Bay Area Rapid Transit (BART) station.
- Add more inventory to the local and regional housing supply.
- Provide flexibility with the 12 acres reserved for future commercial use in order to be responsive to market conditions.
- Provide new recreational opportunities including trails and active recreation areas.
- Complete the buildout of the project site consistent with the overall planning vision set forth in the Southwest Hills General Plan Amendment and the related Vista Del Mar Project.
- Improve utilization of an existing storm drainage basin by increasing the outfall height as opposed to constructing a new basin or expanding an existing basin.
- Close a gap in the pedestrian/bicycle network by constructing a 12-foot-wide multi-use path along the project frontage with West Leland Road.

2.2 - Project Description

The SEIR analyzes the 2018 Project, as described below.

The Alves Ranch Project was originally analyzed and approved in 2004, pursuant to the development program analyzed in the certified 2004 EIR. The City adopted findings of fact, a Statement of Overriding Considerations, and a MMRP. Subsequently, in 2018, minor changes were proposed to the Alves Ranch Project, as described more fully in Section 2.0 of the Draft SEIR and below.

[2] Minor typographical changes and edits for clarification were made between the list of Project Objectives in the Executive Summary and the list in Section 2.4 of the Draft SEIR. These differences are minor and do not result in any changes to the analysis of the 2018 Project, the mitigation measures, or the alternatives. The list in Section 2.4, as restated here in the Findings, reflects the City's priorities and properly identifies the Project Objectives. *Habitat & Watershed Caretakers v City of Santa Cruz* (2013) 213 CA4th 1277, 1299.

As detailed in Section 2.2 of the Draft SEIR, the project site (along with other adjacent land) has long been planned for urbanization and development with residential, commercial, and open space uses, and therefore has been through several rounds of entitlements and environmental review dating back to the late 1980s.

The project site is located in the City of Pittsburg, Contra Costa County, California. The approximately 57.81-acre project site is bounded by a single-family residential neighborhood (Toscana at San Marco) (west), State Route 4 (SR-4) (north), undeveloped land (east), and West Leland Road (south). As described more fully in Section 2.0, Project Description, of the SEIR, the 2018 Project is similar in nature to the project evaluated in the 2004 Final EIR. The identified significant impacts are also similar in nature.

As part of the overall development program analyzed as part of the Vista Del Mar project, the 2004 EIR contemplated high density residential and business commercial land uses, as well as a regional stormwater basin, on the project site. Similarly, the 2018 Project consists of the development of 346 single-family dwelling units and 10 accessory dwelling units on approximately 25.93 acres, and the rezoning of approximately 12 acres of the project site for up to 140,000-square-feet of potential future neighborhood- and community-serving commercial uses, including a 40,000 square-foot grocery store. In comparison, the 2004 EIR assumed a higher degree of overall development, with a total of 563 residential units north of West Leland Road; a total of 206,000 square feet of office uses; and a total of 51,500 square feet of retail uses.

The 2018 Project also proposes to relocate the commercial uses to the center of the project site, with residential uses to be located on the northern, eastern, and western edges. Vehicular access would be taken from two points off West Leland Road. Approximately 1.28 acres of recreation and/or landscaped open space and an approximately 0.9-acre Class I bicycle and pedestrian facility would be provided.

2.3 - Alternatives

The alternatives studied in the 2004 EIR included a reasonable range of alternatives that included both residential uses as well as consideration of commercial and office uses, for purposes of providing a thoughtful comparative assessment, which the City Council hereby finds remains valid for the purposes of evaluating the 2018 Project, as described more fully in Section 5.0 of the Draft SEIR.

- Pursuant to CEQA Guidelines Section 15163, which establishes that supplemental EIRs "need only contain the information necessary to make the previous EIR adequate for the project as revised," the Draft SEIR's alternative analysis focused on the incremental difference between what was previously studied in the 2004 Final EIR and the proposed 2018 Project. The alternatives analysis consists of the following alternatives : **No Project Alternative—**No development would occur; Project site remains undeveloped
- **Existing Entitlements Alternative—**This alternative includes up to 449 multi-family residential dwelling units, 206,000 square feet of office, and 51,500 square feet of retail.
- **Option A Alternative—**This alternative includes up to 332 multi-family residential dwelling units, 206,000 square feet of office, and 51,500 square feet of retail.

- **Option B Alternative—**This alternative includes up to 225 multi-family residential dwelling units, 206,000 square feet of office, and 51,500 square feet of retail.

The Reconfigured Layout Alternative, which is discussed in the 2004 EIR, involved changes to land uses south of West Leland Road that are outside the 2018 Project site. Accordingly, the Reconfigured Layout Alternative is not applicable to the analysis of the 2018 Project, and was not considered further in the SEIR. (Draft SEIR, 5.1.2.)

As explained more fully in Section 7 below, and for the reasons described in Section 5.0 of the Draft SEIR, the City Council hereby finds that the alternatives analysis provided in the 2004 Final EIR, which considered a no project alternative and three relevant development alternatives, provides a reasonable range of potentially feasible scenarios that could reduce or avoid the identified impacts for purposes of the 2018 Project (given the similarities between the original 2004 project and the 2018 Project) and no additional or different alternatives need to be evaluated for purposes of providing a thoughtful comparative analysis and otherwise satisfying CEQA's requirements.

2.4 - Supplemental Environmental Impact Report

CEQA includes a presumption against requiring any further environmental review once an EIR has been prepared and certified for a project. Section 21166 of the Public Resources Code provides that "no subsequent or supplemental environmental impact report shall be required by the lead agency or any responsible agency" unless one of three circumstances apply:

(1) Substantial changes to the approved project will require major revisions to the certified EIR,

(2) substantial changes occur with respect to the circumstances under which the approved project is being undertaken will require major revisions to the certified EIR, or

(3) new information, that was not known and could not have been known at the time the EIR for the approved project was certified becomes available.

The factors used to evaluate whether additional environmental review should be prepared are further set forth in CEQA Guidelines 15162 and 15163 and relate to whether "substantial changes" to the EIR are required. As identified in CEQA Guidelines Section 15162, substantial changes are those that are required:

(1) Due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Where mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(3) Where mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15163 of the CEQA Guidelines provides that the City may choose to prepare a supplement to an EIR, rather than a subsequent EIR, if any of the conditions described in Section 15162 require the preparation of a subsequent EIR, but only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.[3] Section 15163 further explains that:

(1) The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.

(2) A supplement to an EIR shall be given the same kind of notice and public review as is given to a draft EIR under Section 15087.

(3) A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR.

(4) When the agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the supplemental EIR.

(5) A finding under Section 15091 shall be made for each significant effect as revised in the supplemental EIR.

The City's decision to prepare a supplement to the 2004 EIR is described in detail in Section 1, Introduction of the Draft SEIR, and more fully below, as well as being supported throughout the SEIR. In response to proposed changes to the Alves Ranch Project, the City prepared an Initial Study. As part of the overall development program analyzed as part of the Vista Del Mar project, the 2004 EIR contemplated high density residential and business commercial land uses, as well as a regional stormwater basin, on the project site. The 2004 EIR assumed that this northern portion of the Vista Del Mar development would include 563 housing units on 32.1 acres and 257,500 square feet of commercial building space on 14.78 acres, along with a 7-acre stormwater basin site. The 2018 Project consists of the development of 346 single-family dwelling units and 10 accessory dwelling units on approximately 25.93 acres and the rezoning of approximately 12 acres of the project site for up to 140,000 square feet of future neighborhood- and community-serving commercial uses.

In the interest of public disclosure and in accordance with CEQA's purpose to provide the public with relevant information as explained more fully in the Initial Study and Section 1.0 (Introduction) of the Draft SEIR, the City decided that preparation of a Supplemental EIR was appropriate. For purposes of the 2018 Project, only limited additions and changes were required to make the 2004 EIR adequate; because major changes were not required to make the 2004 FEIR adequate, the City was not required to prepare a subsequent EIR. A supplement to an EIR is a document that contains additions or changes needed to make the previous EIR adequate. A supplemental EIR need only contain the information necessary to make the previous EIR adequate for the project as revised. (See CEQA Guidelines Section 15163(b).) Because the 2004 EIR did not need to be entirely rewritten to make its environmental analysis adequate for purposes of the 2018 Project, a subsequent EIR was not

[3] An agency's discretionary decision to prepare a supplemental EIR rather than a subsequent EIR is subject to a reasonableness standard, with the focus on the "substance of the EIR, not its nominal title." *City of Irvine v. County of Orange*, 238 Cal. App. 4th 526, 540 (2015).

required. Accordingly, the City Council hereby finds that a Supplemental EIR is proper. (*See* CEQA Guidelines Section 15163(a).)

The SEIR provides a project-level analysis of the environmental effects of the 2018 Alves Ranch Project. The City Council finds that the environmental impacts of the 2018 Project are analyzed in the SEIR to the degree of specificity appropriate, in accordance with CEQA Guidelines Section 15146. In accordance with CEQA Guidelines Section 15163, the SEIR addresses whether:

(1) Changes to the Alves Ranch Project; or
(2) a change in circumstances under which the original Alves Ranch Project was undertaken; or
(3) new information of substantial importance exists which would result in any new significant impacts or an increase in severity of previously identified significant impacts. It also identifies appropriate and feasible mitigation measures that, if adopted, may significantly reduce or avoid certain of these impacts.

In accordance with Section 15163 of the CEQA Guidelines, the Draft SEIR:[4]

- Incorporates the certified 2004 EIR, and the entire administrative record related thereto, by reference.
- Contains information necessary to make the 2004 EIR adequate for the 2018 Project.
- Evaluates the potential environmental impacts of the changes to the 2018 Project.
- Updates, where necessary, information relating to the resources in the vicinity of the project site that may be affected by the 2018 Project.

The following technical studies and analyses were prepared in connection with the Draft SEIR for the proposed 2018 Project to supplement the 2004 EIR:

- Air Quality Analysis, prepared by FCS (analysis is wholly contained in Section 3.1, Air Quality); Modeling output provided in Appendix B to the Draft SEIR.
- Biological Resources, prepared by FCS (analysis is wholly contained in Section 3.2, Biological Resources); Supporting information provided in Appendix C to the Draft SEIR.
- Greenhouse Gas Emissions Analysis, prepared by FCS (analysis is wholly contained in Section 3.3, Greenhouse Gas Emissions); Modeling output provided in Appendix B to the Draft SEIR.
- Noise Analysis, prepared by FCS (analysis is wholly contained in Section 3.4, Noise); Modeling output provided in Appendix D to the Draft SEIR.
- Transportation Impact Assessment, prepared by Fehr & Peers. The report is provided in Appendix E to the Draft SEIR.

In evaluating whether changes to the 2018 Project as currently proposed would result in new significant environmental impacts or an increase in severity of previously identified significant impacts,

[4] The CEQA Guidelines state that a supplement to an EIR need only contain the information necessary to make the previous EIR adequate for the project as revised. CEQA Guidelines § 15163(b).

the Draft SEIR considered the incremental difference between the previously approved project as evaluated in the 2004 SEIR and the proposed 2018 Project. As explained more fully in the Draft SEIR, that document supplements the analysis presented in the 2004 EIR in accordance with applicable laws and regulations, including a description of the proposed modifications of the 2018 Project, as well as addressing any changed circumstances, and an evaluation of the potential to generate significant impacts not disclosed in the 2004 EIR. The City Council finds that the SEIR contains sufficient information necessary to make the 2004 EIR adequate for the 2018 Project as revised.

Prior to approving a project for which a supplemental EIR is prepared, the City Council must consider the 2004 EIR as revised by the SEIR and must make findings in accordance with CEQA Guidelines Section 15091 for each significant effect shown in the previous EIR as revised. (14 Cal Code Regs §15163(e).) Findings are not required for those previously identified significant effects that are not revised in the SEIR. The certified 2004 EIR identified the following potentially significant and unavoidable impacts:

- Cumulative visual effects associated with an existing PG&E transmission line and associated towers (See Section 4.2, EIR Impacts Determined to be Less than Significant in the SEIR);
- Cumulative transportation-related impacts to local intersections, including Bailey Road/West Leland Road, Bailey Road/Concord Boulevard, and Bailey Road/Myrtle Drive (See Section 7, below);
- Cumulative impacts to State Highway 4 (No revisions);
- Cumulative impacts related to BART parking (No revisions);
- Cumulative impacts related to municipal water service demand (See Section 4.2, EIR Impacts Determined to be Less than Significant in the SEIR);
- Impacts related to possible demolition of historic resources (See Section 4.2, EIR Impacts Determined to be Less than Significant in the SEIR);
- Project construction noise (See Section 4.2, EIR Impacts Determined to be Less than Significant in the SEIR);
- Cumulative impacts on regional air emissions (See Section 5.1, Effects Determined to be Mitigated to Less than Significant Levels, Air Quality).

The extent to which the 2018 Project revises these impacts is discussed throughout these Findings as necessary.

2.5 - Finding that Recirculation is not Required

Section 15088.5 of the CEQA Guidelines requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible

way to mitigate or avoid such an effect that the project proponent declines to implement. The CEQA Guidelines provide examples of significant new information under this standard, as follows:

a. A new significant environmental impact that would result from the project (or any alternative) or from a new mitigation measure proposed to be implemented.

b. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

c. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project (or an alternative), but the project's proponents decline to adopt it.

d. The DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications to an otherwise adequate EIR.

After the Draft SEIR was published, the City received additional information. City staff and consultants involved in preparing the various studies, reports and analyses included in the SEIR have also presented additional information since the publication of the Draft SEIR. Some of this information was contained in comments submitted on the Draft SEIR, and in responses to those comments contained in the Final SEIR/Responses to Comments. Other information was presented at or before public meetings/hearings on the SEIR. As noted below, the SEIR incorporates additions, clarifications, modifications, and other changes, in response to comments and as determined appropriate by City staff and required under CEQA.

The Final EIR/Response to Comments/Errata to the Draft SEIR for the 2018 Project identifies various minor modifications that have been made to the SEIR text in response to comments and for purposes of clarifying and/or amplifying certain mitigation measures. These changes are generally of an administrative nature, such as correcting typographical errors, making minor adjustments to the data, and adding or changing certain phrases to improve readability. The City Council finds that these changes are of a minor, nonsubstantive nature and do not require recirculation of the SEIR. The City Council finds that no significant new information has been added to the SEIR since public notice was given of the availability of the Draft SEIR that would require recirculation under CEQA Guidelines Section 15088.5. The new information added to the SEIR and identified in the Final SEIR/Response to Comments/Errata do not involve disclosure of any new or more severe significant impacts, does not identify any new feasible alternatives or mitigation measures that would clearly lessen significant impacts that the City or project proponent declines to adopt, and does not indicate that the SEIR was in any way inadequate or conclusory.

The City Council has considered the opinions of interested agencies, organizations and individuals, including, among others, opinions that disagree with some of the analysis and conclusions in the SEIR. The entirety of the SEIR is incorporated into these Findings by reference. The City Council hereby ratifies, adopts, and incorporates the analyses and explanations in the SEIR, and ratifies,

adopts, and incorporates in these Findings the determinations and conclusions of the SEIR relating to environmental impacts and mitigation measures.

Based on the foregoing and as explained in more detail in the Final SEIR/Responses to Comments, and having reviewed all the information in the record of proceedings, the City Council finds that this additional information does not constitute significant new information requiring another recirculation. The additional information merely clarifies or amplifies an adequate EIR.

Specifically, the additional information, including the changes described above, does not show any of the above-referenced triggers identified in CEQA Guideline Section 15088.5.

SECTION 3: IMPACTS, MITIGATION MEASURES, AND MMRP

As discussed more fully therein, the SEIR concludes that implementation of the 2018 Project could result in potentially significant and significant adverse environmental impacts. As discussed above, the City Council is required to make certain findings with respect to these impacts pursuant to CEQA Guidelines Section 15091.

Accordingly, the City Council hereby makes these required findings, as set forth in Sections 4 through 7 below, and hereby incorporated herein by this reference. Sections 4 through 7, below, summarize the environmental determinations about the 2018 Project's significant impacts before and after mitigation, and summarize the 2018 Project's individual and cumulative impacts. Sections 4 through 7 below do not attempt to describe the full analysis of each environmental impact. Instead, Sections 4 through 7 provide a summary description of each significant impact, describe any applicable mitigation measures identified in the SEIR and adopted by the City Council, and state the SEIR's conclusions on the significance of each impact after imposition of the identified mitigation measures. A comprehensive explanation of these environmental impact conclusions can be found in the SEIR, as supplemented and explained in staff reports and materials presented by the 2018 Project applicant, City staff, and various 2018 Project consultants, and other relevant materials in the administrative record.

The City Council hereby adopts, and incorporates as enforceable, conditions of approval of the 2018 Project, the mitigation measures set forth in the 2018 MMRP ~~(attached to these Findings as Exhibit A~~, which is incorporated herein by this reference), which has been prepared in accordance with CEQA Guidelines Section 15097 to ensure all feasible mitigation measures are implemented by the 2018 Project. The City Council hereby adopts this 2018 MMRP as it pertains to the 2018 Project, and finds that the mitigation measures set forth in the 2018 MMRP will reduce or avoid the potentially significant and significant impacts of the 2018 Project to the extent feasible for the reasons described in the SEIR. In adopting the 2018 MMRP, the City Council intends for each of the mitigation measures to be adopted as recommended in the SEIR. Accordingly, in the event a mitigation measure recommended in the SEIR has inadvertently been omitted from the MMRP~~Exhibit A~~, the City Council hereby adopts such mitigation measure as stated in the SEIR and incorporates said mitigation measure in these Findings by reference.

The mitigation measures are made enforceable as conditions of approval imposed on the 2018 Project. Accordingly, the City finds that changes or alterations have been required in, or incorporated into, the 2018 Project that avoid or substantially lessen the significant environmental effects identified in the SEIR. The 2018 Project has several significant and unavoidable impacts, as explained in more detail in Sections 8 and 9 below.

Various measures were suggested by commenters as proposed additional mitigation measures or modifications to the mitigation measures identified by the SEIR, including, among others, those relating to traffic/transportation improvements and biological resources mitigation. Other comments requested mitigation measures for impacts that were less than significant or requested additional mitigation measures for impacts that were already reduced to levels less than significant by the

proposed mitigation measures. These requests are declined as unnecessary, except as otherwise expressly reflected in the Final SEIR/Responses to Comments/Errata. The City Council hereby adopts the reasons set forth in the Responses to Comments contained in the Final SEIR, and as otherwise documented in the administrative record, as its grounds for rejecting adoption of these mitigation measures.

With respect to the potential for significant and irreversible environmental effects of the 2018 Project and related discussion of Energy Conservation, the City Council hereby adopts the conclusions of the SEIR (including, without limitation, those set forth in Section 6.3 of the SEIR), based upon the evidence and reasoning it reflects, which determined that the proposed 2018 Project would not result in the wasteful, inefficient, and unnecessary consumption of energy, would not cause the need for additional natural gas or electrical energy-producing facilities, and, therefore would not create a significant impact on energy resources.

The SEIR contains substantial evidence to support all the conclusions presented in these Findings. As reflected in comments made in connection with the Draft SEIR, there is disagreement among various parties regarding certain of these conclusions. CEQA and relevant case law interpreting the CEQA statute and Guidelines provide the standards for treating disagreement among experts in the context of an EIR, as follows. Where evidence and opinions conflict on an issue concerning the environment, and the lead agency knows of these controversies in advance, the EIR and/or related findings must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information on the controversy. In rendering a decision on a project where there is disagreement among experts, the decision makers are not obligated to select the viewpoint that purports to be the most environmentally sensitive. Instead, decision makers are vested with the ability to choose which expert opinion they intend to rely on and are not required to resolve a dispute among experts. In their proceedings, decision makers must consider comments received concerning the adequacy of the EIR and address any objections raised in these comments. However, decision makers are not obligated to follow any directives, recommendations, or suggestions presented in comments on an EIR, and can certify an EIR without needing to resolve disagreements among experts.

In making its decision to certify the SEIR and approve the 2018 Project, the City Council hereby recognizes that a range of technical and scientific opinion exists with respect to certain environmental issues, including, among others, the appropriate scope and content of the CEQA document; the applicable criteria and methodology to be used for determining capacity and sizing of storm water facilities and to evaluate certain impacts such as those relating to air quality, greenhouse gas emissions, cultural resources, hydrology and water quality, biological resources and traffic/transportation; and the applicable significance threshold(s) to be used in evaluating certain impacts including those relating to traffic. The City Council has acquired a comprehensive and well-rounded understanding of the range of this technical and scientific opinion by its review of the SEIR; as well as by its review of the information provided by the experts who prepared the SEIR; the City's other consultants and its staff; along with testimony, letters, reports, and other relevant materials in the administrative record; as well as its own experience and expertise in these matters. The materials reviewed by the City Council include conflicting expert opinions and conflicting statements of facts, as well as other comments on the environmental issues set forth in the SEIR. This

comprehensive review has enabled the City Council to make its determinations after weighing and considering the various viewpoints on these important issues, and the City Council has made determinations of significant effects based on substantial evidence, not public controversy or speculation. Accordingly, the City Council hereby certifies that its findings and determinations are based on all of the evidence contained in the SEIR, as well as the evidence and other information in the record addressing the environmental impacts of the 2018 Project, and hereby elects to rely on the opinions set forth in the SEIR.

The SEIR, as well as the 2004 EIR, are hereby incorporated into these Findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the 2018 Project in spite of the potential for associated significant and unavoidable adverse impacts.

SECTION 4: EFFECTS DETERMINED NOT TO REQUIRE FURTHER ANALYSIS IN THE SEIR

The City has prepared an Initial Study to evaluate the potential environmental effects of the 2018 Project and to determine the scope of the SEIR. Specifically, pursuant to CEQA Guidelines Section 15063(c)(3), the Initial Study was prepared to: 1) focus the SEIR on effects determined to be significant; and 2) to identify the effects determined not to be significant or that can be reduced to a less-than-significant level through standard mitigation measures or conditions of approval. The Initial Study is provided in Appendix A to the Draft SEIR. Based on the analysis provided in the Initial Study and as further supported by documentation in the administrative record, the City determined that the following specific issues were adequately addressed in the 2004 EIR and did not necessitate further analysis:

- Aesthetics
- Agriculture and Forestry Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Utilities

The conclusions made in the 2004 EIR and the Findings of Fact in Resolution 04-10191 are unchanged for these resources. A full explanation of the environmental findings and conclusions for these topical areas can be found in the 2004 EIR and the Initial Study, and these Findings of Fact hereby incorporate by reference the discussion and analysis in Resolution 04-10191**,** the 2004 EIR and the Initial Study and their determinations and findings regarding mitigation measures and impacts with respect to the foregoing environmental topic areas. Accordingly, the City Council hereby finds and adopts the conclusions set forth in the 2004 EIR and the Initial Study regarding the determination as to the appropriate content and scope of the SEIR.

SECTION 5: EFFECTS DETERMINED NOT TO BE SIGNIFICANT OR LESS THAN SIGNIFICANT IN THE SEIR

As reflected in the NOP/Initial Study, the City determined that the following topical areas may contain potentially significant environmental issues that would be further analyzed in the Draft SEIR, as follows: Air Quality, Biological Resources, Greenhouse Gas Emissions, Noise and Transportation. Pursuant to this determination, the SEIR contains analysis on the foregoing environmental topic areas; identifies potentially significant impacts; and identifies feasible mitigation measures.

The City Council finds that, based upon substantial evidence in the record and the facts discussed below, the following impacts associated with the 2018 Project identified in the SEIR are not significant or are less than significant, and do not require mitigation:

5.1 - Air Quality

Impact AIR-1:	**The 2018 Project would not conflict with or obstruct implementation of the applicable air quality plan.**

In reviewing the 2018 Project, which is consistent with but smaller than the original Vista Del Mar Project evaluated in the 2004 Final EIR, and utilizing the updated 2017 Clean Air Plan, this less than significant impact conclusion remains the same. Overall, the 2018 Project would be consistent with the three criteria for evaluating consistency with the 2017 Clean Air Plan. Therefore, the 2018 Project would not conflict with or obstruct implementation of the applicable air quality plan. The 2018 Project's impacts would be less than significant, similar to the conclusions in the 2004 Final EIR, and therefore no mitigation would be necessary. The 2018 Project would not result in new significant environmental impacts or create more severe significant environmental impacts than those analyzed in the 2004 Final EIR. (Draft SEIR, p. 3.1-33–36.) The City Council finds that impacts are less than significant because, as the SEIR explains, changes or alterations have been required in, or incorporated into, the proposed 2018 Project that mitigate or avoid the potentially significant impacts of the proposed 2018 Project. (Pub. Res. Code Section 21081(a)(1), CEQA Guidelines Section 15091(a)(1).)

Impact AIR-2:	**The 2018 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.**

Neither the construction nor operational emissions for the 2018 Project would exceed BAAQMD's thresholds of significance. Therefore, the 2018 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, and impacts would be less than significant. The 2004 Final EIR concluded that operational impacts would be significant and unavoidable, even after the implementation of 2004 Final EIR Mitigation Measure 15-2. Considering that the 2018 Project would result in a less than significant impact, the 2018 Project would not result in new significant environmental impacts or create more severe significant environmental impacts

than those analyzed in the 2004 Final EIR. (Draft SEIR, p. 3.1-36–40.) The City Council finds that impacts are less than significant because, as the SEIR explains, changes or alterations have been required in, or incorporated into, the proposed 2018 Project that mitigate or avoid the potentially significant impacts of the 2018 Project as compared to the certified 2004 EIR. (Pub. Res. Code Section 21081(a)(1), CEQA Guidelines Section 15091(a)(1).)

5.2 - Biology

Impact BIO-2: The 2018 Project would not have adverse impacts on sensitive natural communities or riparian habitat.

The 2004 Final EIR did not identify any seasonal creek or drainages north of West Leland Road where the 2018 Project is located. Currently, the majority of the 2018 Project site is highly disturbed and graded land. The greater urban context of the site encourages the dominance of invasive species of plants and wildlife, as it is surrounded by a highly trafficked road way and large, residential complexes. As such, the City Council finds there would be no significant impacts to any sensitive natural communities or riparian habitat as the SEIR explains, and therefore no mitigation measures would be required. Impacts would be less than significant. (Draft SEIR, p. 3.2-19.)

Impact BIO-3: The 2018 Project would not have a substantial adverse effect on wetlands or jurisdictional features.

The project site is comprised mostly of dry, open grassland and a manmade stormwater basin and, as such, does not contain any wetlands or associated construction aspects that would require filling, removal, or degradation of wetlands. The stormwater basin is regularly maintained and is part of a closed system that does not act as a nexus to navigable waters. Moreover, as explained in the SEIR, the drainages, culverts, and channels that connect to the stormwater basin are not considered jurisdictional features and are not subject to regulation by regulatory agencies. As such, the City Council finds no impact related to effect on wetlands would occur from project construction, and therefore no mitigation measures would be required. (Draft SEIR, p. 3.2-20.)

Impact BIO-4: The 2018 Project would not have substantial adverse impacts on fish or wildlife movement.

The 2004 Final EIR found that due to proximity to surrounding urban development and lack of high quality habitat on-site, a less than significant impact to wildlife movement was anticipated. The project site is bounded by established residential neighborhoods to the west and south, and State Route 4 to the north. Additionally, the vegetation present on-site does not lend itself to support wildlife movement through the site because it mainly consists of sparse shrubbery and limited ground coverage. Due to the foregoing reasons and as explained further in the SEIR, the City Council finds that the development of the 2018 Project would not have substantial adverse impacts on fish and wildlife movement corridors, and therefore no mitigation measures would be required. (Draft SEIR, p. 3.2-21.)

5.3 - GHG Emissions

Impact GHG-2: Implementation of the 2018 Project would not conflict with the applicable plan, policy, or regulation of an agency adopted to reduce the emissions of greenhouse gases.

As explained further in the SEIR, the 2018 Project would not conflict with the AB 32 Scoping Plan, SB 32 Scoping Plan Update, or any applicable regulations adopted by the State of California to reduce GHG emissions. In addition, the 2018 Project would comply with all mandatory local and regional measures applicable to the project. As such, the 2018 Project would not substantially conflict with existing California legislation adopted to reduce statewide GHG emissions. Therefore, the City finds that impacts would be less than significant, and therefore no mitigation measures would be required. (Draft SEIR, pp. 3.3-32–36.)

5.4 - Transportation

Impact TRANS-6: The 2018 Project would not result in inadequate emergency access.

As explained further in the SEIR, the 2018 Project is not expected to result in inadequate emergency access, as access to the site would be provided from multiple locations and if one location were to be blocked, other means of access are provided. Additionally, the Fire Department has reviewed the site plan and has indicated that the proposed internal street cross-sections are sufficient for emergency vehicle circulation and adhere to applicable requirements and standards. Therefore, the City Council finds that impacts would be less than significant, and therefore no mitigation measures would be required. (Draft SEIR, p. 3.5-74.)

5.5 - Growth Inducing Impacts

The 2018 Project would implement the remainder of the 2004 Vista Del Mar development, consistent with the land uses envisioned in the General Plan. Using the City's average household size of 3.38 persons, the 2018 Project would add 1,204 persons to the City's population, which is within the 3,202 population projected in the 2004 Final EIR. This population would be an increase of 1.6 percent relative to the 2018 population estimate of 72,647, which would not be a significant increase. Furthermore, approximately two-thirds of project site is designated "High Density Residential" by the General Plan, which assumes an average density for this land use designation to be 20 units per gross acre; as such under the current General Plan designation, approximately 800 new units could be constructed, resulting in a hypothetical population increase of over 2,700. For these reasons, direct population growth induced by the 2018 Project would be less than significant. (Draft SEIR, p. 6-3.)

The 2018 Project also includes up to 140,000 square feet of commercial space, which is within the 257,000 square feet evaluated in the 2004 Final EIR. Because the regional workforce is both large enough and has enough available labor that the proposed 2018 Project's new employment opportunities can be filled by the local labor force. Accordingly, the City Council finds that there are no significant growth inducing impacts associated with the 2018 Project. (Draft SEIR, p. 6-3.)

5.6 - 2004 EIR Impacts Determined to be Less Than Significant in the SEIR

The 2004 Final EIR identified several significant unavoidable impacts that are either avoided by the 2018 Project, or would be reduced to less than significant, as summarized below:

Impact 5-3: Visual relationship to electrical transmission line.

A significant and unavoidable impact was identified for specific residential uses proposed south of West Leland Road. The 2018 Project is located more than 200 feet from the easement established for this utility. As such, this impact does not apply to the 2018 Project. (Draft SEIR, p. 6-1.) The City finds that impacts are less than significant because, as the SEIR explains, changes or alterations have been required in, or incorporated into, the proposed 2018 Project that mitigate or avoid the potentially significant impacts of the proposed Project as compared to the certified 2004 EIR. (Pub. Res. Code Section 21081(a)(1), CEQA Guidelines Section 15091(a)(1).)

Impact 8-1: Adequate water supply.

A significant and unavoidable impact was identified based on uncertainty regarding adequate water supply because the project site had not yet been annexed into the Central Valley Project Contractual Service Area. The City of Pittsburg 2015 Water System Master Plan accounts for the development of the project site and therefore confirms that an adequate water supply now exists to serve the 2018 Project. (Draft SEIR, p. 6-1.) The City finds that impacts are less than significant because, as the SEIR explains, changes or alterations have been required in, or incorporated into, the proposed 2018 Project that mitigate or avoid the potentially significant impacts of the proposed Project as compared to the certified 2004 EIR. (Pub. Res. Code Section 21081(a)(1), CEQA Guidelines Section 15091(a)(1).)

Impact 12-2: Possible destruction of an historic resource.

The project site is currently vacant and would not involve the demolition of any structures. (Draft SEIR, p. 3.1-27.) The potentially historic structure identified in the 2004 EIR was located south of West Leland Road and would not be affected by the 2018 Project. (Draft SEIR, p. 6-1.) The City finds that impacts are less than significant because, as the SEIR explains, changes or alterations have been required in, or incorporated into, the proposed 2018 Project that mitigate or avoid the potentially significant impacts of the proposed Project as compared to the certified 2004 EIR. (Pub. Res. Code Section 21081(a)(1), CEQA Guidelines Section 15091(a)(1).)

Impact 14-3: Construction noise.

A significant and unavoidable impact was identified in the 2004 Final EIR based on the length of construction (6–15 years.) The 2018 Project would result in a standard construction period of less than 2 years and would be subject to the City's standard construction hours, per the applicable provisions in the General Plan and Municipal Code. Therefore, the 2018 Project would not result in a significant and unavoidable impact related to construction noise. (Draft SEIR, p. 6-1.) The City finds that impacts are less than significant because, as the SEIR explains, changes or alterations have been required in, or incorporated into, the proposed 2018 Project that mitigate or avoid the potentially significant impacts of the proposed Project as compared to the certified 2004 EIR. (Pub. Res. Code Section 21081(a)(1), CEQA Guidelines Section 15091(a)(1).)

SECTION 6: 2018 PROJECT EFFECTS DETERMINED TO BE MITIGATED TO LESS THAN SIGNIFICANT LEVELS

The Draft SEIR identified certain potentially significant effects that could result from the 2018 Project. However, the City Council finds for each of the potentially significant impacts identified in this section that, based upon substantial evidence in the record, changes or alterations have been required or incorporated into the 2018 Project which avoid or substantially lessen the significant effects as identified in the SEIR and, thus, that adoption of the mitigation measures set forth below will reduce these significant or potentially significant effects to less-than-significant levels. Adoption of the recommended mitigation measures and the incorporation of these mitigation measures as 2018 Project conditions of approval will ensure effective enforceability of these mitigation measures.

6.1 - Air Quality

Impact AIR-3: **With implementation of mitigation, the 2018 Project would not expose sensitive receptors to substantial pollutant concentrations.**

MM AIR-1 **Implement BAAQMD Best Management Practices During Construction**

The following text is a refinement of MM 15-1 from the 2004 Final EIR. The text is updated to reflect current BAAQMD best practices.

The following Best Management Practices (BMPs), as recommended by BAAQMD, shall be included in the project design and implemented during construction:

- All active construction areas shall be watered at least three times per day.
- All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least three times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of CCR). Clear signage regarding idling restrictions shall be provided for construction workers at all access points.

- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The City of Pittsburg and the construction contractor shall take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

MM AIR-2 Use Construction Equipment That Meets Tier 3 Off-road Emission Standards

During construction activities, all off-road equipment with engines greater than 50 horsepower shall meet either EPA or ARB Tier 3 Final off-road emission standards. The construction contractor shall maintain records concerning its efforts to comply with this requirement, including equipment lists. Off-road equipment descriptions and information may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.

Finding for Impact AIR-3

Fugitive dust construction impacts of the 2018 Project would be similar to the analysis presented in the 2004 Final EIR. MM AIR-1, similar to 2004 Final EIR Mitigation Measure 15-1, would reduce fugitive dust emissions and ensure impacts remain less than significant. The 2018 Project's construction health risks would be potentially significant, but mitigation measures would reduce cancer risks to below the BAAQMD significance thresholds. With the implementation of MM AIR-2 (Tier III engines), construction TAC emissions would result in a less than significant impact. Therefore, with the implementation of mitigation as refined, the 2018 Project would not result in new significant environmental impacts or create more severe significant environmental impacts than those analyzed in the 2004 Final EIR. (Draft SEIR, pp. 3.1-40–52.)

Pursuant to CEQA Guidelines Section 15091(a)(1), the City Council finds that Mitigation Measures AIR-1 and AIR-2 will be implemented by the 2018 Project and will reduce impacts to a less-than-significant level. The City Council finds that impacts are less than significant because, as the SEIR explains, changes or alterations have been required in, or incorporated into, the proposed 2018 Project that mitigate or avoid the potentially significant impacts of the proposed Project. (Pub. Res. Code Section 21081(a)(1), CEQA Guidelines Section 15091(a)(1).)

Cumulative Impact Finding

The 2018 Project would not have a cumulatively considerable contribution to any significant cumulative impact with implementation of Mitigation Measure AIR-1 and AIR-2. The 2018 Project would result in a less than cumulatively considerable contribution to regional air emissions with implementation of Mitigation Measure AIR-1 and AIR-2. Therefore, the 2018 Project would have a reduced impact relative to the conclusion of the 2004 Final EIR. (Draft SEIR, p. 4-3.) The City Council finds that impacts are less than significant because, as the SEIR explains, changes or alterations have

been required in, or incorporated into, the proposed 2018 Project that mitigate or avoid the potentially significant impacts of the proposed 2018 Project. (Pub. Res. Code Section 21081(a)(1), CEQA Guidelines Section 15091(a)(1).)

6.2 - Biological Resources

Impact BIO-1: With mitigation, the 2018 Project would not have a substantial adverse impact on special-status plant and wildlife species.

MM BIO-1a **MM BIO-1a Burrowing Owl**

No more than 30 days prior to the first ground-disturbing activities during breeding season (February 1 to August 31), the project applicant shall retain a qualified biologist to conduct four preconstruction surveys on the project site per CDFG guidance and methodologies. A minimum of three survey visits shall be completed, at least 3 weeks apart, to be conducted during the peak nesting period, which is between April 15 and July 15, with at least one visit after June 15. Preconstruction surveys shall be conducted no less than 14 days before construction with a final survey conducted within 24 hours of ground disturbance. Each survey shall establish the presence or absence of western burrowing owl and/or burrows, and evaluate any use by owls in accordance with applicable CDFW survey guidelines and methodologies.

On the portion of the project site where the ground disturbing activity is proposed, the biologist shall survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify whether any burrows and/or owls are present. Adjacent areas on the project site that are not being proposed for ground disturbance need not be surveyed. The survey shall take place near the sunrise or sunset in accordance with applicable CDFW guidelines. All burrows or burrowing owls (if any) shall be identified and mapped. During the breeding season (February 1–August 31), surveys shall document whether burrowing owls (if any) are nesting on or directly adjacent to disturbance areas. During the non-breeding season (September 1–January 31), surveys shall document whether burrowing owls (if any) are using habitat on or directly adjacent to any disturbance area. Survey results shall be valid only for the season during which the survey is conducted.

If burrowing owls are not discovered during the above-described pre-construction surveys, or if burrows are identified but are inactive, further mitigation is not required. If burrowing owls are observed during the pre-construction surveys, the project applicant shall perform the following measures to limit the impact on the burrowing owls:

- Avoidance shall include establishment of a 160-foot non-disturbance buffer zone. Construction may occur during the breeding season if a qualified biologist

monitors the nest and determines that the birds have not begun egg-laying and incubation, or that the juveniles from the occupied burrows have fledged. During the non-breeding season (September 1–January 31), the project proponent shall avoid the owls and the burrows they are using, if possible. Avoidance shall include the establishment of a 160-foot non-disturbance buffer zone.

- If it is not possible to avoid occupied burrows, passive relocation shall be implemented. Owls shall be excluded from burrows in the immediate impact zone and within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors shall be in place for 48 hours prior to excavation. The project area shall be monitored daily for 1 week to confirm that the owl has abandoned the burrow. Whenever possible, burrows should be excavated using hand tools and refilled to prevent re-occupation. Plastic tubing or a similar structure shall be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow.

MM BIO-1b Swainson's Hawk

Prior to any ground disturbance that occurs during the nesting season for Swainson's hawk (March 15 to September 15), a qualified biologist shall conduct a preconstruction survey no more than 30 days prior to construction to establish whether there are any Swainson's hawk nests within 1,000 feet of the project site, and if so, whether they are occupied. Pursuant to CDFG guidance and methodologies, the surveys shall be conducted early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest. Surveys shall be conducted within a minimum of 0.25 mile radius of the Project area, and for at least the two survey periods immediately prior to initiating the Project-related construction activities. Surveys shall be conducted annually for the duration of project construction. If potentially occupied nests within 1,000 feet are located adjacent to but not on the project site, then their occupancy shall be determined by observation from public roads or other publicly accessible observation areas of Swainson's hawk activity (e.g., foraging) near the project site. If Swainson's Hawks are not discovered during the above-described pre-construction surveys, or if a nest is identified but is inactive, further mitigation is not required.

If nests are located and determined to be occupied, a 0.25-mile buffer shall be maintained around the nest until the young fledge. If a buffer of 0.25 miles cannot be implemented, the applicant shall obtain a California Incidental Take Permit prior to start of construction activities.

Furthermore, in order to mitigate for the loss of Swainson's hawk foraging habitat to a less than significant level the following measures shall be implemented:

- The Project applicant shall acquire conservation easements or other instruments to preserve suitable foraging habitat for Swainson's hawk, as determined by the California Department of Fish and Game. The location of mitigation parcels as well

as the conservation instruments protecting them shall be acceptable to the City and to the California Department of Fish and Game. The amount of land preserved shall be governed by a 1:1 mitigation ratio for each acre developed at the Project site. In deciding whether to approve the land proposed for preservation by the Project applicant, the City shall consider the benefits of preserving lands in proximity to other protected lands. The preservation of land shall be done prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first. In addition, the City shall impose the following minimum conservation easement content standards:

- The land to be preserved shall be deemed suitable Swainson's hawk foraging habitat by the California Department of Fish and Wildlife.
- All owners of the mitigation land shall execute the document encumbering the land.
- The document shall be recordable and contain an accurate legal description of the mitigation land.
- The document shall prohibit any activity which substantially impairs or diminishes the land's capacity as suitable Swainson's hawk foraging habitat.
- If the land's suitability as foraging habitat is related to existing agricultural uses on the land, the document shall protect any existing water rights necessary to maintain such agricultural uses on the land covered by the document, and retain such water rights for ongoing use on the mitigation land.
- The applicant shall pay to the City a mitigation monitoring fee to cover the costs of administering, monitoring and enforcing the document in an amount determined by the receiving entity, not to exceed 10% of the easement price paid by the applicant, or a different amount approved by the City Council, not to exceed 15% of the easement price paid by the applicant.
- Interests in mitigation land shall be held in trust by an entity acceptable to the City and/or the City in perpetuity. The entity shall not sell, lease, or convey any interest in mitigation land which it shall acquire without the prior written approval of the City.
- The City shall be named a beneficiary under any document conveying the interest in the mitigation land to an entity acceptable to the City.
- If any qualifying entity owning an interest in mitigation land ceases to exist, the duty to hold, administer, monitor and enforce the interest shall be transferred to another entity acceptable to the City or to the City.

Before committing to the preservation of any particular land pursuant to this measure, the Project proponent shall obtain the City's approval of the land proposed for preservation. This mitigation measure may be fulfilled in combination with a mitigation measure imposed on the project requiring the preservation of agricultural land as long as the agricultural land is determined by the Department of Fish and Wildlife to be suitable Swainson's hawk habitat.

MM BIO-1c Migratory and Nesting Birds

Prior to the start of construction, the implementation of the following avoidance and minimization measures would avoid or minimize potential effects to migratory birds and habitat in and adjacent to the project site. These measures shall be required to be implemented for construction work that occurs during the nesting season (February 15 through August 31). No mitigation measures shall be required during the non-nesting season (September 1 through February 14)

- If construction or tree removal is proposed during the nesting season for migratory birds (February 15 through August 31), a qualified biologist shall conduct pre-construction surveys for ground nesting birds and migratory species, such as the northern harrier, within the construction area, including a 300-foot survey buffer, no more than 3 days prior to the start of ground disturbing activities in the construction area.
- If an active nest of any of the above-identified migratory birds is located during pre-construction surveys, then the project applicant shall adhere to notification requirements to USFWS and/or CDFW (as appropriate) regarding the status of the nest as may be required under applicable laws and regulations. Furthermore, construction activities shall be restricted as necessary within any identified buffer area (as determined by the qualified biologist in consultation with CDFG) to avoid disturbance of the nest until it is abandoned or a qualified biologist deems disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 300 feet around an active raptor nest and 50-foot radius around an active migratory bird nest or as otherwise determined to be an appropriate buffer area as determined by the qualified biologist in consultation with CDFW) or alteration of the construction schedule.
- A qualified biologist in consultation with CDFG shall: determine the size of the appropriate buffer and delineate the identified buffer using nest buffer signs, ESA fencing, pin flags, and or flagging tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently, at which time no further mitigation shall be required.

Finding for Impact MM BIO-1

The 2018 Project is located north of West Leland Road and does not contain the sensitive habitats that were identified in the 2004 Final EIR. As a result, there is a low potential for burrowing owl, Swainson's hawk, and other nesting birds to occur on-site, but none of the other species or habitats discussed in the 2004 Final EIR are present on the 2018 Project site. As required by the 2004 Final EIR and detailed in Mitigation Measure BIO-1a, a preconstruction burrowing owl survey is required no more than 30 days prior to construction to confirm the presence/absence of owls. If the species is present, the mitigation measure requires that avoidance and protection measures be implemented. The implementation of this mitigation measure would reduce impacts to burrowing owls to a level of less than significant. As required by the 2004 Final EIR, a pre-construction survey is required to

confirm presence/absence of Swainson's hawk. Mitigation Measure BIO-1b requires pre-construction surveys prior to any construction activities. If the species is present, the mitigation measure requires that avoidance and protection measures be implemented. The implementation of this mitigation measure would reduce impacts to Swainson's hawk to a level of less than significant. Mitigation Measure BIO-1c would reduce potential impacts to migratory and nesting birds and raptors protected under the MBTA to less than significant. In addition to the preconstruction survey, the Mitigation Measure BIO-1c requires avoidance of any active nests to prevent take of any individuals. (Draft SEIR, pp. 3.2-14–15.) Implementation of the identified mitigation measures would reduce the impact to a less-than-significant level.

Pursuant to CEQA Guidelines Section 15091(a)(1), the City Council finds that Mitigation Measures BIO-1a through BIO-1c will be incorporated into the 2018 Project and will reduce impacts to a less-than-significant level. The City Council finds that impacts are less than significant because, as the SEIR explains, changes or alterations have been required in, or incorporated into, the proposed 2018 Project that mitigate or avoid the potentially significant impacts of the proposed 2018 Project. (Pub. Res. Code Section 21081(a)(1), CEQA Guidelines Section 15091(a)(1).)

Cumulative Impact Finding

Although the 2004 Final EIR noted that there could be cumulative impacts to sensitive species and their habitats, the implementation of project-specific mitigation including the preservation of 87 acres south of West Leland Road along with other mitigation lands or the purchase of credits in an off-site mitigation bank, would reduce the original project's contribution to this cumulative impact to a less than significant level. As discussed in Section 3.2 of the SEIR, the 2018 Project has the potential to have significant impacts on the following special-status wildlife species: western burrowing owl, Swainson's hawk, and nesting birds. Mitigation Measures BIO-1a, BIO-1b, and BIO-1c would reduce the 2018 Project's contribution to any significant cumulative impact on special-status wildlife species to less than cumulatively considerable. (Draft SEIR, pp. 4-3–4.)

Therefore, the conclusions from the 2004 Final EIR remain unchanged and cumulative impacts are less than significant. The City Council finds that impacts are less than significant because, as the SEIR explains, changes or alterations have been required in, or incorporated into, the proposed 2018 Project that mitigate or avoid the potentially significant impacts of the proposed 2018 Project. (Pub. Res. Code Section 21081(a)(1), CEQA Guidelines Section 15091(a)(1).)

6.3 - Noise

Impact NOI-1:	**With mitigation, the 2018 Project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.**
MM NOI-1	To reduce potential traffic noise impacts, the following multi-part mitigation measure shall be implemented for the 2018 Project: a) The 2018 Project shall construct a soundwall (or equivalent) to protect residential units bordering West Leland Road. The soundwall (or equivalent) shall be a

minimum 8-foot high above the finished grade of the residential units. Notwithstanding the foregoing, the 2018 Project applicant may propose an equivalent measure so long as the 2018 Project applicant can demonstrate, via an updated acoustical analysis prepared by a qualified noise consultant and approved by the City Engineer, that the applicable performance standards will be achieved with implication of this equivalent measure. The soundwall (or equivalent) shall effectively block the line of sight to West Leland Road for proposed outdoor active use areas (i.e., backyards or side yards) of all residential units within 100 feet of the edge of the southern project property line. The soundwall (or equivalent) shall be of solid construction, with no vertical or horizontal gaps, and shall have a minimum surface weight of 4 pounds per square foot. The acceptability of the proposed combination of soundwall (or equivalent) mitigation shall be confirmed by the City Engineer, as part of the final plans and permitting process, to ensure compliance with the applicable performance standards.

b) The 2018 Project shall implement an alternative form of ventilation for all proposed residential units within 200 feet of the centerline of West Leland Road, and within 400 feet of the centerline of SR-4. This alternative form of ventilation would give an occupant the option of controlling noise by keeping the windows shut in order to reduce potential traffic noise impacts to a less than significant level. A standard central air conditioning system or a central heating system equipped with a 'summer switch,' which allows the fan to circulate air without furnace operation requiring mechanical ventilation, will provide a habitable interior environment and meet the airflow provisions under building code requirements.

c) The 2018 Project shall construct a soundwall (or equivalent) to protect residential units bordering SR-4. The soundwall (or equivalent) shall be a minimum 10-foot high above the finished grade of the residential units. Notwithstanding the foregoing, the 2018 Project applicant may propose an equivalent measure so long as the 2018 Project applicant can demonstrate, via an updated acoustical analysis prepared by a professional acoustical consultant and approved by the City Engineer, that the applicable performance standards will be achieved with implication of this equivalent measure. The soundwall (or equivalent) shall effectively block the line of sight to SR-4 for all first floor units and proposed outdoor active use areas (i.e., backyards) of all residential units within 400 feet of the centerline of SR-4. The soundwall shall be of solid construction, with no vertical or horizontal gaps, and shall have a minimum surface weight of 4 pounds per square foot. The acceptability of the proposed mitigation shall be confirmed by the City Engineer, as part of the final plans and permitting process, to ensure compliance with the applicable performance standards.

d) The 2018 Project shall provide upgraded wall and window assemblies for all second story residential units in Neighborhoods A-1 and A-2 that would have a direct line of sight to SR-4 and the BART rail line. The combined wall and window assembly shall have a minimum Standard Transmission Class (STC) rating of 32-

STC. This will provide sufficient noise reduction, with an adequate margin of safety, to ensure the 45 dBA L_{dn} interior noise level standard is maintained (74 dBA–32 dBA = 42 dBA). Prior to issuance of building permits, the applicant shall have a professional acoustic consultant review the final design plans to confirm with the City Engineer that the design would provide the required STC rating.

Finding for Impact MM NOI-1

As already required by Mitigation Measure 14-1 of the 2004 Final EIR, the 2018 Project shall incorporate the below mitigation to ensure compliance with the City's exterior and interior noise level performance standards and land use compatibility guidelines. (Draft SEIR, pp. 3.4-20–29.) Implementation of the identified mitigation measures would reduce the impact to a less-than-significant level.

Pursuant to CEQA Guidelines Section 15091(a)(1), the City Council finds that Mitigation Measure NOI-1 will be incorporated into the 2018 Project and will reduce impacts to a less-than-significant level. The City Council finds that impacts are less than significant because, as the SEIR explains, changes or alterations have been required in, or incorporated into, the proposed 2018 Project that mitigate or avoid the potentially significant impacts of the proposed 2018 Project. (Pub. Res. Code Section 21081(a)(1), CEQA Guidelines Section 15091(a)(1).)

Impact NOI-2:	**With mitigation, the 2018 Project would not 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.**

MM NOI-2 To reduce potential impacts related to construction noise, the Project shall restrict construction-related activities to normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday. The Project shall also implement the following construction period noise abatement measures and best practices:

- The construction contractor shall ensure that all internal combustion engine driven equipment is equipped with mufflers that are in good condition and appropriate for the equipment.
- The construction contractor shall select quiet construction equipment, particularly air compressors, whenever feasible
- The construction contractor shall locate stationary noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area. In addition, the project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site, whenever feasible.
- The construction contractor shall prohibit unnecessary idling of internal combustion engines.
- The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas so as to maximize the distance between construction

related noise sources and noise-sensitive receptors nearest the project site during all project construction.

- Designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and institute reasonable measures, consistent with this Improvement Measure, warranted to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site.
- Route all construction traffic to and from the project site via designated truck routes where practical. Prohibit construction-related heavy truck traffic in residential areas where feasible.
- The construction contractor shall limit noise producing construction activity to the daytime hours between 8:00 a.m. and 5:00 p.m.

Finding for Impact MM NOI-2

Mitigation Measure 14-3 of the 2004 EIR requires the 2018 Project to incorporate mitigation to ensure compliance with the City's construction schedule requirements. Implementation of the Mitigation Measure NOI-2, refines what was already established in the 2004 Final EIR, ensure that the 2004 Final EIR would remain adequate. (Draft SEIR, pp. 3.4-31–39.) Implementation of the identified mitigation measures would reduce the impact to a less-than-significant level.

Pursuant to CEQA Guidelines Section 15091(a)(1), the City Council finds that Mitigation Measure NOI-2 will be incorporated into the 2018 Project and will reduce impacts to a less-than-significant level. The City finds that impacts are less than significant because, as the SEIR explains, changes or alterations have been required in, or incorporated into, the proposed 2018 Project that mitigate or avoid the potentially significant impacts of the proposed 2018 Project. (Pub. Res. Code Section 21081(a)(1), CEQA Guidelines Section 15091(a)(1).)

Cumulative Impact Finding

The 2018 Project would not contribute any significant increase in the ambient noise levels in this impacted area. Therefore, there is no existing cumulatively significant noise impact in the project vicinity. While the 2018 Project would contribute some degree of roadway noise once the 2018 Project is implemented, it would not contribute a cumulatively considerable amount to ambient noise levels. The analysis shows that none of the stationary noise sources would result in exceedances of the existing ambient noise levels as measured at any sensitive receptor in the project vicinity. Therefore, the 2018 Project stationary noise sources would not contribute to a cumulatively significant noise impact. Finally, the 2018 Project, in conjunction with other projects, would not have a cumulatively significant impact related to noise or vibration impacts. (Draft SEIR, pp. 4-4–6.)

The City Council finds that impacts are less than significant because, as the SEIR explains, changes or alterations have been required in, or incorporated into, the proposed 2018 Project that mitigate or avoid the potentially significant impacts of the proposed 2018 Project. (Pub. Res. Code Section 21081(a)(1), CEQA Guidelines Section 15091(a)(1).)

6.4 - Transportation

Impact TRANS-5: With mitigation, the 2018 Project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

MM TRANS-5a Prior to issuance of the first building permit, the applicant shall demonstrate that the Alves Ranch Road extension into the project site is designed to Collector Street standards, and all other streets are designed to Local Street standards.

MM TRANS-5b Prior to the issuance of the first grading permit, the applicant shall demonstrate (as shown on the final improvement plans) provide a refuse collection plan to that each home has a clear refuse collection staging area that considers the need for some on street parking to be provided on refuse collection days.

Finding for Impact MM TRANS-5

Mitigation Measure TRANS-5a would ensure Alves Ranch Road is designed to Collector Street standards and all other streets are designed to Local Street standards so impacts to roadway safety are less than significant. Refuse collection would be provided by Mount Diablo Resource Recovery being. For some homes, it is not clear where refuse containers would be staged and there could be conflicts on trash collection days between parked vehicles and refuse carts. (Draft SEIR, pp. 3.5-72–73.) Implementation of the identified mitigation measures would reduce the impact to a less-than-significant level.

Pursuant to CEQA Guidelines Section 15091(a)(1), the City Council finds that Mitigation Measures TRANS-5a and 5b will be incorporated into the 2018 Project and will reduce impacts to a less-than-significant level. The City Council finds that impacts are less than significant because, as the SEIR explains, changes or alterations have been required in, or incorporated into, the proposed 2018 Project that mitigate or avoid the potentially significant impacts of the proposed 2018 Project. (Pub. Res. Code Section 21081(a)(1), CEQA Guidelines Section 15091(a)(1).)

Impact TRANS-7: With mitigation, the 2018 Project will not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

MM TRANS-7a Prior to issuance of building permits for the potential future commercial uses, the commercial project applicant shall prepare and submit plans to the City of Pittsburg demonstrating that a community kiosk is provided in a centrally located public space. The kiosk shall provide information about alternative modes of transportation including bicycling, walking, transit, and carpool programs or facilities.

MM TRANS-7b Prior to issuance of building permits for the potential future commercial uses, the commercial project applicant shall prepare and submit plans to the City of Pittsburg demonstrating that bicycle racks and lockers or secure room bicycle parking is provided based on the requirements outlined in Section 18.78.045 of the Pittsburg

Municipal Code. Approximately 20 percent of the required bicycle parking shall be long-term parking for employee use.

MM TRANS-7c Prior to issuance of building permits for the 2018 Project, the residential project applicant shall demonstrate (as shown on final improvement plans) that it will either install signage and barricades prohibiting pedestrian crossing movements of West Leland Road at the new project roadway/Tomales Bay Drive on both the east and west legs of the intersection, or install a high visibility crosswalk with a pedestrian actuated flashing beacons or pedestrian hybrid signal across the west leg of the intersection and prohibit pedestrian crossings of the east leg through signage and barricades.

Finding for Impact MM TRANS-7

Pedestrian connections are provided from the project site to both the TriDelta Transit stops as well as the BART station. Mitigation Measure TRANS-7a would provide residents with information on local transit. Impacts would be less than significant. Short-term and long-term bicycle parking is required for the potential future commercial portion of the 2018 Project, and is based on the required amount of automobile parking, pursuant to Section 18.78.045 of the Pittsburg Municipal Code. This requirement is reflected in Mitigation Measure TRANS-7b. Impacts would be less than significant. Mitigation Measure TRANS-7c would require prohibiting pedestrian crossing movements of West Leland Road at the new project roadway/Tomales Bay Drive, or would require the installation of a high visibility crosswalk across the west leg or the intersection and prohibit crossings at the east leg. Additionally, with the construction of a new access roadway on the western edge of the 2018 Project, off-set from Tomales Bay Drive, a new legal pedestrian crossing of West Leland Road would be created. Impacts would be less than significant. (Draft SEIR, pp. 3.5-73–74.) Implementation of the identified mitigation measures would reduce the impact to a less-than-significant level.

Pursuant to CEQA Guidelines Section 15091(a)(1), the City Council finds that Mitigation Measures TRANS-7a through 7c will be incorporated into the 2018 Project and will reduce impacts to a less-than-significant level. The City Council finds that impacts are less than significant because, as the SEIR explains, changes or alterations have been required in, or incorporated into, the proposed 2018 Project that mitigate or avoid the potentially significant impacts of the proposed 2018 Project. (Pub. Res. Code Section 21081(a)(1), CEQA Guidelines Section 15091(a)(1).)

SECTION 7: FEASIBILITY OF PROJECT ALTERNATIVES

7.1 - Purpose; Summary of Project Alternatives and Basis for Rejection

7.1.1 - Purpose of Alternatives Analysis

In accordance with CEQA Guidelines Section 15126.6, the 2004 EIR contained a comparative impact assessment of alternatives to the original 2004 project by evaluating a range of reasonable alternatives to that project: the No Project Alternative; the Existing Entitlements Alternative; Option A Alternative, Option B Alternative and the Reconfigured Project Layout. The 2004 EIR's analysis examined the feasibility of each alternative, the environmental impacts of each alternative, and each alternative's ability to meet the project objectives. In compliance with CEQA and the CEQA Guidelines, the alternatives analysis included an analysis of a no-project alternative and also identified the environmentally superior alternative. All alternatives were rejected as resulting in greater impacts or not meeting project objectives to the extent they would be met by the original project.

The primary purpose of this analysis is to provide decision makers and interested agencies, organizations and individuals with information about a reasonable range of potentially feasible Project alternatives, which could avoid or reduce any of the Project's significant adverse environmental effects. Important considerations for this alternatives analysis are noted below:

- An EIR need not consider every conceivable alternative to a project;
- An EIR should identify alternatives that were considered by the lead agency, but rejected as infeasible during the scoping process;
- Reasons for rejecting an alternative include:
  - Failure to meet most of the basic project objectives;
  - Infeasibility; and
  - Inability to avoid significant environmental effects.

7.1.2 - Summary of Reasonable Range of Alternatives and Basis for Rejection

Because not all significant effects can be substantially reduced to a less than significant level either by adoption of mitigation measures or by standard conditions of approval, the SEIR considered the continued relevance of the identified alternatives for purposes of providing a thoughtful comparative analysis of the 2018 Project and determined that given the 2018 Project is similar in nature than the project evaluated in the 2004 Final EIR, these alternatives remained valid for the purposes of evaluating the 2018 Project.

Regarding the feasibility of the previously identified project alternatives compared to the 2018 Project, these Findings summarize the alternatives studied, and also summarizes the basis for rejecting each one of the project alternatives. Further evidence supporting these Findings is set forth in Section 5.0 of the Draft SEIR and in various responses to comments in the Final SEIR/Responses to Comments. The Draft SEIR for the 2018 Project included an alternatives analysis, which considered the No Project Alternative and three relevant development alternatives previously identified and

analyzed in the 2004 EIR. As explained more fully in the Alternatives section of the Draft SEIR, the City hereby reaffirms that the range of alternatives considered in the 2004 EIR and SEIR was reasonable so as to foster informed public participation and informed decision-making. The City finds that the basis for rejecting the alternatives evaluated in the 2004 EIR remains valid for purposes of the 2018 Project and that each reason provides a valid, separate, and independent reason for rejection as set forth pursuant to Public Resources Code Section 21081 and Resolution 04-10168.

The City Council certifies that it has independently reviewed and considered the information on alternatives provided in the administrative record. For the reasons set forth below, the City Council finds that the alternatives either would not meet most of the Project objectives, would not result in fewer significant and unavoidable impacts than the 2018 Project itself, and/or are "infeasible" as that term is defined by CEQA and the CEQA Guidelines. Accordingly, for the reasons documented in the SEIR and summarized below, the City hereby finds and rejects each of the alternatives and approves the 2018 Project, based on the specific legal, economic and other considerations that make each of the identified alternatives infeasible.

7.1.3 - No Project Alternative

Findings for the No Project Alternative

The No Project Alternative assumes the continuation of the existing conditions within the project site. The No Project Alternative would not result in any significant and unavoidable impacts since there would be no development. However, for this same reason, the No Project Alternative would not contribute to the local economy through new capital investment; would not expand the tax base; would not provide new housing, employment, shopping, or recreational opportunities; would not promote infill development; would not result in the provision of enhanced improvements to the existing infrastructure; and would not help implement the long-planned land use vision for this area of the City. The No Project Alternative would not achieve any of the objectives of the 2018 Project.

The City hereby rejects the No Project Alternative for all the reasons set forth in the 2004 EIR, Resolution 04-10168, the SEIR, and this Section 7.1.1.

7.1.4 - Existing Entitlements Alternative

Findings for the No Project Alternative

Under the Existing Entitlements Alternative, the project site would be developed in accordance with 2004 City of Pittsburg General Plan land use designations and City zoning classifications. This alternative included up to 449 multi-family residential dwelling units, 206,000 square feet of office, and 51,500 square feet of retail. It would not include the transfer of residential density to create higher residential densities north of the existing on-site PG&E electrical transmission line easement and lower densities south of the easement. Further, it does not include active recreational areas and trails or safe pedestrian access.

The City Council rejects the Existing Entitlements Alternative for all the reasons set forth in the 2004 EIR, Resolution 04-10168, the SEIR, and this Section 7.1.2. This alternative involves significantly more development than contemplated under the 2018 Project, and thus would not result in a substantial

reduction of any significant impacts. Moreover, the Existing Entitlements Alternative would not meet the identified 2018 Project objectives to the same degree as the 2018 Project. Among other things, it would not provide flexibility with the 12 acres reserved for future commercial use in order to be responsive to market conditions; it would not include active recreational areas and trails or safe pedestrian access; would not improve utilization of an existing storm drainage basin by increasing the outfall height; nor would it close a gap in the pedestrian/bicycle network by constructing a Class I multi-use path along the project frontage with West Leland Road.

7.1.5 - Option A Alternative

Findings for the Option A Alternative

Under the Option A Alternative, the project site would be developed with reduced overall residential development intensity. This alternative includes up to 332 multi-family residential dwelling units, 206,000 square feet of office, and 51,500 square feet of retail.

The City rejects the Option A Alternative for all the reasons set forth in the 2004 EIR, Resolution 04-10168, the SEIR, and this Section 7.1.3. This alternative involves a similar amount of residential development, but significantly more non-residential development than contemplated under the 2018 Project, and thus would not result in a substantial reduction of any significant impacts. Moreover, the Option A Alternative would not meet the identified 2018 Project objectives to the same degree as the 2018 Project. Among other things, because of the reduced density, it would not develop new housing opportunities within walking distance of the BART to the same degree as the 2018 Project. Additionally, due to its reduced development intensity, it would not add more inventory to the local and regional housing supply to the same degree as the 2018 Project. Also, it would not provide flexibility with the 12 acres reserved for future commercial use in order to be responsive to market conditions to the same degree as the 2018 Project; it would not include active recreational areas and trails or safe pedestrian access; would not improve utilization of an existing storm drainage basin by increasing the outfall height; nor would it close a gap in the pedestrian/bicycle network by constructing a Class I multi-use path along the project frontage with West Leland Road.

7.1.6 - Option B Alternative

Findings for the Option B Alternative

Under the Option B Alternative, the project site would be developed with a substantially reduced overall residential development intensity. This alternative includes up to 225 multi-family residential dwelling units, 206,000 square feet of office, and 51,500 square feet of retail uses.

The City rejects the Option B Alternative for all the reasons set forth in the 2004 EIR, Resolution 04-10168, the SEIR, and this Section 7.1.4. This alternative involves a reduced amount of residential development compared to the 2018 Project, but significantly more non-residential development, and thus would not result in a substantial reduction of any significant impacts. Moreover, the Option B Alternative would not meet the identified 2018 Project objectives to the same degree as the 2018 Project. Among other things, it would not develop new housing opportunities within walking distance of the BART to the same degree as the 2018 Project. Additionally, due to its reduced development intensity it would not add more inventory to the local and regional housing supply to

the same degree as the 2018 Project. Also, it would not provide flexibility with the 12 acres reserved for future commercial use in order to be responsive to market conditions to the same degree as the 2018 Project; it would not include active recreational areas and trails or safe pedestrian access; would not improve utilization of an existing storm drainage basin by increasing the outfall height; nor would it close a gap in the pedestrian/bicycle network by constructing a Class I multi-use path along the project frontage with West Leland Road.

7.1.7 - Reconfigured Layout Alternative

The Reconfigured Layout Alternative, which is discussed in the 2004 EIR, involves changes to land uses south of West Leland Road that are outside the 2018 Project site. Accordingly, the Reconfigured Layout Alternative is not applicable to the analysis of the 2018 Project and the City therefore rejects it from further consideration. (Draft SEIR, 5.1.2.)

SECTION 8: SIGNIFICANT EFFECTS THAT CANNOT BE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

This section identifies the significant and unavoidable impacts that require a statement of overriding considerations to be issued by the City, pursuant to Section 15093 of the CEQA Guidelines, if the 2018 Project is approved.

Based on the analysis contained in the SEIR, the following impacts have been determined to be significant and unavoidable:

- **Impact TRANS-1:** The 2018 Project may contribute to unacceptable intersection operations under Existing Plus Project Conditions. The 2018 Project would contribute new vehicle trips to intersections that would operate at deficient levels of service under Existing Plus Project Conditions. To mitigate this impact, Mitigation Measure TRANS-1 requires the 2018 Project applicant to contribute its fair share to intersection improvements that would result in acceptable operations, which could include widening the northbound San Marco Boulevard north of West Leland Road to allow the westbound right movement to operate as a free tuning movement. This improvement is identified in the City's Capital Improvement Program as Project ST-9. The project applicant previously paid transportation impact fees for improvements at the intersection associated with development of the entitled project. With implementation of this measure, intersection operations would improve to an acceptable level, reducing the impact to a less-than significant level, as shown in Table 3.5-6. Additionally, as required by Mitigation Measure TRANS-4, the 2018 Project applicant shall pay the applicable regional transportation impact fees to the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) that would fund construction of additional improvements along the SR-4 corridor as well as the extension of West Leland Road to Willow Pass Road. However, as it is uncertain if the ramp meter improvements could be constructed and the timing of the West Leland Road extension to Willow Pass Road is unknown, this impact would remain significant and unavoidable. (Draft SEIR, pp. 3.5-31–34.) Although the City Council determines that mitigation is incorporated to improve operations to acceptable levels; because implementation of improvements requires the cooperation of third party agencies and for purposes of a conservative analysis, the residual significance of this impact is considered significant unavoidable.

  The City Council finds that **s**uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Pub. Res. Code Section 21081(a)(2), CEQA Guidelines Section 15091(a)(2).) Additionally, the City Council finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR. (Pub. Res. Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3).)

- **Impact TRANS-2:** The 2018 Project may contribute to unacceptable intersection operations under Near-Term conditions. The 2018 Project would contribute new vehicle trips to intersections that would operate at deficient levels of service under Near-Term conditions. The West Leland Road at San Marco Boulevard intersection is projected to operate at a deficient LOS F in the AM peak-hour prior to the addition of 2018 Project traffic in the Near-Term condition. The addition of 2018 Project traffic would worsen operations and increase average delay by more than 5-seconds. Based on the significance criteria, this is considered a significant impact. Implementation of Mitigation Measure TRANS-1a would reduce the 2018 Project's near-term impact to a less-than-significant level, as shown in Table 3.5-9. However, as implementation of the various measures required to improve operations cannot be assured, this impact would remain significant and unavoidable. (Draft SEIR, pp. 3.5-46–49.) Therefore, although mitigation is incorporated to improve operations to acceptable levels, because implementation of improvements requires the cooperation of third party agencies and for purposes of a conservative analysis, the residual significance of this impact is significant and unavoidable. The City Council finds that **s**uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Pub. Res. Code Section 21081(a)(2), CEQA Guidelines Section 15091(a)(2).) Additionally, the City Council finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR. (Pub. Res. Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3).)

- **Impact TRANS-3:** The 2018 Project may contribute to unacceptable intersection operations under Cumulative Conditions. The 2018 Project would contribute new vehicle trips to intersections that would operate at deficient levels of service under cumulative conditions. Five potential off-site intersection impacts were identified in the Cumulative condition.

  The West Leland Road at San Marco Boulevard intersection is projected to operate at a deficient LOS F in the AM peak-hour prior to the addition of the 2018 Project traffic in the Cumulative condition, and a deficient LOS E in the PM peak-hour. The addition of the 2018 Project traffic would worsen operations and increase average delay by more than 5-seconds. Based on the significance criteria, this is considered a significant impact. Implementation of Mitigation Measure TRANS-1a and Mitigation Measure TRANS-4 would reduce the 2018 Project's impact to a less-than-significant level. However, as implementation of the various measures required to improve operations cannot be assured, this impact would remain significant and unavoidable. (Draft SEIR, pp. 3.5-50–60.) The City Council finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final SEIR. (Pub. Res. Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3).)

  The West Leland Road at Oak Hills Drive intersection is projected to operate at an acceptable LOS D in the PM peak-hour prior to the addition of the 2018 Project traffic in the Cumulative condition. The addition of the 2018 Project traffic would worsen the level of service to LOS E

in the PM peak hour. This is considered a potentially significant impact. To mitigate this impact, the 2018 Project applicant is required to pay its pro rata fair share fees to restripe the northbound approach to provide separate left and right-turn lanes, as reflected in Mitigation Measure TRANS-3a. Should BART development not occur, this improvement would not be necessary. Implementation of this improvement would result in overall acceptable service levels, reducing the 2018 Project's impact to West Leland Road at Oak Hills Drive intersection to a less-than-significant level. (Draft SEIR, pp. 3.5-50–60.) The City Council finds that impacts are less than significant because, as the SEIR explains, changes or alterations have been required in, or incorporated into, the proposed 2018 Project that mitigate or avoid the potentially significant impacts of the proposed 2018 Project. (Pub. Res. Code Section 21081(a)(1), CEQA Guidelines Section 15091(a)(1).)

The West Leland Road at Bailey Road intersection is projected to operate at a deficient LOS F during both AM and PM peak-hours prior to the addition of the 2018 Project traffic in the Cumulative condition. The addition of the 2018 Project traffic would increase average delay by more than 5-seconds during both AM and PM peak-hours. Based on the significance criteria, this is considered a significant impact. To mitigate this impact, the 2018 Project applicant would contribute its pro rata fair share to improvements that could improve the operations of the intersection, including the construction of a second eastbound left-turn lane. With this improvement, the operations would improve as compared to the Without Project condition, although the intersection would continue to operate at a deficient LOS F. This improvement is reflected in Mitigation Measure TRANS-3b. However, there is insufficient right-of-way available to construct this improvement. As it is uncertain if improvements could be constructed and identified improvements would not result in acceptable LOS E operations, this impact would remain significant and unavoidable. The project applicant previously paid transportation impact fees for improvements at this intersection associated with development of the entitled project. (Draft SEIR, pp. 3.5-50–60.) The City Council finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final SEIR. (Pub. Res. Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3).)

The Bailey Road at Myrtle Drive intersection is projected to operate at deficient levels prior to the addition of the 2018 Project traffic in the Cumulative condition; peak-hour warrants would be met. The addition of the 2018 Project traffic would increase side-street delay by more than 30-seconds. Based on the significance criteria, this is considered a significant impact. To mitigate this impact, the 2018 Project applicant would be required to pay, under specified circumstances, its pro rata fair share towards the signalization of this intersection in conjunction with the construction of a southbound left-turn lane and other potential improvements. These improvements would result in overall acceptable service levels, reducing the 2018 Project's cumulative impact to a less-than-significant level. This improvement is reflected in Mitigation Measure TRANS-3c. However, improvements to this intersection would require the lawful establishment of an impact fee as well as the approval from the City of Concord to proceed with the identified improvements, and therefore, the City of Pittsburg cannot ensure whether and/or when implementation of this measure would

occur. Therefore, the impact would remain significant and unavoidable. (Draft SEIR, pp. 3.5-50–60.) The City Council finds that **s**uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Pub. Res. Code Section 21081(a)(2), CEQA Guidelines Section 15091(a)(2).) Additionally, the City Council finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final SEIR. (Pub. Res. Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3).)

The Bailey Road at Concord Boulevard intersection is projected to operate at a deficient LOS F in the AM and PM peak-hour prior to the addition of the 2018 Project traffic in the Cumulative condition. The addition of the 2018 Project-generated vehicle trips during the PM peak-hour would increase delay in the PM peak-hour by more than 5-seconds. Based on the significance criteria, this is considered a significant impact. To mitigate this impact, the 2018 Project applicant would be required to install a southbound right turn overlap phase and work with the City of Concord to retime the traffic signal. However, construction of this improvement would not result in acceptable operations, but it would reduce the overall delay such that the With 2018 Project With Mitigation condition is better than the Without 2018 Project condition, reducing the cumulative impact to a less-than-significant level. This improvement is reflected in Mitigation Measure TRANS-3d. However, improvements to this intersection would require approval from the City of Concord and the City of Pittsburg cannot ensure whether and/or when implementation of this measure would occur. Therefore, the impact would remain significant and unavoidable. (Draft SEIR, pp. 3.5-50–60.)

The City Council finds that **s**uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Pub. Res. Code Section 21081(a)(2), CEQA Guidelines Section 15091(a)(2).) Additionally, the City finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final SEIR. (Pub. Res. Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3).)

- **Impact TRANS-4:** Congestion Management Plan Facilities: The 2018 Project would contribute new vehicle trips to State Route 4 (SR-4) mainline segments and ramps that would operate at deficient levels of service. The addition of the 2018 Project traffic in the Existing, Near-Term, and Cumulative Conditions would further increase the extent and duration of vehicle queues spillback from the ramp meter operations. As the addition of the 2018 Project traffic would increase a queue already exceeding the ramp storage, the impact is considered significant. To mitigate the Existing, Near-Term, and Cumulative ramp metering impact, the following improvements would need to occur: Construct a second mixed-flow on-ramp lane; Construct an HOV by-pass lane; Extend West Leland Road to Willow Pass Road; Increase the metering rate to approximately 1,040 vehicles per hour. These improvements would require widening of the on-ramp to accommodate two additional lanes at the ramp meter, as well as widening to

provide additional merge space on the highway mainline. The widening of the highway on-ramp could result in secondary impacts to pedestrians and bicyclists by increasing pedestrian crossing distances through the interchange, and bicycle/vehicle conflicts. Mitigation Measure TRANS-4 requires the 2018 Project applicant to pay all adopted applicable transportation fees at the time building permits are sought; thus, funds could be applied towards these improvements. As these improvements are within the Caltrans right-of-way and the City of Pittsburg does not have control over the on-ramp, and funding has not been entirely secured to date, there are no assurances that this improvement could or would be implemented; therefore, the residual significance of this impact is significant unavoidable. (Draft SEIR, pp. 3.5-68–71.) The City Council finds that **s**uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency. (Pub. Res. Code Section 21081(a)(2), CEQA Guidelines Section 15091(a)(2)). Additionally, the City Council finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final SEIR. (Pub. Res. Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3)).

- **Impact GHG-1:** Implementation of the 2018 Project would generate direct and indirect greenhouse gas emissions that could result in a significant impact on the environment. Annual operational greenhouse gas (GHG) emissions for the year 2021 and 2030 would exceed the applicable Bay Area Air Quality Management District (BAAQMD) service population threshold. The impact would be reduced with implementation of Mitigation Measure GHG-1, but the impact would remain significant and avoidable. The City Council finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final SEIR. (Pub. Res. Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3)).

- **Cumulative GHG impacts:** At a project level, the 2018 Project would result in a significant and unavoidable impact related to GHG emissions. Mitigation is identified to reduce the impact, but emissions would remain above the BAAQMD threshold for service population. (Draft SEIR, pp. 4-4–4-5.) The impact would be reduced with implementation of Mitigation Measure GHG-1, but the impact would remain significant and avoidable. The City Council finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final SEIR. (Pub. Res. Code Section 21081(a)(3), CEQA Guidelines Section 15091(a)(3)).

SECTION 9: STATEMENT OF OVERRIDING CONSIDERATIONS

The City of Pittsburg is the lead agency under CEQA for preparation, review, and certification of the SEIR. As the lead agency, the City is also responsible for determining the potential environmental impacts of the proposed action; which of those impacts are significant; and which impacts can be mitigated through imposition of mitigation measures to avoid or minimize such impacts to a level of "less than significant."

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of the project outweigh the unavoidable adverse environmental effects, those effects may be considered "acceptable" (CEQA Guidelines § 15093(a)). CEQA requires the agency to state, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (CEQA Guidelines § 15093(b)).

The City of Pittsburg reaffirms the basis for making the original Statement of Overriding Considerations adopted in tandem with the approval of the 2004 Vista Del Mar EIR, State Clearinghouse No. 2004012097, remains applicable for purposes of the 2018 Project. Among other reasons, the 2018 Project furthers the City's General Plan goals and policies related to new residential land use by providing a variety of residential land use designations and housing types to meet the future needs of the City while ensuring compatibility with existing and planned uses, furthers the City's efforts to provide its fair share of the Bay Area's regional housing need, and improves the existing imbalance between jobs and housing in the City. Additionally, the 2018 Project offers both short-term and long term economic benefits to the City. Short-term benefits of the 2018 Project include providing construction and other related interim jobs and services. Long-term economic benefits include attracting major new employers to Pittsburg, offering long-term job opportunities, and generating ongoing increases in property tax and sales tax revenues, as well as generating revenues for the City in the form of fees, exactions and other fiscal benefits.

The City of Pittsburg also finds, in accordance with the requirements of CEQA, that the mitigation measures identified in the SEIR and the 2018 MMRP, when implemented, will avoid or substantially lessen many of the significant effects identified in the SEIR for the 2018 Project. However, certain significant impacts to transportation and greenhouse gases are unavoidable even after incorporation of all feasible mitigation measures. The SEIR provides detailed information regarding these impacts. The City Council further finds that all feasible mitigation measures identified in the SEIR within the purview of the City will be implemented with the 2018 Project, and that the remaining significant and unavoidable effects associated with the 2018 Project are outweighed and found to be acceptable due to the specific overriding economic, legal, social, technological, or other benefits identified in Resolution 04-10168.

The City Council specifically reaffirms that each of the benefits set forth in the previously approved Statement of Overriding Considerations establishes a separate and independent justification to override each of the significant and unavoidable impacts of the 2018 Project.

Additionally, as set forth throughout the SEIR, and the record, implementation of the 2018 Project will also have the following benefits which provide additional separate and independent overriding economic, legal, social, technological, or other benefits:

- The 2018 Project provides opportunities for additional people to live within walking/biking distance of a Bay Area Rapid Transit (BART) station, such that those residents would have increased opportunities to use transit.
- The planned commercial space provides opportunities for locally serving retail uses, allowing for existing and future residents of the area to have additional opportunities to purchase goods and services closer to home, thereby helping to reduce travel demand on the SR-4 corridor.
- Implementation of the 2018 Project helps the City complete parts of the bicycle and pedestrian network identified for the area, as well as construct enhancements to existing infrastructure, such as the incorporation of bicycle detection [?] and the addition of a crosswalk at the Alves Ranch Road at West Leland Road intersection to improve bicycle infrastructure and access to transit in the area.

As required under Public Resources Code Section 21081 and CEQA Guidelines Section 15093, considering all factors, including, without limitation, the evidence in the 2004 EIR and the SEIR, all other written materials within the administrative record, and all oral testimony presented at public hearings and other public meetings on the SEIR, the City Council finds that there are specific economic, legal, social, technological, and other considerations associated with the 2018 Project that outweigh the 2018 Project's significant unavoidable effects. The City Council, therefore, finds that those significant adverse impacts are acceptable in the context of the overall 2018 Project benefits. The City Council hereby adopts all feasible mitigation measures with respect to such impacts, certifies the SEIR, and approves the 2018 Project. The City Council has also examined alternatives to the 2018 Project, none of which is feasible, meets most of the Project objectives, and/or is environmentally preferable to the Project for the reasons discussed in the Findings and Facts in Support of Findings and the SEIR.

For the foregoing reasons and as otherwise supported by substantial evidence in the administrative record, the City Council hereby adopts this Statement of Overriding Considerations ("SOC"), which has balanced the benefits of the 2018 Project against its significant unavoidable adverse environmental impacts in reaching a decision to approve the 2018 Project.

SECTION 10: CONCLUSION

Based on the entire administrative record, including, without limitation, the facts in these Findings, the City Council finds that the 2018 Project would include a shifting of the same types of uses and would reduce the density compared to the project analyzed in the 2004 EIR, and that only minor changes and additions, as reflected in the SEIR, are necessary to make the 2004 EIR adequately apply to the 2018 Project. The City Council also finds that the City provided the legally required notice and public review and that the foregoing meets all applicable requirements of CEQA. Further, the City Council finds that the SEIR contains the information necessary to make the 2004 EIR adequate for the 2018 Project. Based on its independent judgment and consideration of the 2004 EIR as supplemented by the SEIR, the City Council finds the administrative record contains the environmental analysis and information necessary to support approval of the 2018 Project. The City Council hereby adopts the 2018 MMRP, which will be incorporated into the 2018 Project's conditions of approval to ensure all such measures are fully enforceable and implemented so as to avoid or substantially lessen significant environmental effects of the 2018 Project.

In accordance with CEQA Guidelines Section 15090, the City, as Lead Agency for the 2018 Project, finds and certifies that:

a) The SEIR for the 2018 Project has been completed in compliance with CEQA;

b) The SEIR was presented to the City Council of the City of Pittsburg, as the decision-making body for the 2018 Project, and the City Council reviewed and considered the information contained in the SEIR and 2004 EIR prior to approving the 2018 Project; and

c) The City Council has exercised independent judgment in accordance with Public Resources Code Section 21082.1 in retaining its own environmental consultant and directing the consultant in the preparation of the SEIR, as well as independently reviewing, analyzing, and revising material prepared by the City's CEQA consultant as well as other technical consultants for the 2018 Project, ensuring that the circulated draft documents reflect its independent judgment, and ensuring that the City's CEQA consultant submitted a sufficient number of copies to the SEIR to the State Clearinghouse. Accordingly, the SEIR reflects the City's independent judgment and analysis.

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Mitigation Monitoring and Reporting Program for the 2018 Alves Ranch Project City of Pittsburg, Contra Costa County, California

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INTRODUCTION

The following table contains mitigation measures from the Supplemental Environmental Impact Report (SEIR) prepared for the 2018 Alves Ranch Project.

Because the project is located within the boundaries of the 2004 Vista Del Mar Project, for which an EIR was also prepared, the table also includes mitigation measures from the 2004 Vista Del Mar EIR that remain applicable to the 2018 Alves Ranch Project. The applicable measures from the 2004 Vista Del Mar Project are shown in **bold type.**

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Table 1: 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Section 3.1—Air Quality					
MM AIR-1: Implement BAAQMD Best Management Practices During Construction The following text is a refinement of MM 15-1 from the 2004 Final EIR. The text is updated to reflect current BAAQMD best practices. The following Best Management Practices (BMPs), as recommended by BAAQMD, shall be included in the project design and implemented during construction: • All active construction areas shall be watered at least three times per day. • All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least three times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of CCR). Clear signage regarding idling restrictions shall be provided for construction workers at all access points.	Construction contractor inspection	During project construction	City Staff		

Table 1 (cont.): 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
• All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The City of Pittsburg and the construction contractor shall take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations					
MM AIR-2: Use Construction Equipment That Meets Tier 3 Off-road Emission Standards During construction activities, all off-road equipment with engines greater than 50 horsepower shall meet either EPA or ARB Tier 3 Final off-road emission standards. The construction contractor shall maintain records concerning its efforts to comply with this requirement, including equipment lists. Off-road equipment descriptions and information may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.	Review of construction contractor's equipment list, and spot check during construction	Prior to and during construction activity	City Grading and Building Inspector		

Table 1 (cont.): 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Section 3.2—Biological Resources					
MM BIO-1a: Burrowing Owl No more than 30 days prior to the first ground-disturbing activities during breeding season (February 1 to August 31), the project applicant shall retain a qualified biologist to conduct four preconstruction surveys on the project site per CDFW guidance and methodologies. A minimum of three survey visits shall be completed, at least 3 weeks apart, to be conducted during the peak nesting period, which is between April 15 and July 15, with at least one visit after June 15. Preconstruction surveys shall be conducted no less than 14 days before construction with a final survey conducted within 24 hours of ground disturbance. Each survey shall establish the presence or absence of western burrowing owl and/or burrows, and evaluate any use by owls in accordance with applicable CDFW survey guidelines and methodologies. On the portion of the project site where the ground disturbing activity is proposed, the biologist shall survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify whether any burrows and/or owls are present. Adjacent areas on the project site that are not being proposed for ground disturbance need not be surveyed. The survey shall take place near the sunrise or sunset in accordance with applicable CDFW guidelines. All burrows or burrowing owls (if any) shall be identified and mapped. During the breeding season (February 1–August 31), surveys shall document whether burrowing owls (if any) are nesting on or directly adjacent to disturbance areas. During the non-breeding season (September 1–January 31), surveys shall document whether burrowing owls (if any) are using habitat on or directly adjacent to any disturbance area. Survey results shall be valid only for the season during which the survey is conducted.	Review of survey sheets prepared by a qualified biologist	No more than 30 days prior to ground-disturbing activity	City Staff		

Table 1 (cont.): 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
If burrowing owls are not discovered during the above-described pre-construction surveys, or if burrows are identified but are inactive, further mitigation is not required. If burrowing owls are observed during the pre-construction surveys, the project applicant shall perform the following measures to limit the impact on the burrowing owls: • Avoidance shall include establishment of a 160-foot non-disturbance buffer zone. Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation, or that the juveniles from the occupied burrows have fledged. During the non-breeding season (September 1-January 31), the project proponent shall avoid the owls and the burrows they are using, if possible. Avoidance shall include the establishment of a 160-foot non-disturbance buffer zone. • If it is not possible to avoid occupied burrows, passive relocation shall be implemented. Owls shall be excluded from burrows in the immediate impact zone and within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors shall be in place for 48 hours prior to excavation. The project area shall be monitored daily for 1 week to confirm that the owl has abandoned the burrow. Whenever possible, burrows should be excavated using hand tools and refilled to prevent re-occupation. Plastic tubing or a similar structure shall be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow.					

Table 1 (cont.): 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM BIO-1b: Swainson's Hawk Prior to any ground disturbance that occurs during the nesting season for Swainson's hawk (March 15 to September 15), a qualified biologist shall conduct a preconstruction survey no more than 30 days prior to construction to establish whether there are any Swainson's hawk nests within 1,000 feet of the project site, and if so, whether they are occupied. Pursuant to CDFW guidance and methodologies, the surveys shall be conducted early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest. Surveys shall be conducted within a minimum of 0.25-mile radius of the Project area, and for at least the two survey periods immediately prior to initiating Project-related construction activities. Surveys shall be conducted annually for the duration of project construction. If potentially occupied nests within 1,000 feet are located adjacent to but not on the project site, then their occupancy shall be determined by observation from public roads or other publicly accessible observation areas of Swainson's hawk activity (e.g., foraging) near the project site. If Swainson's Hawks are not discovered during the above-described pre-construction surveys, or if a nest is identified but is inactive, further mitigation is not required. If nests are located and determined to be occupied, a 0.25-mile buffer shall be maintained around the nest until the young fledge. If a buffer of 0.25 miles cannot be implemented, the applicant shall obtain a California Incidental Take Permit prior to start of construction activities. Furthermore, in order to mitigate for the loss of Swainson's hawk foraging habitat to a less than significant level the following measures shall be implemented: • The Project applicant shall acquire conservation easements	Review of survey sheets prepared by a qualified biologist	No more than 30 days prior to ground-disturbing activity between the dates of March 15 to September 15.	City Staff		

Table 1 (cont.): 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
or other instruments to preserve suitable foraging habitat for Swainson's hawk, as determined by the California Department of Fish and Game. The location of mitigation parcels as well as the conservation instruments protecting them shall be acceptable to the City and to the California Department of Fish and Game. The amount of land preserved shall be governed by a 1:1 mitigation ratio for each acre developed at the Project site. In deciding whether to approve the land proposed for preservation by the Project applicant, the City shall consider the benefits of preserving lands in proximity to other protected lands. The preservation of land shall be done prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first. In addition, the City shall impose the following minimum conservation easement content standards: • The land to be preserved shall be deemed suitable Swainson's hawk foraging habitat by the California Department of Fish and Wildlife. • All owners of the mitigation land shall execute the document encumbering the land. • The document shall be recordable and contain an accurate legal description of the mitigation land. • The document shall prohibit any activity which substantially impairs or diminishes the land's capacity as suitable Swainson's hawk foraging habitat. • If the land's suitability as foraging habitat is related to existing agricultural uses on the land, the document shall protect any existing water rights necessary to maintain such agricultural uses on the land covered by the document, and retain such water rights for ongoing use on the mitigation land.					

Table 1 (cont.): 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
• The applicant shall pay to the City a mitigation monitoring fee to cover the costs of administering, monitoring and enforcing the document in an amount determined by the receiving entity, not to exceed 10% of the easement price paid by the applicant, or a different amount approved by the City Council, not to exceed 15% of the easement price paid by the applicant. • Interests in mitigation land shall be held in trust by an entity acceptable to the City and/or the City in perpetuity. The entity shall not sell, lease, or convey any interest in mitigation land which it shall acquire without the prior written approval of the City. • The City shall be named a beneficiary under any document conveying the interest in the mitigation land to an entity acceptable to the City. • If any qualifying entity owning an interest in mitigation land ceases to exist, the duty to hold, administer, monitor and enforce the interest shall be transferred to another entity acceptable to the City or to the City. Before committing to the preservation of any particular land pursuant to this measure, the Project proponent shall obtain the City's approval of the land proposed for preservation. This mitigation measure may be fulfilled in combination with a mitigation measure imposed on the project requiring the preservation of agricultural land as long as the agricultural land is determined by the Department of Fish and Wildlife to be suitable Swainson's hawk habitat.					

Table 1 (cont.): 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM BIO-1c: Migratory and Nesting Birds Prior to the start of construction, the implementation of the following avoidance and minimization measures would avoid or minimize potential effects to migratory birds and habitat in and adjacent to the project site. These measures shall be required to be implemented for construction work that occurs during the nesting season (February 15 through August 31). No mitigation measures shall be required during the non-nesting season (September 1 through February 14) • If construction or tree removal is proposed during the nesting season for migratory birds (February 15 through August 31), a qualified biologist shall conduct pre-construction surveys for ground nesting birds and migratory species, such as the northern harrier, within the construction area, including a 300-foot survey buffer, no more than 3 days prior to the start of ground disturbing activities in the construction area. • If an active nest of any of the above-identified migratory birds is located during pre-construction surveys, then the project applicant shall adhere to notification requirements to USFWS and/or CDFW (as appropriate) regarding the status of the nest as may be required under applicable laws and regulations. Furthermore, construction activities shall be restricted as necessary within any identified buffer area (as determined by the qualified biologist in consultation with CDFW) to avoid disturbance of the nest until it is abandoned or a qualified biologist deems disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 300 feet around an active raptor nest and 50-foot radius around an active migratory bird nest or as otherwise determined to be an appropriate buffer area as determined by the qualified biologist in consultation with CDFW) or alteration of the	Review of survey sheets prepared by a qualified biologist	Prior to the start of construction between the months of February 15 to August 31.	City Staff		

Table 1 (cont.): 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
construction schedule. • A qualified biologist in consultation with CDFW shall determine the size of the appropriate buffer and delineate the identified buffer using nest buffer signs, ESA fencing, pin flags, and or flagging tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently, at which time no further mitigation shall be required.					
Section 3.3—Greenhouse Gas Emissions					
MM GHG-1: Implement Measures to Reduce GHG Emissions Prior to the issuance of the first certificate of occupancy for the relevant portion of the 2018 Project (i.e., residential or commercial), or building final as appropriate, the residential or commercial applicant (as relevant) shall provide documentation to the City of Pittsburg that the following measures have been achieved: **Residential Measures** • Provide 100 percent renewable energy through either one or a combination of (1) Installation of solar photovoltaic systems consistent with the 2019 Building Energy Efficiency Standards and/or (2) Purchase 100 percent renewable energy for electricity consumption on the project site. For the purchase of renewable energy, prior to the issuance of the first certificate of occupancy for the residential portion of the 2018 Project, the Project applicant shall record Conditions, Covenants and Restrictions (CCRs) that require each homeowner to enroll into and maintain enrollment on an ongoing basis in the Marin Clean Energy's "Deep Green" or "Local Sol" program, or similar program offered at the time of project occupancy, to purchase 100 percent renewable energy for electricity consumption on the project site. • Provide electrical outlets on the outside of the homes or	Proof of recordation as part of Conditions, Covenants and Restrictions (CCRs), review of project plans,	Prior to issuance of first certificate of occupancy	City Staff		

Table 1 (cont.): 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
outlets within the garages to encourage the use of electrical landscaping equipment. • Install on-demand electric or solar water heaters. • Use water efficient landscapes and native/drought-tolerant vegetation. • Install smart meters and programmable thermostats. **Commercial Measures** • Install on-site charging units for electric vehicles consistent with parking requirements in California Green Building Standards Code Section 5.106.5.2. • Dedicate on-site parking for shared vehicles. • Install on demand electric water heating instead of natural gas water heating for some or all of the project's hot water needs, to the extent such technology is then readily available and commercially practicable. • Provide adequate, safe, convenient, and secure on-site bicycle parking and storage in the commercial portion of the project.					
Section 3.4—Noise					
MM NOI-1: To reduce potential traffic noise impacts, the following multi-part mitigation measure shall be implemented for the 2018 Project: a) The 2018 Project shall construct a soundwall (or equivalent) to protect residential units bordering West Leland Road. The soundwall (or equivalent) shall be a minimum 8-foot high above the finished grade of the residential units. Notwithstanding the foregoing, the 2018 Project applicant may propose an equivalent measure so long as the 2018 Project applicant can demonstrate, via an updated acoustical analysis prepared by a qualified noise consultant and approved by the City Engineer, that the	Review of project plans, review of updated acoustical analysis if needed	Prior to issuance of building permits	City Staff		

Table 1 (cont.): 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
applicable performance standards will be achieved with implication of this equivalent measure. The soundwall (or equivalent) shall effectively block the line of sight to West Leland Road for proposed outdoor active use areas (i.e., backyards or side yards) of all residential units within 100 feet of the edge of the southern project property line. The soundwall (or equivalent) shall be of solid construction, with no vertical or horizontal gaps, and shall have a minimum surface weight of 4 pounds per square foot. The acceptability of the proposed combination of soundwall (or equivalent) mitigation shall be confirmed by the City Engineer, as part of the final plans and permitting process, to ensure compliance with the applicable performance standards. b) The 2018 Project shall implement an alternative form of ventilation for all proposed residential units within 200 feet of the centerline of West Leland Road, and within 400 feet of the centerline of SR-4. This alternative form of ventilation would give an occupant the option of controlling noise by keeping the windows shut in order to reduce potential traffic noise impacts to a less than significant level. A standard central air conditioning system or a central heating system equipped with a 'summer switch,' which allows the fan to circulate air without furnace operation requiring mechanical ventilation, will provide a habitable interior environment and meet the airflow provisions under building code requirements. c) The 2018 Project shall construct a soundwall (or equivalent) to protect residential units bordering SR-4. The soundwall (or equivalent) shall be a minimum 10-foot high above the finished grade of the residential units. Notwithstanding the foregoing, the 2018 Project applicant may propose an equivalent measure so long as the 2018					

Table 1 (cont.): 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Project applicant can demonstrate, via an updated acoustical analysis prepared by a professional acoustical consultant and approved by the City Engineer, that the applicable performance standards will be achieved with implication of this equivalent measure. The soundwall (or equivalent) shall effectively block the line of sight to SR-4 for all first floor units and proposed outdoor active use areas (i.e., backyards) of all residential units within 400 feet of the centerline of SR-4. The soundwall shall be of solid construction, with no vertical or horizontal gaps, and shall have a minimum surface weight of 4 pounds per square foot. The acceptability of the proposed mitigation shall be confirmed by the City Engineer, as part of the final plans and permitting process, to ensure compliance with the applicable performance standards. d) The 2018 Project shall provide upgraded wall and window assemblies for all second story residential units in Neighborhoods A-1 and A-2 that would have a direct line of sight to SR-4 and the BART rail line. The combined wall and window assembly shall have a minimum Standard Transmission Class (STC) rating of 32-STC. This will provide sufficient noise reduction, with an adequate margin of safety, to ensure the 45 dBA L_{dn} interior noise level standard is maintained (74 dBA–32 dBA = 42 dBA). Prior to issuance of building permits, the applicant shall have a professional acoustic consultant review the final design plans to confirm with the City Engineer that the design would provide the required STC rating.					

Table 1 (cont.): 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM NOI-2: To reduce potential impacts related to construction noise, the Project shall restrict construction-related activities to normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday. The Project shall also implement the following construction period noise abatement measures and best practices: • The construction contractor shall ensure that all internal combustion engine-driven equipment is equipped with mufflers that are in good condition and appropriate for the equipment. • The construction contractor shall select quiet construction equipment, particularly air compressors, whenever feasible • The construction contractor shall locate stationary noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area. In addition, the project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site, whenever feasible. • The construction contractor shall prohibit unnecessary idling of internal combustion engines. • The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. • Designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and institute reasonable measures, consistent with this Improvement Measure, warranted to correct the problem. Conspicuously post a telephone number	Review of construction equipment list, staging areas, and traffic plan routes, spot check during construction	Prior to issuance of grading permit, and during construction	City Grading and Building Inspector		

Table 1 (cont.): 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
for the disturbance coordinator at the construction site. • Route all construction traffic to and from the project site via designated truck routes where practical. Prohibit construction-related heavy truck traffic in residential areas where feasible. • The construction contractor shall limit noise producing construction activity to the daytime hours between 8:00 a.m. and 5:00 p.m.					
Section 3.5—Transportation					
Implement Mitigation Measure TRANS-1a and Mitigation Measure TRANS-4. **MM TRANS-1a:** Prior to issuance of building permits, the 2018 Project applicant shall pay applicable Local Traffic Mitigation Fee to the City of Pittsburg, which could be used to construct intersection improvements that would result in acceptable operations, which could include widening the northbound San Marco Boulevard north of West Leland Road to allow the westbound right movement to operate as a free tuning movement.	Proof of payment of Local Traffic Mitigation Fees	Prior to issuance of building permits	City Staff		
MM TRANS-3a: Prior to issuance of building permits, the 2018 Project applicant shall pay to the City of Pittsburg its pro rata fair share of the cost to restripe the northbound approach of the West Leland Road at Oak Hills Drive intersection to provide separate left and right-turn lanes. Provided, however, that should BART development not occur, this improvement would not be necessary, and the 2018 Project applicant would not be required to pay the fees identified in this Mitigation Measure TRANS-3a. Development considered in the Pittsburg/Bay Point BART Specific Plan included 1,168 dwelling units and 146,362 square feet of nonresidential uses in conjunction with site access and circulation improvements and parking.	Proof of payment of pro rata fair share fee	Prior to issuance of building permits	City Staff		

Table 1 (cont.): 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM TRANS-3b: Prior to issuance of building permits, the 2018 Project applicant shall pay to the City of Pittsburg its pro rata fair share of the cost to construct a second eastbound left-turn lane. However, there is insufficient right-of-way available to construct this improvement. As it is uncertain if improvements could be constructed and identified improvements would not result in acceptable LOS E operations, this impact would remain significant and unavoidable. The project applicant previously paid transportation impact fees for improvements at this intersection associated with development of the entitled project.	Proof of payment of pro rata fair share fee	Prior to issuance of building permits	City Staff		
MM TRANS-3c: Prior to issuance of building permits, the 2018 Project applicant shall pay to the City of Concord its pro rata fair share of the costs to improve the intersection of Bailey Road/Myrtle Drive if and to the extent the City of Concord has, at the time of building permit issuance, lawfully established an impact fee to fund the foregoing improvements. The improvements shall consist of signalization of this intersection in conjunction with the construction of a southbound left-turn lane. Provided, however, this mitigation measure shall not apply if there is not a legal mechanism by which for the 2018 Applicant to provide fees to the City of Concord or if the City of Concord does not support the improvements, as reflected by the City of Concord's lawful establishment of an impact fee to fund said improvements.	Proof of payment of pro rata fair share fee	Prior to issuance of building permits	City Staff		
MM TRANS-3d: Prior to issuance of building permits, the 2018 Project applicant shall pay to the City of Concord its pro rata fair share of the costs to improve the intersection of Bailey Road/Concord Boulevard if and to the extent the City of Concord has, at the time of building permit issuance, lawfully established an impact fee to fund the foregoing improvements. The improvements shall consist of installation of southbound right-turn overlap phase and retiming the traffic signal to allow	Proof of payment of pro rata fair share fee	Prior to issuance of building permits	City Staff		

Table 1 (cont.): 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
such a movement. Provided, however, this mitigation measure shall not apply if there is not a legal mechanism by which for the applicant to provide fees to the City of Concord or if the City of Concord does not support the improvements, as reflected by the City of Concord's lawful establishment of an impact fee to fund said improvements.					
MM TRANS-4: Prior to issuance of building permits, the 2018 Project applicant shall pay all adopted applicable regional transportation related impact fees in accordance with the latest fee schedule, including the ECCRFFA.	Proof of payment of regional transportation impact fees in accordance with the latest fee schedule	Prior to issuance of building permits	City Staff		
MM TRANS-5a: Prior to issuance of the first building permit, the applicant shall demonstrate that the Alves Ranch Road extension into the project site is designed to Collector Street standards, and all other streets are designed to Local Street standards.	Review of Project roadway designs and plans	Prior to issuance of building permits	City Staff		
MM TRANS-5b: Prior to the issuance of the first grading permit, the applicant shall demonstrate (as shown on the final improvement plans) provide a refuse collection plan to that each home has a clear refuse collection staging area that considers the need for some on-street parking to be provided on refuse collection days.	Review of refuse collection plan	Prior to issuance of first grading permit	City Planning Staff		
MM TRANS-7a: Prior to issuance of building permits for the potential future commercial uses, the commercial project applicant shall prepare and submit plans to the City of Pittsburg demonstrating that a community kiosk is provided in a centrally located public space. The kiosk shall provide information about alternative modes of transportation including bicycling, walking, transit, and carpool programs or facilities.	Review of project plans	Prior to issuance of building permits	City Staff		

Table 1 (cont.): 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM TRANS-7b: Prior to issuance of building permits for the potential future commercial uses, the commercial project applicant shall prepare and submit plans to the City of Pittsburg demonstrating that bicycle racks and lockers or secure room bicycle parking is provided based on the requirements outlined in Section 18.78.045 of the Pittsburg Municipal Code. Approximately 20 percent of the required bicycle parking shall be long-term parking for employee use.	Review of project plans	Prior to issuance of building permits	City Staff		
MM TRANS-7c: Prior to issuance of building permits for the 2018 Project, the residential project applicant shall demonstrate (as shown on final improvement plans) that it will either install signage and barricades prohibiting pedestrian crossing movements of West Leland Road at the new project roadway/Tomales Bay Drive on both the east and west legs of the intersection, or install a high visibility crosswalk with a pedestrian actuated flashing beacons or pedestrian hybrid signal across the west leg of the intersection and prohibit pedestrian crossings of the east leg through signage and barricades.	Review of final improvement plans	Prior to issuance of building permits	City Staff		

The following mitigation measures (shown in bold type) were included in the 2004 Vista Del Mar EIR and remain applicable to the 2018 Alves Ranch Project

Table 1 (cont.): 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Visual Factors					
Mitigation 5-1. To minimize the degree of project-specific adverse impact on the visual character and quality of the project site, the project shall include an overall layout and grading plan, and associated set of design standards and controls for grading, creekway and landform protection, individual site and architectural design (including individual custom lot architectural design), common and private landscaping, public and private roadways, and light and glare (including outdoor lighting), which to the satisfaction of the Pittsburg Planning Commission, as determined through the City's design review process, will sufficiently minimize the degree of adverse impact on the general visual character of the project site. Based upon related land use and urban design goals and policies set forth in the City of Pittsburg General Plan and General Plan EIR, these project design refinements should include some combination of the following:					
• **Incorporate natural creeks and open space amenities into the design of project residential neighborhoods (in keeping with GP goals and policies 2-P-26, 2-P-89, 4-G-4, 4-P-9).**	Review of project plans	Prior to issuance of grading/building permit	City staff		
• **Plant trees and other vegetation along West Leland Road and other project collector and arterial roadways in order to maintain the sense of "rural" open space at the City's southern boundary (in keeping with GP policy 4-P-6).**	Review of project plans and field verification	Prior to resident occupancy	City staff		
• **Consider use of single-loaded peripheral residential streets at the southern and western edges of the project residential areas south of West Leland Road in order to encourage residential development at these outer edges to**	Review of project plans	Prior to issuance of grading	City staff		

Table 1 (cont.): 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
face outwards toward the rural landscape and prevent a solid wall of residential backyard fences (in keeping with GP policy 4-P-7).					
• **Use irregular planting on graded slopes to achieve a natural appearance (in keeping with GP policy 4-P-27).**	Review of project landscaping plans and field verification	Prior to acceptance of landscape plan	City staff		
Mitigation 5-2. In addition to those listed under *Mitigation 5-1*, at later phases of the project (when detailed, design level applications are submitted for areas north of West Leland Road), incorporate the following design refinements into the project to the satisfaction of the Planning Commission:					
• **Ensure that adequate landscaping is placed along the outer edge (northern side) of the SR 4 sound wall (2008 Addendum).**	Review of project plans and field verification as needed	Prior to acceptance of landscape plans/issuance of grading permit	City staff		
Infrastructure and Public Services					
Mitigation 8-1. As required by State SB 221, prior to City approval of a final map for the proposed project, the City of Pittsburg Community Development Department shall undertake a *subsequent water supply analysis*, which shall describe the citywide water supply situation at that future time (including valid water rights, infrastructure financing, permits, and approvals), including the status of (i.e., City progress on) current City studies and plans for expanding its reclaimed water program and conservation efforts and finding opportunities for future short-term water purchases. As required by SB 221, no final map shall be approved for the project until the City concludes, based on a written verification prepared in compliance with SB 221 and on the availability of other water supplies, as demonstrated by	Receipt of water supply analysis	Prior to issuance of building permit	City staff		

Table 1 (cont.): 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
substantial evidence in the record, that sufficient water will be available to serve the proposed project needs, in addition to existing and planned future uses, during normal, single dry, and multiple dry years within a 20-year projection. **The project applicant shall also be required to comply with all applicable current and future City of Pittsburg water demand performance standards, including standards included in the City of Pittsburg Urban Water Management Plan, the City's reclaimed water project, and the City's water conservation program.**					
Mitigation 8-3. As a condition of Tentative Subdivision Map approval, the applicant shall: (1) comply with applicable per-unit conveyance system fees levied by DDSD, and (2) demonstrate to the satisfaction of the DDSD and the City Engineer that DDSD sewage treatment capacity will be adequate to serve the development. This requirement shall be met through preparation of a *sewage treatment adequacy evaluation* in coordination with and to the satisfaction of the City Engineer. No project development requiring sewage treatment service beyond the 1,218-ERU total anticipated by the DDSD shall be allowed until adequate sewage treatment capacity is demonstrated as required by this mitigation measure.	Receipt of sewage treatment adequacy evaluation	Prior to issuance of building permit	City staff		
Mitigation 8-5. Implement mitigation measures identified in chapter 7, Traffic and Circulation, of this EIR to reduce the impacts on project-related traffic on West Leland Road and other local roads. In addition, require Police Department review and approval of project-proposed emergency access provisions prior to Tentative Subdivision Map approval.	Confirmation of receipt of all fair share fees.	Prior to issuance of building permit	City staff		
Mitigation 8-8. To the satisfaction of the City, require the project applicant to comply with the park dedication requirements of chapter 17.32 of the City's Municipal Code.	Confirmation of receipt of all applicable park in-lieu fees.	Prior to issuance of building permit	City staff		

Table 1 (cont.): 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Drainage and Water Quality					
Mitigation 9-1. Provide an onsite storm water detention facility and maintenance program sufficient to permanently reduce peak rates of runoff into the east highway culvert, in accordance with adopted design and maintenance criteria (see details below), and subject to the approval of Caltrans, the CCCFCWCD, and the City Engineer. The project east highway culvert detention basin and all discharge structures shall be dedicated to a maintenance assessment district, in which future project property owners would be responsible for the facility's long-term maintenance.	Field verification of the improvements per the hydrology study.	Prior to GHAD acceptance	City Staff		
Mitigation 9-2. The existing rate and volume of storm water discharges from the project site shall not be increased until the proposed downstream drainage improvements on Lines B and B-1 have been completed and it has been confirmed that project-related discharges would not worsen either the extent or duration of downstream flooding. The applicant shall prepare a hydrology study that (a) confirms that the proposed new culverts to be installed downstream of Highway 4 would have sufficient capacity to accommodate post-development flows from the project site in addition to existing and future flows from the surrounding neighborhoods, and (b) identifies which, if any, existing Line B and B-1 segments located farther downstream might also need upgrades to accommodate higher flow rates and/or alternatively, what interim or permanent increase in onsite detention storage volume should be provided to lower the rate of discharge during all storms to a level that does not cause new or more widespread flooding within neighborhoods located north of Highway 4. **The developer would then be responsible for design and construction of all improvements within the appropriate sections of Drainage Area 48B, Lines B and B-1 (as well as for**	Verification of payment of all applicable fees, and field verification that all required improvements have been constructed and are operational	Prior to resident occupancy	City Staff		

Table 1 (cont.): 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
any modifications required to also increase the volume of onsite detention storage), as may be identified by CCCFCWCD, based on their review of the hydrology report. **The applicant shall also pay all applicable drainage fees, as determined by the CCCFCWCD (see details below). The project's Area 48B drainage fees would be used to fund construction of the proposed downstream drainage improvements. If the fees are not sufficient to cover the cost of these improvements, all additional costs would be paid by the applicant under the terms of a development agreement with the CCCFCWCD. This agreement would provide for repayment of these extra costs as additional fees are collected on future development projects, under the terms of the Flood Control District's reimbursement policy.**					
Mitigation 9-3. In accordance with National Pollution Discharge Elimination System (NPDES) regulations, prepare a *Storm Water Pollution Prevention Plan* (SWPPP) consistent with State and RWQCB design standards, for implementation throughout project construction to control erosion on the project site, subject to the approval of the City Engineer.	Review and approval of SWPPP	Prior to issuance of grading permit	City staff		
Mitigation 9-4. To help reduce the long-term accumulation of non-point source pollutants from the project within downstream surface waters, incorporate long-term source control and pre-discharge treatment measures into the *Storm Water Pollution Prevention Plan* (SWPPP) described in *Mitigation 9-3* above, in accordance with Municipal Regional Stormwater Permit Order No. R2-2015-0049 NPDES No. CAS612008, subject to the approval by the City Engineering Division.	Review and approval of SWPPP	Prior to issuance of grading permit	City staff		

Table 1 (cont.): 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Soils and Geology					
Mitigation 10-1. The project geotechnical engineer shall prepare a *subsequent final, design-level project geotechnical study* subject to review and approval by an independent engineering geologist retained by the City at applicant expense. The subsequent study shall evaluate if the design-level study and all of its conclusions are consistent with generally accepted geotechnical engineering practice and in agreement with the approved site development plan. The review shall include adequate consideration of project geotechnical implications for adjacent properties, including the Oak Hills, San Marco, and San Marco Meadows subdivisions. Relevant provisions of the subsequent geotechnical study shall be incorporated into project grading and site preparation plans. All earthwork and site preparation shall be performed under the direct supervision of a State-certified geotechnical engineer or engineering geologist.	Review and approval of design-level geotechnical study	Prior to issuance of grading permit	City staff		
Mitigation 10-4. The City and its independent engineering geologist shall closely evaluate all project proposals for the construction of slopes, in particular cut slopes steeper than three-to-one, to prevent future slope failures that could damage existing homes/project improvements or require slope repairs at the expense of the West Pittsburg GHAD. If the stability of these proposed slopes can be independently confirmed, implement the construction measures recommended in the project geotechnical study. If the slopes= stability cannot be confirmed, redesign the slopes to achieve a flatter, more sustainable gradient.	Review and approval of grading plans and field verification as needed	Prior to issuance of grading permit	City staff		

Table 1 (cont.): 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Mitigation 10-6. Specifications for site development shall include mandatory phasing for the construction of site improvements, as recommended by the project geotechnical engineer, if settlement monitoring indicates that long-term settlement within individual fill areas could eventually exceed allowable amounts and damage or otherwise limit the usefulness of buildings or other improvements.	Review and approval of grading plans and field verification as needed	Prior to issuance of grading permit	City staff		
Mitigation 10-7. In addition to the observation of all cut and fill slope construction, the project geotechnical engineer shall inspect and certify that any expansive soils underlying individual building pads and all roadway subgrades have been either removed or amended in accordance with City-approved construction specifications. If expansive soils are not fully remediated on each lot and in the area of all public and private improvements at the time of site development, the project geotechnical engineer shall make site-specific recommendations for grading, drainage installation, foundation design, the addition of soil amendments, and/or the use of imported, non-expansive fill materials, as may be required to fully mitigate the effects of weak or expansive soils and prevent future damage to project improvements. Following review and approval by the City-retained independent engineering geologist and City Engineer (see *Mitigation 10-1*), these recommendations shall be incorporated into a report to be included with each building permit application and with the plans for all public and common-area improvements.	Field verification	During construction and prior to issuance of grading permit Prior to issuance of building permit	City staff		
Mitigation 10-8. Specifications for site development shall include a protocol for verifying that adequate protection has been provided for all foundations and underground utilities that could be damaged by corrosive soils. The project civil engineer shall be responsible for implementation of this protocol, with final approval by the City Engineer.	Field verification	During construction and prior to issuance of building permit	City staff		

Table 1 (cont.): 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Mitigation 10-9. Prepare an *erosion control plan* subject to City approval, and implement the plan during construction. The plan shall provide for long-term stabilization of all exposed soils upon the completion of project development.	Review and approval of erosion control plan, and field verification	Prior to issuance of grading permit	City staff		
Mitigation 10-10. Educational materials that discourage overwatering in landscaped areas shall be furnished to all future lot owners and commercial/multi-family property managers at the time of purchase and periodically thereafter (perhaps by inclusion with water or tax bills), as part of an effort to control groundwater seepage. Area 1 property managers shall also be required to regularly maintain onsite drainage systems to ensure that storm water runoff is directed away from all slope areas.	Proof of dissemination of materials	To be included into the project CC&Rs and disclosures information	City staff		
Mitigation 10-12. Require project annexation to the West Pittsburg Geologic Hazard Abatement District (GHAD) in order to adequately address the special circumstances and long-term geotechnical maintenance needs associated with development in areas of potential geologic instability. Establish a long-term funding mechanism for the maintenance of slopes and all other onsite conditions that could affect slope stability. **The existence of, and the responsibilities attached to, project inclusion in the GHAD shall be clearly disclosed to all purchasers of property within the project site. In addition, all risks and liabilities associated with the ownership of project land in the vicinity of potentially unstable slopes shall be fully explained to potential buyers at the time of purchase.**	Proof of annexation into the GHAD	After all streets within the development are completed	City staff		
Biological Resources					
Mitigation 11-1. The ultimate determination whether the proposed project, after implementation of the mitigations identified in this EIR, is or is not inconsistent with one or more General Plan goals or policies, would be the responsibility of City officials assigned such authority. In particular,					

Table 1 (cont.): 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
interpretation of project consistency with City of Pittsburg General Plan policy is the ultimate responsibility of the City of Pittsburg Planning Commission and City Council. In order to comply with City of Pittsburg General Plan policies 9-P-1 and 9-P-8, the project shall incorporate the following changes and mitigations into the project: (2) **Reseed cut-and-fill slopes or other graded/disturbed areas on the project site with a native herbaceous seed mix. No non-native or invasive species shall be included in the mix (see Policy 9-P-8).**	Verification that project plans incorporate all measures	Prior to issuance of grading permit	City staff		
Cultural and Historic Resources					
Mitigation 12-1: Require that a qualified archaeologist be retained at applicant expense to monitor project-related onsite excavation. In the event that subsurface cultural resources are uncovered during approved ground-disturbing activities, work in the immediate vicinity shall be halted immediately and the retained archaeologist shall evaluate the finds and make a determination in regard to the cultural value of the discovery and warranted mitigation measures. Such preliminary field inspection may demonstrate the need for some form of additional subsurface testing (e.g., excavation by auger, shovel, or backhoe unit). The discovery or disturbance of any significant cultural resources should be reported to the California Historical Resources Information System (CHRIS). The discovery of any Native American cultural resources shall also be reported to the Native American Heritage Commission. If a significant archaeological resource is identified through this field inspection process, the City and project proponent shall seek to avoid damaging effects to the resource. Preservation is the preferred manner of mitigating impacts to an archaeological site. When in-place mitigation is determined by the City to be	Identification of qualified archaeologist to perform monitoring; adherence to requirements during construction if a resource is found	Prior to issuance of grading permit, and throughout construction	City staff		

Table 1 (cont.): 2018 Alves Ranch Project Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
infeasible, a mitigation program, including measures set forth in sections 15064.4 and 15126.4 of the CEQA Guidelines, shall be implemented. Specifically, a *data recovery plan*, which makes provisions for adequate recovery of the scientifically consequential information about the site, shall be prepared prior to any additional excavation being undertaken. The plan shall be submitted to the California Historical Resources Regional Information Center (i.e., the NWIC at Sonoma State University). If Native American artifacts are indicated, the plan shall also be submitted to the Native American Heritage Commission (NHAC). Identified cultural resources should be recorded on State Department of Parks and Recreation form DPR 422 (archaeological sites). The data recovery plan should be finalized as necessary to incorporate any mitigation additions or revisions recommended by these two groups and/or required by the City. If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and *CEQA Guidelines* section 15126.4(b) shall apply. The identified mitigations shall be undertaken to City satisfaction, if necessary, prior to resumption of grading activities. **A *data recovery plan* and data recovery shall not be required if the City determines that testing or studies already completed have adequately recovered the necessary data, provided that the data are available for review at the California Historical Resource Regional Information Center [*CEQA Guidelines* section 15126.4(b)].**					

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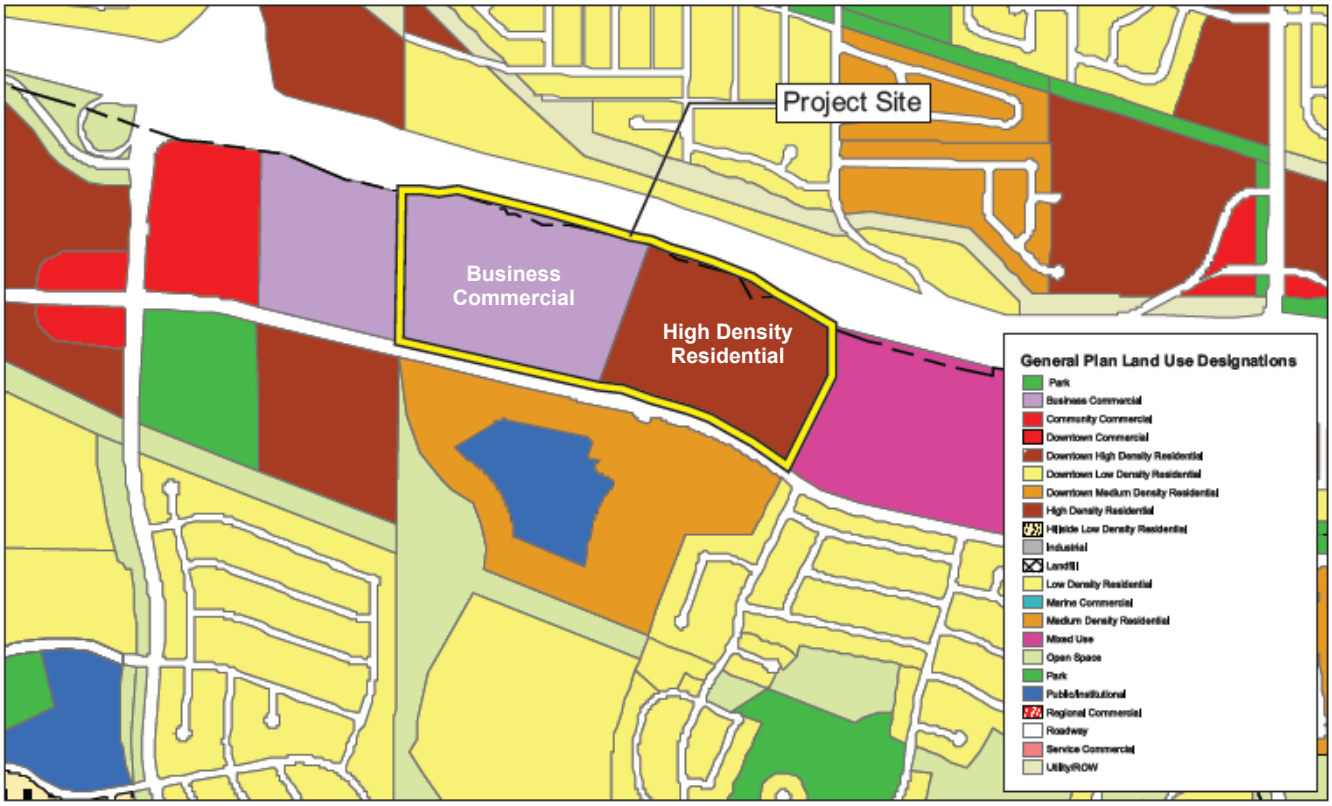
Existing General Plan Land Use



Proposed General Plan Land Use

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Ordinance Approving a Zoning Map Amendment and Development Agreement Amendment for the Alves Ranch Project, AP-18-1348 (RZ, DA)"	))))	ORDINANCE NO. 19-___

The City Council of the City of Pittsburg DOES ORDAIN as follows:

SECTION 1. Recitals.

A. On June 18, 2018, Mandy Leung of William Lyon Homes, Inc., filed Planning Application No. AP-18-1348, requesting approval of: 1) a zoning map amendment rezoning the site from a combination of RH-P (High Density Residential with a Master Plan Overlay) and CO-P (Office Commercial with a Master Plan Overlay) Districts to PD (Planned Development) and CC (Community Commercial) Districts; 2) a new vesting tentative map subdividing the 57.81-acre site to allow for the construction of a 346-unit, single family development as well as a 12-acre commercial site; and 3) design review of architectural and landscape plans. The project site is located along the north side of West Leland Road, south of State Route 4. Assessor's Parcel Nos. 097-700-001; 097-700-002; and 097-700-005.

B. The proposed project is governed by the applicable goals and policies of the Pittsburg General Plan, the Pittsburg Municipal Code (PMC), and the City's Design Review and Development Guidelines adopted by Planning Commission through Resolution No. 9864.

C. On November 25, 1996, the City Council adopted Resolution No. 96-8371, establishing procedures and requirements for considering, adopting and reviewing development agreements, pursuant to PMC section 18.44.020.

D. In 2004, William Lyon Homes, Inc. and Alves Ranch, LLC, submitted a plan to develop approximately 293-acres as a residential and commercial subdivision, known as the Vista Del Mar development. The 2004 Vista Del Mar project anticipated approximately 1,100 housing units (spanning the north and south sides of West Leland Road), approximately 257,500 square feet of commercial floor space, an approximately 11.33-acre school/park site, approximately 117.68 acres of permanent hillside open space, associated landscaped buffers, public and private roadways, a detention basin, a water tank site, and a water pump station site (see Figure 1 below).

E. On October 18, 2004, the City Council adopted Resolution No. 04-10168 certifying that the Final Environmental Impact Report (2004 FEIR) for the Vista Del Mar project (SCH # 2004012097) was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.

F. On November 29, 2004, after having reviewed and considered the environmental documentation prepared for the Vista Del Mar project, the City Council adopted Resolution No. 04-10191, approving CEQA findings, adopting a Statement of Overriding Considerations, and a Mitigation and Monitoring and Reporting Program (MMRP) for the Vista Del Mar project.

G. The original 2004 EIR addressed the environmental implications of a proposed comprehensive mixed-use development project occupying an approximately 293-acre site (2004 EIR project site) located south of State Highway 4 between the Oak Hills and San Marco subdivisions (both north and south of West Leland Road) in the City's Southwest Hills planning subarea. The development project addressed in the 2004 EIR consisted of a residential and commercial subdivision including a maximum of 1,100 housing units (537 single-family lots and courtyard houses south of West Leland Road, and 563 multi-family units north of West Leland Road), approximately 257,500 square feet of commercial floor space (also north of West Leland Road), an 11.3-acre school/park site, approximately 117.7 acres of permanent hillside open space, and associated landscaped buffers, public and private roadways (including an extension of West Leland Road through the site), detention basin site, water tank site, and water pump station site.

H. On December 6, 2004, the City Council adopted Ordinance No. 04-1230, rezoning the portion of the project located north of West Leland Road (Alves Ranch site) to CO-P (Commercial Office with a Master Plan Overlay) and RH-P (High Density Residential with a Master Plan Overlay) Districts; however, no specific master plan/development plan was adopted at that time. On the same night, the Council also approved a Development Agreement (Ordinance No. 04-1231) for the full Vista Del Mar project allowing development for up to 540 medium and high-density residential units, and no more than 20 acres of business commercial development; and

I. On May 13, 2005, the First Amendment to the Development Agreement, for minor changes related to parkland dedication or improvement obligations, was executed as an Administrative Agreement pursuant to and in compliance with Section 7.02 of the Development Agreement.

J. On June 26, 2006, the Second Amendment to the Development Agreement, for minor changes generally relating to water improvements, parkland dedications fees and participation in the landscape and lighting districts, was executed as an Administrative Agreement pursuant to and in compliance with Section 7.02 of the Development Agreement.

K. In August 2008, a master plan for development of the Alves Ranch site was proposed by the property owner and on January 20, 2009, the City Council adopted Ordinance No. 08-1312, approving the Alves Ranch Master Plan and an EIR addendum, which allowed for up to 560 housing units, a 0.6-acre recreational facility, and 221,500 square feet of commercial floor area on approximately 14 acres.

L. On September 8, 2010, the Third Amendment to the Development Agreement, for minor changes related to the approved 2009 Master Plan, was executed as an Administrative Agreement pursuant to and in compliance with Section 7.02 of the Development Agreement.

M. Since adoption of the Alves Ranch Master Plan, the project proposal for the site has been further refined based on current market conditions, as well as the desire of residents for additional retail commercial opportunities within the area of the City west of Bailey Road.

N. On November 7, 2017, the proposed project was discussed by the Land Use Subcommittee. The Subcommittee was generally supportive of the modifications proposed, including an amendment to the previous affordable housing requirement specified within the development agreement in exchange for reduced density, retail commercial acreage instead of office commercial, and prioritization of development of the commercial portion of the project.

O. On August 21, 2018, the Planning Commission held a public hearing to consider the project (which did not include a general plan map amendment or development agreement amendment at the time) and voted 3-1 to recommend approval of the proposed project.

P. On September 4, 2018, prior to a public hearing before the City Council, the applicant requested the project be continued, in order to allow the developer to refine and bolster the environmental documentation.

Q. Following that meeting, the applicant modified their planning application to include an amendment to the development agreement and a general plan amendment to ensure the general plan land use designations matched the proposed zoning.

R. Pursuant to PMC section 17.16.100, an applicant may request that two or more applications for separate discretionary approvals, including zoning amendments under Title 18 of this Code, requested or required in conjunction with a project be consolidated.

S. Pursuant to Resolution No. 96-8371, the City Council, upon recommendation of the Planning Commission, may approve a development agreement if it finds that: 1) the development agreement is consistent with the General Plan and any applicable specific plan; and 2) the agreement will promote the public health, safety, and general welfare.

T. A Supplemental Environmental Impact Report (SEIR) was prepared for the proposed project.

U. On May 28, 2019, the Planning Commission adopted Resolution No. 10121 recommending approval of the proposal in its entirety.

V. On July 1, 2019, prior to introduction of this ordinance, the City Council adopted Resolution No. _____ certifying that the Final EIR for the proposed project was

prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The Final EIR includes the Draft SEIR (by reference) and responses to all comments received on the Draft SEIR during the public review period. The resolution and certified Final EIR are incorporated herein by reference and are both available for review in the Planning Division located at 65 Civic Avenue, Pittsburg during normal business hours.

W. On or prior to Friday, June 21, 2019, in accordance with Government Code sections 65090 and 65091, and PMC section 18.14.020.B and C, a "Notice of Public Hearing," for the July 1, 2019, public hearing on this item was published in the East County Times; was posted at City Hall; was delivered for posting at the Pittsburg Library; and was mailed via first class or electronic mail to the applicant, to the property owner, to owners of property located within 300 feet of the proposed project site, to local service agencies whose services might be affected by this project, and to individuals who had previously filed written request for such notice. Although not required, the notice was also posted on www.nextdoor.com (Nextdoor) and was sent directly to all subscribed residents in the surrounding Nextdoor neighborhoods including: 1) Toscana; 2) Vista Del Mar; 3) Oak Hills South; 4) San Marco; and 5) San Marco Villas.

X. On July 1, 2019, the City Council held a duly-noticed public hearing to introduce and waive first reading of an ordinance approving a zoning map amendment and development agreement amendment for the Alves Ranch Project.

SECTION 2. Findings.

A. Based on the City Council staff report entitled, "Adoption of a Resolution Certifying a Final Supplemental EIR and Approving CEQA Findings, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program, and General Plan Map Amendment; Introduction and Waive First Reading of an Ordinance Approving a Zoning Map Amendment and Development Agreement Amendment; and Adoption of a Resolution Approving an Amended Vesting Tentative Map and Design Review for the Alves Ranch Project, AP-18-1348 (GP, RZ, VTM, DR, DA)," dated July 1, 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, and based on all written and oral testimony presented at the public hearing, the City Council finds that:

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

2. The SEIR for the project was prepared in compliance with Public Resources Code section 21000 et seq. and the City Council has independently reviewed and considered the information contained therein.

Rezoning:

3. The proposed rezoning is consistent with the objectives, policies, general land uses, and programs specified in the General Plan, in that:

a. The project will be developed on an infill site, thereby helping the City maintain a compact urban form (Goal 2-G-1).

b. The project will provide higher-density single-family residential units in an area near public transit (Goal 2-G-4). The project site is within a half-mile distance of the Pittsburg/Bay Point BART Station and directly adjacent to two bus stops located near the intersection of Alves Ranch Road and West Leland Road.

c. The project will expand Pittsburg's housing diversity by providing higher-density single-family development on smaller lots ranging from approximately 1,686 to 4,645 square feet, with a variety of traditional detached units, alley-loaded detached units, and attached "duet-style" units (Goal 2-G-5 and Housing Goal G-1).

d. The project will utilize a Planned Development (PD) zoning, in part, to achieve a high-quality design outcome (Policy 2-P-5).

e. The project will provide an 34,848-square-foot recreation area, complete with a bocce court, basketball court, BBQs, and seating areas as a community amenity within the planned development (Policy 2-P-6). A condition of approval will require the developer also install a covered seating area and waste receptacles.

f. The project will pay its share of the costs for the construction of facilities needed to serve the development (Policy 3-P-1, 3-P-13, and 7-P-2). It will comply with conditions of approval requiring payment of the Facilities Reserve Charge, Local Traffic Mitigation Fee (LTMF), and Regional Transportation Development Impact Mitigation Fee (RTDIM) in accordance with the PMC.

g. The project will be built in an area where public facilities and infrastructure are already available (Policy 3-P-1).

h. The existing transportation system has adequate capacity to accommodate the proposed development (Policy 3-P-2). Residents of the proposed development will have multiple transportation options available to them as the site is located near BART, Tri-Delta Transit, and bicycle lanes.

i. A traffic impact study was prepared as part of the project. An updated Trip Generation Analysis and revised Site Access and Circulation Assessment was prepared as part of the proposed project to ensure the proposed project is consistent with the previously prepared traffic impact study (Policy 3-P-5).

j. The project will provide safe and contiguous routes for pedestrians and bicyclists (Policy 3-P-17, 7-P-34, and 7-P-40). While a Class II bicycle

facility exists along the project frontage, as part of the proposed project, the developer has proposed a combination of a Class I bicycle facility and temporary path along the southern boundary of the project site, connecting to existing sidewalks on either side. In addition, a condition of approval will require the developer provide a separate Class I trail at a point along the eastern boundary of the site, which will potentially connect to a future Class I trail across the vacant parcel to the east.

k. The project will encourage walking as a regular means of transportation due to the site's proximity to various amenities (Goal 7-G-15). The project site is within a half-mile distance of BART, existing commercial opportunities along Bailey Road and San Marco Boulevard, Ray Giacommelli Park, and a future Mt. Diablo Unified School District school site. In addition, the project will designate an approximately 12-acre commercial parcel, which, when developed, will allow for additional commercial opportunities within walking distance of the proposed development, but also existing developments in the area, further encouraging walking as a means of transportation in the area.

l. The project will provide an approximately 0.8-acre recreation area that is centrally located and within reasonable walking distance of all homes in the subdivision (Policy 8-P-2).

m. The project will equitably share the costs associated with providing water and wastewater services to the subdivision through payment of the Pittsburg Facilities Reserve Charge (Policy 11-P-7 and 11-P-18).

n. The project will provide sound walls adjacent to all homes along the northern perimeter of the site to help ensure interior noise levels do not exceed 45 dB CNEL (Policy 12-P-6).

o. The project site being rezoned is vacant, underutilized, and deemed appropriate for residential use given its proximity to parks, transit, and commercial amenities (Housing Element Policy P-1.1 B).

p. The project will provide market-rate housing and increase demand for economic activity in nearby shopping centers (Housing Policy P-1.2).

q. The project will provide at least ten single-family homes with accessory dwelling units that will allow extended families to live near each other, increase the affordable and rental housing stock, and provide income assistance to homeowners (Housing Policy P-1.5).

r. The project will help attain the City's Regional Housing Needs Allocation for moderate and above-moderate income households (Policy P-1.6).

s. The project will comply with conditions of approval requiring construction of quality home designs to ensure future residents will enjoy an attractive living environment (Housing Goal G-5 and Policy P-5.1).

4. There is a community need for the proposed zoning change, in that the amendment will facilitate occupancy of a long-standing vacant site in accordance with the City's housing goals calling for development of a variety of housing types, densities, and prices to balance the City's housing stock and to meet Pittsburg's regional fair share housing needs for people of all income levels. Providing 346 small-lot, market-rate and above residential units along with multiple accessory units which are determined to be affordable by design at the site will provide diverse housing options for residents and create an opportunity for more residents to utilize the Pittsburg/Bay Point BART Station and other public transit opportunities.

5. The proposed zoning amendment will be in conformity with public convenience, general welfare, and good zoning practice, in that the amendment will facilitate development of a long-standing vacant site, which could help to eradicate existing problems that come with vacant sites, such as illegal dumping and loitering. Additionally, the proposed project will add additional residents to the area who may frequent the established and potential commercial uses envisioned in the area. In addition, the site's proximity to both the Pittsburg/Bay Point BART Station and two existing bus routes presents an opportunity for more residents to utilize public transit opportunities.

Development Agreement:

6. The proposed development agreement amendment is consistent with the General Plan, specifically Housing Element Policy P-1.5, in that it will require the construction of ten accessory dwelling units which will allow extended families to live near each other, increase the City's affordable housing stock, and provide opportunities for homeowners to generate additional income, and General Plan policies 8-P-1, 8-P-2, 8-P-11, in that it requires payment of fees to help the City meet its park and recreation facility standards.

7. The proposed development agreement will promote the public health, safety, and general welfare in that it requires the developer to pay a requisite fees in place at the time the original Development Agreement was executed.

B. The City Council Staff Report entitled, "Adoption of a Resolution Certifying a Final Supplemental EIR and Approving CEQA Findings, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program, and General Plan Map Amendment; Introduction and Waive First Reading of an Ordinance Approving a Zoning Map Amendment and Development Agreement Amendment; and Adoption of a Resolution Approving an Amended Vesting Tentative Map and Design Review for the Alves Ranch Project, AP-18-1348 (GP, RZ, VTM, DR, DA)," dated July 1, 2019, is referenced hereto as additional support for findings.

SECTION 3. Decision.

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

A. Amends the Zoning Map, as referenced in Pittsburg Municipal Code, Title 18 (Zoning Ordinance) section 18.04.020, to change the zoning of the properties described in section 1.A above, from a combination of 'CO-P' and 'RH-P' Districts, to 'CC' and 'PD' District as substantially presented in Exhibit A of this ordinance; and

B. Adopt a PD Plan as substantially presented in Exhibit B of this Ordinance; and

C. Approve a development agreement as substantially presented in Exhibit C of this Ordinance.

SECTION 4. Effective Date

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

SECTION 5. Publication.

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

The foregoing ordinance was introduced at a meeting of the City Council of the City of Pittsburg held on July 1, 2019, and was adopted and ordered published at a meeting of the City Council held on July 15, 2019, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

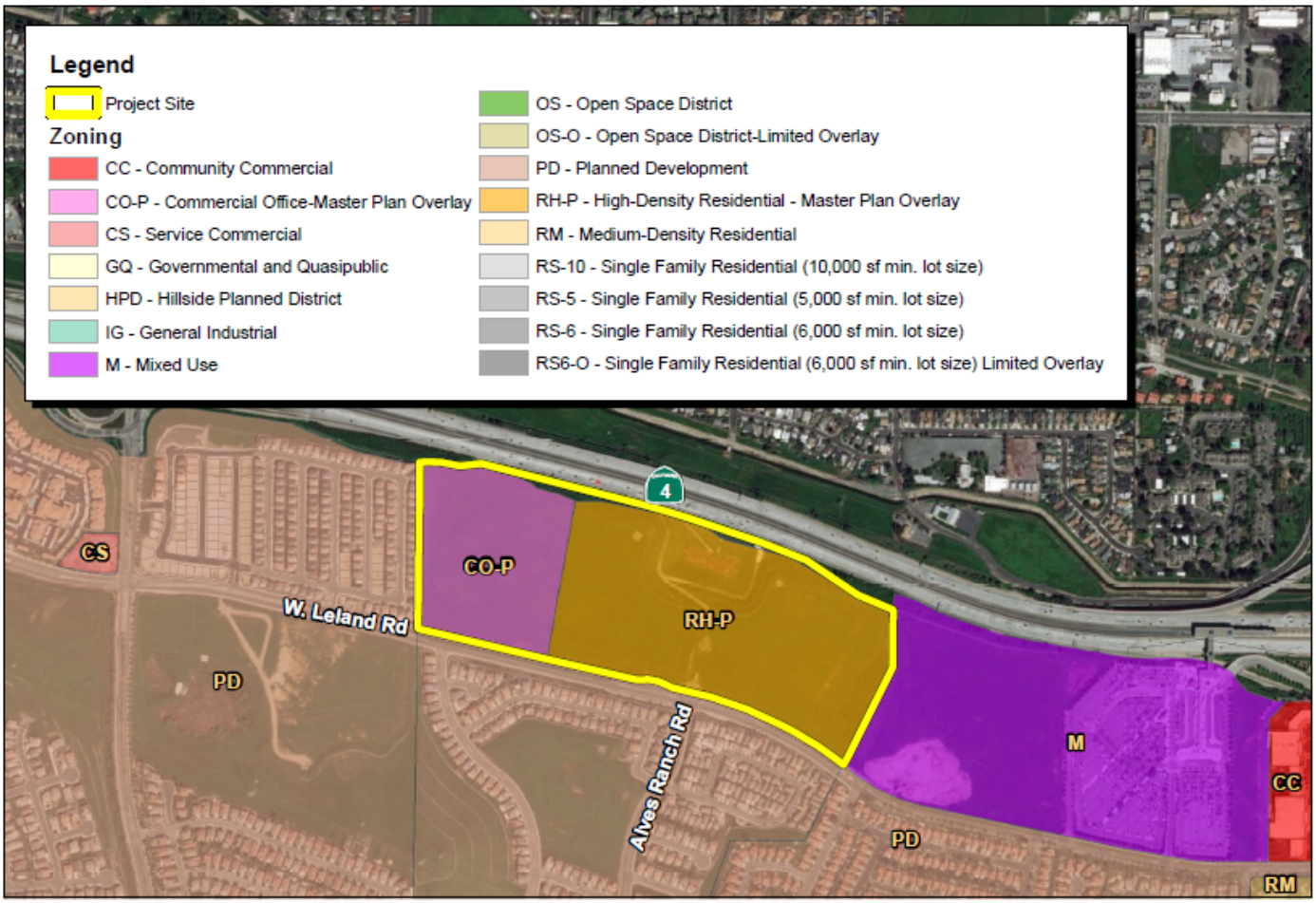
_____
Juan Antonio Banales, Mayor

ATTEST:

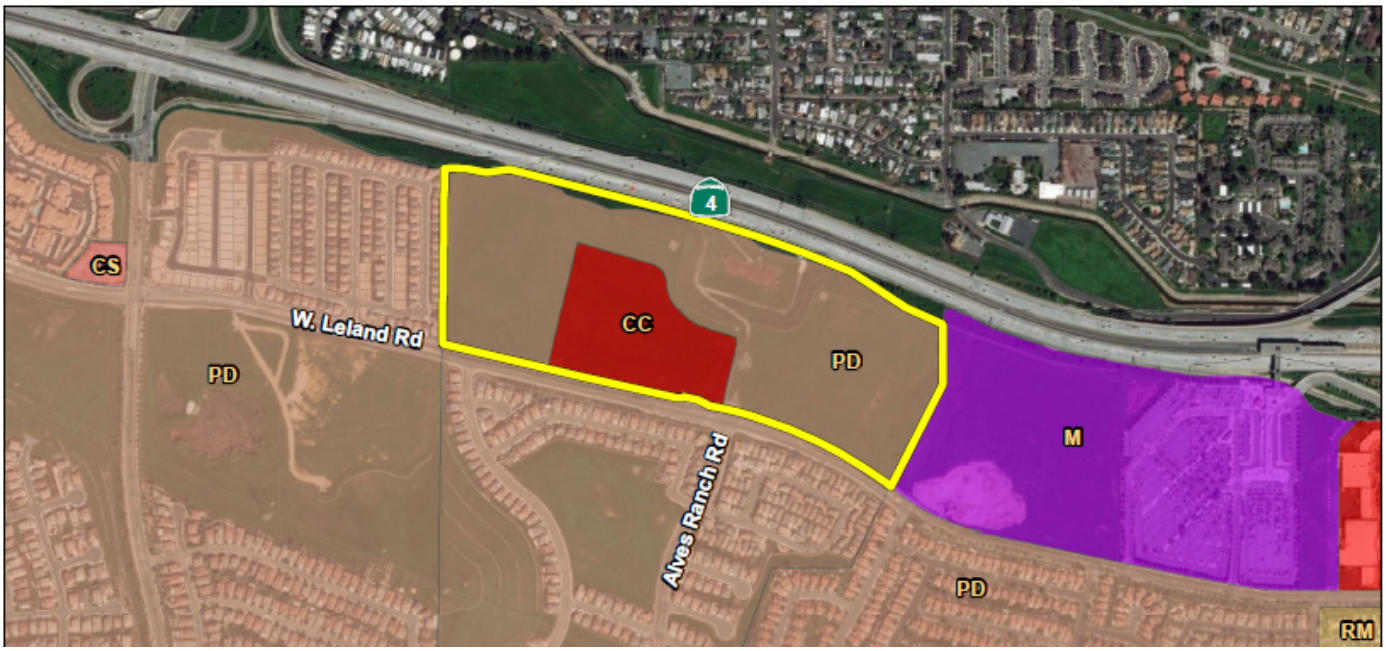
_____
Alice E. Evenson, City Clerk

Exhibit A – City Council Ordinance No._____
Zoning Map Amendment

Existing Zoning



Proposed Zoning



Land Use Regulations

A. The land uses allowed within Lots 1-346 as shown on Vesting Tentative Map (VTM) 9235 shall be the same as those allowed in the RS-4 (Single-Family Residential) District (Pittsburg Municipal Code [PMC] Chapter 18.50).

B. The land uses allowed on Lots A-Q (with the exception of 'Lot H' and 'Lot M') as shown on VTM 9235 shall be limited to those uses identified on VTM 9235 and the approved project plans. All parcels identified as either 'Streets' or 'Alleys' on VTM 9235 shall be limited to use as a public or private street, alley, or driveway, as defined within the PMC.

C. The land uses allowed within the area identified as 'Lot M' on VTM 9235 shall be the same as those allowed in the RS-4 (Single-Family Residential) District (Pittsburg Municipal Code [PMC] Chapter 18.50). Lot M shall also allow for construction of an electronic billboard, in accordance with the Development Agreement, pending approval by all regulatory agencies.

Development Regulations.

A. Except as indicated below or expressly indicated within the approved development plan, all development regulations of the residential portions of the PD District shall be the same as those of the RM (Medium Density Residential) District. Use and development of the property shall also comply with Article 3 (Performance Standards) and Article 5 (Home Occupations) of PMC Chapter 18.50, and with the off-street parking requirements of PMC Chapter 18.78. The development regulations below shall not apply to non-residential parcels.

Residential Neighborhood A-1 and A-2 (Duets)	
Minimum Lot Area	1,600 square feet
Minimum Lot Width	27 feet
Minimum Front Yard Setback (fronting private "street")*	10 feet
Minimum Front Yard Porch Setback*	6 feet
Minimum Front Building-to-Building Separation (Paseo)	15 feet
Minimum Side Yard Setback (unattached side)	5 feet
Minimum Corner Side Yard Setback	8 feet
Minimum Rear Yard Setback (at garage elevation)	4 feet
Maximum Lot Coverage	Per approved development plan
Maximum Building Height	30 feet
Minimum Private Storage Area	--
Minimum Private Open Space	----

* Front yard setbacks shall be measured form the lot line directly adjacent to the main entry of the primary dwelling unit. Permitted building projections into yards pursuant to PMC section 18.80.010.

Residential Neighborhood C (Single Family)	
Minimum Lot Area	2,000 square feet
Minimum Lot Width	30 feet
Minimum Front Yard Setback (fronting private “street”)*	10 feet
Minimum Front Yard Porch Setback*	6 feet
Minimum Front Building-to-Building Separation (Paseo)	20 feet
Minimum Side Yard Setback	4 feet
Minimum Corner Side Yard Setback	8 feet
Minimum Corner Street Return Setback	4 feet
Minimum Rear Yard Setback (at garage elevation)	4 feet
Maximum Lot Coverage	Per approved development plan
Maximum Building Height	30 feet

* Front yard setbacks shall be measured form the lot line directly adjacent to the main entry of the primary dwelling unit. Permitted building projections into yards pursuant to PMC section 18.80.010.

Residential Neighborhood D-1 and D-2 (Single Family)	
Minimum Lot Area	2,000 square feet
Minimum Lot Width	30 feet
Minimum Front Yard Setback*	5 feet
Minimum Front Yard Porch Setback*	4 feet
Minimum Side Yard Setback	4 feet
Minimum Corner Side Yard Setback	5 feet
Minimum Rear Yard Setback	5 feet
Minimum Setback at Garage Elevation	5 feet
Maximum Lot Coverage	Per approved development plan
Maximum Building Height	30 feet

* Front yard setbacks shall be measured form the lot line directly adjacent to the main entry of the primary dwelling unit. Permitted building projections into yards pursuant to PMC section 18.80.010.

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565
Attention: City Clerk

(SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY)

DRAFT

FOURTH AMENDMENT TO
DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF PITTSBURG, CALIFORNIA
AND
ALVES RANCH, LLC
AND
WILLIAM LYON HOMES, INC.

FOURTH AMENDMENT TO

DEVELOPMENT AGREEMENT

BETWEEN

THE CITY OF PITTSBURG, CALIFORNIA

AND

ALVES RANCH, LLC

AND

WILLIAM LYON HOMES, INC.

THIS FOURTH AMENDMENT TO DEVELOPMENT AGREEMENT (this **"Fourth Amendment"**) is entered into as of March ___, 2018, between ALVES RANCH, LLC, a California limited liability company **("Alves Ranch")**, WILLIAM LYON HOMES, INC., a California corporation **("Lyon") (Alves Ranch and Lyon are herein collectively referred to as "Developer")**, and the CITY OF PITTSBURG, a California municipal corporation **("City")**, pursuant to California Government Code § 65864 *et seq.*

RECITALS

A. Effective January 5, 2005, Developer and City entered into that certain Development Agreement (recorded 2-25-05, instrument #2005-65303) for the Project; subsequently entered into that certain First Amendment to Development Agreement for the Project, which First Amendment was signed by the parties on May 13, 2005 and recorded in the Official Records of Contra Costa County on June 14, 2005 (recorded 6-14-05, instrument #2005-213402); subsequently entered into that certain Second Amendment to Development Agreement for the Project, which Second Amendment was signed by the parties on June 26, 2006 and recorded in the Official Records of Contra Costa County on August 10, 2006 (recorded 8-10-06, instrument #2006-253453); and subsequently entered into that certain Third Amendment to Development Agreement for the Project, which Third Amendment was signed by the parties on September 8, 2010 and recorded in the Official Records of Contra Costa County on two occasions – once on September 21, 2010 (recorded 9/21/10, instrument # 2010-199994) and again on October 8, 2010 (recorded 10/08/10, instrument # 2010-218997) (collectively, the **"Development Agreement")**, pursuant to which City granted Developer a vested right to develop the Project Site.

B. On January 20, 2009, the Pittsburg City Council adopted Ordinance No. 08-1312 approving the Master Plan for the Alves Ranch Development, including neighborhoods A-1, A-2, B, C, D, and E (the "Alves Ranch Master Plan").

C. The purpose of this Fourth Amendment is to reflect certain minor changes to the Development Agreement relating to changing Recital I.3 to allow a change in the zoning classification from Commercial Office to Community Commercial, which Developer wishes to pursue consistent with applicable law; Recital J.3 to specify the Developer's commitment to include a minimum of ten (10) affordable housing units; and Section 3.13 to modify the number of affordable housing units to be constructed, as well as to provide further specificity of the units' sizes and amenities.

D. The Developer desires to change the zoning classification to provide the opportunity for potential development of a grocery store and other commercial projects.

E. Section 3.13(e) of the Development Agreement currently requires Alves Ranch to enter into an affordable housing agreement, subject to City Council approval, prior to approval of the first final map on the Alves Ranch Property or issuance of the first building permit on the Alves Ranch Property, whichever occurs first.

F. The parties desire to amend the Development Agreement to modify the obligations related to the number of affordable units to be included, due to changes in the affordable housing market and the parties' intent to ensure a viable housing product for the Pittsburg community.

G. This Fourth Amendment only involves minor changes which will not "substantially affect" the Project and is properly processed as an Administrative Agreement Amendment pursuant to and in compliance with Section 7.02(a) of the Development Agreement which authorizes the use of Administrative Agreement Amendments.

H. The City further finds that this Fourth Amendment is consistent with the provisions of State law and Resolution No. 89-7466 governing development agreements and that this Fourth Amendment will not be detrimental to the public health, safety, or general welfare of the community.

NOW, THEREFORE, in consideration of the promises, covenants, and provisions set forth herein, the receipt and adequacy of which consideration is hereby acknowledged, the parties agree as follows:

AGREEMENT

1. Recitals. The foregoing recitals are true and correct and hereby incorporated herein.

DRAFT

2. Defined Terms. All capitalized terms not defined herein shall have the meanings ascribed to them in the Development Agreement.

3. Recital I. Recital I.3 of the Development Agreement is amended to add the following: "Notwithstanding the above, Developer may seek amendment of the applicable zoning to change the existing zoning of CO-P (Commercial Office-Master Plan Overlay) to CC (Community Commercial)."

4. Recital J. Recital J.3 of the Development Agreement is amended to delete the existing sentence in its entirety and replace it with "Developer's commitment that the Project will include a minimum of ten (10) affordable housing units, as more particularly set forth in Section 3.13 of this Agreement."

5. Section 3.13. Section 3.13 of the Development Agreement is amended to delete Sections 3.13 (a), (b), and (c) in their entirety and replace with the following:

"(a) Alves Ranch Property. To satisfy its affordable housing obligation for the Project, Alves Ranch shall provide a minimum of ten (10) affordable accessory dwelling units ("ADUs"). Location of all required ADU's shall be finalized prior to the City's approval of the first final subdivision map for the Alves Ranch Property. Each ADU shall be at least four hundred (400) square feet in size and contain a fully functional kitchen (including cabinets with countertop, one (1) refrigerator, one (1) four burner range with oven, one (1) sink with garbage disposal and electrical receptacles for small appliances), as well as at least two hundred (200) cubic feet of private storage space and a separate closet for the bedroom area. Upon City's written request, Alves Ranch agrees to record restrictive covenants on these units on terms and conditions, subject to the written approval of the City Manager or his or her designee, running for up to 55 years.

(b) Intentionally omitted.

(c) Intentionally omitted."

6. Effect of this Fourth Amendment. Except as expressly modified by this Fourth Amendment, the Development Agreement shall continue in full force and effect according to its terms, and Developer and City hereby ratify and affirm all their respective rights and obligations under the Development Agreement, including but not limited to Developer's indemnification obligations as set forth in Section 9.01 of the Development Agreement. In the event of any conflict between this Fourth Amendment and the Development Agreement, the provisions of this Fourth Amendment shall govern.

7. Binding Agreement. This Fourth Amendment shall be binding upon and inure to the benefit of the heirs, administrators, executors, successors in interest, and assigns of each of the parties hereto. Any reference in this Fourth Amendment to a specifically named party shall be deemed to apply to any successor, administrator, executor, or assign of such party who has acquired an interest in compliance with the terms of this Fourth Amendment or under law.

8. Counterparts. This Fourth Amendment may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, when taken together, shall constitute the same document.

9. California Law. This Fourth Amendment shall be governed by and interpreted in accordance with the laws of the State of California.

10. Invalidity. Any provision of this Fourth Amendment that is determined by a court of competent jurisdiction to be invalid or unenforceable shall be deemed severed from this Fourth Amendment, and the remaining provisions shall remain in full force and effect as if the invalid or unenforceable provision had not been a part hereof.

11. Headings. The headings used in this Fourth Amendment are for convenience only and shall be disregarded in interpreting the substantive provisions of this Fourth Amendment.

IN WITNESS WHEREOF, this Fourth Agreement has been entered into by and between Developer and City as of the date and year first above written.

CITY:

CITY OF PITTSBURG,
a California municipal corporation

By: _____
Name: Garrett Evans
Title: City Manager

ATTEST:

By: _____
Name: Alice Evenson
Title: City Clerk

APPROVED AS TO FORM:

By:_____
Name: Donna Mooney
Title: City Attorney

DEVELOPER:

ALVES RANCH, LLC,
a California limited liability company

By: _____
Name: Gerald Alves
Title: Manager

WILLIAM LYON HOMES, Inc.,
a California corporation

By: _____
Name:
Title:

DRAFT

2938617.3

DRAFT

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Approving an Amended Vesting Tentative Map and Design Review for the Alves Ranch Project, AP-18-1348 (VTM, DR)	))))	RESOLUTION NO. 19-___

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, on June 18, 2018, Mandy Leung of William Lyon Homes, Inc., filed Planning Application No. AP-18-1348, requesting approval of: 1) a zoning map amendment rezoning the site from a combination of RH-P (High Density Residential with a Master Plan Overlay) and CO-P (Office Commercial with a Master Plan Overlay) Districts to PD (Planned Development) and CC (Community Commercial) Districts; 2) a new vesting tentative map subdividing the 57.81-acre site to allow for the construction of a 346-unit, single family development as well as a 12-acre commercial site; and 3) design review of architectural and landscape plans. The project site is located along the north side of West Leland Road, south of State Route 4. Assessor's Parcel Nos. 097-700-001; 097-700-002; and 097-700-005; and

WHEREAS, the proposed project is governed by the applicable goals and policies of the Pittsburg General Plan, the Pittsburg Municipal Code (PMC), and the City's Design Review and Development Guidelines adopted by Planning Commission through Resolution No. 9864; and

WHEREAS, in 2004, William Lyon Homes, Inc. and Alves Ranch, LLC, submitted a plan to develop approximately 293-acres as a residential and commercial subdivision, known as the Vista Del Mar development. The 2004 Vista Del Mar project anticipated approximately 1,100 housing units (spanning the north and south sides of West Leland Road), approximately 257,500 square feet of commercial floor space, an approximately 11.33-acre school/park site, approximately 117.68 acres of permanent hillside open space, associated landscaped buffers, public and private roadways, a detention basin, a water tank site, and a water pump station site; and

WHEREAS, on October 18, 2004, the City Council adopted Resolution No. 04-10168 certifying that the Final Environmental Impact Report (2004 FEIR) for the Vista Del Mar project (SCH # 2004012097) was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines; and

WHEREAS, on November 29, 2004, after having reviewed and considered the environmental documentation prepared for the Vista Del Mar project, the City Council adopted Resolution No. 04-10191, approving CEQA findings, adopting a Statement of Overriding Considerations, and a Mitigation and Monitoring and Reporting Program (MMRP) for the Vista Del Mar project; and

WHEREAS, the original 2004 EIR addressed the environmental implications of a proposed comprehensive mixed-use development project occupying an approximately 293-acre site (2004 EIR project site) located south of State Highway 4 between the Oak Hills and San Marco subdivisions (both north and south of West Leland Road) in the City's Southwest Hills planning subarea. The development project addressed in the 2004 EIR consisted of a residential and commercial subdivision including a maximum of 1,100 housing units (537 single-family lots and courtyard houses south of West Leland Road, and 563 multi-family units north of West Leland Road), approximately 257,500 square feet of commercial floor space (also north of West Leland Road), an 11.3-acre school/park site, approximately 117.7 acres of permanent hillside open space, and associated landscaped buffers, public and private roadways (including an extension of West Leland Road through the site), detention basin site, water tank site, and water pump station site; and

WHEREAS, on December 6, 2004, the City Council adopted Ordinance No. 04-1230, rezoning the portion of the project located north of West Leland Road (Alves Ranch site) to CO-P (Commercial Office with a Master Plan Overlay) and RH-P (High Density Residential with a Master Plan Overlay) Districts; however, no specific master plan/development plan was adopted at that time. On the same night, the Council also approved a Development Agreement (Ordinance No. 04-1231) for the full Vista Del Mar project allowing development for up to 540 medium and high-density residential units, and no more than 20 acres of business commercial development; and

WHEREAS, in August 2008, a master plan for development of the Alves Ranch site was proposed by the property owner. On January 20, 2009, the City Council adopted Ordinance No. 08-1312, approving the Alves Ranch Master Plan and an EIR addendum, which allowed for up to 560 housing units, a 0.6-acre recreational facility, and 221,500 square feet of commercial floor area on approximately 14 acres; and

WHEREAS, since adoption of the Alves Ranch Master Plan, the project proposal for the site has been further refined based on current market conditions, as well as the desire of residents for additional retail commercial opportunities within the area of the City west of Bailey Road; and

WHEREAS, on November 7, 2017, the proposed project was discussed by the Land Use Subcommittee. The Subcommittee was generally supportive of the modifications proposed, including an amendment to the previous affordable housing requirement specified within the development agreement in exchange for reduced density, retail commercial acreage instead of office commercial, and prioritization of development of the commercial portion of the project;

WHEREAS, on August 21, 2018, the Planning Commission held a public hearing to consider the project (which did not include a general plan map amendment or development agreement amendment at the time) and voted 3-1 to recommend approval of the proposed project; and

WHEREAS, on September 4, 2018, prior to a public hearing before the City Council, the applicant requested the project be continued, in order to allow the developer to refine and bolster the environmental documentation; and

WHEREAS, following that meeting, the applicant modified their planning application to include a general plan amendment to ensure the general plan land use designations matched the proposed zoning; and

WHEREAS, pursuant to PMC section 17.16.100, an applicant may request that two or more applications for separate discretionary approvals, including zoning amendments under Title 18 of this Code, requested or required in conjunction with a project be consolidated.

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

WHEREAS, pursuant to PMC section 18.36.230, the City Council, upon recommendation of the Planning Commission, may grant design review approval if it finds that: a) the structure conforms with good taste, good design and in general contributes to the character and image of the City as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality; b the structure will be protected against exterior and interior noise, vibrations and other factors that may tend to make the environment less desirable; c) the exterior design and appearance of the structure is not of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value; d) the structure is in harmony with proposed developments on land in the general area; and e) the application conforms with the criteria set forth in any applicable City adopted design guidelines; and

WHEREAS, A Supplemental Environmental Impact Report (SEIR) was prepared for the proposed project; and

WHEREAS, on May 28, 2019, the Planning Commission adopted Resolution No. 10121 recommending approval of the proposal in its entirety; and

WHEREAS, on July 1, 2019, prior to approval of this resolution, the City Council adopted Resolution No. _____ certifying that the Final EIR for the proposed project

was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. The Final EIR includes the Draft SEIR (by reference) and responses to all comments received on the Draft SEIR during the public review period. The resolution and certified Final EIR are incorporated herein by reference and are both available for review in the Planning Division located at 65 Civic Avenue, Pittsburg during normal business hours.

WHEREAS, on or prior to Friday, June 21, 2019, in accordance with Government Code sections 65090 and 65091, and PMC section 18.14.020.B, C and D, a "Notice of Public Hearing," for the July 1, 2019, public hearing on this item was published in the East County Times; was posted at City Hall; was delivered for posting at the Pittsburg Library; and was mailed via first class or electronic mail to the applicant, to the property owner, to owners of property located within 300 feet of the proposed project site, to local service agencies whose services might be affected by this project, and to individuals who had previously filed written request for such notice. Although not required, the notice was also posted on www.nextdoor.com (Nextdoor) and was sent directly to all subscribed residents in the surrounding Nextdoor neighborhoods including: 1) Toscana; 2) Vista Del Mar; 3) Oak Hills South; 4) San Marco; and 5) San Marco Villas; and

WHEREAS, on July 1, 2019, the City Council held a duly-noticed public hearing to adopt a resolution certifying a Final SEIR and Approving CEQA Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program; introduction and waive first reading of an ordinance approving a zoning map amendment and development agreement amendment; and adoption of a resolution approving an amended vesting tentative map and design review for the Alves Ranch Project.

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

Section 1. Authority

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

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

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

D. A city may not approve a tentative map unless it finds that the proposed subdivision, together with the provisions of its design and improvement, is consistent with the general plan (Government Code section 66473.5).

Section 2. Findings

A. Based on the City Council staff report entitled, "Adoption of a Resolution Certifying a Final Supplemental EIR and Approving CEQA Findings, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program, and General Plan Map Amendment; Introduction and Waive First Reading of an Ordinance Approving a Zoning Map Amendment and Development Agreement Amendment; and Adoption of a Resolution Approving an Amended Vesting Tentative Map and Design Review for the Alves Ranch Project, AP-18-1348 (GP, RZ, VTM, DR, DA)," dated July 1, 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, and based on all written and oral testimony presented at the public hearing, the City Council finds that:

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

2. The SEIR for the project was prepared in compliance with Public Resources Code section 21000 et seq. and the City Council has independently reviewed and considered the information contained therein.

Vesting Tentative Map:

3. The proposed vesting tentative subdivision map is consistent with the proposed General Plan land use designations of Community Commercial and Medium Density Residential.

4. The project site is physically suitable for the type of development proposed in that the site is relatively flat, vacant, and surrounded by existing infrastructure, minimizing the amount of work and investment needed to extend utilities and services to the site.

5. The project site is physically suitable for the proposed density of development, in that the site is flat, vacant, and surrounded by existing,

established development. Further, the site is located within one-half mile of the Pittsburg/Bay Point BART Station and adjacent to two existing bus routes, making it an appropriate location for a medium-density residential development, as defined by the City's General Plan.

6. The design of the proposed subdivision and accompanying improvements will not cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat, in that the project will comply with the applicable mitigation measures identified in the 2004 Vista Del Mar EIR (SCH # 2004012097) and the 2018 Supplemental EIR.

7. The design of the subdivision and type of improvements proposed will not cause serious public health problems. Site improvements have been, or shall be required to be, designed to meet City standards, as detailed in the conditions of approval. The residential project does not involve heavy manufacturing or other industrial uses that might generate high levels of pollution emissions, and the site is not located in close proximity to any stationary source polluters. Additionally, a mitigation measure requiring the developer implement an alternative form of ventilation for all proposed residential units within 200 feet of the centerline of West Leland Road, and within 400 feet of the centerline of SR-4, has been made a condition of approval have been added to address potential mobile source polluters.

8. The design of the subdivision and type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision, in that there are no existing public access easements on the site. The proposed map does include a new public street that will connect the development to existing public roadways, and the new street will be of sufficient width to accommodate automobile and emergency vehicle access into and around the site.

Design Review:

9. The proposed project conforms with good taste, good design and in general contributes to the character and image of the City as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality, in that the proposed house models feature an attractive architectural design characterized by a mixture of hipped and gable-end roofs with high-quality, composite shingle roofing material; stucco siding with horizontal trim, corbels, and simulated stone veneer; and articulated front porch entryways. The proposed project will also provide an attractive outdoor environment for residents. The developer will install a variety of colorful, drought-tolerant landscaping within common areas and outside of homes, and a condition of approval will require a decorative, masonry sound wall with wall caps designed to mimic the existing sound wall along

the south side of West Leland Road, adjacent to the Vista Del Mar project. Residential front yards will feature drought-tolerant plants and blooming street trees that will provide seasonal color throughout the subdivision.

10. The proposed project will be protected against exterior and interior noise, vibrations and other factors which may tend to make the environment less desirable, in that the project will be built to standard building codes that dictate maximum noise levels for the interiors of residential units. The developer will also be required to install a sound wall along the northern or southern property lines of residential lots nearest West Leland Road or State Route 4, as applicable.

11. The exterior design of the proposed project is not of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value. Rather, the proposed project will enhance the neighborhood's appearance and value, in that it will result in a highly attractive environment utilizing a variety of compatible house and front yard landscape designs. The Alves Ranch Project will add value to the community by attracting additional residential and commercial investment in the area.

12. The proposed project is in harmony with proposed developments on land in the general area, in that the home designs are intended to complement the existing Vista Del Mar project to the south.

13. The proposed project will substantially conform to the applicable Development Review Design Guidelines (DRDG, Planning Commission Resolution No. 9864) for single-family development if conditions are added requiring the developer to: a) provide split face block walls with pilasters at intervals of 25 feet or less along West Leland Road; b) provide screening for utility boxes, transformers, backflow preventers, meters, and junction boxes; c) provide, as part of the options package for homebuyers, solar panels or an option offering pre-wiring for solar panels; d) proposed landscaping be required to meet the standards set forth in PMC Section 18.84.310; and e) provide cool roofs for reduction of heat island effect or installation of solar panels, consistent with DRDG sections 1.c, 2.b through 2.d, 2h, and 6.A.1 through 6.A.2, 6.A.4, and 6.A.6.

B. The City Council Staff Report entitled, "Adoption of a Resolution Certifying a Final Supplemental EIR and Approving CEQA Findings, Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program, and General Plan Map Amendment; Introduction and Waive First Reading of an Ordinance Approving a Zoning Map Amendment and Development Agreement Amendment; and Adoption of a Resolution Approving an Amended Vesting Tentative Map and Design Review for the Alves Ranch Project, AP-18-1348 (GP, RZ, VTM, DR, DA)," dated July 1, 2019, is referenced hereto as additional support for findings.

Section 3. Decision

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

A. Approves Amended Vesting Tentative Map 9235, subdividing the 57.81-acre site to allow for the construction of a 346-unit, single family development as well as a 12-acre commercial site;

B. Approves design review of the accompanying residential architectural and landscape plans, subject to the following conditions:

General Conditions:

1. Conformity with Project Plans. The project shall be constructed in substantial conformity with the Vesting Tentative Map and Project Plans, date stamped July 23, 2018, except as hereinafter may be modified. Any major changes to the project plans shall be subject to review and approval by the Planning Commission at the City Planner's discretion.

2. Plot Plan Conformance. Final plot plans shall be consistent with the approved PD Plan and in substantial conformity with the approved project plans. Minor plot plan rearrangements may be made subject to review and approval by the Planning Division. Final plot plans shall not result in two side by side lots having the same plan, elevations, and color adjacent to each other. Developer plans reflect that there are:

    1. Three plan types, three elevation styles for each plan and 12 color schemes for Neighborhood C;
    2. Three plan types, three elevation styles for each plan and 12 color schemes for Neighborhood D1 & D2; and
    3. Two plan types, three elevation styles for each plan and 12 color schemes for Neighborhood A1 & A2.

3. Development Agreement Amendment. Prior to issuance of a building permit, the developer shall record the 2018 Amendment to the Development Agreement, which has been placed in an escrow account.

4. Development Agreement Conflicts. To the extent that the terms of any development agreement approved by the City Council are in conflict with the conditions of this Vesting Tentative Map approval, the provisions of the Development Agreement shall prevail.

5. Transit Cards. Developer shall provide all new home buyers in the Alves Ranch development with a prepaid transit card (e.g. Clipper Card) preloaded with at

least twenty dollars ($20.00) (one card per home), as well as a welcome packet containing information on BART commuter tax benefits and 511 Contra Costa County Ride Matching Assistance, carpool/vanpool incentives. In the event these programs are discontinued at any point, developer shall work with the City to identify other resources and incentives and provide information to home buyers.

2004 EIR Mitigation Measures: The developer shall comply with all applicable Mitigation Measures (MM) identified within the Environmental Impact Report (EIR) certified by the City Council on October 18, 2004, including but not limited to the following:

6. Mitigation 5-1: To minimize the degree of project-specific adverse impact on the visual character and quality of the project site, the project shall include an overall layout and grading plan, and associated set of design standards and controls for grading, creekway and landform protection, individual site and architectural design (including individual custom lot architectural design), common and private landscaping, public and private roadways, and light and glare (including outdoor lighting), which to the satisfaction of the Pittsburg Planning Commission, as determined through the City's design review process, will sufficiently minimize the degree of adverse impact on the general visual character of the project site. Based upon related land use and urban design goals and policies set forth in the City of Pittsburg General Plan and General Plan EIR, these project design refinements should include some combination of the following:

    - Incorporate natural creeks and open space amenities into the design of project residential neighborhoods (in keeping with GP goals and policies 2-P-26, 2-P-89, 4-G-4, 4-P-9).
    - Plant trees and other vegetation along West Leland Road and other project collector and arterial roadways in order to maintain the sense of "rural" open space at the City's southern boundary (in keeping with GP policy 4-P-6).
    - Use irregular planting on graded slopes to achieve a natural appearance (in keeping with GP policy 4-P-27).
    - Incorporate a selected combination of the above design refinements into the final design and title provisions for the project that, to the satisfaction of the Planning Commission as determined through the City's normal design review and approval process, will sufficiently reduce the adverse visual impacts of the project.

7. Mitigation 5-2: In addition to those listed under Mitigation 5-1, at later phases of the project (when detailed, design level applications are submitted for areas north of West Leland Road), incorporate the following design refinements into the project to the satisfaction of the Planning Commission:

    - Ensure that proposed residential development in the project-designated High-Density Residential area is oriented with the lowest building heights adjacent to Highway 4, and set back from the edge of Highway 4

sufficiently to mitigate visual impacts (in keeping with GP goal 2-P-87).

- As part of the subsequent development review process, limit building heights and massing in the designated Business Commercial area and/or maintain visual separations within the area, sufficient to preserve through views of the hills from Highway 4 and the Bay Point community north of Highway 4 (in keeping with GP policy 4-P-3).
- Emphasize beautification of the Highway 4 corridor in project landscape plans through a sensitive combination of highway edge landscaping and significant view corridor preservation (in keeping with GP Goal 4-G-12).
- Ensure that adequate landscaping is placed along the outer edge (northern side) of the SR 4 sound wall (2008 Addendum).

8. Mitigation 8-1: As required by State SB 221, prior to City approval of a final map for the proposed project, the City of Pittsburg Community Development Department shall undertake a subsequent water supply analysis, which shall describe the citywide water supply situation at that future time (including valid water rights, infrastructure financing, permits, and approvals), including the status of (i.e., City progress on) current City studies and plans for expanding its reclaimed water program and conservation efforts and finding opportunities for future short-term water purchases. As required by SB 221, no final map shall be approved for the project until the City concludes, based on a written verification prepared in compliance with SB 221 and on the availability of other water supplies, as demonstrated by substantial evidence in the record, that sufficient water will be available to serve the proposed project needs, in addition to existing and planned future uses, during normal, single dry, and multiple dry years within a 20-year projection.

   The project applicant shall also be required to comply with all applicable current and future City of Pittsburg water demand performance standards, including standards included in the City of Pittsburg Urban Water Management Plan, the City's reclaimed water project, and the City's water conservation program.

9. Mitigation 8-3: As a condition of Tentative Subdivision Map approval, the applicant shall: (1) comply with applicable per-unit conveyance system fees levied by DDSD, and (2) demonstrate to the satisfaction of the DDSD and the City Engineer that DDSD sewage treatment capacity will be adequate to serve the development. This requirement shall be met through preparation of a sewage treatment adequacy evaluation in coordination with and to the satisfaction of the City Engineer. No project development requiring sewage treatment service beyond the 1,218-ERU total anticipated by the DDSD shall be allowed until adequate sewage treatment capacity is demonstrated as required by this mitigation measure.

10. Mitigation 8-4: Implement Mitigation 8-3 above.

11. Mitigation 9-1: Provide an onsite storm water detention facility and maintenance

program sufficient to permanently reduce peak rates of runoff into the east highway culvert, in accordance with adopted design and maintenance criteria (see details below), and subject to the approval of Caltrans, the CCCFCWCD, and the City Engineer. The project east highway culvert detention basin and all discharge structures shall be dedicated to a maintenance assessment district, in which future project property owners would be responsible for the facility's long-term maintenance.

12. Mitigation 9-2: The developer would be responsible for design and construction of all improvements within the appropriate any modifications required to also increase the volume of onsite detention storage), as may be identified by CCCFCWCD, based on their review of the hydrology report.

    The applicant shall also pay all applicable drainage fees, as determined by the CCCFCWCD (see details below). The project's Area 48B drainage fees would be used to fund construction of the proposed downstream drainage improvements. If the fees are not sufficient to cover the cost of these improvements, all additional costs would be paid by the applicant under the terms of a development agreement with the CCCFCWCD. This agreement would provide for repayment of these extra costs as additional fees are collected on future development projects, under the terms of the Flood Control District's reimbursement policy.

13. Mitigation 8-5: Implement mitigation measures identified in chapter 7, Traffic and Circulation, of this EIR to reduce the impacts on project-related traffic on West Leland Road and other local roads. In addition, require Police Department review and approval of project-proposed emergency access provisions prior to Tentative Subdivision Map approval. Implementation of these measures would reduce project impacts on emergency response and evacuation to a less-than-significant level.

14. Mitigation 8-6: As a condition of Tentative Subdivision Map approval, require (a) CCCFPD review and approval of the proposed Tentative Subdivision Map, (b) demonstration by the applicant that the project complies with all applicable City and CCCFPD road design and emergency access standards, and (c) installation of necessary access roads for each project phase, as determined by the CCCFPD, prior to building construction. Implementation of these measures would reduce this impact to a less-than-significant level.

15. Mitigation 8-8: To the satisfaction of the City, require the project applicant to comply with the park dedication requirements of chapter 17.32 of the City's Municipal Code.

16. Mitigation 9-1: Provide an onsite storm water detention facility and maintenance program sufficient to permanently reduce peak rates of runoff into the east highway culvert, in accordance with adopted design and maintenance criteria

(see details below), and subject to the approval of Caltrans, the CCCFCWCD, and the City Engineer. The project east highway culvert detention basin and all discharge structures shall be dedicated to a maintenance assessment district, in which future project property owners would be responsible for the facility's long-term maintenance.

17. Mitigation 9-2: The developer would then be responsible for design and construction of all improvements within the appropriate sections of Drainage Area 48B, Lines B and B 1 (as well as for any modifications required to also increase the volume of onsite detention storage), as may be identified by CCCFCWCD, based on their review of the hydrology report.

    The applicant shall also pay all applicable drainage fees, as determined by the CCCFCWCD (see details below). The project's Area 48B drainage fees would be used to fund construction of the proposed downstream drainage improvements. If the fees are not sufficient to cover the cost of these improvements, all additional costs would be paid by the applicant under the terms of a development agreement with the CCCFCWCD. This agreement would provide for repayment of these extra costs as additional fees are collected on future development projects, under the terms of the Flood Control District's reimbursement policy.

18. Mitigation 9-3: In accordance with National Pollution Discharge Elimination System (NPDES) regulations, prepare a Storm Water Pollution Prevention Plan (SWPPP) consistent with State and RWQCB design standards, for implementation throughout project construction to control erosion on the project site, subject to the approval of the City Engineer.

19. Mitigation 9-4: To help reduce the long-term accumulation of non-point source pollutants from the project within downstream surface waters, incorporate long-term source control and pre-discharge treatment measures into the Storm Water Pollution Prevention Plan (SWPPP) described in Mitigation 9-3 above, in accordance with Municipal Regional Stormwater Permit Order No. R2-2015-0049 NPDES No. CAS612008, subject to the approval by the City Engineering Division.

20. Mitigation 10-1: The project geotechnical engineer shall prepare a final design-level project geotechnical study subject to review and approval by an independent engineering geologist retained by the City at applicant expense. The review shall evaluate if the study and all of its conclusions are consistent with generally accepted geotechnical engineering practice and in agreement with the approved site development plan. Relevant provisions of the geotechnical study shall be incorporated into project grading and site preparation plans. All earthwork and site preparation shall be performed under the direct supervision of a State-certified geotechnical engineer or these measures to the satisfaction of the independent engineering geologist and the City Engineer would reduce this

potential impact to a less-than-significant level.

21. Mitigation 10-4: The City and its independent engineering geologist shall closely evaluate all project proposals for the construction of slopes in particular cut slopes steeper than three-to-one, to prevent future slope failures that could damage existing homes/project improvements or require slope repairs at the expense of the West Pittsburg GHAD. If the stability of these proposed slopes can be independently confirmed, implement the construction measures recommended in the project geotechnical study. If the slopes stability cannot be confirmed redesign the slopes to achieve a flatter more sustainable gradient. Implementation of this measure to the satisfaction of the City-retained independent engineering geologist and City Engineer would reduce this potential impact to a less-than-significant level.

22. Mitigation 10-6: Specification for site development shall include mandatory phasing for construction of site improvements as recommended by the project geotechnical engineer if settlement monitoring indicates that long-term settlement within individual fill areas could eventually exceed allowable amounts and damage or otherwise limit the usefulness of buildings or other improvements. Implementation of this measure to the satisfaction of the City retained engineering geologist and City Engineer would reduce this potential impact to a less than significant level.

23. Mitigation 10-7: In addition to the observation of all cut and fill slope construction the project geotechnical engineer shall inspect and certify that any expansive soils underlying individual building pads and all roadway subgrades have been either removed or amended in accordance with City-approved construction specifications. If expansive soils are not fully remediated on each lot and in the area of all public and private improvements at the time of site development the project geotechnical engineer shall make site-specific recommendations for grading, drainage, installation of foundation design, the addition of soil amendments and or the use of imported non-expansive fill materials as may be required to fully mitigate the effects of weak or expansive soils and prevent future damage to project improvements. Following review and approval by the City-retained independent engineering geologist and City Engineer (see Mitigation 10-1) these recommendations shall be incorporated into a report to be included with each building permit application and with the plans for all public and common-area improvements.

24. Mitigation 10-8: Specification for site development shall include a protocol for verifying that adequate protection has been provided for all foundations and underground utilities that could be damaged by corrosive soils. The project civil engineer shall be responsible for implementation of this protocol with final approval by the City Engineer. Implementation of this measure would reduce this potential impact to a less-than-significant level.

25. Mitigation 10-9: Prepare an erosion control plan subject to City approval and implement the plan during construction. The plan shall provide for long-term stabilization of all exposed soils upon the completion of project development. Implementation of this measure would reduce this potential impact to a less than significant level.

26. Mitigation 10-10: Educational materials that discourage overwatering in landscaped areas shall be furnished to all future lot owners at the time of purchase and periodically thereafter (perhaps by inclusion with water or tax bills), as part of an effort to control groundwater seepage.

27. Mitigation 10-12: Require project annexation to the West Pittsburg Geologic Hazard Abatement District (GHAD) in order to adequately address the special circumstances and long-term geotechnical maintenance needs associated with development in areas of potential geologic instability. The existence of and the responsibilities attached to project inclusion in the GHAD shall be clearly disclosed to all purchasers of property within the project site. In addition, all risks and liabilities associated with the ownership of project land in the vicinity of potentially unstable slopes shall be fully explained to potential buyers at the time of purchase. Implementation of these measures to the satisfaction of the City-retained engineering geologist and City Engineer would this potential impact to a less than significant level.

28. Mitigation 12-1: Require that a qualified archaeologist be retained at applicant expense to monitor project-related onsite excavation. In the event that subsurface cultural resources are uncovered during approved ground-disturbing activities, work in the immediate vicinity shall be halted immediately and the retained archaeologist shall evaluate the finds and make a determination in regard to the cultural value of the discovery and warranted mitigation measures. Such preliminary field inspection may demonstrate the need for some form of additional subsurface testing (e.g., excavation by auger, shovel, or backhoe unit). The discovery or disturbance of any significant cultural resources should be reported to the California Historical Resources Information System (CHRIS). The discovery of any Native American cultural resources shall also be reported to the Native American Heritage Commission. If a significant archaeological resource is identified through this field inspection process, the City and project proponent shall seek to avoid damaging effects to the resource. Preservation is the preferred manner of mitigating impacts to an archaeological site. When in-place mitigation is determined by the City to be infeasible, a mitigation program, including measures set forth in sections 15064.4 and 15126.4 of the CEQA Guidelines, shall be implemented. Specifically, a data recovery plan, which makes provisions for adequate recovery of the scientifically consequential information about the site, shall be prepared prior to any additional excavation being undertaken. The plan shall be submitted to the California Historical Resources Regional Information Center (i.e., the NWIC at Sonoma State University). If Native American artifacts are indicated, the plan shall also be

submitted to the Native American Heritage Commission (NHAC). Identified cultural resources should be recorded on State Department of Parks and Recreation form DPR 422 (archaeological sites). The data recovery plan should be finalized as necessary to incorporate any mitigation additions or revisions recommended by these two groups and/or required by the City. If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply. The identified mitigations shall be undertaken to City satisfaction, if necessary, prior to resumption of grading activities.

A data recovery plan and data recovery shall not be required if the City determines that testing or studies already completed have adequately recovered the necessary data, provided that the data are available for review at the California Historical Resource Regional Information Center [CEQA Guidelines section 15126.4(b)].

2019 SEIR Mitigation Measures: The developer shall comply with all applicable Mitigation Measures (MM) identified within the Supplemental Environmental Impact Report (SEIR) certified by the City Council on July 1, 2019, including but not limited to those specified below. In the event there is a conflict between the final Mitigation Monitoring and Reporting Program (MMRP), and the mitigation measure shown below, the more preventive requirements shall apply.

29. MM AIR-1: *Implement BAAQMD Best Management Practices During Construction.* The following text is a refinement of MM 15-1 from the 2004 Final EIR. The text is updated to reflect current BAAQMD best practices. The following Best Management Practices (BMPs), as recommended by BAAQMD, shall be included in the project design and implemented during construction:

    - All active construction areas shall be watered at least three times per day.
    - All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least three times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces.
    - All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard.
    - All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
    - All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
    - All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
    - Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of

CCR). Clear signage regarding idling restrictions shall be provided for construction workers at all access points.

- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The City of Pittsburg and the construction contractor shall take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

30. MM AIR-2: *Use Construction Equipment That Meets Tier 3 Off-road Emission Standards.* During construction activities, all off-road equipment with engines greater than 50 horsepower shall meet either EPA or ARB Tier 3 Final off-road emission standards. The construction contractor shall maintain records concerning its efforts to comply with this requirement, including equipment lists. Off-road equipment descriptions and information may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.

31. MM BIO-1a: *Burrowing Owl.* No more than 30 days prior to the first ground-disturbing activities, the project applicant shall retain a qualified biologist to conduct a preconstruction survey on the project site. The survey shall establish the presence or absence of western burrowing owl and/or burrows, and evaluate any use by owls in accordance with applicable CDFW survey guidelines.

    On the portion of the project site where the ground disturbing activity is proposed, the biologist shall survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify whether any burrows and/or owls are present. Adjacent areas on the project site that are not being proposed for ground disturbance need not be surveyed. The survey shall take place near the sunrise or sunset in accordance with applicable CDFW guidelines. All burrows or burrowing owls (if any) shall be identified and mapped. During the breeding season (February 1–August 31), surveys shall document whether burrowing owls (if any) are nesting on or directly adjacent to disturbance areas. During the non-breeding season (September 1–January 31), surveys shall document whether burrowing owls (if any) are using habitat on or directly adjacent to any disturbance area. Survey results shall be valid only for the season during which the survey is conducted.

    If burrowing owls are not discovered during the above-described preconstruction surveys, or if burrows are identified but are inactive, further mitigation is not required.

If burrowing owls are observed during the pre-construction surveys, the project applicant shall perform the following measures to limit the impact on the burrowing owls:

- Avoidance shall include establishment of a 160-foot non-disturbance buffer zone. Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation, or that the juveniles from the occupied burrows have fledged. During the non-breeding season (September 1-January 31), the project proponent shall avoid the owls and the burrows they are using, if possible. Avoidance shall include the establishment of a 160-foot non-disturbance buffer zone.
- If it is not possible to avoid occupied burrows, passive relocation shall be implemented. Owls shall be excluded from burrows in the immediate impact zone and within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors shall be in place for 48 hours prior to excavation. The project area shall be monitored daily for 1 week to confirm that the owl has abandoned the burrow. Whenever possible, burrows should be excavated using hand tools and refilled to prevent re-occupation. Plastic tubing or a similar structure shall be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow.

32. MM BIO-1b: *Swainson's Hawk.* Prior to any ground disturbance that occurs during the nesting season for Swainson's hawk (March 15 to September 15), a qualified biologist shall conduct a preconstruction survey no more than 30 days prior to construction to establish whether there are any Swainson's hawk nests within 1,000 feet of the project site, and if so, whether they are occupied. If potentially occupied nests within 1,000 feet are located adjacent to but not on the project site, then their occupancy shall be determined by observation from public roads or other publicly accessible observation areas of Swainson's hawk activity (e.g., foraging) near the project site. If Swainson's Hawks are not discovered during the above-described preconstruction surveys, or if a nest is identified but is inactive, further mitigation is not required.

33. If nests are located and determined to be occupied, minimization measures and construction monitoring are required as follows:

    In order to mitigate for the loss of Swainson's hawk foraging habitat to a less than significant level, the Project applicant shall acquire conservation easements or other instruments to preserve suitable foraging habitat for Swainson's hawk, as determined by the California Department of Fish and Game. The location of mitigation parcels as well as the conservation instruments protecting them shall be acceptable to the City and to the California Department of Fish and Game. The amount of land preserved shall be governed by a 1:1 mitigation ratio for each acre developed at the Project site. In deciding whether to approve the land

proposed for preservation by the Project applicant, the City shall consider the benefits of preserving lands in proximity to other protected lands. The preservation of land shall be done prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first. In addition, the City shall impose the following minimum conservation easement content standards:

- The land to be preserved shall be deemed suitable Swainson's hawk foraging habitat by the California Department of Fish and Wildlife.
- All owners of the mitigation land shall execute the document encumbering the land.
- The document shall be recordable and contain an accurate legal description of the mitigation land.
- The document shall prohibit any activity which substantially impairs or diminishes the land's capacity as suitable Swainson's hawk foraging habitat.
- If the land's suitability as foraging habitat is related to existing agricultural uses on the land, the document shall protect any existing water rights necessary to maintain such agricultural uses on the land covered by the document, and retain such water rights for ongoing use on the mitigation land.
- The applicant shall pay to the City a mitigation monitoring fee to cover the costs of administering, monitoring and enforcing the document in an amount determined by the receiving entity, not to exceed 10% of the easement price paid by the applicant, or a different amount approved by the City Council, not to exceed 15% of the easement price paid by the applicant.
- Interests in mitigation land shall be held in trust by an entity acceptable to the City and/or the City in perpetuity. The entity shall not sell, lease, or convey any interest in mitigation land which it shall acquire without the prior written approval of the City.
- The City shall be named a beneficiary under any document conveying the interest in the mitigation land to an entity acceptable to the City.
- If any qualifying entity owning an interest in mitigation land ceases to exist, the duty to hold, administer, monitor and enforce the interest shall be transferred to another entity acceptable to the City or to the City.

Before committing to the preservation of any particular land pursuant to this measure, the Project proponent shall obtain the City's approval of the land proposed for preservation. This mitigation measure may be fulfilled in combination with a mitigation measure imposed on the project requiring the preservation of agricultural land as long as the agricultural land is determined by the Department of Fish and Wildlife to be suitable Swainson's hawk habitat.

34. MM BIO-1c: *Migratory and Nesting Birds.* Prior to the start of construction, the implementation of the following avoidance and minimization measures would

avoid or minimize potential effects to migratory birds and habitat in and adjacent to the project site. These measures shall be required to be implemented for construction work that occurs during the nesting season (February 15 through August 31). No mitigation measures shall be required during the non-nesting season (September 1 through February 14)

- If construction or tree removal is proposed during the nesting season for migratory birds (February 15 through August 31), a qualified biologist shall conduct pre-construction surveys for ground nesting birds and migratory species, such as the northern harrier, within the construction area, including a 300-foot survey buffer, no more than 3 days prior to the start of ground disturbing activities in the construction area.
- If an active nest of any of the above-identified migratory birds is located during pre-construction surveys, then the project applicant shall adhere to notification requirements to USFWS and/or CDFW (as appropriate) regarding the status of the nest as may be required under applicable laws and regulations. Furthermore, construction activities shall be restricted as necessary within any identified buffer area (as determined by the qualified biologist) to avoid disturbance of the nest until it is abandoned or a qualified biologist deems disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 300 feet around an active raptor nest and 50-foot radius around an active migratory bird nest) or alteration of the construction schedule.
- A qualified biologist shall: determine the size of the appropriate buffer and delineate the identified buffer using nest buffer signs, ESA fencing, pin flags, and or flagging tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently, at which time no further mitigation shall be required.

35. MM GHG-1: *Implement Measures to Reduce GHG Emissions.* Prior to the issuance of the first certificate of occupancy for the relevant portion of the 2018 Project (i.e., residential or commercial), or building final as appropriate, the residential or commercial applicant (as relevant) shall provide documentation to the City of Pittsburg that the following measures have been achieved:

    Residential Measures:

    - Provide 100 percent renewable energy through either one or a combination of (1) Installation of solar photovoltaic systems consistent with the 2019 Building Energy Efficiency Standards and/or (2) Purchase 100 percent renewable energy for electricity consumption on the project site. For the purchase of renewable energy, prior to the issuance of the first certificate of occupancy for the residential portion of the 2018 Project, the Project applicant shall record Conditions, Covenants and Restrictions (CCRs) that require each homeowner to enroll into and maintain

enrollment on an ongoing basis in the Marin Clean Energy's "Deep Green" or "Local Sol" program, or similar program offered at the time of project occupancy, to purchase 100 percent renewable energy for electricity consumption on the project site.
- Provide electrical outlets on the outside of the homes or outlets within the garages to encourage the use of electrical landscaping equipment.
- Install on-demand electric or solar water heaters.
- Use water efficient landscapes and native/drought-tolerant vegetation.
- Install smart meters and programmable thermostats.

Commercial Measures:

- Install on-site charging units for electric vehicles consistent with parking requirements in California Green Building Standards Code Section 5.106.5.2.
- Dedicate on-site parking for shared vehicles.
- Install on demand electric water heating instead of natural gas water heating for some or all of the project's hot water needs, to the extent such technology is then readily available and commercially practicable.
- Provide adequate, safe, convenient, and secure on-site bicycle parking and storage in the commercial portion of the project.

36. MM NOI-1: To reduce potential traffic noise impacts, the following multipart mitigation measure shall be implemented for the 2018 Project:

a) The 2018 Project shall construct a soundwall (or equivalent) to protect residential units bordering West Leland Road. The soundwall (or equivalent) shall be a minimum 8-foot high above the finished grade of the residential units. Notwithstanding the foregoing, the 2018 Project applicant may propose an equivalent measure so long as the 2018 Project applicant can demonstrate, via an updated acoustical analysis prepared by a qualified noise consultant and approved by the City Engineer, that the applicable performance standards will be achieved with implication of this equivalent measure. The soundwall (or equivalent) shall effectively block the line of sight to West Leland Road for proposed outdoor active use areas (i.e., backyards or side yards) of all residential units within 100 feet of the edge of the southern project property line. The soundwall (or equivalent) shall be of solid construction, with no vertical or horizontal gaps, and shall have a minimum surface weight of 4 pounds per square foot. The acceptability of the proposed combination of soundwall (or equivalent) mitigation shall be confirmed by the City Engineer, as part of the final plans and permitting process, to ensure compliance with the applicable performance standards.

b) The 2018 Project shall implement an alternative form of ventilation for all proposed residential units within 200 feet of the centerline of West Leland

Road, and within 400 feet of the centerline of SR-4. This alternative form of ventilation would give an occupant the option of controlling noise by keeping the windows shut in order to reduce potential traffic noise impacts to a less than significant level. A standard central air conditioning system or a central heating system equipped with a 'summer switch,' which allows the fan to circulate air without furnace operation requiring mechanical ventilation, will provide a habitable interior environment and meet the airflow provisions under building code requirements.

c) The 2018 Project shall construct a soundwall (or equivalent) to protect residential units bordering SR-4. The soundwall (or equivalent) shall be a minimum 10-foot high above the finished grade of the residential units. Notwithstanding the foregoing, the 2018 Project applicant may propose an equivalent measure so long as the 2018 Project applicant can demonstrate, via an updated acoustical analysis prepared by a professional acoustical consultant and approved by the City Engineer, that the applicable performance standards will be achieved with implication of this equivalent measure. The soundwall (or equivalent) shall effectively block the line of sight to SR-4 for all first floor units and proposed outdoor active use areas (i.e., backyards) of all residential units within 400 feet of the centerline of SR-4. The soundwall shall be of solid construction, with no vertical or horizontal gaps, and shall have a minimum surface weight of 4 pounds per square foot. The acceptability of the proposed mitigation shall be confirmed by the City Engineer, as part of the final plans and permitting process, to ensure compliance with the applicable performance standards.

d) The 2018 Project shall provide upgraded wall and window assemblies for all second story residential units in Neighborhoods A-1 and A-2 that would have a direct line of sight to SR-4 and the BART rail line. The combined wall and window assembly shall have a minimum Standard Transmission Class (STC) rating of 32-STC. This will provide sufficient noise reduction, with an adequate margin of safety, to ensure the 45 dBA Ldn interior noise level standard is maintained (74 dBA–32 dBA = 42 dBA). Prior to issuance of building permits, the applicant shall have a professional acoustic consultant review the final design plans to confirm with the City Engineer that the design would provide the required STC rating.

37. MM NOI-2: To reduce potential impacts related to construction noise, the Project shall restrict construction-related activities to normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday. The Project shall also implement the following construction period noise abatement measures and best practices:

- The construction contractor shall ensure that all internal combustion engine-driven equipment is equipped with mufflers that are in good condition and appropriate for the equipment.

- The construction contractor shall select quiet construction equipment, particularly air compressors, whenever feasible
- The construction contractor shall locate stationary noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area. In addition, the project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site, whenever feasible.
- The construction contractor shall prohibit unnecessary idling of internal combustion engines.
- The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- Designate a “noise disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and institute reasonable measures, consistent with this Improvement Measure, warranted to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site.
- Route all construction traffic to and from the project site via designated truck routes where practical. Prohibit construction-related heavy truck traffic in residential areas where feasible.
- The construction contractor shall limit noise producing construction activity to the daytime hours between 8:00 a.m. and 5:00 p.m.

38. MM TRANS-1a: Prior to issuance of building permits, the 2018 Project applicant shall pay applicable Local Traffic Mitigation Fee to the City of Pittsburg, which could be used to construct intersection improvements that would result in acceptable operations, which could include widening the northbound San Marco Boulevard north of West Leland Road to allow the westbound right movement to operate as a free tuning movement.

39. MM TRANS-3a: Prior to issuance of building permits, the 2018 Project applicant shall pay to the City of Pittsburg its pro rata fair share of the cost to restripe the northbound approach of the West Leland Road at Oak Hills Drive intersection to provide separate left and right-turn lanes. Provided, however, that should BART development not occur, this improvement would not be necessary, and the 2018 Project applicant would not be required to pay the fees identified in this Mitigation Measure TRANS-3a. Development considered in the Pittsburg/Bay Point BART Specific Plan included 1,168 dwelling units and 146,362 square feet of nonresidential uses in conjunction with site access and circulation improvements and parking.

40. MM TRANS-3b: Prior to issuance of building permits, the 2018 Project applicant

shall pay to the City of Pittsburg its pro rata fair share of the cost to construct a second eastbound left-turn lane. However, there is insufficient right-of-way available to construct this improvement. As it is uncertain if improvements could be constructed and identified improvements would not result in acceptable LOS E operations, this impact would remain significant and unavoidable. The project applicant previously paid transportation impact fees for improvements at this intersection associated with development of the entitled project.

41. MM TRANS-3c: Prior to issuance of building permits, the 2018 Project applicant shall pay to the City of Concord its pro rata fair share of the costs to improve the intersection of Bailey Road/Myrtle Drive if and to the extent the City of Concord has, at the time of building permit issuance, lawfully established an impact fee to fund the foregoing improvements. The improvements shall consist of signalization of this intersection in conjunction with the construction of a southbound left-turn lane. Provided, however, this mitigation measure shall not apply if there is not a legal mechanism by which for the 2018 Applicant to provide fees to the City of Concord or if the City of Concord does not support the improvements, as reflected by the City of Concord's lawful establishment of an impact fee to fund said improvements.

42. MM TRANS-3d: Prior to issuance of building permits, the 2018 Project applicant shall pay to the City of Concord its pro rata fair share of the costs to improve the intersection of Bailey Road/Concord Boulevard if and to the extent the City of Concord has, at the time of building permit issuance, lawfully established an impact fee to fund the foregoing improvements. The improvements shall consist of installation of southbound right-turn overlap phase and retiming the traffic signal to allow such a movement. Provided, however, this mitigation measure shall not apply if there is not a legal mechanism by which for the applicant to provide fees to the City of Concord or if the City of Concord does not support the improvements, as reflected by the City of Concord's lawful establishment of an impact fee to fund said improvements.

43. MM TRANS-4: Prior to issuance of building permits, the 2018 Project applicant shall pay all adopted applicable regional transportation related impact fees in accordance with the latest fee schedule, including the ECCRFFA.

44. MM TRANS-5a: Prior to issuance of the first building permit, the applicant shall demonstrate that the Alves Ranch Road extension into the project site is designed to Collector Street standards, and all other streets are designed to Local Street standards.

45. MM TRANS-5b: Prior to the issuance of the first grading permit, the applicant shall demonstrate (as shown on the final improvement plans) provide a refuse collection plan to that each home has a clear refuse collection staging area that considers the need for some on-street parking to be provided on refuse collection days.

46. MM TRANS-7a: Prior to issuance of building permits for the potential future commercial uses, the commercial project applicant shall prepare and submit plans to the City of Pittsburg demonstrating that a community kiosk is provided in a centrally located public space. The kiosk shall provide information about alternative modes of transportation including bicycling, walking, transit, and carpool programs or facilities.

47. MM TRANS-7b: Prior to issuance of building permits for the potential future commercial uses, the commercial project applicant shall prepare and submit plans to the City of Pittsburg demonstrating that bicycle racks and lockers or secure room bicycle parking is provided based on the requirements outlined in Section 18.78.045 of the Pittsburg Municipal Code. Approximately 20 percent of the required bicycle parking shall be long-term parking for employee use.

48. MM TRANS-7c: Prior to issuance of building permits for the 2018 Project, the residential project applicant shall demonstrate (as shown on final improvement plans) that it will either install signage and barricades prohibiting pedestrian crossing movements of West Leland Road at the new project roadway/Tomales Bay Drive on both the east and west legs of the intersection, or install a high visibility crosswalk with a pedestrian actuated flashing beacons or pedestrian hybrid signal across the west leg of the intersection and prohibit pedestrian crossings of the east leg through signage and barricades.

Site Access and Circulation Assessment Recommendations:

49. Refuse Pick Up Plan. Prior to approval of the final map, the developer shall submit a final refuse pickup plan to be reviewed by the City and refuse collection company, which shall include, at a minimum:

    1. a map showing the general location where all trash bins shall be placed on pickup days, in substantial conformance with the draft refuse plan maps dated June 1, 2018;
    2. a copy of a disclosure to all residents detailing the trash pickup plan and homeowner responsibilities;
    3. a copy of language to be recorded within the Conditions, Covenants and Restrictions (CCRs) detailing the refuse plan requirements and homeowner responsibilities;
    4. a signage plan identifying trash receptacle placement areas at curbs; and
    5. any other materials deemed necessary by the City Engineer.

50. Pedestrian Signage on W. Leland at Tomales Bay. The developer shall install signage and barricades prohibiting pedestrian crossing movements on West Leland Road at the intersection of the new project roadway and Tomales Bay Drive on both the east and west legs of the intersection. The final design and

location of the signage and barricades shall be subject to review and approval by the City Engineer.

51. Public Transit Information. The developer shall provide information on all available public transit opportunities to prospective and new residents to encourage transit use to and from the site.

52. Use of Garages. The developer shall include within the CC&Rs language requiring garages be reserved for vehicle storage.

Design Review:

53. Dog Park Modification. The proposed dog park on Lot K shall be modified to allow for a 12-foot wide Class I trail starting from the eastern terminus of Street B to the eastern edge of the project area. The easement shall be improved to provide a 12-foot wide Class I trail.

54. Pedestrian Connection Across Commercial Site. The proposed Class I trail on either side of Lot H shall be continued across Lot H with a temporary 8-foot wide asphalt concrete pedestrian path to allow for a connection between Neighborhoods "C" and "D." A permanent trail connection may be conditioned upon the future commercial development.

55. Crosswalks. Decorative crosswalks shall be installed at the following locations:

    1. Across Street A, immediately north of West Leland Road;
    2. Across Street A, immediately south of Street B
    3. Across Street B, to the west and east of Street A; and
    4. Across Street E, immediately north of West Leland Road.

    Crosswalks described above shall be maintained by the City. Final design and locations of the decorative sidewalk shall be subject to approval by the City Planner and City Engineer.

56. Solar. Developer shall install of solar photovoltaic panels on each home in conjunction with other Title 24 energy components to meet current code.

57. EV Pre-Wiring. Developer shall install prewiring for electric vehicle (EV) charging within each residential unit's garage.

58. Water Use Calculations. The developer shall provide estimated water use calculations with the Final Landscape Plans to ensure compliance with the City's water efficient landscape ordinance (PMC 18.84.310).

59. Landscape Installation. Prior to occupancy of the residential units, the developer shall complete installation of landscaping and automatic irrigation systems in

street landscape areas and all front, side and rear yards that are to be maintained by the project Home Owners Association (HOA), in accordance with Article VII (Landscaping, Irrigation and Hydroseeding) of PMC Chapter 18.84, or other applicable water efficient landscape ordinance, subject to approval by the Community Development Department. The developer shall provide the irrigation system controller map, programming table, and annual maintenance schedules to the HOA. If required landscaping is not completed prior to final inspection and occupancy, the developer shall post a bond to assure that the work is completed and turned over to the HOA to the satisfaction of the City.

60. CC&Rs Required. The developer shall include in the project Conditions, Covenants, and Restrictions (CC&Rs) and homebuyer disclosures information about integrated pest management and the principles of water-efficient landscapes, including but not limited to those principles that are described in PMC chapter 18.84, article VII.

61. Photometric Plan. Prior to issuance of a building permit, the developer shall provide a photometric plan to identify the appropriate street light spacing. In general, the lighting requirements used shall be as described in the Illuminating Engineering Society of North America (IESNA) standards. With the exception of Streets “A” and “B,” the developer may opt to utilize lighting mounted to exterior house walls to provide street/alley and pathway lighting upon approval by the City Engineer. All light fixtures intended to provide lighting for streets/alleys and pathways shall be placed on a timer and shall automatically turn on at dusk and stay on until sunrise. The final design and location of the lighting fixtures shall be subject to approval by the Planning and Engineering Divisions.

62. Affordable housing. The developer shall enter into an affordable housing agreement, subject to City Council approval, prior to the approval of a final map. The agreement shall comply with all applicable sections of the Vista Del Mar Development Agreement, previously adopted by the City Council through Ordinance No. 04-1231and/or as amended in subsequent Development Agreements.

63. Park Design Features. The developer shall provide a seating area between the basketball and bocce courts. The seating area shall include a charcoal bbq and shall be covered by a pergola or other cover. The developer shall also install trash and recycling bins. The final design and locations are subject to review and approval by the Planning Division prior to installation.

64. Bulb-Out Removal. The mid-block bulb-out projecting into Street A shall be removed.

65. Lot C Screening. The developer shall install a landscape visual barrier along the east side of Lot C. Though intended to be a visual barrier, plantings shall still allow for visual permeability to the adjacent areas and shall allow light and air to

travel freely between. As this is not intended to be a physical barrier, the density of the planting shall not impede a person's movement through the subject area. Landscape material shall include plants with a mature height of a minimum of six feet. The final design and location of the landscaping shall be subject to approval by the Planning Division.

66. Future Pedestrian Connections Across Commercial Site. Lot C shall reserve for a future walkway connection to the commercial site, to be determined with the commercial site development application, to provide for a pedestrian connection between Neighborhood D1 & D2 and the commercial site.

67. Side Yards. All side yard fencing along property lines adjacent to Streets E, F, G, and H within Neighborhood D shall not extend beyond 5 feet from the side of the building.

68. Screening of Appurtenances. Roof vents shall be painted the same color as roofing material to which they are adjacent. Downspouts, side vents, attached utility boxes, and hose bibs shall be painted the same color or colors as the surface or surfaces to which they are adjacent.

69. Garage Door Openers. All garage doors within residential neighborhoods shall be equipped with automatic openers.

70. Noise Standards for Windows. For residential units exposed to exterior decibel levels of 60 dB or higher, as shown on the noise contour map in Appendix E of the Draft SEIR, all exposed windows shall be acoustically strengthened to reduce interior noise levels to a maximum of 45 decibels.

71. Additional Fencing/Walls. In addition to the areas shown on the proposed vesting tentative map and project plans, and as required in accordance with MM 14-1, the developer shall install a masonry wall or wood fencing in the following locations:

    1. Six-foot high wood fencing along the eastern boundary of Lots 66, 68, 70, 72, 74, and 76;
    2. Minimum six-foot high masonry wall along the eastern boundary of Lots 325, 330, 335, 340, and 346; and
    3. Minimum 4-foot-high protective fencing, where there is no other fencing or wall, along the top of the slope of the stormwater basin on Parcel J and Parcel I.

72. Sound Wall Design. The final design and colors of all masonry sound walls fronting West Leland Road shall be a Proto II or equal, split face block wall system in a tan color with a decorative wall cap and pilasters placed a maximum interval of 25 feet, similar to the existing wall design and color on the south side of the street. All masonry walls constructed as a part of this development shall be

maintained by the applicable Homeowners' Association. The final design of the all masonry boundary walls shall be reviewed and approved by the Planning Division prior to issuance of a building permit.

73. Commercial Signage. Signage for the commercial site is not approved at this time. No signs shall be installed on-site until plans have been reviewed and approved by the City under a separate sign permit application.

74. Address numbers. The applicant shall install minimum four-inch-high, die cut, block style numbers on all residential units for address identification. The numbers shall be in a color that is contrasting to the background surface to which they are attached. Units in Neighborhoods A-1, A-2, and C shall be installed within 10 feet of each unit's main entry door and may also be installed on facades with garage doors, if different. Units in Neighborhood D shall be installed within 10 feet of each unit' entry door.

75. Utility Screening. All air conditioning units, transformer boxes, and utility meters placed above-ground shall be substantially screened from public view by way of unit location, permanent wood screening fences, or landscape planting, subject to review and approval by the Planning Division.

76. Bike Racks. The developer shall install two wall-mounted bicycle racks within each garage.

77. Garage Sizing. All garages shall provide for a minimum of two 10-foot by 20-foot parking spaces. Garages for units within neighborhoods A-1 and A-2 shall provide an additional eight (8) square feet for trash bin storage.

78. Landscape Maintenance. In order to ensure the perpetual maintenance of landscape improvements along West Leland Road, landscape, trail and perimeter wall maintenance within parcels D, E, F, G and lot P shall be performed by the Homeowner's Association. In addition, the developer shall enter into an Operations and Maintenance Agreement with the City for the landscaping and irrigation improvements. This agreement shall run with the land and allow the City to access and maintain these areas if the City deems the landscaping and /or irrigation improvements are not maintained appropriately. The agreement shall specify that the cost of any required maintenance performed by the City shall be solely borne by the Homeowners' Association and shall be executed prior to final approval by the Building Division of any home.

Engineering Fees and Deposits:

79. Major Subdivision Map Processing Fee. The developer shall pay the fee according to the following amounts as applicable to the project:

1st - 3rd Final Map Check		4th Final Map Check
5-50 lots	$2,300	$2,300 + $800/ea. additional map check

51-150 lots	$3,000	$3,000 + $1,500/ea. additional map check
151 or more	$3,365	$3,365 + $1,330/ea. additional map check

This fee shall be paid in full to the Engineering Division prior to the City Council's approval of the Final Map.

80. Improvement Plan Review Fee. The Plan Review Fee is based on the engineer's estimate, which shall be included with the first set of plans submitted for review. The current Improvement Plan Review Fee is 3.5% of the engineer's cost estimate for improvements.

81. Improvement Plan Review Deposit. The developer shall provide a deposit of 50% of the total Improvement Plan Review Fee with the initial submittal of improvement plans. This initial deposit will also be applied towards the total fees due for the project. The remaining balance of Improvement Plan Review fees shall be due payable prior to the issuance of an Engineering Site Development Permit.

82. Improvement Inspection Fee. The developer shall pay an Improvement Inspection Fee according to the following rates as applicable to the project:

Percent of engineer's estimate	Total estimated costs
6.5%	≥ $500,000
4%	$500,001 - $5 million
3.6%	< $5 million

The improvement Inspection fee shall be due payable prior to the issuance of an Engineering Site Development Permit.

83. Grading Plan Review Fee. The Grading Plan Review Fee is based on the engineer's estimate for the cost of grading, or if cubic yard quantities are available, per the Grading Fee Table approved by City Council. The current Grading Plan Review Fee is 2.5% of the engineer's estimate for the cost of grading.

84. Grading Plan Review Deposit. The developer shall provide a deposit of 50% of the total Grading Plan Review Fee with the initial submittal of grading plans. This initial deposit will also be applied towards the total fees due for the project. The remaining balance of Grading Plan Review Fees are due payable prior to the issuance of the Grading Permit.

85. Grading Inspection Fee. The Grading Inspection Fee is based on the engineer's estimate for the cost of grading, or if cubic yard quantities are available, per the Grading Fee Table approved by City Council. The current Grading Inspection Fee is 3% of the engineer's estimate for the cost of grading. The fee shall be due payable prior to the issuance of a Grading Permit.

86. In Lieu Parkland Dedication Fee. The developer shall pay an In-Lieu Parkland Dedication Fee equivalent to providing 5 acres of park area per one thousand persons residing within the new development and shall be based on the fair market value of developed parkland, or as established with separate agreement as approved by the City Engineer.

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

88. Local Traffic Mitigation Fee. The developer shall pay the Local Traffic Mitigation Fee in accordance with PMC Chapter 15.90 to the Engineering Department prior to issuance of a building permit. The developer understands that the LTMF is reviewed and adjusted annually to the current Construction Cost Index (CCI) and may be increased at the City Council's discretion based on revised cost estimates for roadway and transit facilities and other factors that demonstrate an increase is needed to offset traffic impacts caused by new development.

89. Regional Transportation Development Impact Fee. The Developer shall pay the Regional Transportation Development Impact (RTDIM) Fee in accordance with PMC Chapter 15.103 to the Engineering Department prior to issuance of a building permit. The RTDIM will be automatically increased or decreased on January 1 of each year based on the percent change in the Engineering News-Record Construction Costs Index – San Francisco Bay Area between September 1 and September 1 of the preceding two calendar years.

90. Final Map Deposit. The developer shall provide a deposit of $500 prior to City Council's approval of the final map. The deposit shall be returned to developer once the City is in receipt of a full-size vellum copy of the recorded final map.

91. Record Drawing Deposit. The developer shall provide a $500 deposit prior to City Council's approval of the final map. The deposit shall be returned to developer once the City is in receipt of the Record Drawing AutoCAD and PDF file, and full sized vellum copy of Improvement Plans, that were signed by the City Engineer prior to Engineering Site Development Permit issuance.

92. Sanitary Sewer Inspection Deposit. The developer shall provide a sanitary sewer inspection deposit prior to the issuance of the Engineering Site Development Permit issuance. The current deposit amount is $1,000 for the first 1,000 linear feet of sewer main plus $1.10/linear foot of additional sewer pipe.

93. Storm Drain Inspection Deposit. The developer shall provide a storm drain inspection deposit prior to the issuance of the Engineering Site Development Permit issuance. The current deposit amount is $1,000 for the first 1,000 linear feet of storm drain main plus $1.10/linear foot of additional storm drain pipe.

94. Geographical Information System Fee. The current Geographical Information System (GIS) Fee is $0.05/sf of building for non-residential projects, and $100/dwelling unit for all residential projects. The GIS fee is due payable prior to the issuance of an Engineering Site Development Permit.

95. NPDES Plan Review Fee. The developer shall pay an NPDES plan review fee for review of stormwater control plans and processing of closeout agreements and / or review of Storm Water Pollution Prevention Plans (SWPPP). The current fee is:

- $3,000 for the first 10,000 sf up to 1st acre (projects with Risk Factor 1)
- Add additional $136/acre for projects greater than 1 acre, up to the first 5 acres (projects with Risk Factors 2 or 3)
- Add additional $31/acre for projects greater than 5 acres

96. NPDES Site Inspection Deposit. The developer shall pay an NPDES inspection deposit for City staff's inspection of C.3 compliant facilities constructed, and /or inspection of construction site for compliance with Best Management Practices in accordance with the City's Municipal Regional Stormwater NPDES Permit. The current rate is:

- $12,000 for the first 10,000 sf up to 1st acre (projects with Risk Factor 1)
- $24,000 for projects greater than 1 acre (projects with Risk Factor 2 or 3)

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

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

Submittals to the Engineering Division:

98. Final Map. The developer shall submit three (3), full size, hard copies of the Final Map with closure calculations, prior to City Council's approval of each final map, improvement, or grading plans.

99. Improvement Plans. The developer shall submit seven (7) full size, hard copies of Improvement Plans. The Improvement Plans shall include, but not be limited to, the following:

- Site Plan
- Grading and Drainage Plan
- Utilities Plan which identifies ownership and maintenance responsibilities of both wet and dry utilities;
- Landscaping and Irrigation Plan
- Joint Trench Plan
- Offsite Improvements Due to Project Impacts

100. CC&Rs. All CC&Rs recorded as part of the project shall identify the long-term maintenance responsibilities of the City and the Homeowners' Association, as shown in the Improvement Plans.

101. SWPPP and WDID Number. The developer shall submit two (2) copies of the Storm Water Pollution Prevention Plan (SWPPP) to the Engineering Division for review and comment prior to the issuance of a Grading Permit. The SWPPP shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. The SWPPP measures shall also include erosion control measures to prevent soil, dirt, and debris from entering the storm drain system. The developer shall provide the project WDID number as evidence of having obtained a construction permit from the Regional Water Quality Control Board. If a WDID number has not yet been issued, a copy of the Notice of Intent that was sent to the Regional Water Quality Control Board shall be submitted with the grading permit application.

102. Fire District Plan Review. The developer shall submit three (3) complete sets of plans and specifications of the project, including any of the following required built-in fire protection systems, to the Fire District for review and approval prior to construction to ensure compliance with minimum requirements related to fire and life safety. Plan review fees for the Fire District will be assessed at that time.

a. Private underground service water mains
b. Building construction plans
c. Fire Sprinklers
d. Site improvement Plans

103. Geotechnical Report. The developer shall submit a current geotechnical report to the Engineering Division prior to approval of any civil plans and issuance of an engineering permit.

104. Stormwater Study. The developer shall submit a complete area study specific to

the Alves ranch project site only, for storm water (10-year storm design) capabilities, prior to the approval of the final map, and mitigate additional storm runoff demands anticipated under build out conditions. The study shall include a review of the impact of the site grading on the 10-year flood level in accordance with the Federal Emergency Management Agency (FEMA) guidelines. If additional mitigation measures are required then the study and measures shall be submitted to the City Council for its review and approval.

105. Detention Basin Retrofits. The developer shall submit grading and improvement plans to retrofit the existing detention basin, to accommodate stormwater runoff from the residential improvements of the Alves Ranch project and the Vista Del Mar subdivisions. These revisions are required to enable the detention basin to function both as a Stormwater Treatment, and Stormwater Detention Facility to meet the criteria for both provision C.3 of the Clean Water Program's Regional Permit, and Flood Control criteria, respectively. Improvement plans detailing modifications to the outlet and dewatering structures are to be submitted to the City and County Flood Control District for review and approval by the City prior to the issuance of any grading permits for the project. In addition, all such improvements to the basin must include adequate access for maintenance vehicles and equipment.

106. Basin Operations and Maintenance Control Plan. Prior to the City's acceptance of the Detention Basin, the developer shall submit an Operations and Maintenance Control Plan (O&M Plan) for the maintenance of the basin by the GHAD. Proper maintenance of the basin is essential for maintaining the functionality of the basin. The O&M Plan shall address maintenance of the spillway and standpipe and provide recommended intervals for silt removal. Developer understands that acceptance of the detention basin by the GHAD shall occur when all streets within the development are completed, and Street A has been accepted for continuous maintenance by the City.

107. Police Enforcement on Private Streets. Developer understands that all streets within the project, with the exception of Street A will be privately maintained by the HOA. However, upon City Council's acceptance of the public improvements for continuous maintenance, the Pittsburg Police Department is authorized to enforce all provisions of the State Vehicle Code on all private streets of the Alves Ranch Development. Enforcement of the Vehicle Code shall consist of but not be limited to enforcement of the following: Speed Limits, Off Street Parking, and Vehicle Codes on the common private streets within the subdivision. Developer further understands all appropriate signage and striping are to be installed and completed prior to commencement of enforcement by the Pittsburg Police Department.

108. Conservation Easement. Developer understands that the establishment of a perpetual conservation easement, specifying management of the land to be for "Waters of the United States" and state California red-legged frog, and California tiger salamander values, is yet to be completed. This conservation easement

was a mitigation measure to address the impacted wetland areas, of the previously approved overall project site. Recordation of this conservation easement shall occur prior to the recordation of the last final map for the residential subdivision, as outlined in the Development Agreement between The City of Pittsburg, Alves Ranch LLC, and William Lyon Homes, section 3.06a. Alternatively, Developer may post a bond in a form and in an amount, and with a surety acceptable to the City and the City shall not object to the recordation of the last final map.

109. Annexation Documentation for CFD 2005-1. Community Facilities District 2005-1 is for Public Safety Services, the fee will provide funding for an increase of police coverage in the area. The rate of the CFD 2005-1 fee is subject to City Council Resolution No. 05-10342. The developer shall deliver written approval in a manner acceptable to the City Finance Director, that the owner of the parcel is electing to annex the subject property into the 2005-1 Community Facilities District (CFD 2005-1) for Public Safety Services, prior to the recordation of the first Final Map.

110. Annexation Documentation for CFD 2007-1. Community Facilities District 2007-1 is for Park Maintenance. The rate of the CFD 2007-1 fee is subject to City Council Resolution No. 07-10698. The developer shall deliver written approval in a manner acceptable to the City Finance Director, that the owner of the parcel is electing to annex the subject property into the 2007-01 Park Maintenance Community Facilities District (CFD 2007-1), prior to the recordation of the first Final Map.

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

112. Street A Final Design. Street A shall be designed to meet City Standard Specifications within the 78-foot street right-of-way. Final design of Street A shall be subject to review and approval by the City Engineer.

113. Construction Methods for Stormwater Control. Grading and/or building permit plans (including structural, mechanical, architectural, grading, drainage, site, landscape, and other drawings) shall show the details and methods of construction for site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs, permanent stormwater control BMPs, and other features that control stormwater flow and potential for stormwater pollutants.

114. Capacity Study. The developer shall evaluate the existing, receiving storm,

sewer, and water facilities for adequate capacity and provide the results to the City to identify any service or supply problems. The cost for installation of additional facilities or retrofit of existing facilities shall be borne by the developer.

115. Sanitary Sewer. The developer shall provide appropriate sanitary sewer, sized to adequately accommodate the project's wastewater demand.

116. Utility Distribution Facilities. The developer shall underground all new utility distribution facilities fronting the property. The location of all existing above ground utility distribution facilities to remain as-is and will be screened, to the best of the developer's ability, by landscape plantings.

117. Utility Boxes and Cables. The developer shall install all utility boxes underground and all wires and cables must be installed in conduits. Compliance with this condition shall be at the discretion of the City Engineer.

118. Compliance with Development Agreement. The developer shall incorporate and/or adhere to all applicable provisions of the Development Agreement, between the City, Alves Ranch, LLC, and William Lyon Homes, recorded February 25, 2005, and subsequent amendments to the Development Agreement between the City of Pittsburg, Alves Ranch LLC, and William Lyon Homes. Provisions of this agreement shall be reviewed prior to the approval any final map. The City reserves the right to require the applicant to perform any of the applicant's obligations under the development agreement before recordation of the final map to the extent deemed necessary by the City Engineer.

119. Basin Design Revisions. The developer shall ensure that proposed revisions to the basin are in conformance with prior acceptance by the Division of Safety of Dams (DSOD). If changes to the basin are proposed, by the developer, these changes shall be subject to review and approval by the City Engineer.

120. Drainage Study. The developer shall submit to the Flood Control District for review a drainage study, with an updated hydrology map, that analyzes the feasibility of increasing the onsite basin's water treatment volumes and the impacts these proposed modifications will have on the basin's Flood Control storage capacity. Developer to obtain approval by the City for these improvements prior to the issuance of a Grading Permit.

121. Drainage Fees. The developer shall pay all fees associated with Drainage Area 48B (DA 48B) to the Flood Control District prior to issuance of the first final map. The Flood Control District entered into a reimbursement Agreement (dated September 27, 2011) with the Vista Del Mar developer, William Lyon Homes, for the construction of planned drainage lines "B" and "B-1" in DA 48B. Per the Reimbursement Agreement, the Alves ranch Development was afforded a credit of $449,231 in DA 48B fees for construction of certain planned drainage facilities. Per the Agreement, "In the event there are changes in the land use, density, or

impervious surfaces on the Alves property, Alves or its successor(s) in interest shall be responsible for paying the Flood Control District additional drainage fees based on the drainage fee ordinance applicable at that time." Should changes to the original site plan incur additional DA 48B fees, they are due payable to the Flood Control District prior to recordation of the first final map.

122. Basin Setbacks. The developer shall maintain a minimum of fifteen (15') feet setback from top of detention basin, as recommended in Feb. 2008 - Preliminary Geotechnical Investigation prepared by BGC, or any design exception recommendations specifically noted by Geotechnical engineer in a supplemental report and approved by City Engineer.

123. Basin Access. The developer shall preserve the existing maintenance access road to the detention basin & overflow structure and provide an access point to the road. The final design of this access point shall be reviewed and approved by the City Engineer.

124. Pedestrian Connection Across Commercial Site. The developer shall provide an eight- foot (8') temporary asphalt concrete pathway fronting Lot H, the future commercial development. A permanent pathway may be conditioned to be constructed as part of the approvals for the commercial development.

125. Relinquishment of Abutter's Rights. The developer shall relinquish the abutter's rights for all corner lots.

126. Sidewalk Widths. The developer shall provide 6-foot wide sidewalks throughout the subdivision.

127. Retaining Walls. The developer shall construct walls made from concrete block, gravity concrete, or similar material when walls are required between lots.

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

129. Water Sampling Station. The developer shall provide a water sampling station as directed by the City Public Works Department.

130. Water Supply for Fire. The developer shall provide an adequate and reliable water supply for fire protection with a minimum fire flow of 2,000 gallons per minute (GPM). Required flow shall be delivered from not more than two hydrants flowing simultaneously for the duration of 120 minutes while maintaining 20 pounds residual pressure in the main.

131. Fire Hydrant Installations. The developer shall install fire hydrants of the East

Bay type. Hydrant locations shall be determined by the Contra Costa Fire Protection District upon submittal of three (3) copies of complete site improvement plans or utility plans. Hydrants shall be installed, in service, and inspected by the Fire District prior to construction.

132. Fire Hydrant Mapping. The developer shall submit three (3) copies of a 300-foot scale parcel map indicating approved fire hydrant locations, street names, and addresses to the Fire District for mapping purposes. These maps are required prior to Fire District approval of final improvement plans.

133. Utility Access. The developer shall create and dedicate utility parcels to the City or provide adequate utility easement areas for City's maintenance and access.

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

135. Fire Access. The developer shall provide access to the satisfaction of the Contra Costa County Fire Protection District (CCCFPD) prior to issuance of the first building permit for any unit east of Street "A".

136. No Parking Areas. The developer shall paint 'No Parking' markings where no parking stalls are shown, and "Fire Lane" markings shall be painted where appropriate.

137. Traffic Signal Pre-Emption Systems. The developer shall provide traffic signal pre-emption systems (Opticom) on any new traffic signals installed in conjunction with this development.

138. Irrigation. The developer shall provide a Central Irrigation System, for portions of the site landscaping to be maintained by the City, that is compatible with Rainmaster DX 2 Evolution, with a remote controller included with the package. The installation of this system shall be certified by a John Deere Landscapes United Greentech representative prior to the City's acceptance of the installation.

139. ROW Landscaping. The developer shall design the landscaping within the areas of public right of way in accordance with the provisions of Section 18.84.320 of the Pittsburg Municipal Code, and current standard details.

140. Stormwater Pollutants. The developer shall incorporate long-term best management practices (BMP's) for the reduction or elimination of storm water pollutants. The project design shall incorporate wherever feasible, the following long-term BMP's in accordance with the Contra Costa Clean Water Program for the site's storm water drainage:

- Use pavers for walkways and other appropriate hardscape surfaces as an

option to buyers to minimize impervious areas.
- Minimize the amount of directly connected impervious surface area.
- Delineate all storm drains with “No Dumping, Drains to Delta” permanent markings
- Construct concrete driveway weakened plane joins at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Distribute public information items regarding proper use of pesticides to buyers.

Standard Conditions:

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

142. Other Agency Requirements. The developer shall comply with all the requirements of the Community Development Department, including the Planning Division, Engineering Division, and Building Division, the Contra Costa Department of Environmental Health, the Contra Costa County Fire Protection District, the Contra Costa County Flood Control & Water Conservation District, the California Regional Water Quality Control Board, and all other applicable local, state and federal agencies. It is the responsibility of the applicant to check with each agency for requirements that may pertain to the project.

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

144. Expiration of Approval. The conditional design review approval of architectural plans and elevations will expire 36 months after the adoption of this resolution,

unless a building permit or grading permit has been issued or a written request for extension is filed with the Planning Division prior to the expiration date and subsequently approved by the Planning Commission. The approval shall be valid for no more than six months from the date of building or grading permit issuance unless work is commenced and diligently pursued prior to the expiration of the building or grading permit.

Section 4. The Improvements are Reasonably Necessary to Meet the Needs of the Public Arising as a Result of the Subdivision

An improvement imposed as a condition of approval of a tentative map is valid to the extent that it is not excessive. An improvement is not considered excessive if it is reasonably necessary to meet public needs arising as a result of the subdivision. (Government Code section 66465.4 (a), (b).) As an additional finding, the City Council hereby finds that the improvements and requirements described in section 3, above, are reasonably necessary to meet the needs of the public arising as a result of the Alves Ranch Project, as further described in sections 2, 3, and 4 of this resolution.

Section 5. Effective Date

This resolution shall take effect immediately upon the effective date of City Council Ordinance No. 19-_____, approving the zoning map amendment and development agreement amendment affecting the subject property.

Section 6. Adoption

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 1st day of July 2019, by the following vote:

AYES:

NOES:

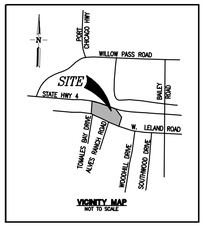
ABSTAINED:

ABSENT:

_____
Juan Antonio Banales, Mayor

ATTEST:

_____
Alice E. Evenson, City Clerk



VICINITY MAP
NOT TO SCALE

BENCHMARK

A FOUND BRONZE DISK (BM#1567) SET IN TOP OF THE NORTHWEST CORNER OF CONCRETE BRIDGE ON ALVES LANE, ELEVATION TAKEN AS 117.95 FT.

LEGAL DESCRIPTION

REAL PROPERTY IN THE CITY OF PITTSBURG, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCELS ONE AND TWO:
PARCELS A AND B, AS SHOWN ON PARCEL MAP NO. MS 676-05, FILED JUNE 21, 2005, IN BOOK 193 OF PARCEL MAPS, PAGE 46, CONTRA COSTA COUNTY RECORDS.

PARCEL THREE:
A PORTION OF LAND AS DESCRIBED IN THE GRANT DEED TO ALVES RANCH, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY RECORDED OCTOBER 5, 2005, DOCUMENT NO. 2005-0381883-00, CONTRA COSTA COUNTY OFFICIAL RECORDS.

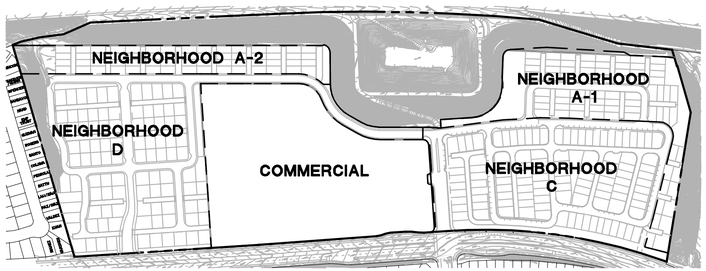
ASSESSOR'S PARCEL NOS.: 097-700-002-5, 097-700-001-7 (PORTION), 097-700-005-8 (PORTION)

LEGEND

PROPOSED	DESCRIPTION	EXISTING
	TRACT BOUNDARY	
	LOT LINE	
	RIGHT OF WAY	
	CENTER LINE	
	MATCH LINE	
	RETAINING WALL	
	EASEMENT LINE	
12"SD	STORM DRAIN	EX 12"SD
8"SS	SANITARY SEWER	EX 12"SS
12"W	POTABLE WATER	EX 12"W
8"W(R)	RECYCLED WATER	EX 8"W(R)
	CURB & GUTTER	EX FC
	SAWCUT	
	PCC SIDEWALK / PCC TRAIL	
	EARTH OR GRASS SWALE	
	CONCRETE DITCH	
	STORM WATER INLET	
	FIELD INLET	
	AREA DRAIN	
	BUBBLE UP	
	MANHOLE	
	SANITARY SEWER CLEAN OUT	
	SANITARY SEWER LATERAL	
	FIRE HYDRANT	
	BLOW OFF	
	WATER SERVICE WITH METER BOX	
	WATER VALVE	
	AIR RELEASE VALVE	
	POST INDICATOR VALVE	
	STREET LIGHT	
	MONUMENT	
	TRAFFIC SIGN	
	STREET NAME SIGN	
	FENCE	
	BARRICADE	
	CURB RAMP	
130 x 525.2	CONTOUR ELEVATIONS	130 525.2
	SPOT ELEVATION	
	NEW PAVEMENT	

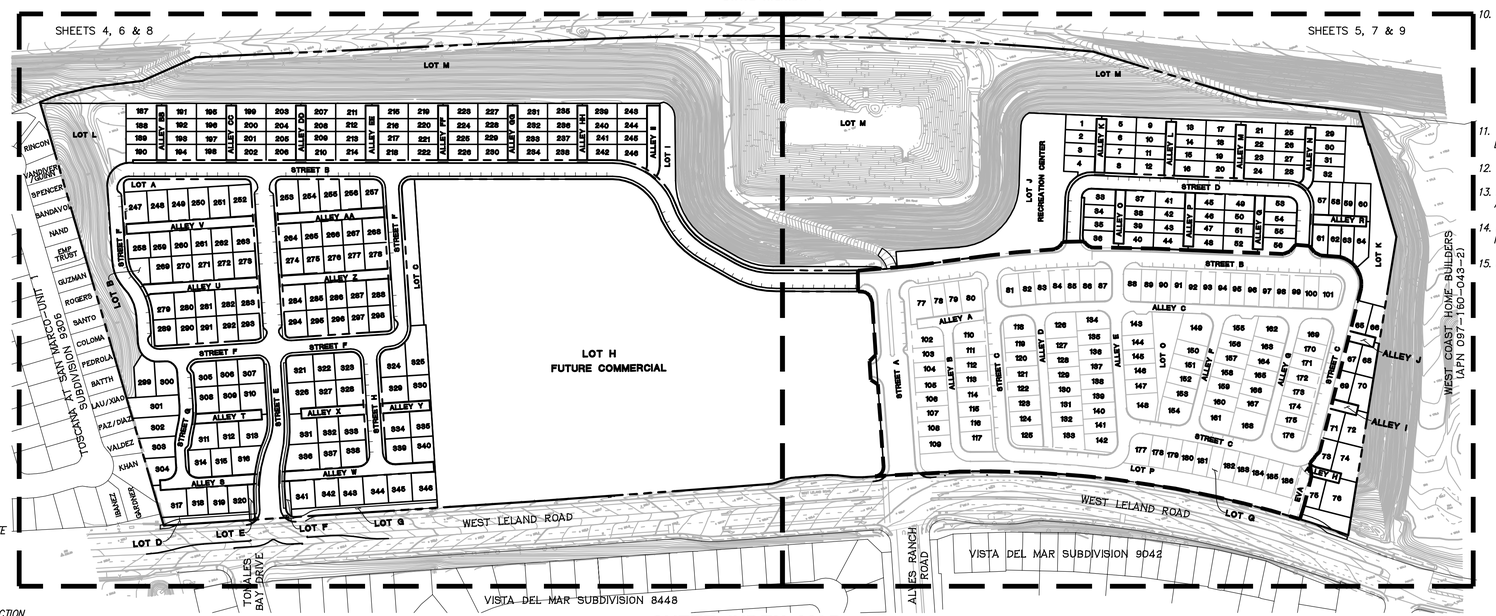
ABBREVIATIONS

AB	AGGREGATE BASE	MIN	MINIMUM
AC	ASPHALT CONCRETE	P	PAD ELEVATION
AD	AREA DRAIN	PCC	PORTLAND CEMENT CONCRETE
BC	BEGINNING OF CURVE	PL	PROPERTY LINE
BO	BLOW OFF	PRC	POINT OF REVERSE CURVE
BRW	BOTTOM OF RETAINING WALL	PSE	PUBLIC SERVICE EASEMENT
BVC	BEGIN VERTICAL CURVE	PSL	PEDESTRIAN STREET LIGHT
BW	BOTTOM OF WALL	PUE	PUBLIC UTILITY EASEMENT
CB	CATCH BASIN	PVC	POLYVINYL CHLORIDE PIPE
CL	CENTER LINE	PVI	POINT OF VERTICAL INTERSECTION
DI	DROP INLET	RCP	REINFORCED CONCRETE PIPE
DIP	DUCTILE IRON PIPE	RET	CURB RETURN
EC	END OF CURVE	RW	RIGHT OF WAY
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT	SDE	STORM DRAIN EASEMENT
EVC	END VERTICAL CURVE	SL	STREET LIGHT
EX	EXISTING	SNS	STREET NAME SIGN
FC	FACE OF CURB	STA	STATION
FG	FINISHED GRADE	STD	STANDARD
FH	FIRE HYDRANT	SWK	SIDEWALK
FL	FLOW LINE	SSE	SANITARY SEWER EASEMENT
FS	BUILDING FIRE SERVICE	TC	TOP OF CURB
GB	GRADE BREAK	TFC	TOP OF FLUSH CURB
GE	GARAGE ELEVATION	TG	TOP OF GRATE
HMA	HOT MIX ASPHALT	TRW	TOP OF RETAINING WALL
HP	HIGH POINT	TYP	TYPICAL
INV	INVERT ELEVATION	WLE	WATER LINE EASEMENT
LP	LOW POINT	WM	WATER METER
MAX	MAXIMUM	W(R)	RECLAIMED WATER
MH	MANHOLE	WS	WATER SERVICE



KEY MAP
NOT TO SCALE

NEIGHBORHOOD C IS IN SUBSTANTIAL CONFORMANCE PER THE VESTING TENTATIVE MAP APPROVED IN 2009 FOR SUBDIVISION 9235



SHEET INDEX MAP
NOT TO SCALE

GENERAL

1. OWNER:	ALVES RANCH, LLC P.O. BOX 548 CONCORD, CA 94522
2. DEVELOPER:	WILLIAM LYON HOMES 2603 CAMINO RAMON, SUITE 450 SAN RAMON, CA 94583 (925) 543-5523 CONTACT: MANDY LEUNG
3. CIVIL ENGINEER:	RUGGERI-JENSEN-AZAR 4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588 (925) 484-9100 CONTACT: ALEX AZAR
4. GEOTECHINICAL ENGINEER:	STEVENS, FERRONE & BAILEY ENGINEERING COMPANY, INC. 1600 WILLOW PASS COURT CONCORD, CA 94520 (925) 688-1001 CONTACT: KEN FERRONE
5. ASSESORS PARCEL NUMBERS:	APN 097-700-002-5 APN 097-700-001-7 (PORTION) APN 097-700-005-8 (PORTION)
6. EXISTING LAND:	VACANT
7. PROPOSED ZONING:	RH-P, RESIDENTIAL HIGH DENSITY, CO-P, COMMERCIAL
8. LOT SIZE:	NEIGHBORHOOD A-1 LOTS 1-76 268,330 SF (6.2 AC) NEIGHBORHOOD A-2 LOTS 187-246 144,184 SF (3.3 AC) NEIGHBORHOOD C LOTS 77-186 463,478 SF (10.6 AC) NEIGHBORHOOD D1/D2 LOTS 247-346 507,038 SF (11.6 AC) GHAD/SLOPED AREA/DETENTION BASIN (LOT L AND LOT M) 571,072 SF (13.1 AC) COMMERCIAL AREA (LOT H) 522,930 SF (12.0 AC)
9. TOTAL NUMBER OF PROPOSED LOTS:	346 RESIDENTIAL LOTS 1 COMMERCIAL LOTS 15 OPEN SPACE LOTS
10. UTILITIES:	
A) WATER:	CITY OF PITTSBURG
B) SANITARY SEWER:	CITY OF PITTSBURG
C) STORM DRAIN:	CITY OF PITTSBURG
D) GAS AND ELECTRIC:	PACIFIC GAS AND ELECTRIC
E) TELEPHONE:	COMCAST
F) CABLE TV:	COMCAST
G) FIRE PROTECTION:	CONTRA COSTA CONSOLIDATED FIRE DISTRICT

11. TOPOGRAPHIC INFORMATION SHOWN IS BASED ON AERIAL SURVEY PREPARED JULY 2007 BY HJW GEOSPATIAL, INC. (1 FOOT CONTOURS)
12. THE PROPERTY DOES NOT LIE WITHIN A FLOOD PLANE.
13. ALL EROSION CONTROL MEASURES SHALL BE IN CONFORMANCE WITH THE CRITERIA AND STANDARDS OF THE CITY OF PITTSBURG.
14. BOUNDARY AS SHOWN IS COMPILED FROM RECORD INFORMATION AND DOES NOT REPRESENT A SURVEY OF THE PROPERTY.
15. MULTIPLE MAPS MAY BE FILED.

SHEET INDEX

SHEET NO.	SHEET TITLE
C-1	COVER SHEET
C-2	TYPICAL SECTIONS AND DETAILS
C-3	TYPICAL SECTIONS AND DETAILS
C-4	EXISTING CONDITIONS
C-5	LOTTING PLAN
C-6	LOTTING PLAN
C-7	GRADING PLAN
C-8	GRADING PLAN
C-9	UTILITY PLAN
C-10	UTILITY PLAN

ENGINEER OF WORK

PLANS PREPARED UNDER THE DIRECTION OF:

ALEXANDER J. AZAR, RCE 87006
RUGGERI-JENSEN-AZAR

DATE

VESTING TENTATIVE MAP
SUBDIVISION 9235 - ALVES RANCH
COVER SHEET

ALVES RANCH

PITTSBURG, CA

C-1

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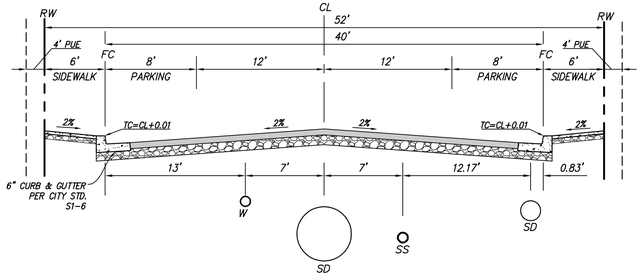
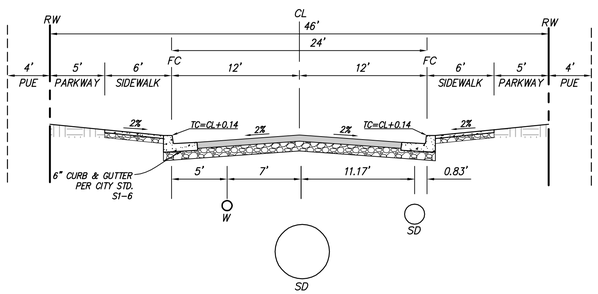


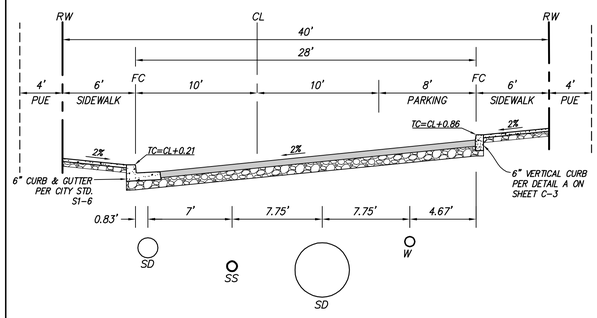
STREET "E" WITH PARKING



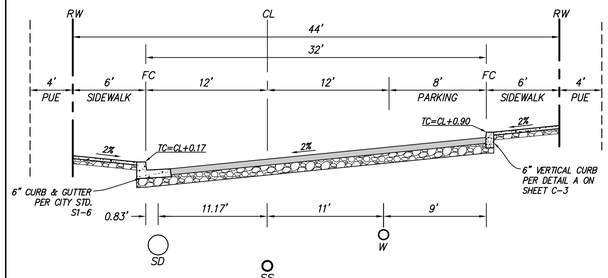
STREET "E" WITHOUT PARKING

NOT TO SCALE

A | PRIVATE STREET "E"



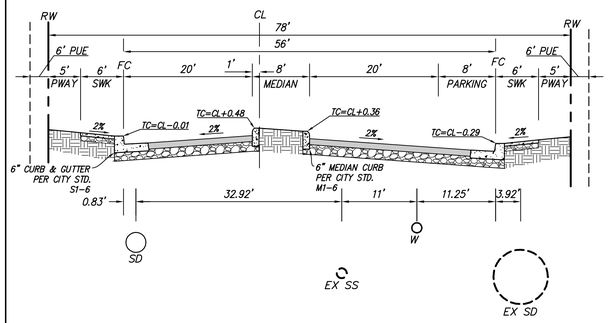
STREET "B" 28 FEET WIDE (WEST OF STREET A)



STREET "B" 32 FEET WIDE (EAST OF STREET A)

NOT TO SCALE

B | PRIVATE STREET "B"



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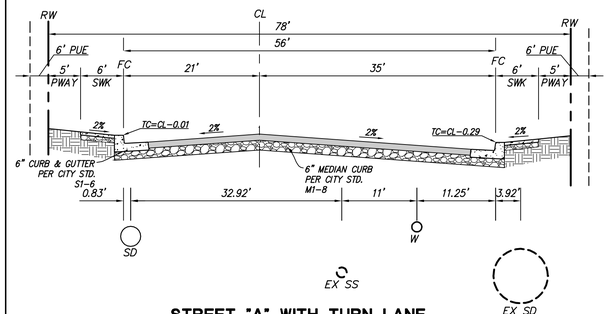
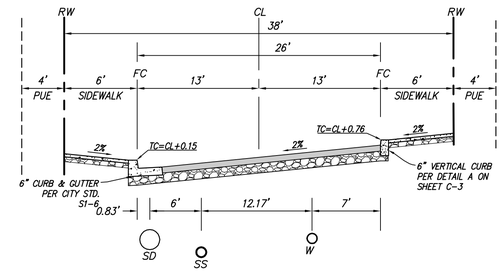


STREET "A" WITH TURN LANE

NOT TO SCALE

C | PUBLIC STREET "A"



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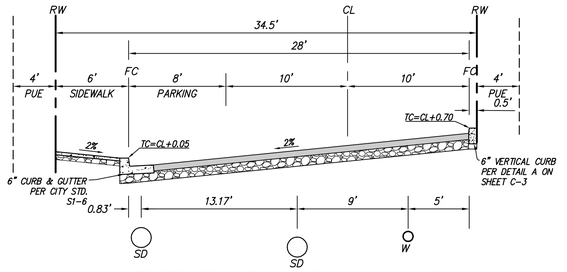
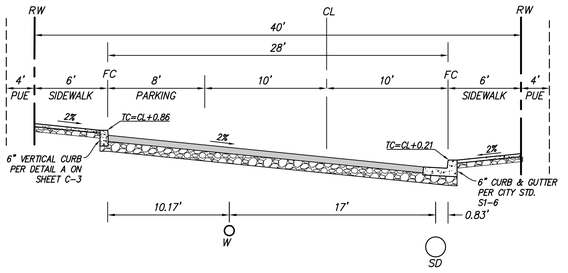


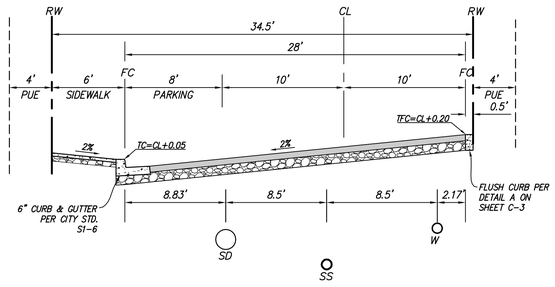
STREET "F" WITH SIDEWALK ON ONE SIDE AND PARKING



STREET "F" WITH SIDEWALK ON BOTH SIDES AND PARKING

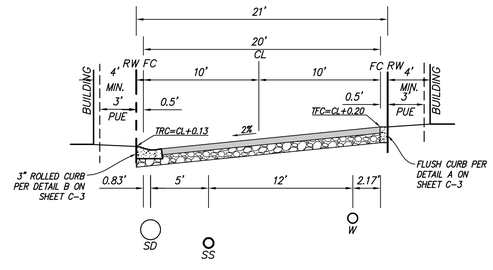
NOT TO SCALE

D | PRIVATE STREET "F"



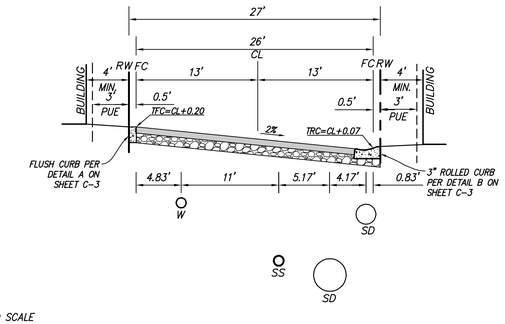
NOT TO SCALE

E | PRIVATE STREET "G"



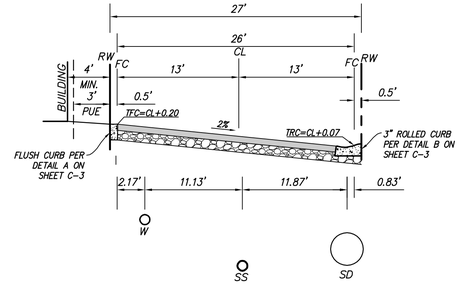
NOT TO SCALE

F | PRIVATE ALLEY A, B, C, D, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, DD, FF, GG, HH



NOT TO SCALE

G | PRIVATE ALLEY EE



NOT TO SCALE

H | PRIVATE ALLEY II

VESTING TENTATIVE MAP
SUBDIVISION 9235 - ALVES RANCH
TYPICAL SECTIONS AND DETAILS

ALVES RANCH

PITTSBURG, CA

C-2

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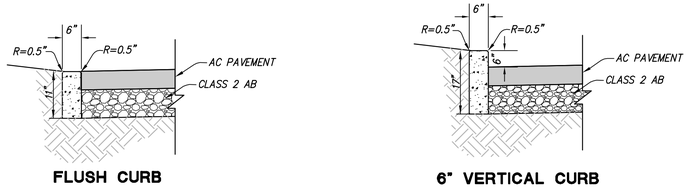
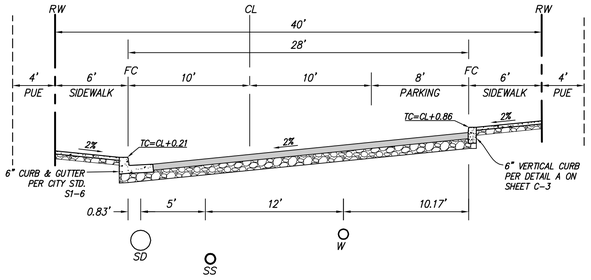


NOTE:
CONCRETE SHALL CONFORM TO SECTION 90 OF CALTRANS SPECIFICATIONS.
IT SHALL BE CLASS "A" WITH MAXIMUM SLUMP OF 3 INCHES. 1 LB OF LAMPBLACK SHOULD BE ADDED PER 1 CY OF CONCRETE.

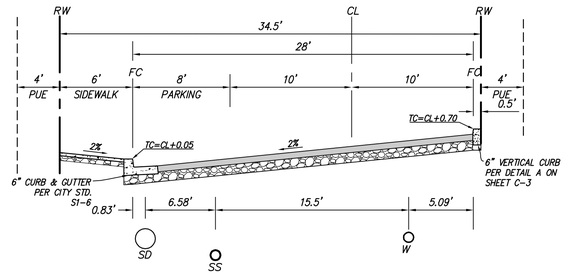
NOT TO SCALE

A CURB DETAILS



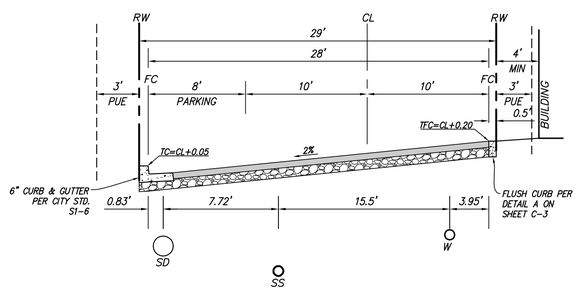
NOT TO SCALE

C PRIVATE STREET H



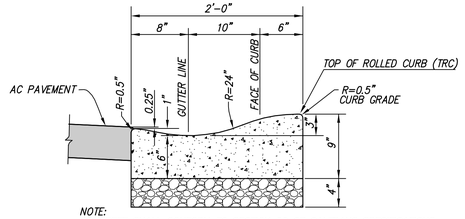
NOT TO SCALE

E PRIVATE STREET D



NOT TO SCALE

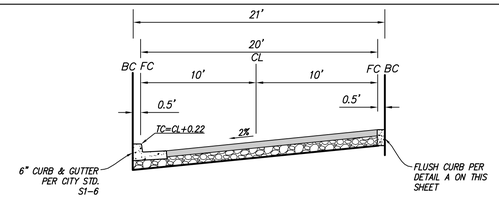
G PRIVATE STREET C



NOTE:
CONCRETE SHALL CONFORM TO SECTION 90 OF CALTRANS SPECIFICATIONS.
IT SHALL BE CLASS "A" WITH MAXIMUM SLUMP OF 3 INCHES. 1 LB OF LAMPBLACK SHOULD BE ADDED PER 1 CY OF CONCRETE.

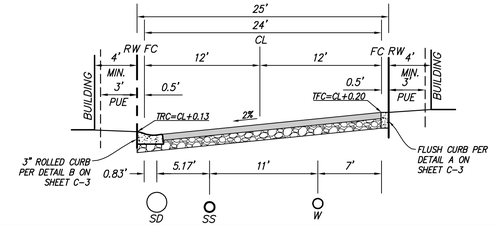
NOT TO SCALE

B 3" ROLLED CURB & GUTTER



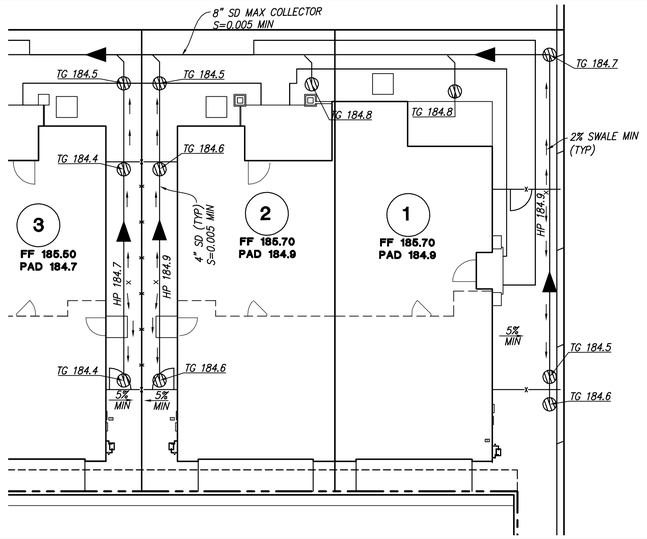
NOT TO SCALE

D PRIVATE EVA ROAD



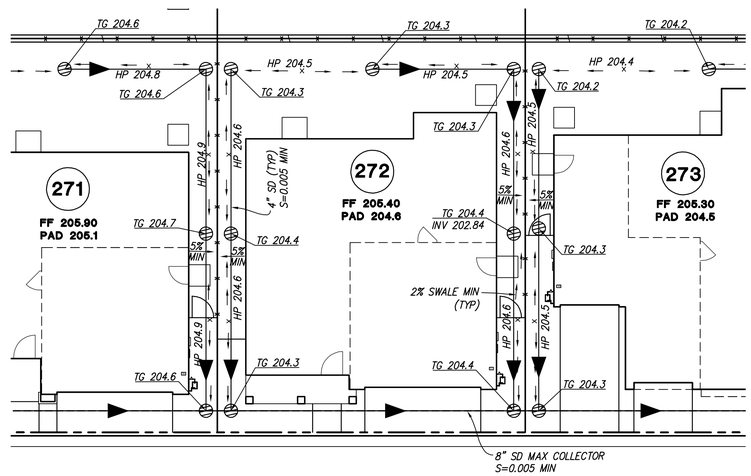
NOT TO SCALE

F PRIVATE ALLEY E



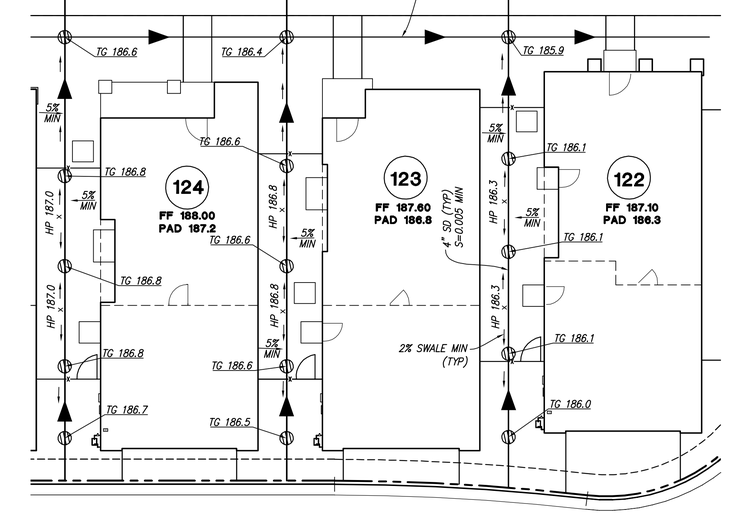
NOT TO SCALE

I NEIGHBORHOOD A-1 & A-2 TYPICAL LOT DRAINAGE



NOT TO SCALE

J NEIGHBORHOOD C TYPICAL LOT DRAINAGE



NOT TO SCALE

VESTING TENTATIVE MAP
SUBDIVISION 9235 - ALVES RANCH
TYPICAL SECTIONS AND DETAILS

C-3

ALVES RANCH

PITTSBURG, CA

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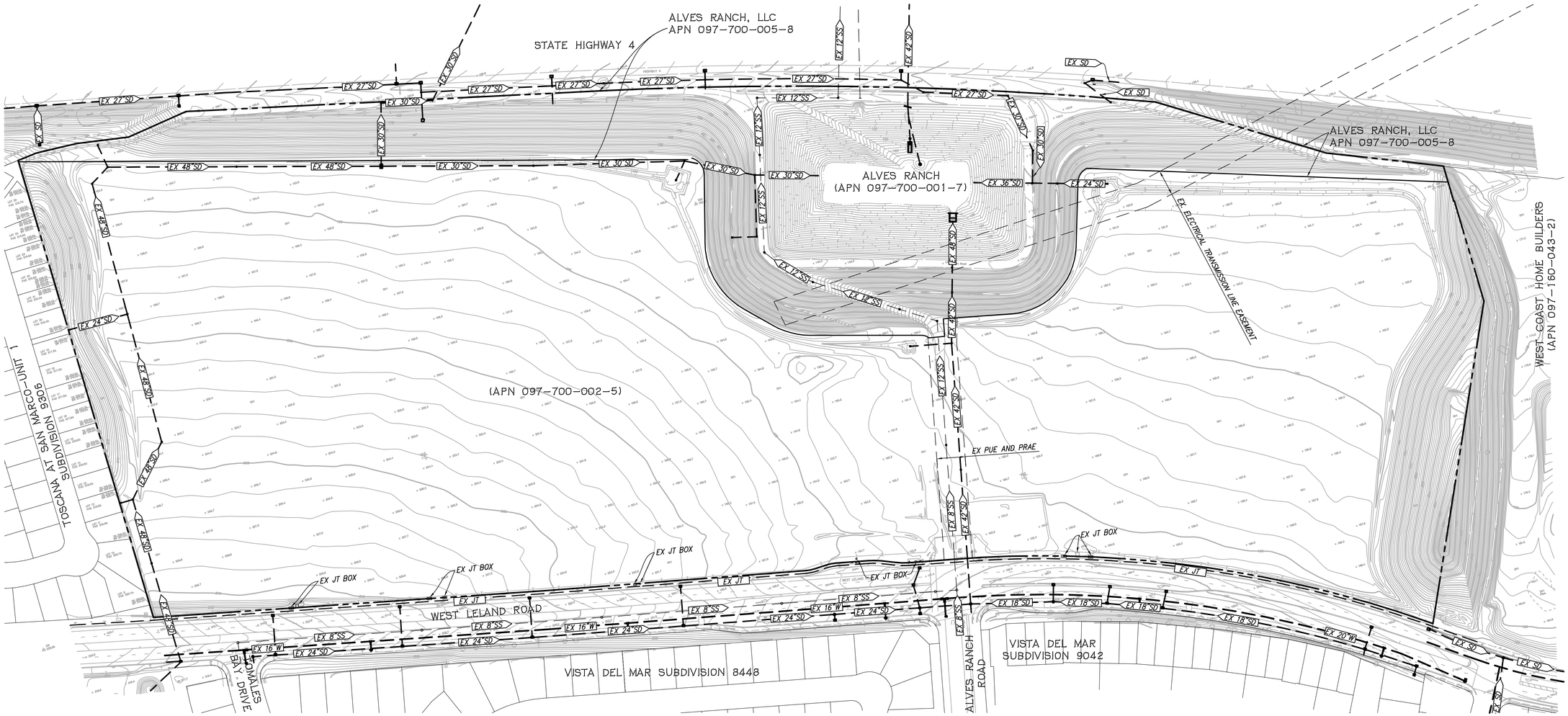

VESTING TENTATIVE MAP
SUBDIVISION 9235 - ALVES RANCH
EXISTING CONDITIONS

ALVES RANCH

PITTSBURG, CA

C-4

0 50 100 200

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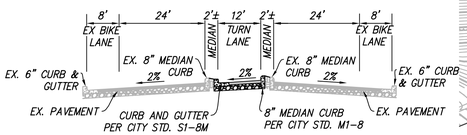
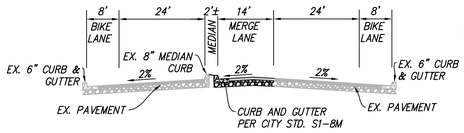


SECTION A-A

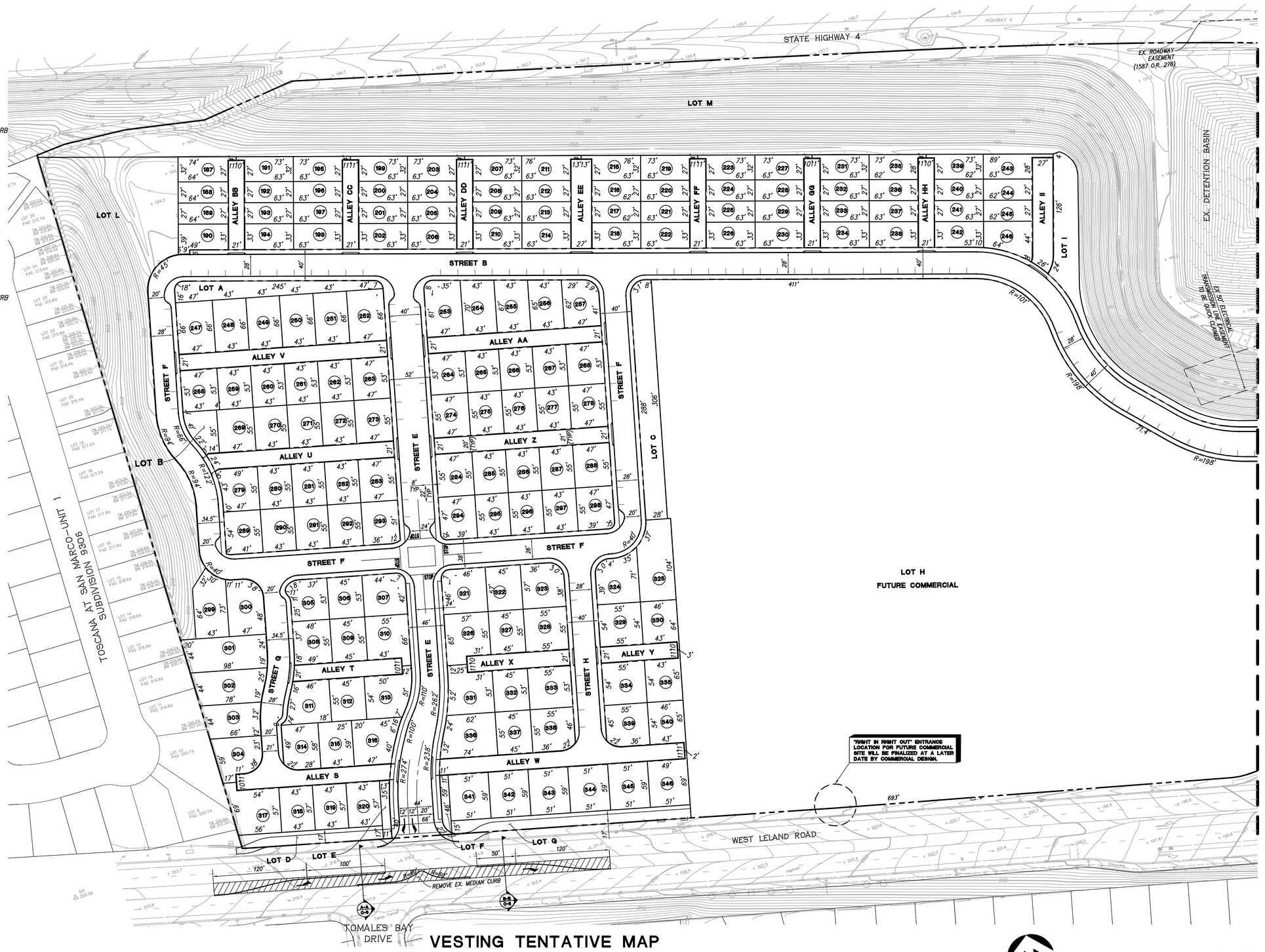
NOT TO SCALE



SECTION B-B

NOT TO SCALE

NOTE:
ALL CURB RADIUS ARE 25' MIN UNLESS OTHERWISE STATED.



VESTING TENTATIVE MAP
SUBDIVISION 9235 - ALVES RANCH
LOTTING PLAN

ALVES RANCH

PITTSBURG, CA

C-5

0 30 60 120

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LEGEND:

NEIGHBORHOOD C IS IN SUBSTANTIAL CONFORMANCE PER THE VESTING TENTATIVE MAP APPROVED IN 2009 FOR SUBDIVISION 9235

NOTE:
ALL CURB RADIUS ARE 25' MIN UNLESS OTHERWISE STATED.

RESTRIPING OF ALVES RANCH ROAD
SCALE 1"=40'

VESTING TENTATIVE MAP
SUBDIVISION 9235 - ALVES RANCH
LOTTING PLAN

ALVES RANCH

PITTSBURG, CA

0 30 60 120

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| 171084 | 07-19-18

C-6

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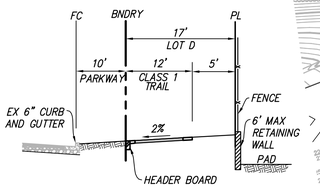
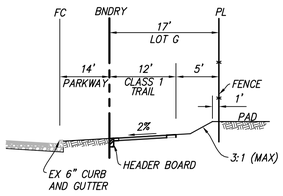
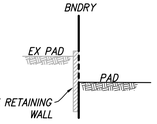


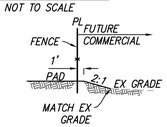
SECTION A-A
NOT TO SCALE



SECTION B-B
NOT TO SCALE



SECTION C-C
NOT TO SCALE

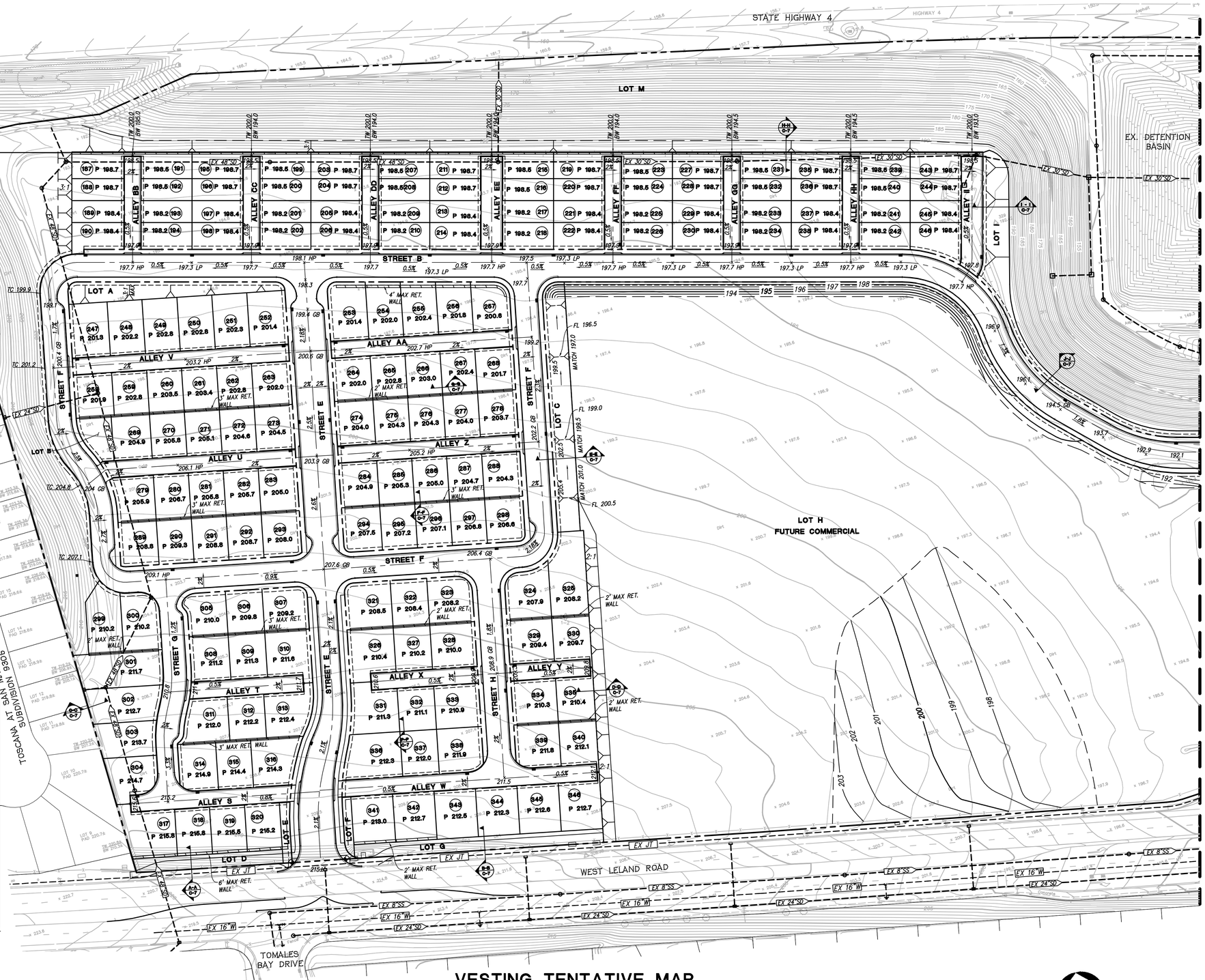


SECTION D-D
NOT TO SCALE

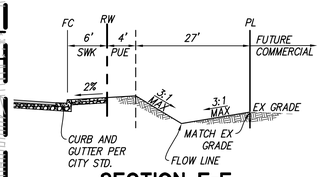
PRELIMINARY EARTHWORK TABLE

ITEM	AC	CUT (C.Y.)	FILL (C.Y.)
Neighborhood A-1	3.7	8,744	16,862
Neighborhood A-2	3.6	0	26,542
Neighborhood C	9.2	50,353	4,196
Neighborhood D1-D2	9.8	402	65,157
Commercial	12.5	3,356	1,890
Street A	0.7	3,322	0
Street B	3.3	3,493	2,667
West Leland Road	0.9	1,140	41
Recreation Center	0.8	80	2,661
Easterly Slope Area	1.1	32,528	17
Subtotal	45.6	103,418	119,973
Shrinkage (Assume 10%) See note 2 below		-	11,997
Total		103,418	131,970
		CUT (C.Y.)	FILL (C.Y.)
Single Family Foundation Spoils		10,020	-
Trench Spoils (Use Class 2AB for Backfill)		N/A	-
Trench Spoils (Use Native Soil for Backfill)		17,200	-
Commercial Foundation Spoils		N/A	-
Commercial Trench Spoils		N/A	-
Subtotal		27,220	0
GRAND TOTAL		130,638	131,970

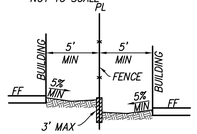
Notes:
1. 30 Cubic Yards was assumed for each single family foundation spoils.
2. 10% Shrinkage was assumed and should be verified by a Geotechnical Engineer.



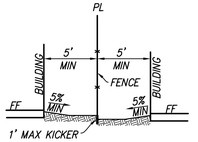
MATCH LINE SEE SHEET C-8



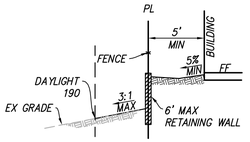
SECTION E-E
NOT TO SCALE



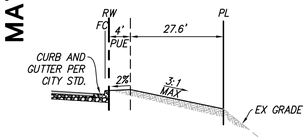
SECTION F-F
NOT TO SCALE



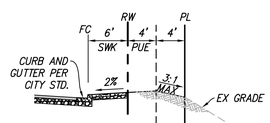
SECTION G-G
NOT TO SCALE



SECTION H-H
NOT TO SCALE



SECTION I-I
NOT TO SCALE



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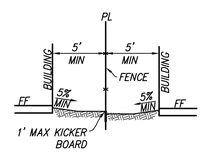

SECTION P-P
NOT TO SCALE

VESTING TENTATIVE MAP
SUBDIVISION 9235 - ALVES RANCH
GRADING PLAN

ALVES RANCH

PITTSBURG, CA

C-7

0 30 60 120

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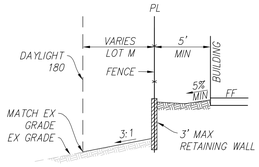

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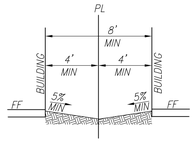

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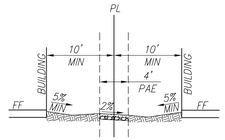

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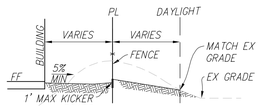

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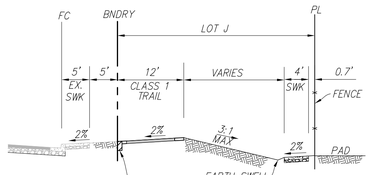

SECTION O-O
NOT TO SCALE

MATCH LINE SEE SHEET C-7

LEGEND:

NEIGHBORHOOD C IS IN SUBSTANTIAL CONFORMANCE PER THE VESTING TENTATIVE MAP APPROVED IN 2009 FOR SUBDIVISION 9235

VESTING TENTATIVE MAP
SUBDIVISION 9235 - ALVES RANCH
GRADING PLAN

ALVES RANCH

PITTSBURG, CA

0 30 60 120

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VESTING TENTATIVE MAP
SUBDIVISION 9235 - ALVES RANCH
UTILITY PLAN

C-9

ALVES RANCH

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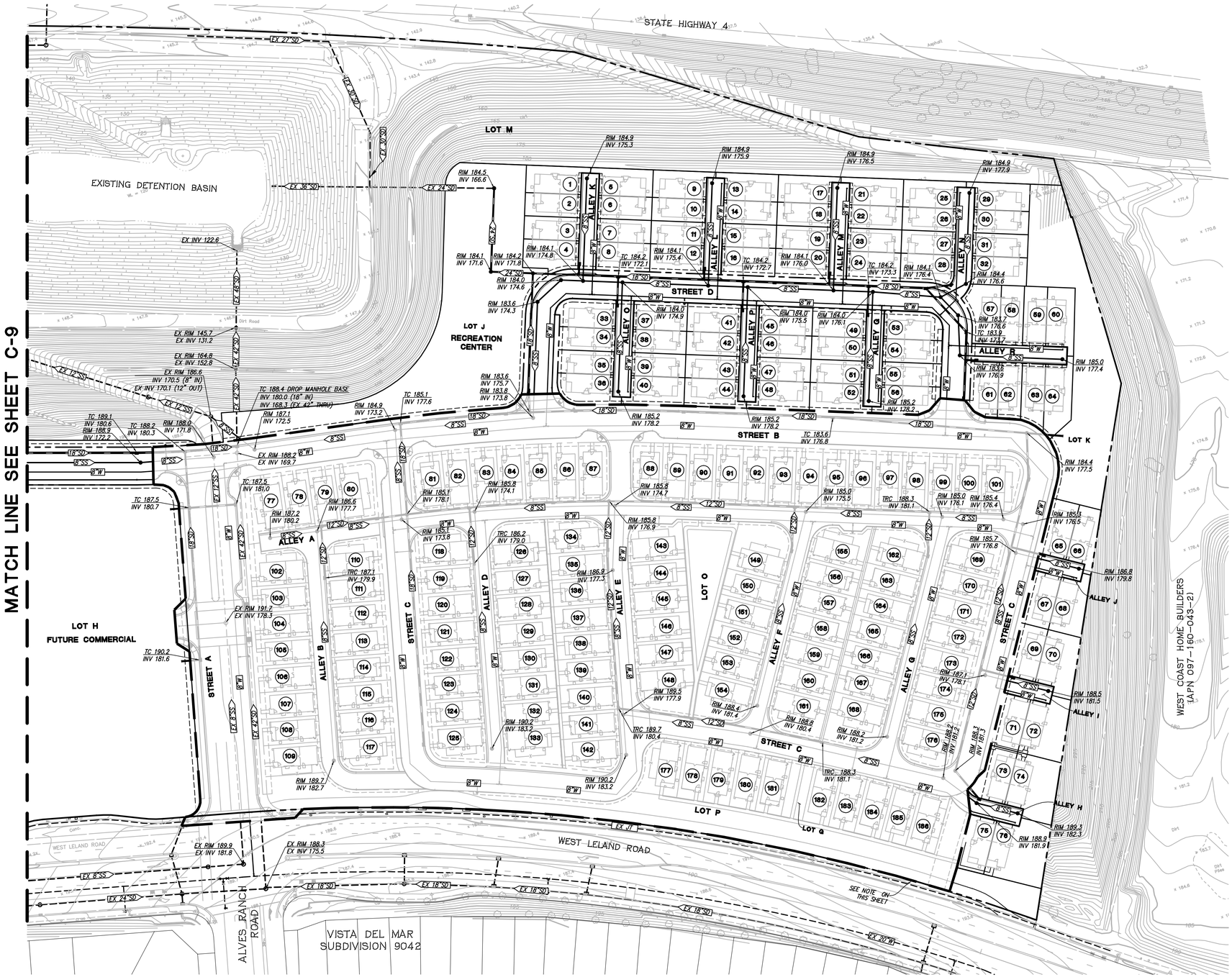

LEGEND:

NEIGHBORHOOD C IS IN SUBSTANTIAL CONFORMANCE PER THE VESTING TENTATIVE MAP APPROVED IN 2009 FOR SUBDIVISION 9235

VESTING TENTATIVE MAP
SUBDIVISION 9235 - ALVES RANCH
UTILITY PLAN

ALVES RANCH

PITTSBURG, CA

0 30 60 120

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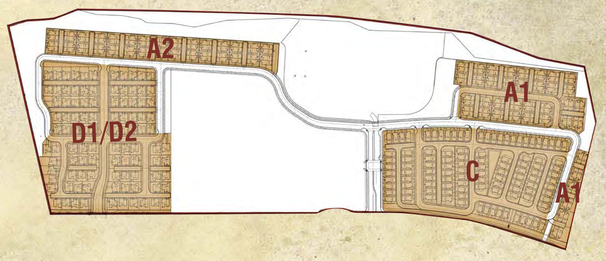

Neighborhood C | 31 x 65' Small Lot/Alley Loaded Lots

Neighborhood D1 & D2 | 43' x 54' Small Lot Traditional Single Family Homes

Neighborhood A1 & A2 | Duets

Alves Ranch

Pittsburg California

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July 13, 2018

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Neighborhood D1 & D2
43' x 54' Small Lot Traditional SFD

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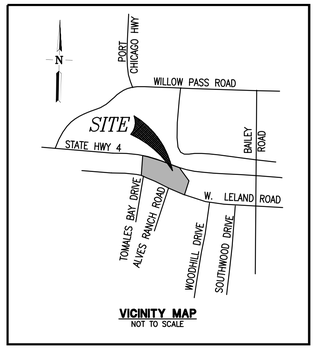
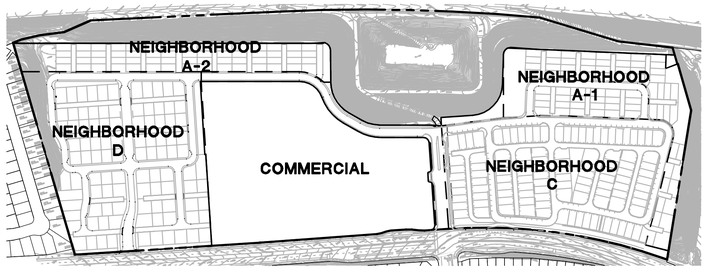


VICINITY MAP
NOT TO SCALE

LEGEND

ABBREVIATIONS

BNDRY	BOUNDARY
BW	BOTTOM OF WALL
CL	CENTER LINE
ESMT	EASEMENT
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
EX	EXISTING
FC	FLUSH CURB
FH	FIRE HYDRANT
FC	FACE OF CURB
HP	HIGH POINT
JT	JOINT TRENCH
LP	LOW POINT
P	PAD
PAE	PRIVATE ACCESS EASEMENT
PAV	PAVEMENT
PUE	PUBLIC UTILITY EASEMENT
R	RADIUS
RET	RETURN
RW	RIGHT OF WAY
SD	STORM DRAIN
SL	STREET LIGHT
SS	SANITARY SYSTEM
SWK	SIDEWALK
STME	STREET TREE MAINTENANCE EASEMENT
W	WATER
TC	TOP OF CURB
TRC	TOP OF ROLLED CURB
TW	TOP OF WALL
YE	YARD EASEMENT



KEY MAP
NOT TO SCALE

SITE SUMMARY

ALVES RANCH

TOTAL GROSS AREA:	2,474,478 SF (56.8 AC)
COMMERCIAL GROSS AREA:	522,930 SF (12.0 AC)
RESIDENTIAL GROSS AREA:	1,951,548 SF (44.8 AC)
A. TOTAL UNIT COUNT:	346
B. AVERAGE DENSITY (DU/AC):	7.7
C. TOTAL PARKING PROVIDED: (COVERED/UNCOVERED)	835

NEIGHBORHOOD A-1 (DUETS) - LOTS 1-76

GROSS AREA:	268,330 SF (6.2 AC)
NUMBER OF UNITS:	76
MAX BUILDING HEIGHT:	30'
PARKING:	COVERED (GARAGE) = 128 (2 PER UNIT) UNCOVERED = 19 TOTAL = 147

NEIGHBORHOOD A-2 (DUETS) - LOTS 187-246

GROSS AREA:	144,184 SF (3.3 AC)
NUMBER OF UNITS:	60
MAX BUILDING HEIGHT:	30'
PARKING:	COVERED (GARAGE) = 120 (2 PER UNIT)

GHAD/SLOPED AREA/DETENTION BASIN

LOTS M, L, AND N GROSS AREA:	571,072 SF (13.1 AC)

NEIGHBORHOOD C (SINGLE FAMILY) - LOTS 65-174

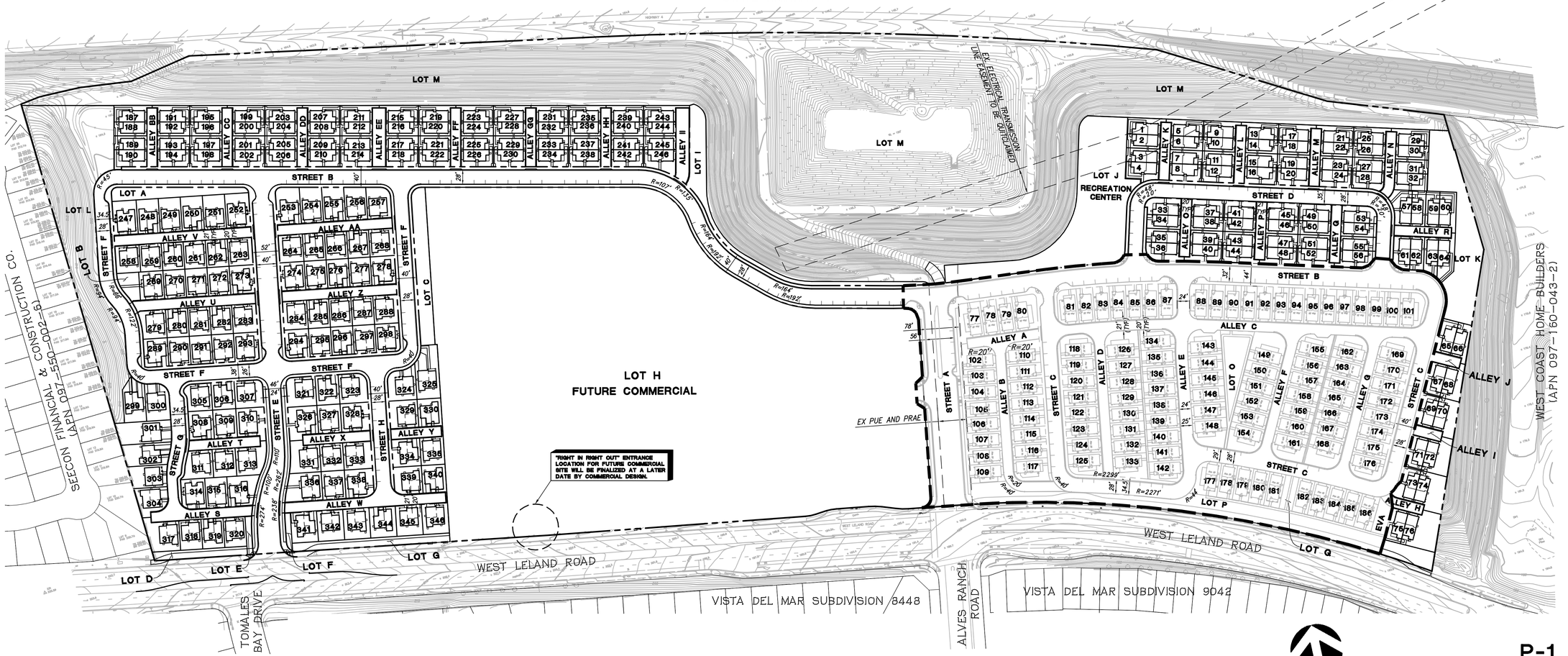
GROSS AREA:	463,478 SF (10.6 AC)
NUMBER OF UNITS:	110
MAX BUILDING HEIGHT:	30'
PARKING:	COVERED (GARAGE) = 220 (2 PER UNIT) UNCOVERED = 64 TOTAL = 284

NEIGHBORHOOD D (SINGLE FAMILY) - LOTS 247-346

GROSS AREA:	507,038 SF (11.6 AC)
NUMBER OF UNITS:	100
MAX BUILDING HEIGHT:	30'
PARKING:	COVERED (GARAGE) = 200 (2 PER UNIT) UNCOVERED = 84 TOTAL = 284

NEIGHBORHOOD C IS IN SUBSTANTIAL CONFORMANCE PER THE VESTING TENTATIVE MAP APPROVED IN 2009 FOR SUBDIVISION 9235

NOTE:
1) ALL CURB RADIUS ARE 25' MIN UNLESS OTHERWISE STATED.
2) ALLEYS ARE 20' FC/FC AND 21' R/W TO R/W UNLESS OTHER WISE NOTED.



P-1

PRELIMINARY SITE PLAN

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LOT SIZE TABLE

LOT NO.	LOT SIZE	
	S.F.	ACRE
1	2,131	0.05
2	1,740	0.04
3	1,740	0.04
4	2,226	0.05
5	2,068	0.05
6	1,688	0.04
7	1,688	0.04
8	2,063	0.05
9	2,068	0.05
10	1,688	0.04
11	1,687	0.04
12	2,063	0.05
13	2,068	0.05
14	1,687	0.04
15	1,688	0.04
16	2,063	0.05
17	2,068	0.05
18	1,687	0.04
19	1,688	0.04
20	2,063	0.05
21	2,068	0.05
22	1,687	0.04
23	1,688	0.04
24	2,063	0.05
25	2,068	0.05
26	1,687	0.04
27	1,688	0.04
28	2,098	0.05
29	2,116	0.05
30	1,728	0.04
31	1,728	0.04
32	2,116	0.05
33	2,185	0.05
34	1,746	0.04
35	1,759	0.04
36	2,280	0.05
37	2,072	0.05
38	1,680	0.04
39	1,690	0.04
40	2,165	0.05
41	2,073	0.05
42	1,681	0.04
43	1,691	0.04
44	2,141	0.05
45	2,065	0.05
46	1,686	0.04
47	1,689	0.04
48	2,142	0.05
49	2,065	0.05
50	1,686	0.04
51	1,689	0.04
52	2,140	0.05
53	2,166	0.05
54	1,845	0.04
55	1,849	0.04
56	2,362	0.05
57	2,516	0.06
58	1,863	0.04
59	1,859	0.04
60	2,320	0.05
61	2,240	0.05
62	1,747	0.04
63	1,915	0.04
64	2,569	0.06
65	2,112	0.05
66	2,001	0.05
67	2,016	0.05
68	2,403	0.06
69	2,016	0.05
70	2,883	0.07
71	2,016	0.05
72	3,363	0.08
73	2,293	0.05
74	3,843	0.09
75	2,048	0.05
76	4,645	0.11

LOT NO.	LOT SIZE	
	S.F.	ACRE
77	3,215	0.07
78	2,092	0.05
79	2,092	0.05
80	3,074	0.07
81	2,555	0.06
82	2,125	0.05
83	2,125	0.05
84	2,125	0.05
85	2,125	0.05
86	2,125	0.05
87	2,345	0.05
88	2,436	0.06
89	2,109	0.05
90	2,093	0.05
91	2,093	0.05
92	2,092	0.05
93	2,092	0.05
94	2,092	0.05
95	2,093	0.05
96	2,093	0.05
97	2,092	0.05
98	2,093	0.05
99	2,092	0.05
100	2,093	0.05
101	2,929	0.07
102	2,760	0.06
103	2,046	0.05
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110	2,775	0.06
111	2,054	0.05
112	2,054	0.05
113	2,054	0.05
114	2,054	0.05
115	2,054	0.05
116	2,054	0.05
117	2,795	0.06
118	2,755	0.06
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131	2,056	0.05
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148	3,350	0.08
149	3,937	0.09
150	2,046	0.05
151	2,046	0.05
152	2,046	0.05

LOT NO.	LOT SIZE	
	S.F.	ACRE
153	2,046	0.05
154	3,232	0.07
155	2,887	0.07
156	2,085	0.05
157	2,085	0.05
158	2,085	0.05
159	2,085	0.05
160	2,085	0.05
161	3,212	0.07
162	3,121	0.07
163	2,085	0.05
164	2,085	0.05
165	2,085	0.05
166	2,085	0.05
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168	3,840	0.09
169	3,107	0.07
170	2,031	0.05
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213	1,688	0.04
214	2,063	0.05
215	2,061	0.05
216	1,688	0.04
217	1,687	0.04
218	2,062	0.05
219	2,047	0.05
220	1,688	0.04
221	1,688	0.04
222	2,062	0.05
223	2,047	0.05
224	1,688	0.04
225	1,688	0.04
226	2,063	0.05
227	2,047	0.05
228	1,687	0.04

PAGE NO.	LOT SIZE	
	S.F.	ACRE
229	1,688	0.04
230	2,063	0.05
231	2,047	0.05
232	1,687	0.04
233	1,688	0.04
234	2,063	0.05
235	2,047	0.05
236	1,687	0.04
237	1,687	0.04
238	2,063	0.05
239	2,047	0.05
240	1,688	0.04
241	1,688	0.04
242	2,064	0.05
243	2,121	0.05
244	1,688	0.04
245	1,687	0.04
246	2,522	0.06
247	3,116	0.07
248	2,851	0.07
249	2,851	0.07
250	2,851	0.07
251	2,851	0.07
252	3,116	0.07
253	3,340	0.08
254	2,958	0.07
255	2,838	0.07
256	2,718	0.06
257	2,767	0.06
258	2,491	0.06
259	2,279	0.05
260	2,279	0.05
261	2,279	0.05
262	2,279	0.05
263	2,491	0.06
264	2,491	0.06
265	2,279	0.05
266	2,279	0.05
267	2,279	0.05
268	2,491	0.06
269	2,585	0.06
270	2,365	0.05
271	2,365	0.05
272	2,365	0.05
273	2,585	0.06
274	2,585	0.06
275	2,365	0.05
276	2,365	0.05
277	2,365	0.05
278	2,585	0.06
279	2,696	0.06
280	2,365	0.05
281	2,365	0.05
282	2,365	0.05
283	2,585	0.06
284	2,585	0.06
285	2,365	0.05
286	2,365	0.05
287	2,365	0.05
288	2,585	0.06
289	2,582	0.06
290	2,365	0.05
291	2,365	0.05
292	2,365	0.05
293	2,573	0.06
294	2,571	0.06
295	2,365	0.05
296	2,365	0.05
297	2,365	0.05
298	2,571	0.06
299	3,364	0.08
300	3,248	0.07
301	4,487	0.10
302	3,812	0.09
303	3,058	0.07
304	2,898	0.07

LOT NO.	LOT SIZE	
	S.F.	ACRE
305	2,610	0.06
306	2,385	0.05
307	2,890	0.07
308	2,670	0.06
309	2,497	0.06
310	3,175	0.07
311	2,920	0.07
312	2,452	0.06
313	3,168	0.07
314	2,697	0.06
315	2,515	0.06
316	3,206	0.07
317	3,717	0.09
318	3,467	0.08
319	2,469	0.06
320	2,470	0.06
321	3,213	0.07
322	2,565	0.06
323	3,058	0.07
324	3,240	0.07
325	4,459	0.10
326	3,391	0.08
327	2,475	0.06
328	3,025	0.07
329	2,970	0.07
330	2,510	0.06
331	3,363	0.08
332	2,385	0.05
333	2,915	0.07
334	2,970	0.07
335	2,510	0.06
336	3,757	0.09
337	2,475	0.06
338	2,973	0.07
339	2,918	0.07
340	2,510	0.06
341	3,033	0.07
342	3,009	0.07
343	3,009	0.07
344	3,009	0.07
345	3,009	0.07
346	3,034	0.07
LOT A	4,356	0.10
LOT B	1,742	0.04
LOT C	8,502	0.20
LOT D	3,049	0.07
LOT E	871	0.02
LOT F	871	0.02
LOT G	4,356	0.10
LOT H	522,930	12.00
LOT I	8,712	0.20
LOT J	34,848	0.80
LOT K	21,780	0.50
LOT L	152,460	3.50
LOT M	396,832	9.11
LOT N	21,780	0.50
LOT O	8,712	0.20
LOT P	27,762	0.64
LOT Q	1,742	0.04
STREET A	30,695	0.70
STREET B	111,741	2.57
STREET C	52,742	1.21
STREET D	26,283	0.60
STREET E	36,082	0.83
STREET F	45,292	1.04
STREET G	8,412	0.19
STREET H	9,434	0.22
ALLEY A	2,950	0.07
ALLEY B	7,719	0.18
ALLEY C	14,700	0.34
ALLEY D	6,112	0.14
ALLEY E	9,014	0.21
ALLEY F	5,681	0.13
ALLEY G	6,265	0.14
ALLEY H	1,674	0.04
ALLEY I	1,150	0.03

LOT NO.	LOT SIZE	
	S.F.	ACRE
ALLEY J	1,150	0.03
ALLEY K	2,362	0.05
ALLEY L	2,362	0.05
ALLEY M	2,362	0.05
ALLEY N	2,637	0.06
ALLEY O	2,364	0.05
ALLEY P	2,362	0.05
ALLEY Q	2,363	0.05
ALLEY R	2,341	0.05
ALLEY S	4,142	0.10
ALLEY T	2,919	0.07
ALLEY U	4,953	0.11
ALLEY V	5,586	0.13
ALLEY W	7,057	0.16
ALLEY X	2,762	0.06
ALLEY Y	2,069	0.05
ALLEY Z	4,683	0.11
ALLEY AA	4,683	0.11
ALLEY BB	2,405	0.06
ALLEY CC	2,405	0.06
ALLEY DD	2,405	0.06
ALLEY EE	3,092	0.07
ALLEY FF	2,405	0.06
ALLEY GG	2,405	0.06
ALLEY HH	2,405	0.06
ALLEY II	3,817	0.09
TOTAL:	2,474,478	56.8

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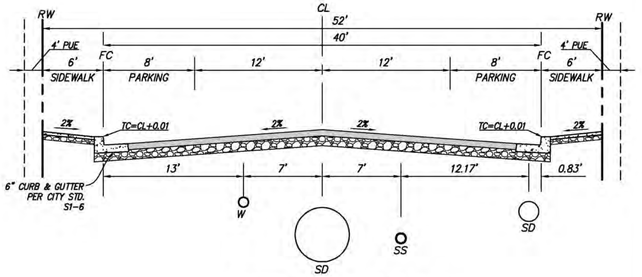
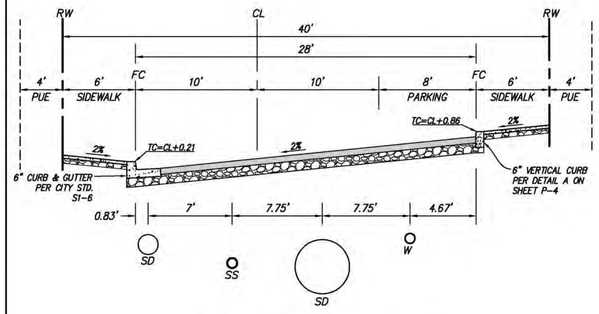
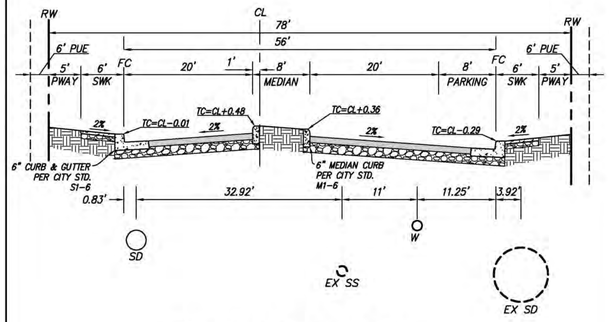


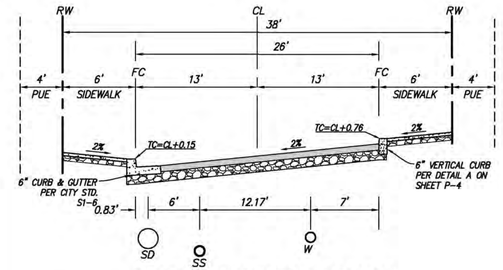
STREET "E" WITH PARKING



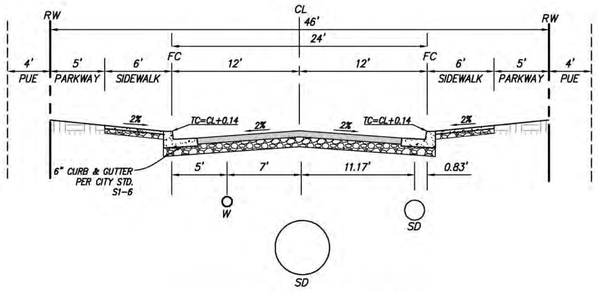
STREET "B" 28 FEET WIDE (WEST OF STREET A)



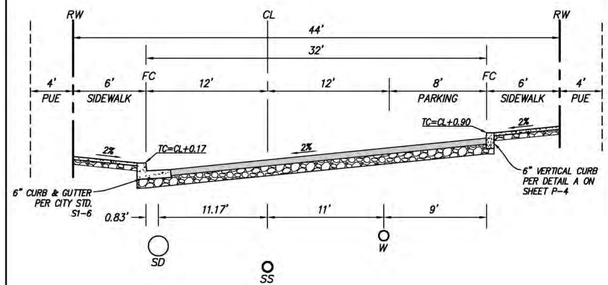
STREET "A" WITH PARKING



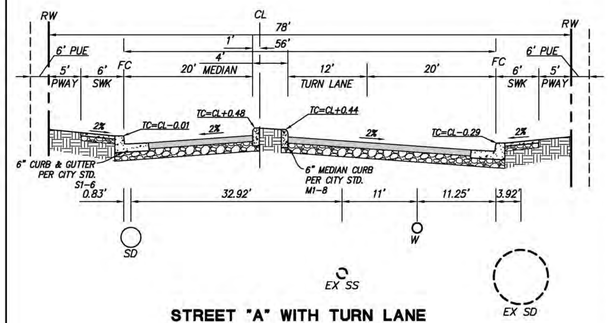
STREET "F" WITHOUT PARKING



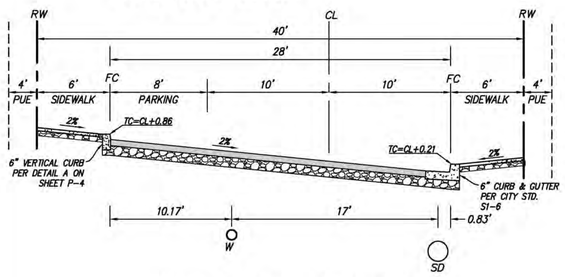
STREET "E" WITHOUT PARKING



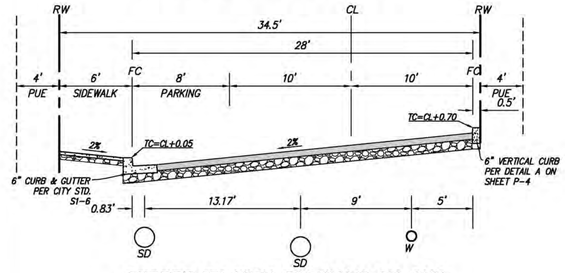
STREET "B" 32 FEET WIDE (EAST OF STREET A)



STREET "A" WITH TURN LANE



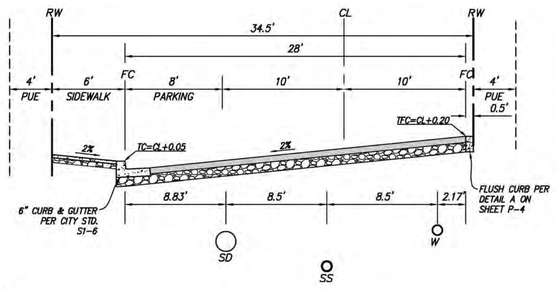
STREET "F" WITH SIDEWALK ON BOTH SIDES AND PARKING



STREET "F" WITH SIDEWALK ON ONE SIDE AND PARKING

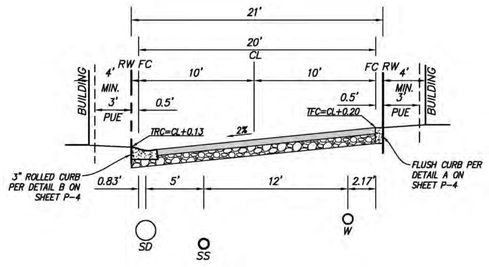
NOT TO SCALE

A	PRIVATE STREET "E"
B	PRIVATE STREET "B" AND STREET "H"
C	PUBLIC STREET "A"
D	PRIVATE STREET "F"



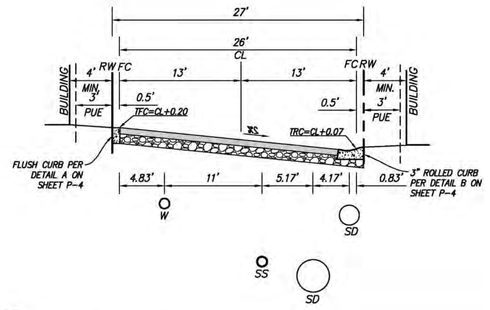
NOT TO SCALE

E	PRIVATE STREET "G"



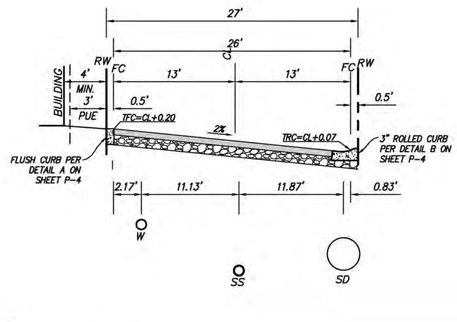
NOT TO SCALE

F	PRIVATE ALLEY A, B, C, D, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, BB, CC, DD, FF, GG, HH



NOT TO SCALE

G	PRIVATE ALLEY EE



NOT TO SCALE

H	PRIVATE ALLEY II

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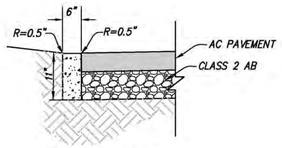
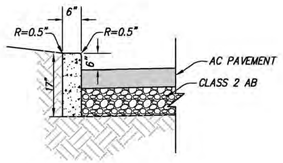


FLUSH CURB

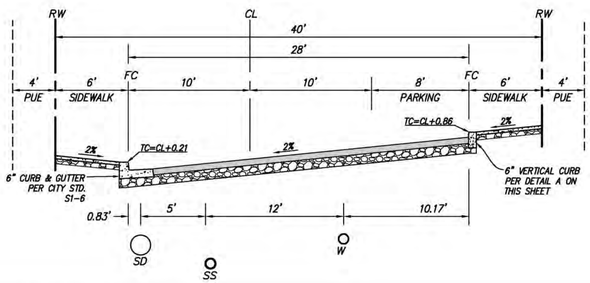


6" VERTICAL CURB

NOTE:
CONCRETE SHALL CONFORM TO SECTION 90 OF CALTRANS SPECIFICATIONS.
IT SHALL BE CLASS "A" WITH MAXIMUM SLUMP OF 3 INCHES. 1 LB OF LAMPBLACK SHOULD BE ADDED PER 1 CY OF CONCRETE.

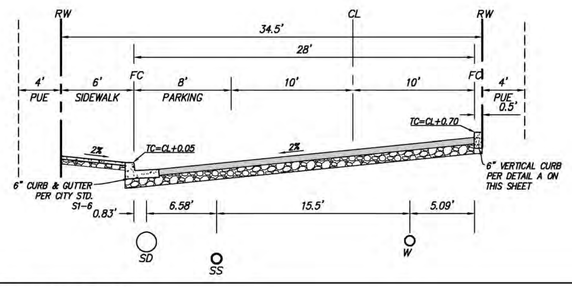
NOT TO SCALE

A CURB DETAILS



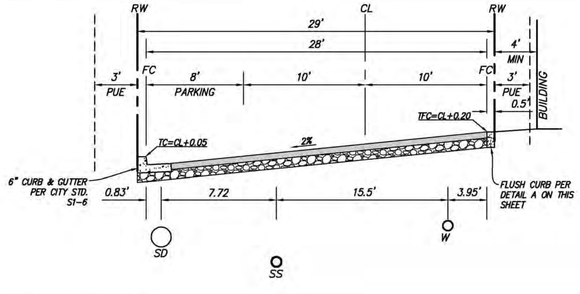
NOT TO SCALE

C PRIVATE STREET H



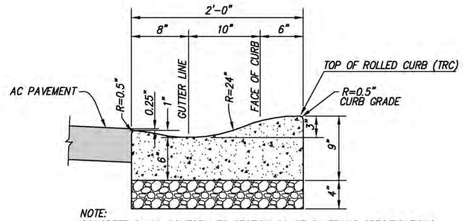
NOT TO SCALE

E PRIVATE STREET D



NOT TO SCALE

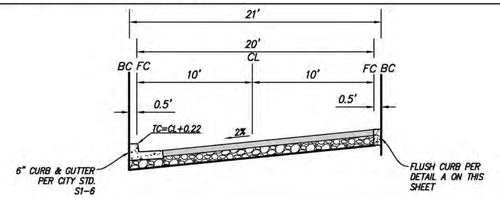
G PRIVATE STREET C



NOTE:
CONCRETE SHALL CONFORM TO SECTION 90 OF CALTRANS SPECIFICATIONS.
IT SHALL BE CLASS "A" WITH MAXIMUM SLUMP OF 3 INCHES. 1 LB OF LAMPBLACK SHOULD BE ADDED PER 1 CY OF CONCRETE.

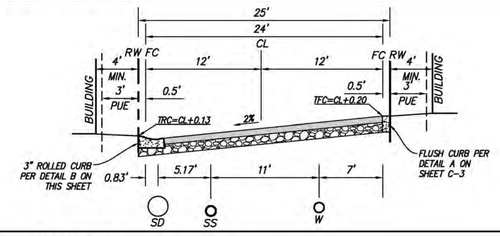
NOT TO SCALE

B 3" ROLLED CURB & GUTTER



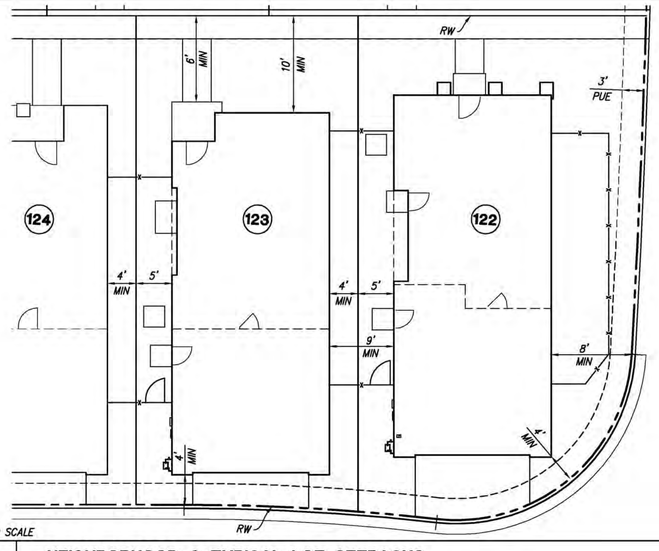
NOT TO SCALE

D PRIVATE EVA ROAD



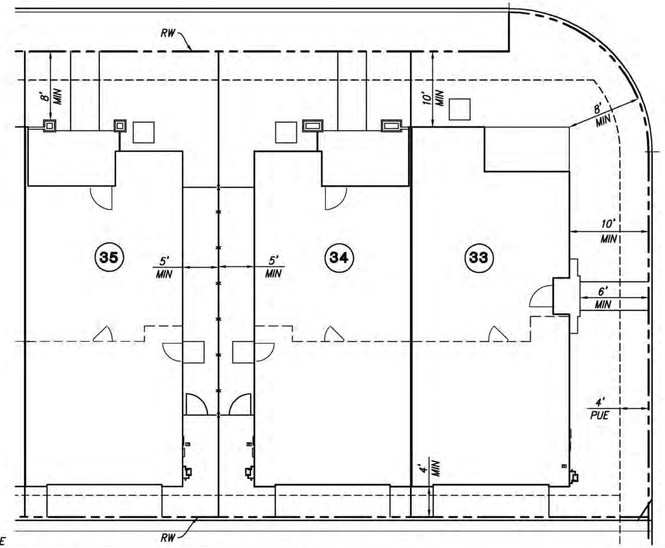
NOT TO SCALE

F PRIVATE ALLEY E



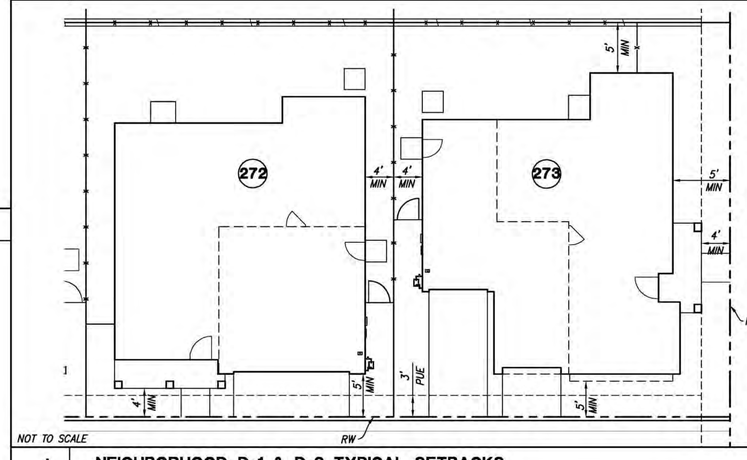
NOT TO SCALE

I NEIGHBORHOOD C TYPICAL LOT SETBACKS



NOT TO SCALE

H NEIGHBORHOOD A-1 & A-2 TYPICAL SETBACKS



NOT TO SCALE

J NEIGHBORHOOD D-1 & D-2 TYPICAL SETBACKS

RESIDENTIAL NEIGHBOORHOOD A-1 & A-2 (DUETS)	
MIN. FRONT YARD (MEASURED FROM RW)*	10'
MIN. FRONT YARD PORCH (MEASURED FROM RW)*	6'
MIN. FRONT BUILDING-TO-BUILDING SEPARATION (PASEO)	15'
MIN. SIDE YARD (MEASURED FROM PROP. LINE / RW)	5'
MIN. CORNER SIDE YARD (MEASURED FROM RW)*	8'
MIN. GARAGE (BUILDING FACE TO PROP. LINE)	4'

RESIDENTIAL NEIGHBOORHOOD C (SINGLE FAMILY)	
MIN. FRONT YARD (MEASURED FROM RW)*	10'
MIN. FRONT YARD PORCH (MEASURED FROM RW)*	6'
MIN. FRONT BUILDING-TO-BUILDING SEPARATION (PASEO)	20'
MIN. SIDE YARD (MEASURED FROM PROP. LINE / RW)	4'
MIN. CORNER SIDE YARD (MEASURED FROM RW)**	8'
MIN. GARAGE (BUILDING FACE TO PROP. LINE)	4'

* PERMITTED BUILDING PROJECTIONS INTO YARDS, SEE CITY ZONING CODE SECTION 18.80.010

** SETBACK AT CORNER STREET RETURN MINIMUM 4' FT.

RESIDENTIAL NEIGHBOORHOOD D-1 & D-2 (SINGLE FAMILY)	
MIN. FRONT YARD (MEASURED FROM RW)*	5'
MIN. PORCH (MEASURED FROM RW)*	4'
MIN. SIDE YARD (MEASURED FROM PROP. LINE / RW)*	4'
MIN. CORNER SIDE YARD (MEASURED FROM RW)*	5'
MIN. REAR YARD (MEASURED FROM PROP. LINE / RW)	5'
MIN. GARAGE (BUILDING FACE TO RW)	5'

* PERMITTED BUILDING PROJECTIONS INTO YARDS, SEE CITY ZONING CODE SECTION 18.80.010

NOT TO SCALE

K SETBACK TABLE

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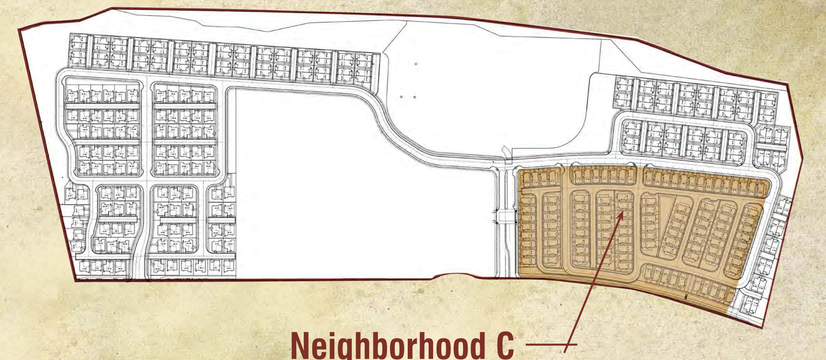


Neighborhood C

31 x 65' Small Lot/Alley Loaded Lots

A1.PP Plot Plan

A1.1 Street Scene

A1.2 Plan 1A - Floor Plan

A1.3 Plan 1A - Elevation Wraps & Roof Plan

A1.4 Plan 1B - Floor Plan

A1.5 Plan 1B - Elevation Wraps & Roof Plan

A1.6 Plan 1C - Floor Plan

A1.7 Plan 1C - Elevation Wraps & Roof Plan

A1.8 Plan 2A - Floor Plan

A1.9 Plan 2A - Elevation Wraps & Roof Plan

A1.10 Plan 2B - Floor Plan

A1.11 Plan 2B - Elevation Wraps & Roof Plan

A1.12 Plan 2C - Floor Plan

A1.13 Plan 2C - Elevation Wraps & Roof Plan

A1.14 Plan 3A - Floor Plan

A1.15 Plan 3A - Elevation Wraps & Roof Plan

A1.16 Plan 3B - Floor Plan

A1.17 Plan 3B - Elevation Wraps & Roof Plan

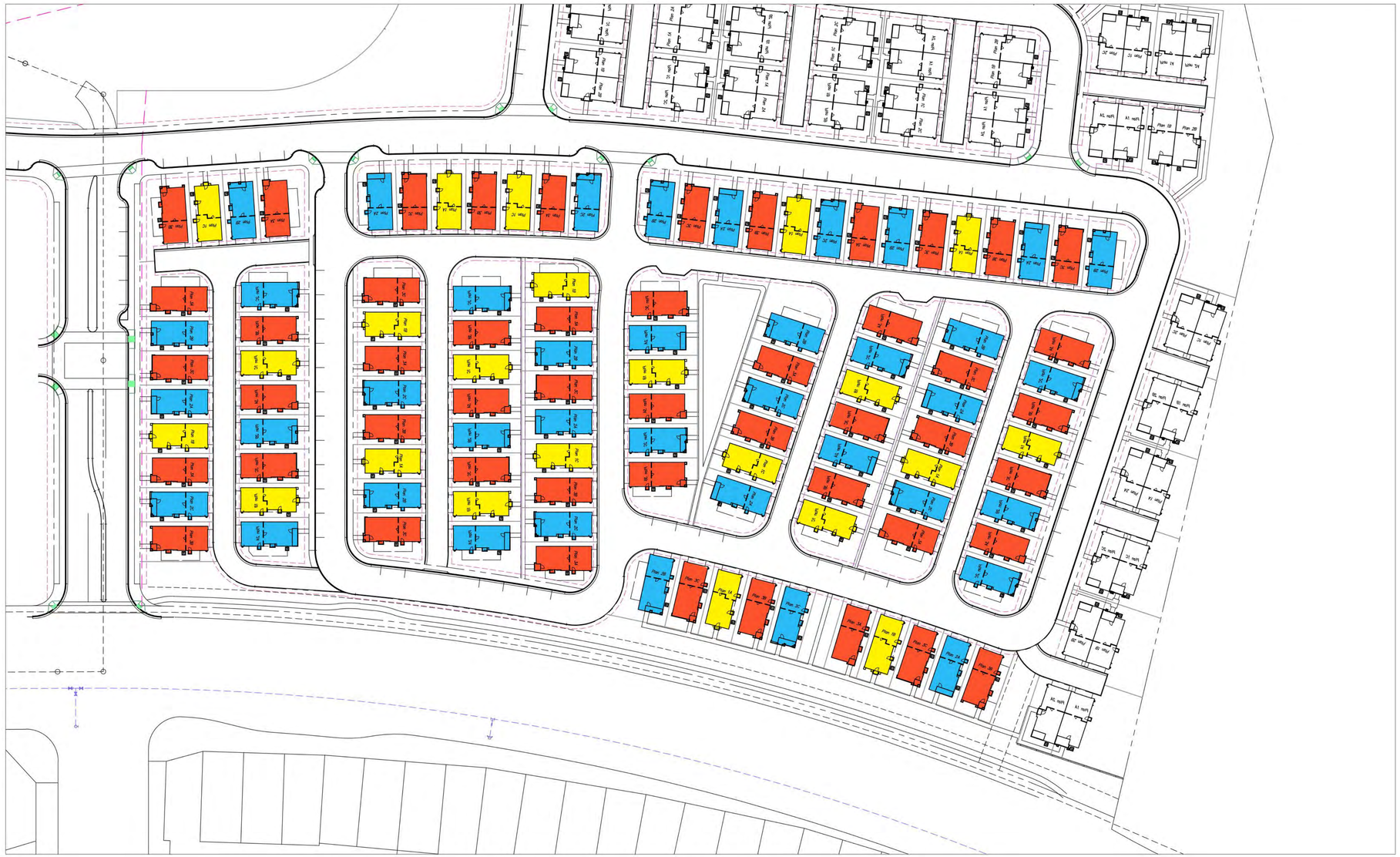
A1.18 Plan 3C - Floor Plan

A1.19 Plan 3C - Elevation Wraps & Roof Plan

A1.20 Color & Materials - 'A' Traditional

A1.21 Color & Materials - 'B' Bungalow

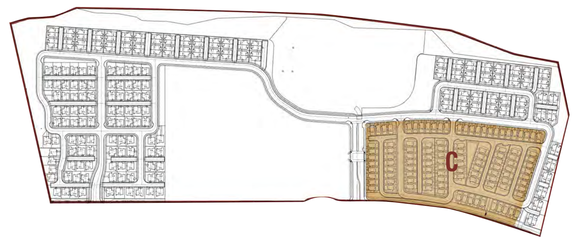
A1.22 Color & Materials - 'C' Cottage



PLAN 1	22 DU	20%
PLAN 2	39 DU	35%
PLAN 3	49 DU	45%
TOTAL	110 DU	

Notes:

1. Site plan is for conceptual purposes only.
2. Site plan must be reviewed by planning, building, and fire departments for code compliance.
3. Base information per civil engineer.
4. Civil engineer to verify all setbacks and grading information
5. Building Footprints might change due to the final design elevation style.
6. Open space area is subject to change due to the balcony design of the elevation.
7. Building setbacks are measured from property lines to building foundation lines.



KEY MAP

CONCEPTUAL PLOT PLAN

NEIGHBORHOOD C

ALVES RANCH

PITTSBURG, CA

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A1.PP

0 25 50 100

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Note: Artist's Conception; Colors, Materials And Application May Vary.

PLAN 2B
BUNGALOW

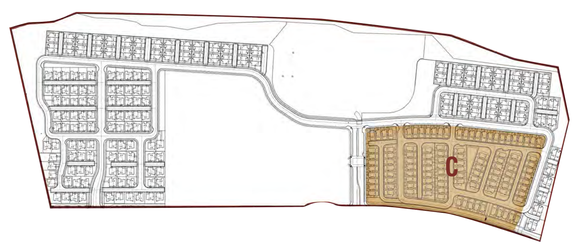
PLAN 1C
Cottage

PLAN 3A
TRADITIONAL

PLAN 2C
Cottage

PLAN 3B
BUNGALOW

PLAN 1A
TRADITIONAL



KEY MAP

CONCEPTUAL STREETSCENE

NEIGHBORHOOD C

ALVES RANCH

PITTSBURG, CA

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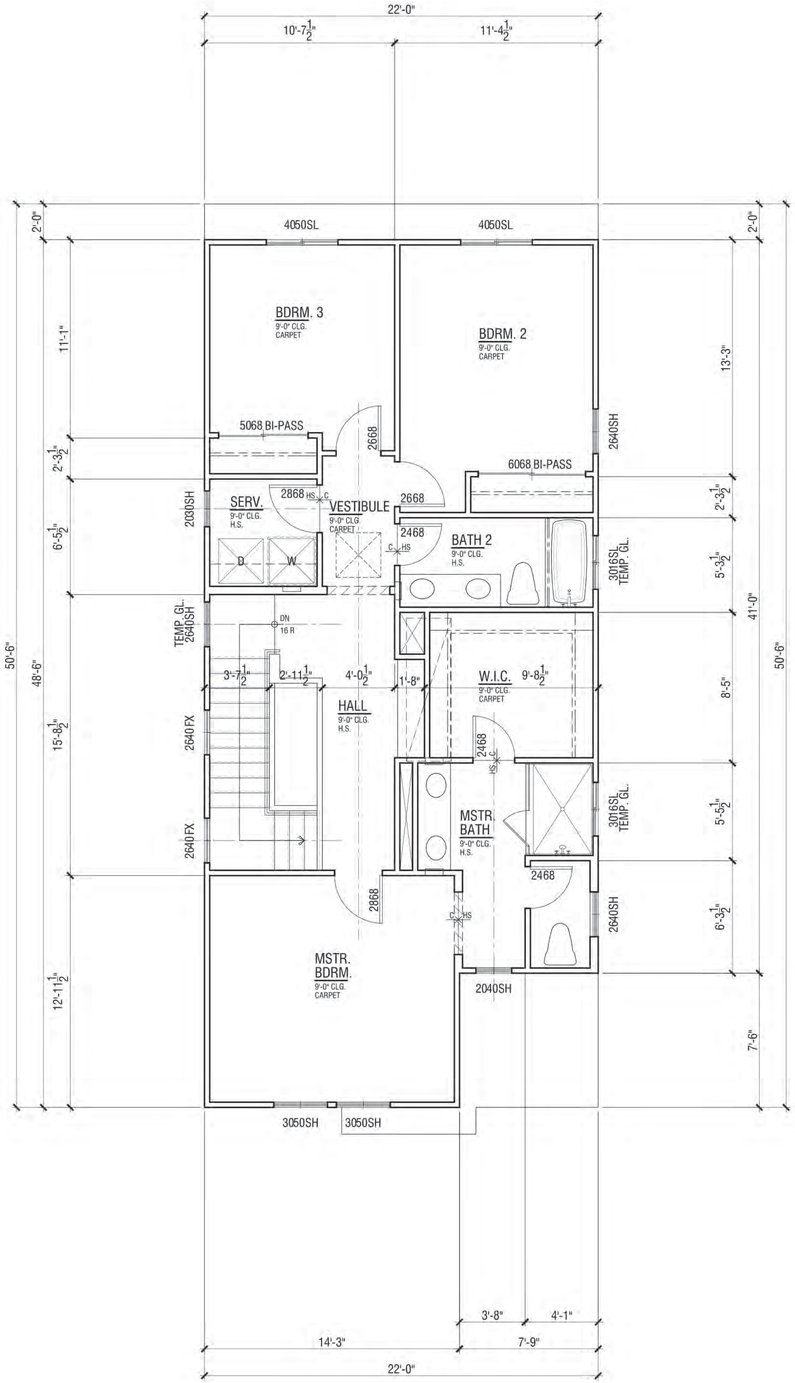
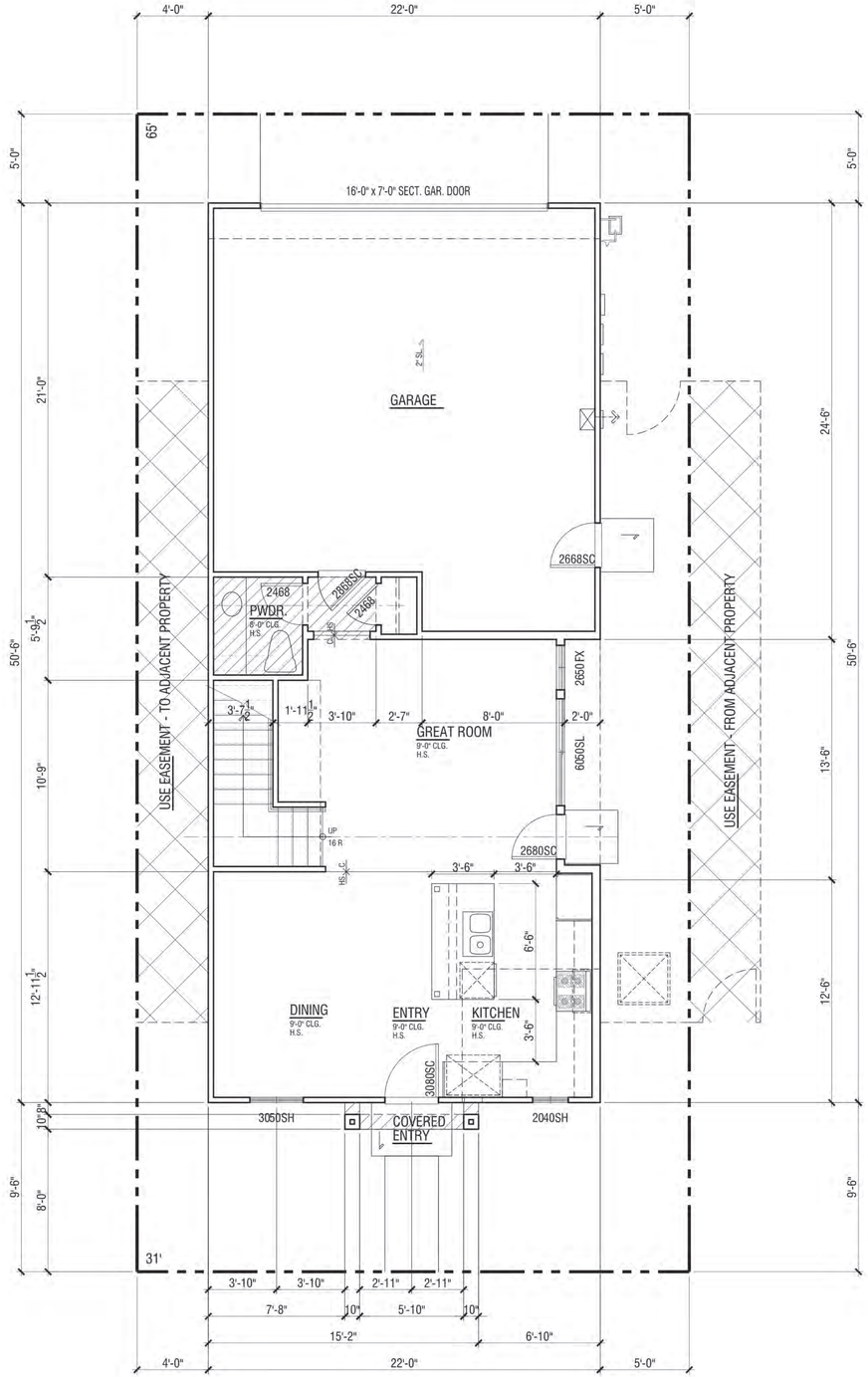


Second Floor 924 SF



First Floor 596 SF

FLOOR PLAN | PLAN 1A

FLOOR AREA TABLE	PLAN 1A
LOWER FLOOR PLAN	596 SQ. FT.
UPPER FLOOR PLAN	924 SQ. FT.
TOTAL	1519 SQ. FT.
2-BAY GARAGE	490 SQ. FT.
COVERED ENTRY	11 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

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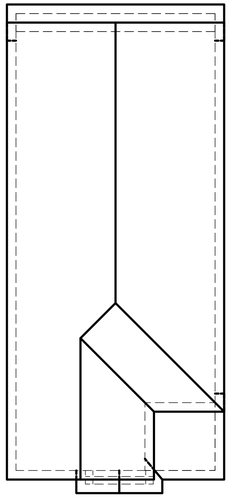
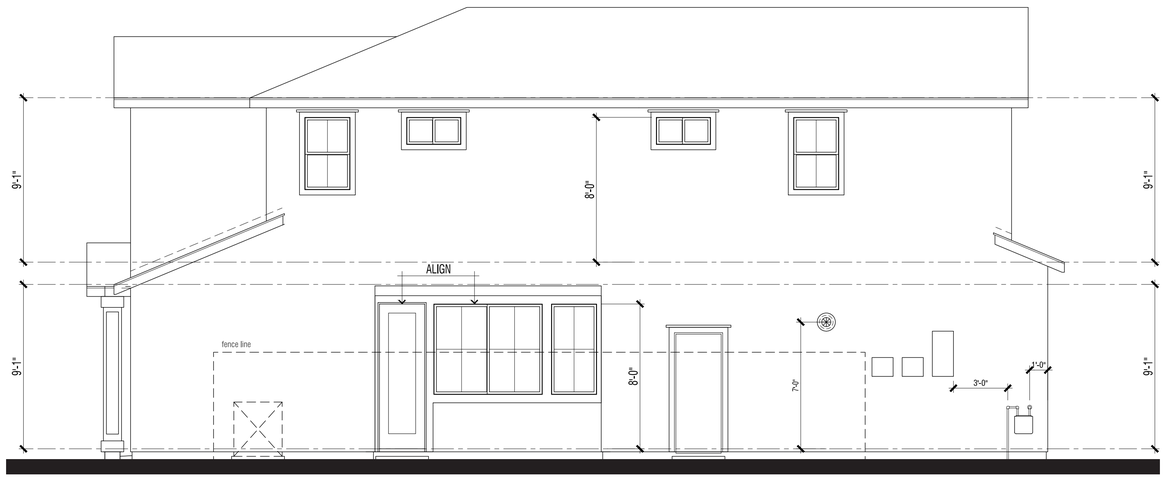
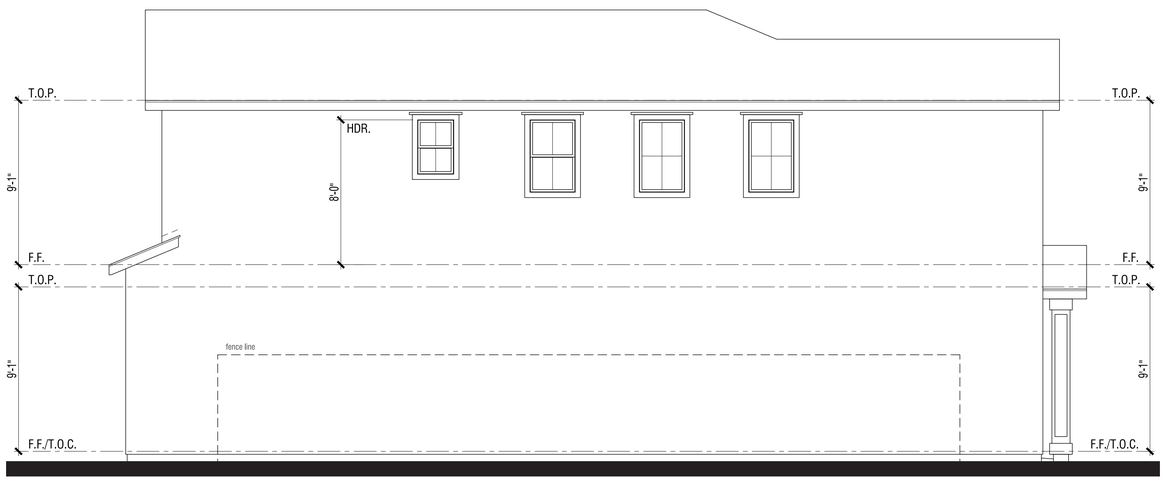


Roof Plan
at 1' =8"



Right Elevation

Rear Elevation



Left Elevation

Front Elevation

MATERIAL **STYLE ELEMENTS 'A' TRADITIONAL**

Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Gable:	Horizontal Lap Siding
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Entry Door:	Decorative Front Entry Door
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

PLAN 1A | ELEVATION WRAPS & ROOF PLAN

NEIGHBORHOOD C

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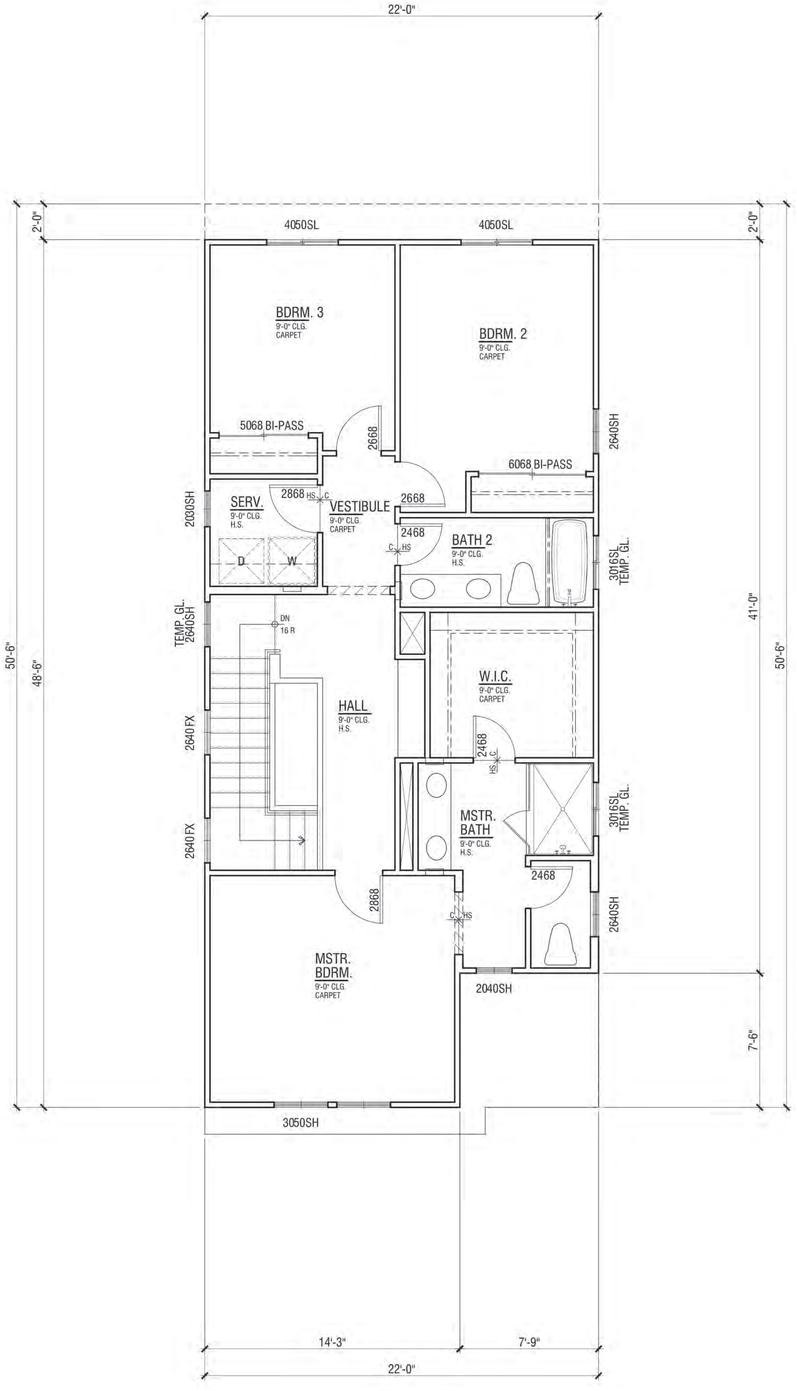

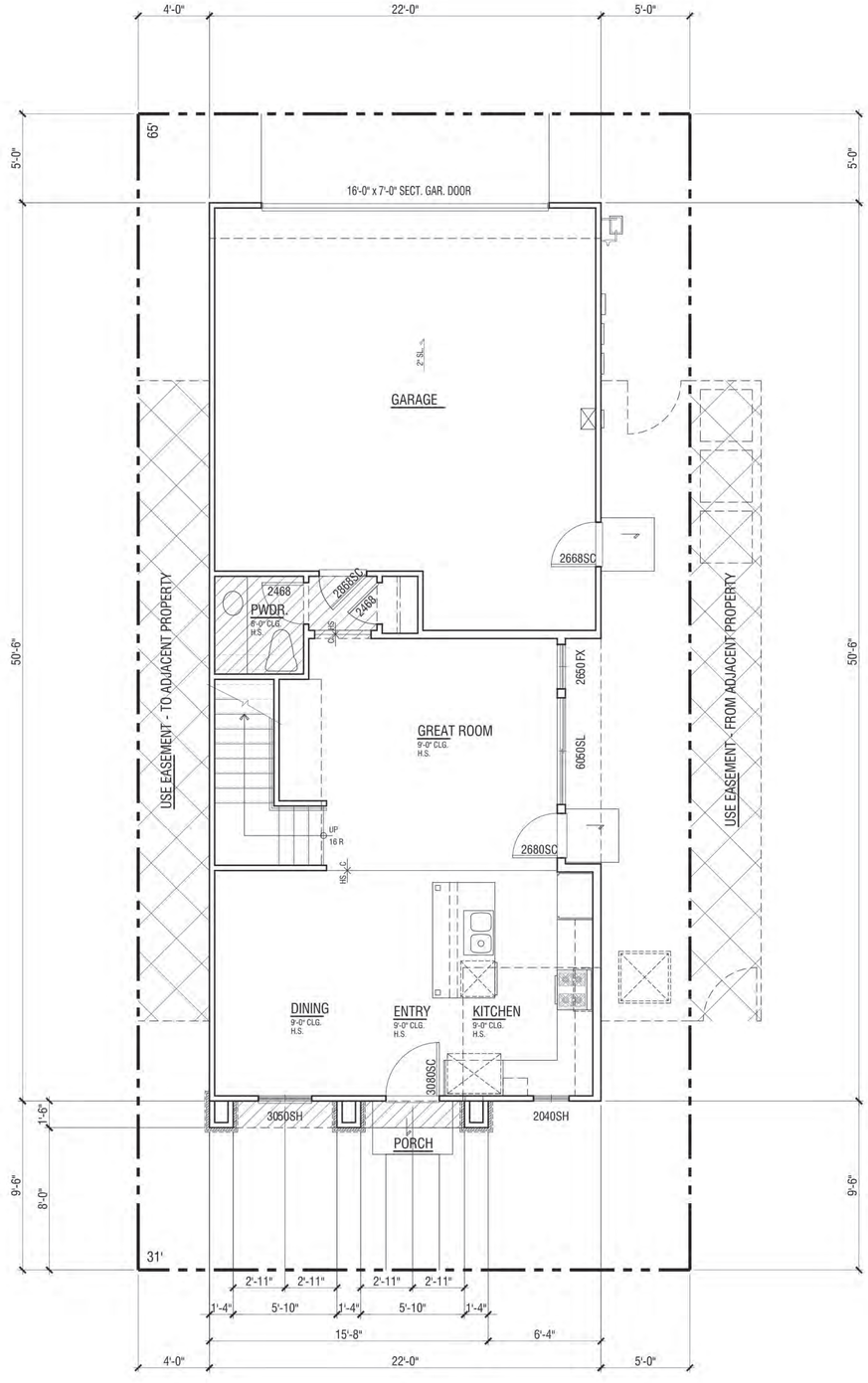

Second Floor 924 SF

NEIGHBORHOOD C

First Floor 596 SF

FLOOR PLAN | PLAN 1B

FLOOR AREA TABLE	PLAN 1B
LOWER FLOOR PLAN	596 SQ. FT.
UPPER FLOOR PLAN	924 SQ. FT.
TOTAL	1520 SQ. FT.
2-BAY GARAGE	490 SQ. FT.
COVERED ENTRY/PORCH	13 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

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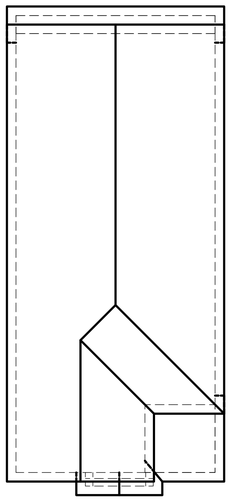
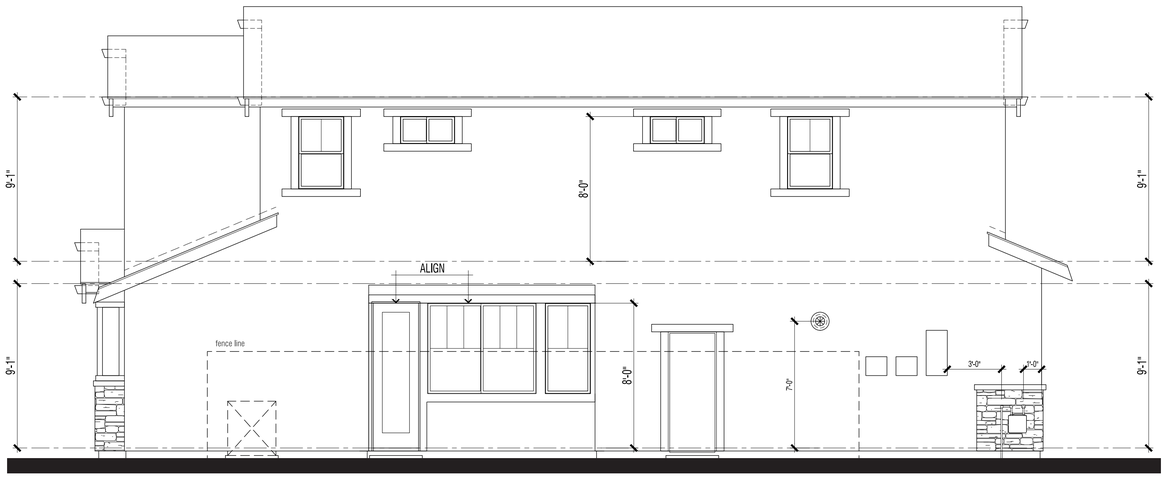
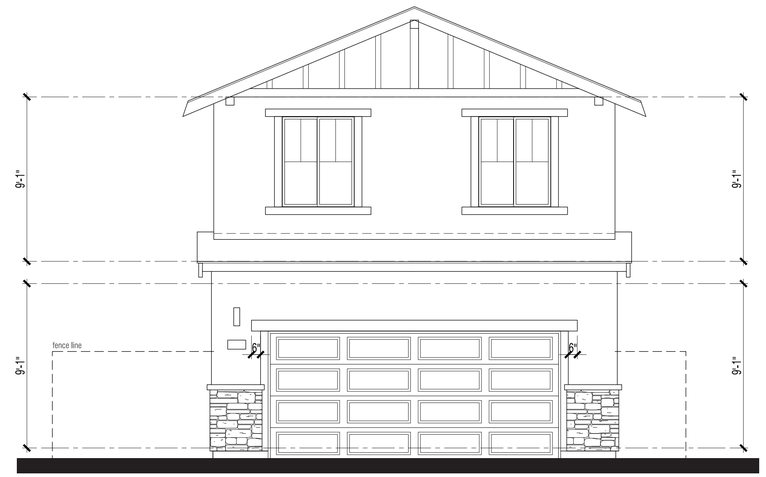


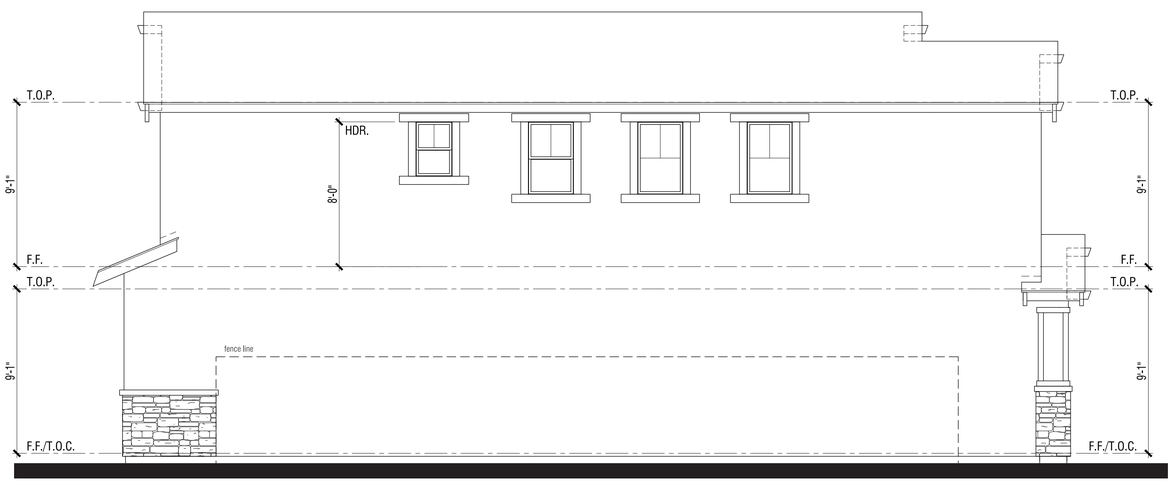
Roof Plan
at 1' =8"



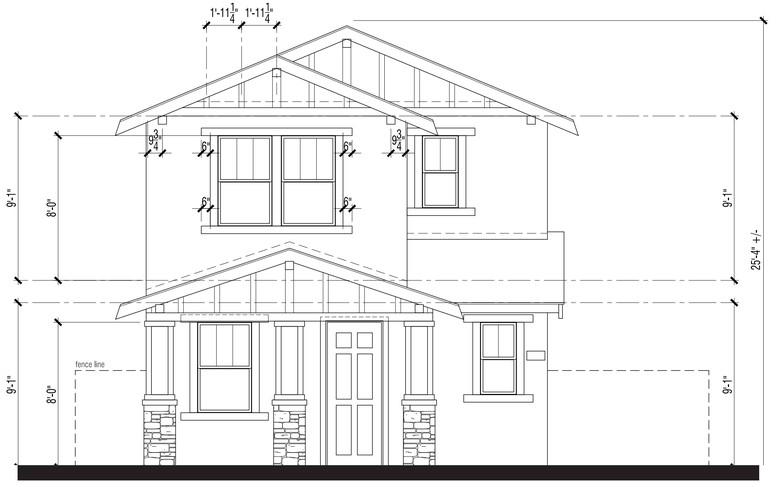
Right Elevation



Rear Elevation



Left Elevation



Front Elevation

MATERIAL	STYLE ELEMENTS 'B' BUNGALOW
Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Gable:	Wood Outlookers with Board and Batten
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Entry Door:	Decorative Front Entry Door
Stone:	Manufactured Stone Veneer
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

PLAN 1B | ELEVATION WRAPS & ROOF PLAN

NEIGHBORHOOD C

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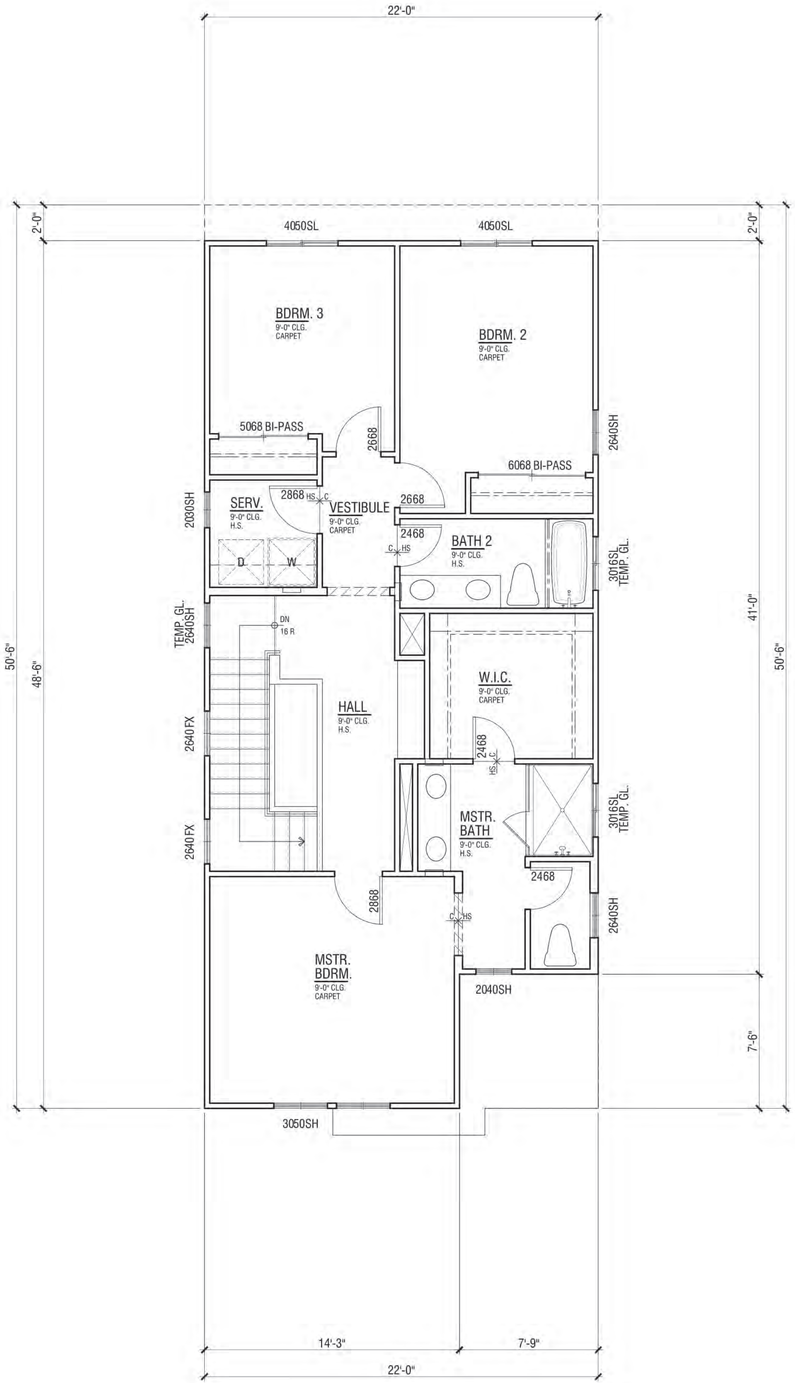
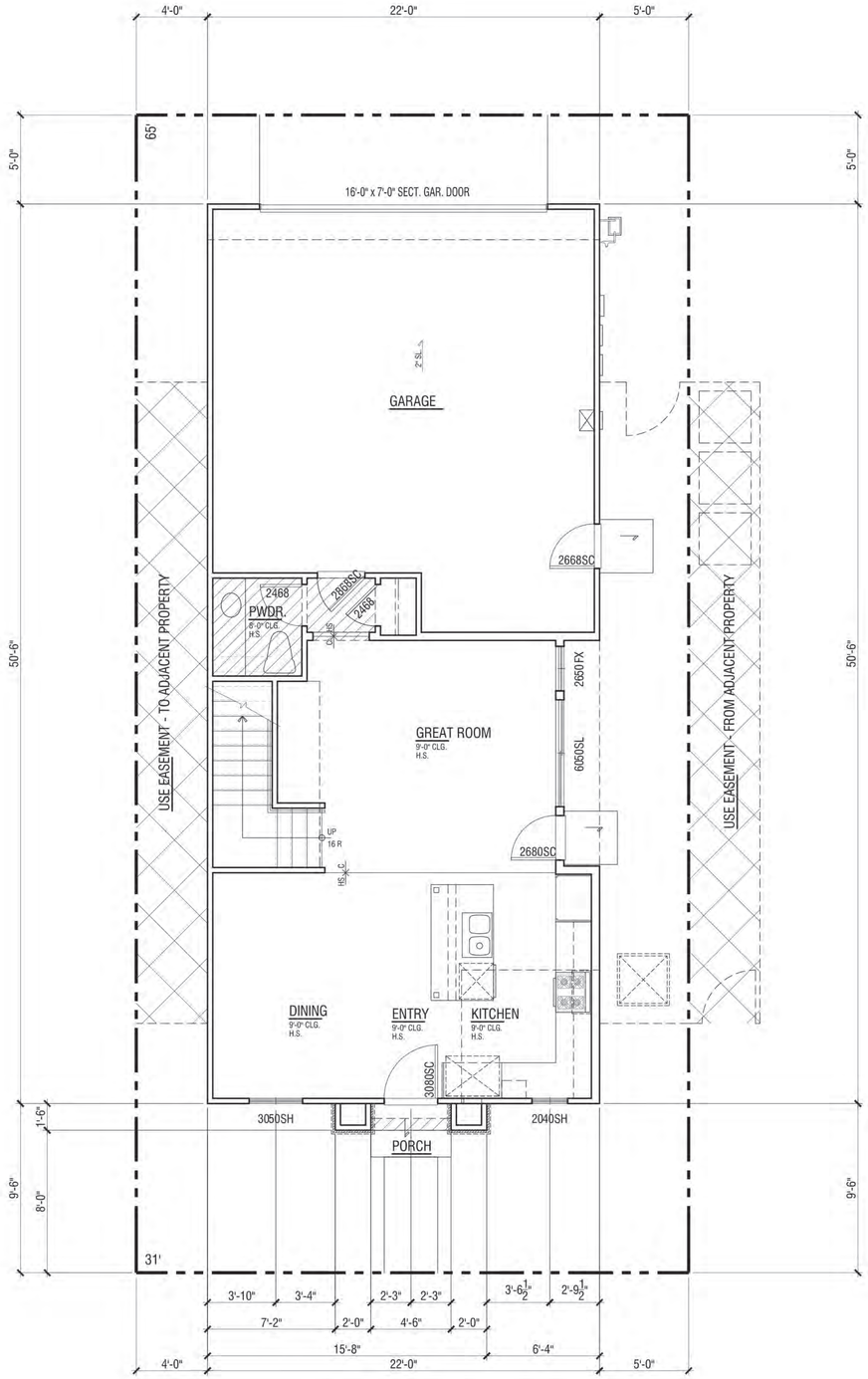


Second Floor 924 SF



First Floor 596 SF

FLOOR PLAN | PLAN 1C

FLOOR AREA TABLE	PLAN 1C
LOWER FLOOR PLAN	596 SQ. FT.
UPPER FLOOR PLAN	924 SQ. FT.
TOTAL	1520 SQ. FT.
2-BAY GARAGE	490 SQ. FT.
COVERED ENTRY/PORCH	13 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

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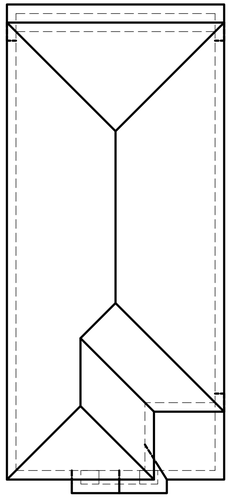
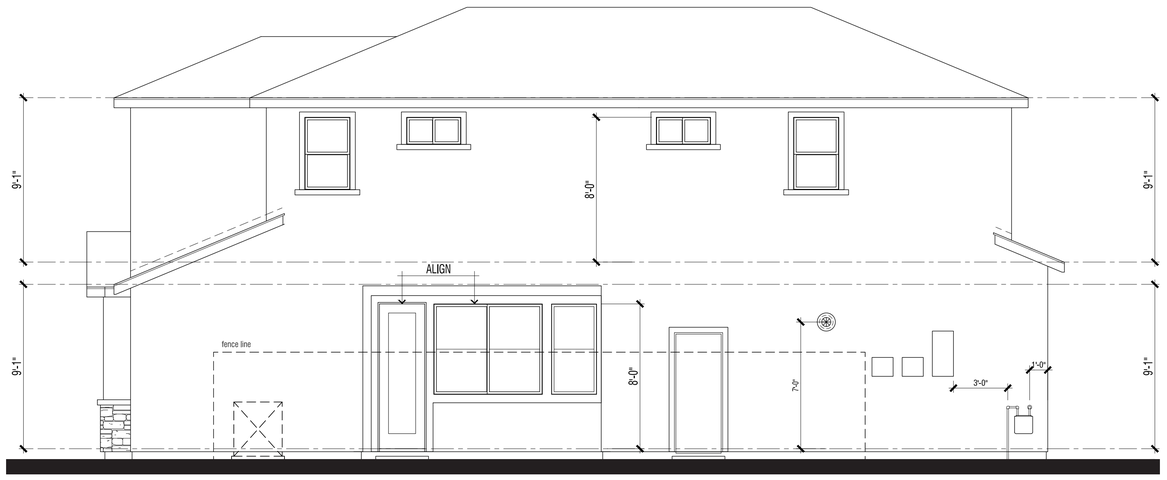
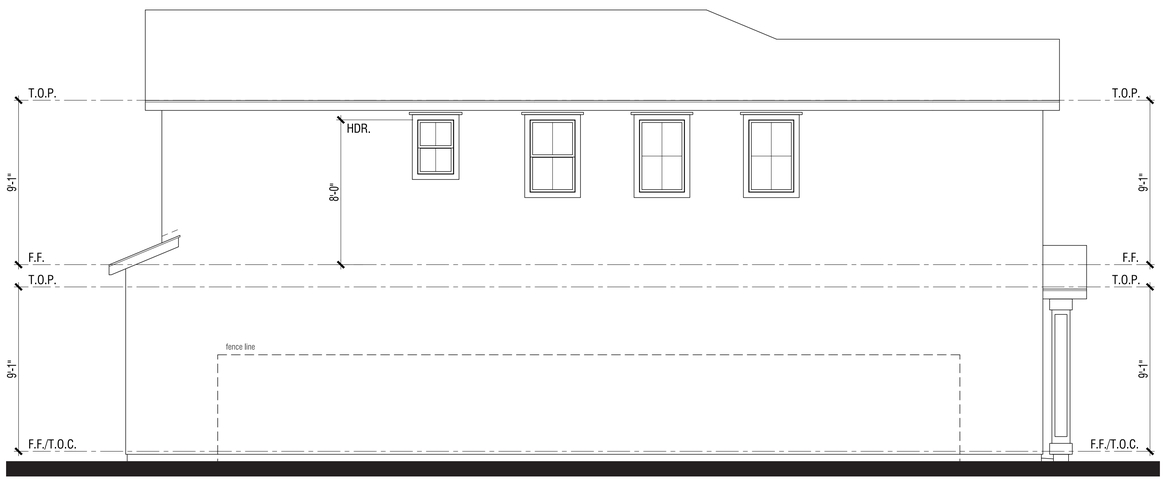


Roof Plan
at 1' =8"



Right Elevation

Rear Elevation



Left Elevation

Front Elevation

MATERIAL **STYLE ELEMENTS 'C' COTTAGE**

Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Entry Door:	Decorative Front Entry Door
Veneer:	Manufactured Stone Veneer
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

PLAN 1C | ELEVATION WRAPS & ROOF PLAN

NEIGHBORHOOD C

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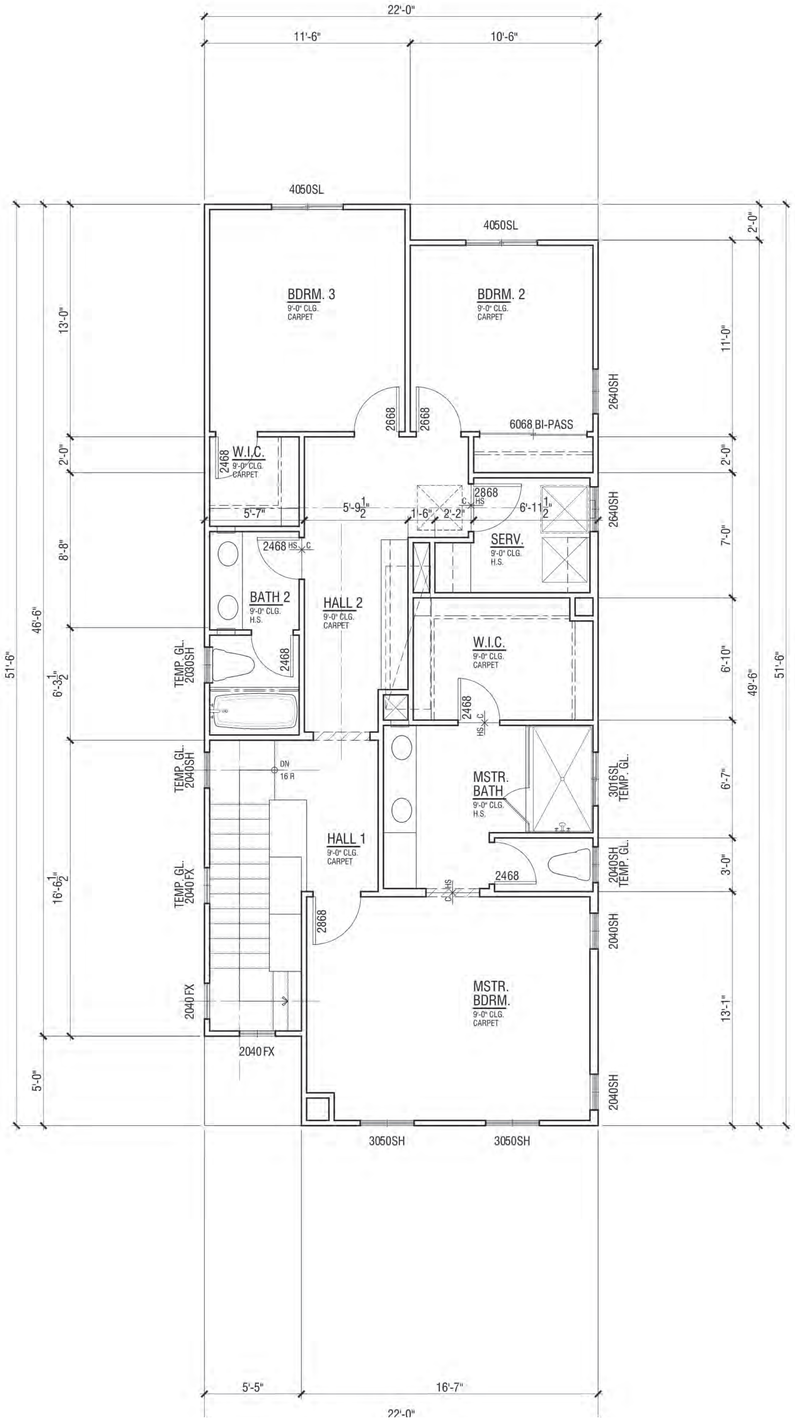
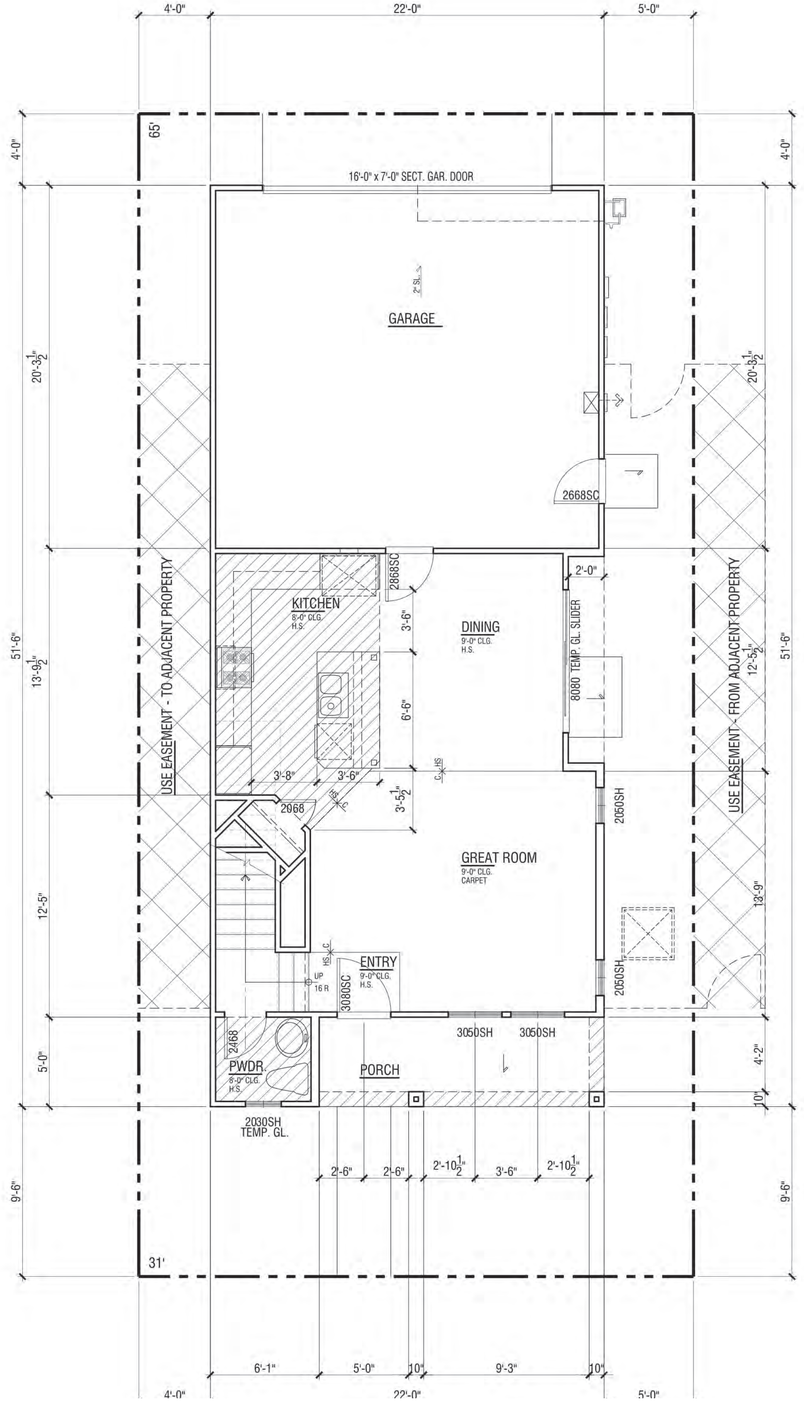


Second Floor 1,000 SF



First Floor 583 SF

FLOOR PLAN | PLAN 2A

FLOOR AREA TABLE	PLAN 2A
LOWER FLOOR PLAN	583 SQ. FT.
UPPER FLOOR PLAN	1000 SQ. FT.
TOTAL	1583 SQ. FT.
2-BAY GARAGE	447 SQ. FT.
COVERED ENTRY/PORCH	80 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

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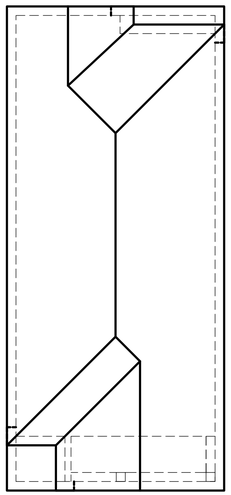
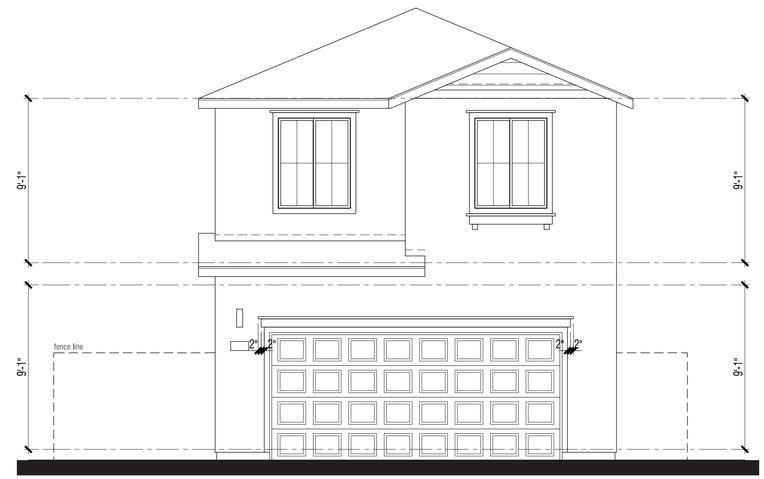
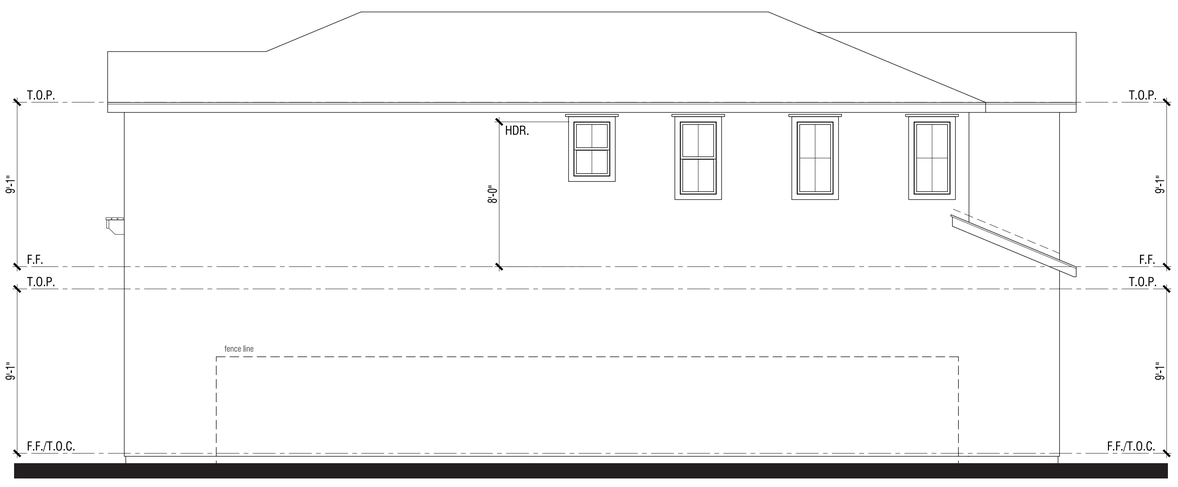


Roof Plan
at 1' =8"

Right Elevation



Rear Elevation



Left Elevation

Front Elevation

MATERIAL	STYLE ELEMENTS 'A' TRADITIONAL
Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Gable:	Horizontal Lap Siding
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Entry Door:	Decorative Front Entry Door
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

PLAN 2A | ELEVATION WRAPS & ROOF PLAN

NEIGHBORHOOD C

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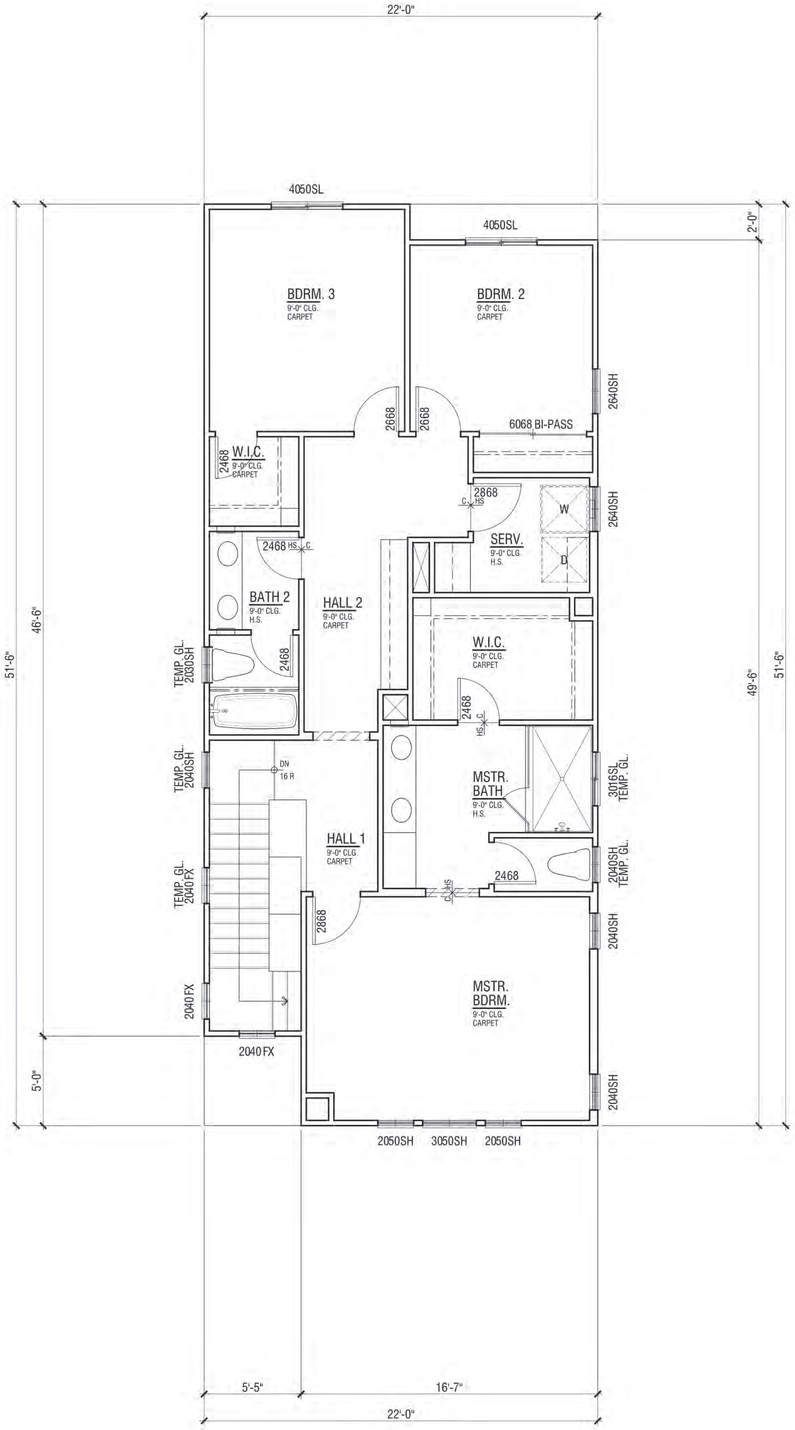
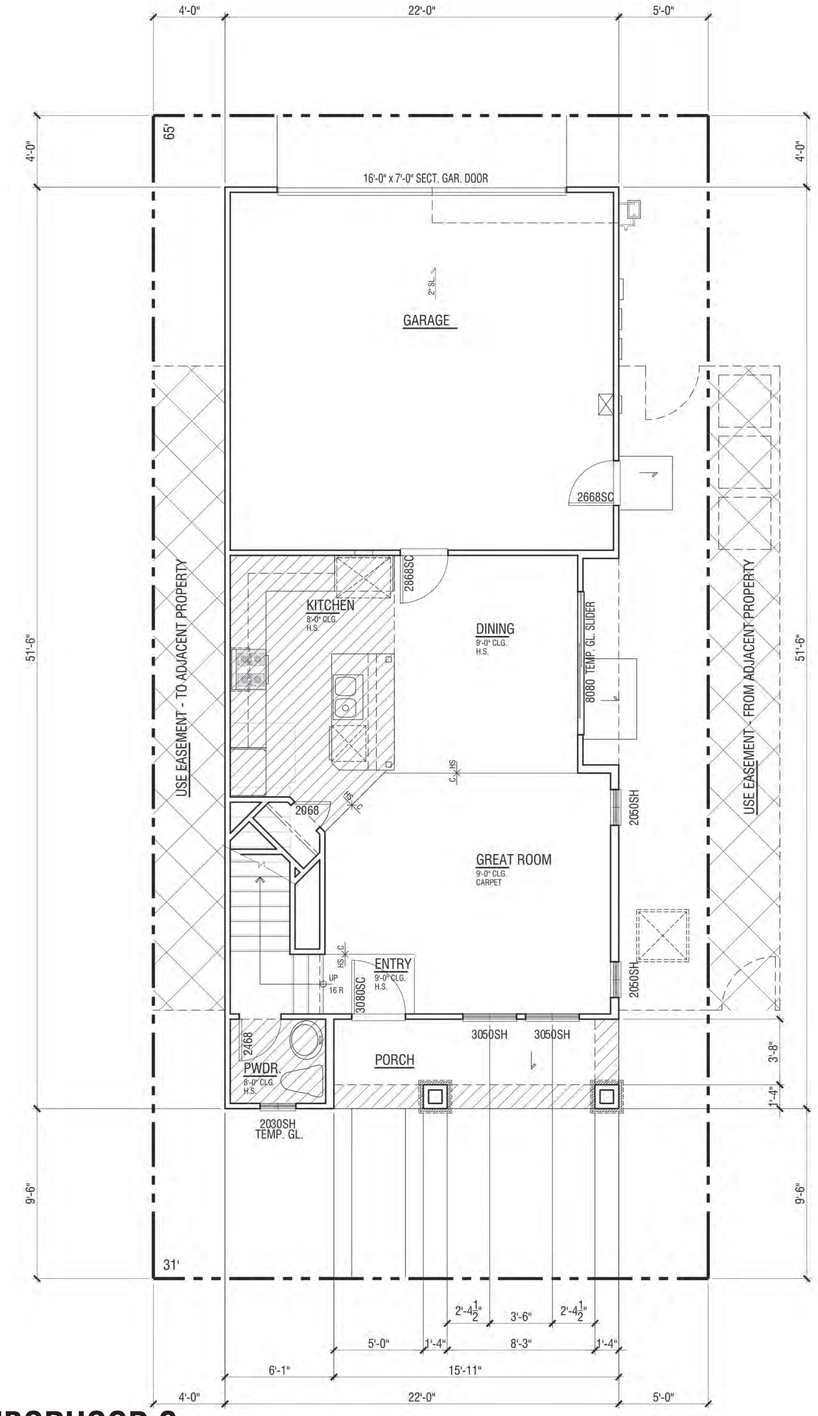


Second Floor 1,000 SF



First Floor 583 SF

FLOOR PLAN | PLAN 2B

FLOOR AREA TABLE	PLAN 2B
LOWER FLOOR PLAN	583 SQ. FT.
UPPER FLOOR PLAN	1000 SQ. FT.
TOTAL	1583 SQ. FT.
2-BAY GARAGE	447 SQ. FT.
COVERED ENTRY/PORCH	80 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

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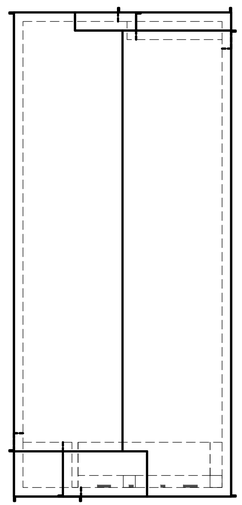
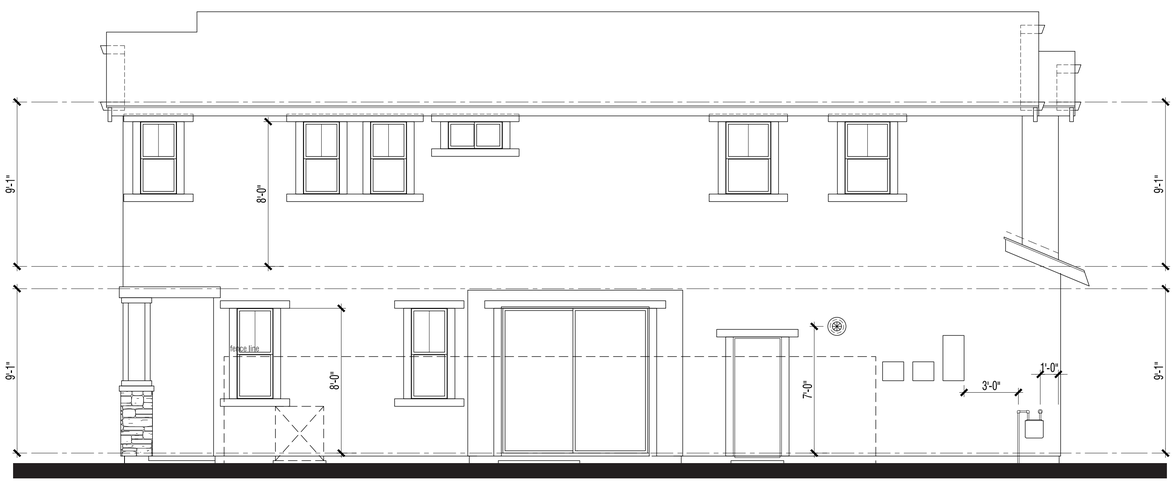
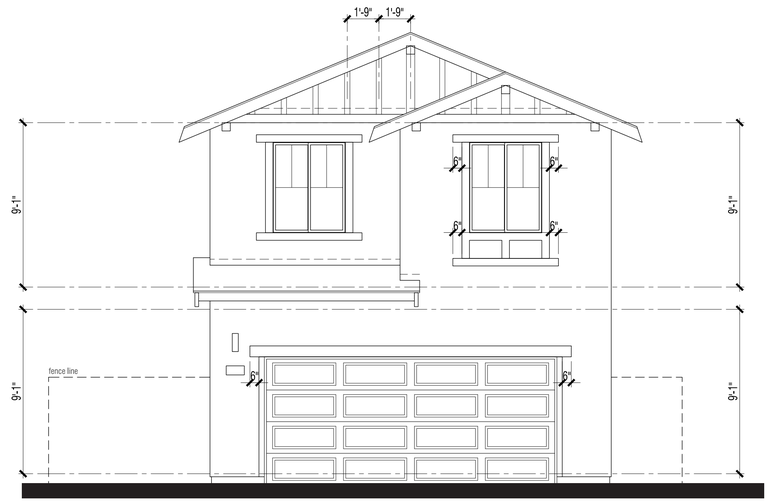


Roof Plan

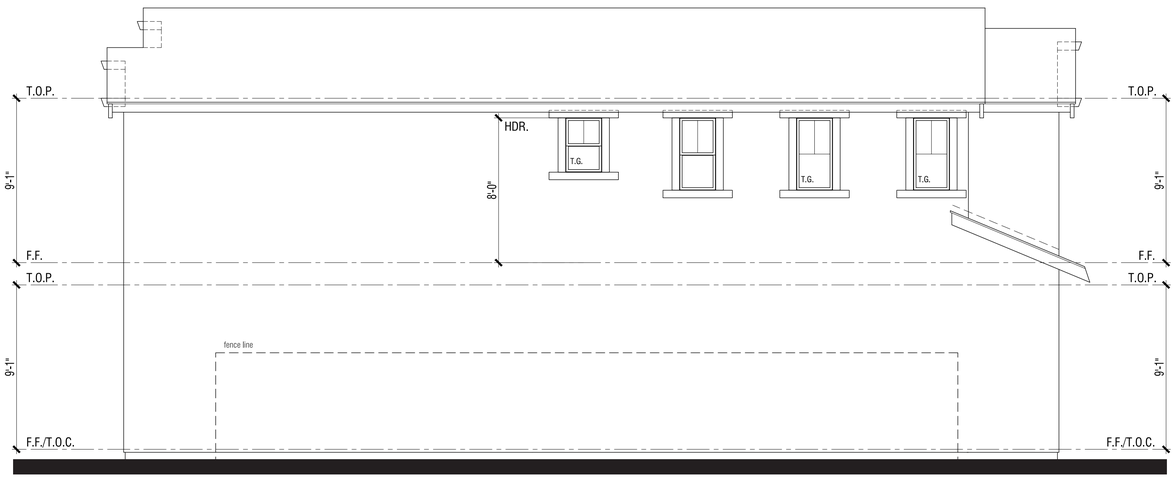
at 1' =8"



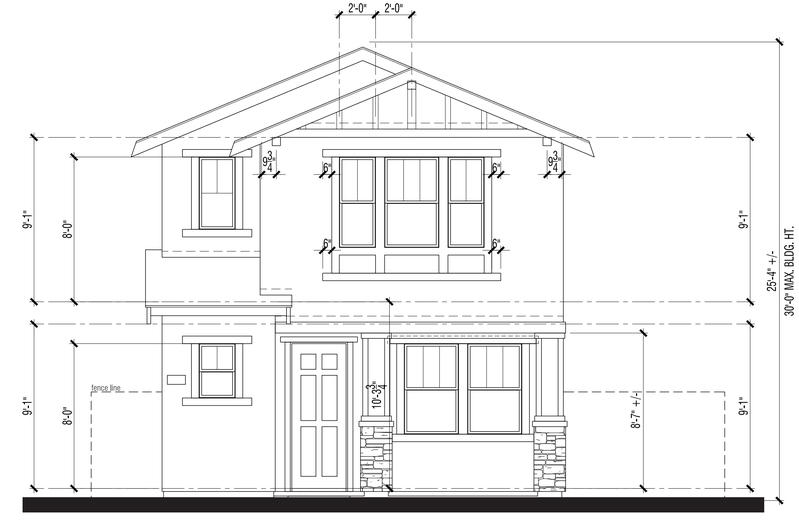
Right Elevation



Rear Elevation



Left Elevation



Front Elevation

MATERIAL	STYLE ELEMENTS 'B' BUNGALOW
Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Gable:	Wood Outlookers with Board and Batten
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Entry Door:	Decorative Front Entry Door
Stone:	Manufactured Stone Veneer
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

PLAN 2B | ELEVATION WRAPS & ROOF PLAN

NEIGHBORHOOD C

ALVES RANCH

PITTSBURG, CA

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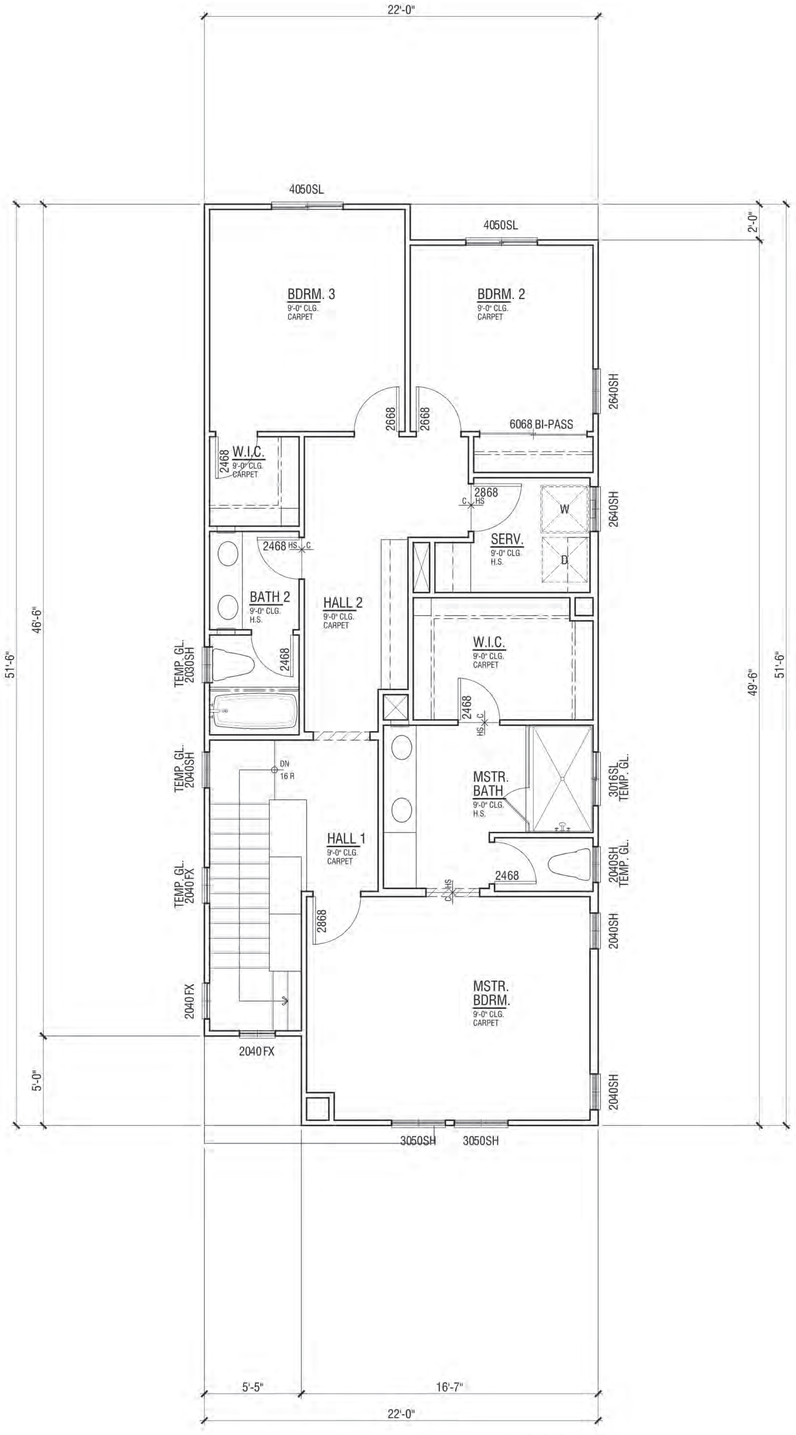
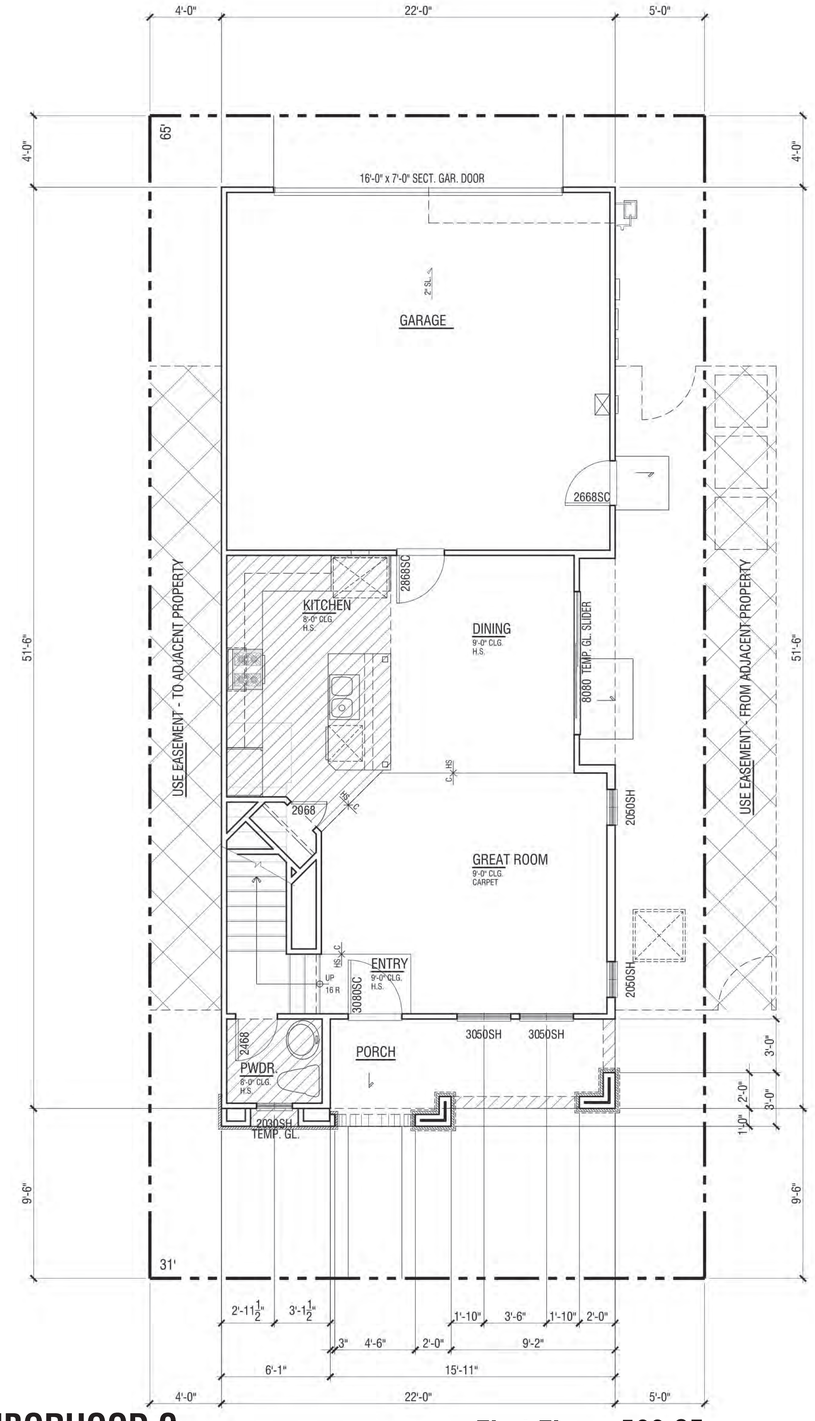


Second Floor 1,000 SF



First Floor 583 SF

FLOOR PLAN | PLAN 2C

FLOOR AREA TABLE	PLAN 2C
LOWER FLOOR PLAN	583 SQ. FT.
UPPER FLOOR PLAN	1000 SQ. FT.
TOTAL	1583 SQ. FT.
2-BAY GARAGE	447 SQ. FT.
COVERED ENTRY/PORCH	86 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

NEIGHBORHOOD C

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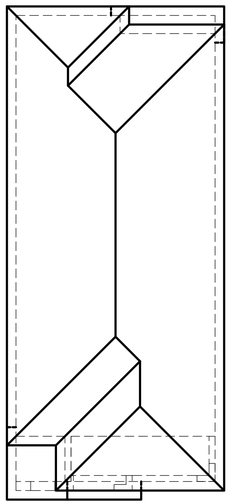
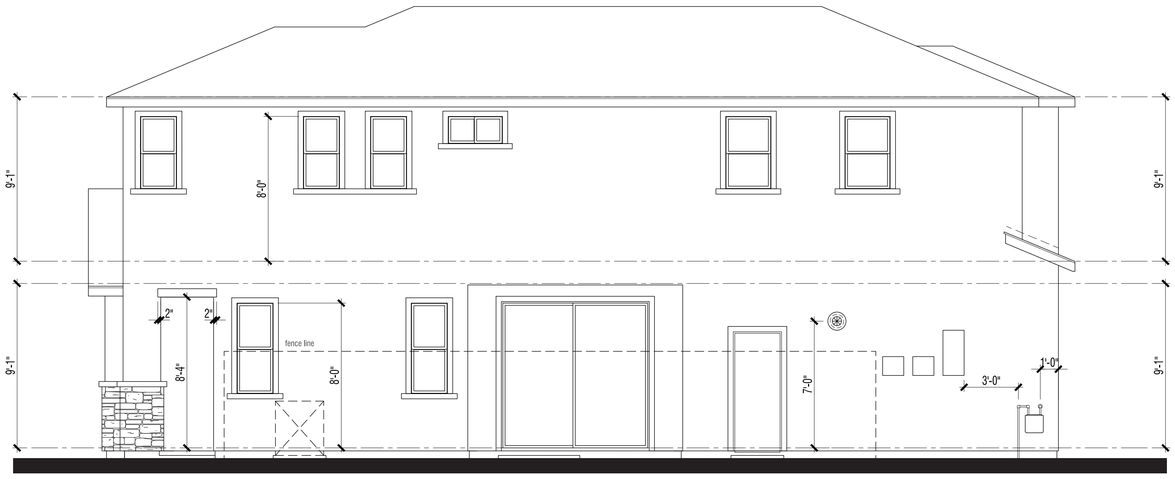
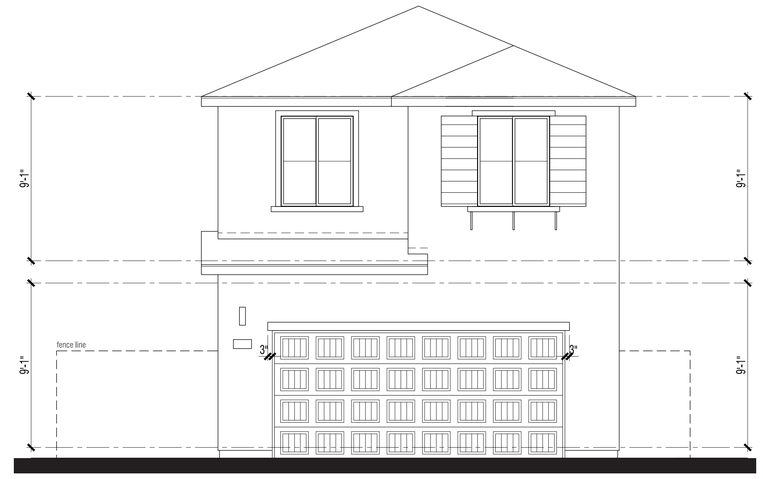


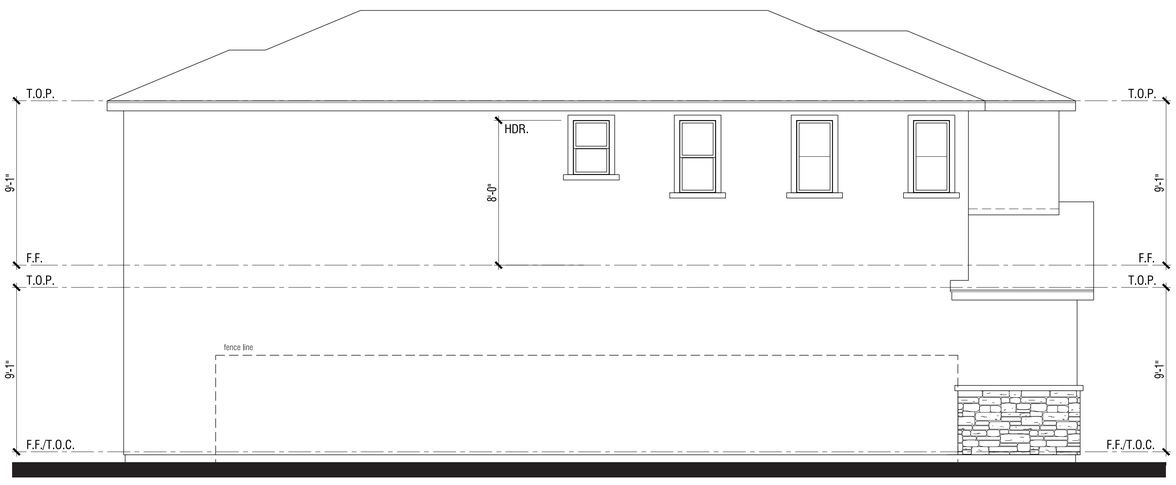
Roof Plan
at 1' =8"



Right Elevation



Rear Elevation



Left Elevation

Front Elevation

MATERIAL **STYLE ELEMENTS 'C' COTTAGE**

Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Entry Door:	Decorative Front Entry Door
Veneer:	Manufactured Stone Veneer
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

PLAN 2C | ELEVATION WRAPS & ROOF PLAN

NEIGHBORHOOD C

ALVES RANCH

PITTSBURG, CA

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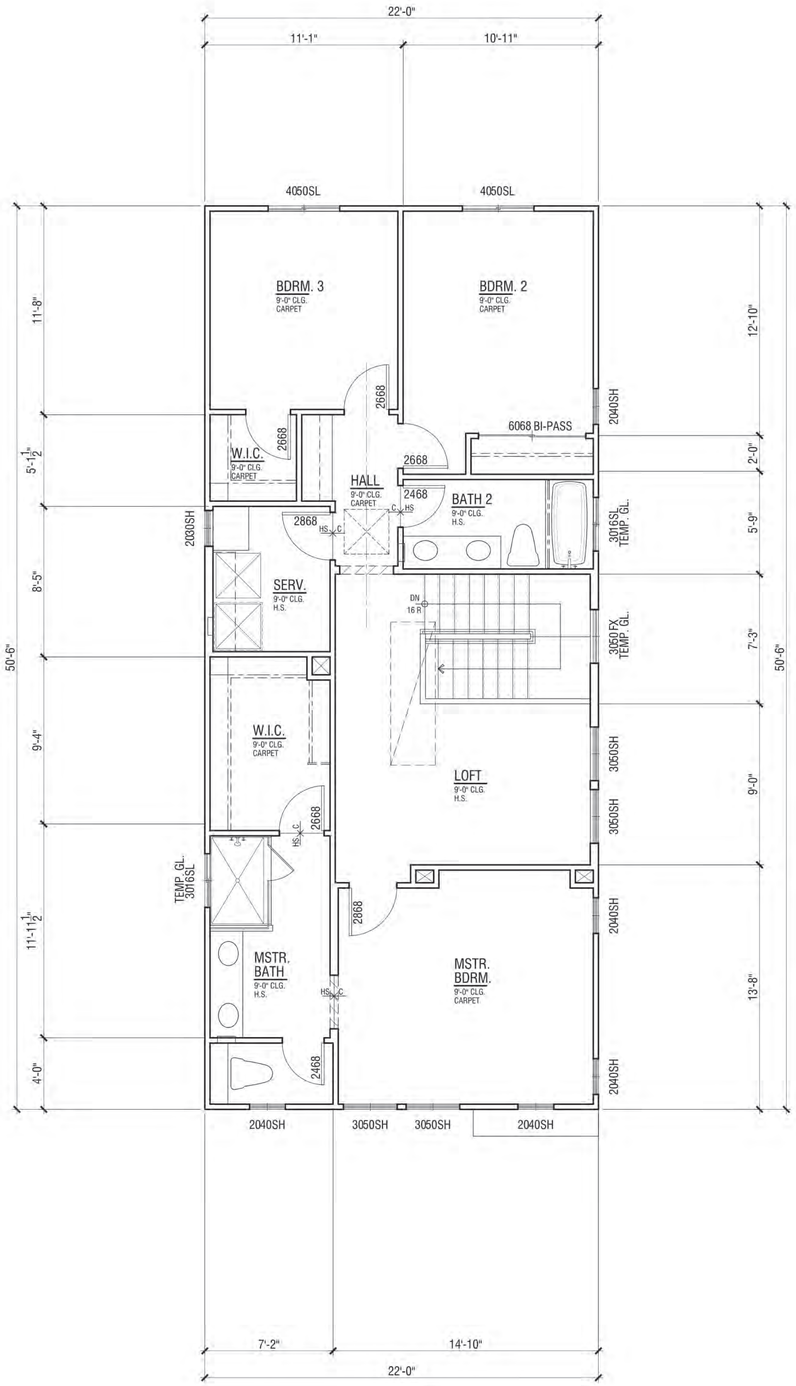
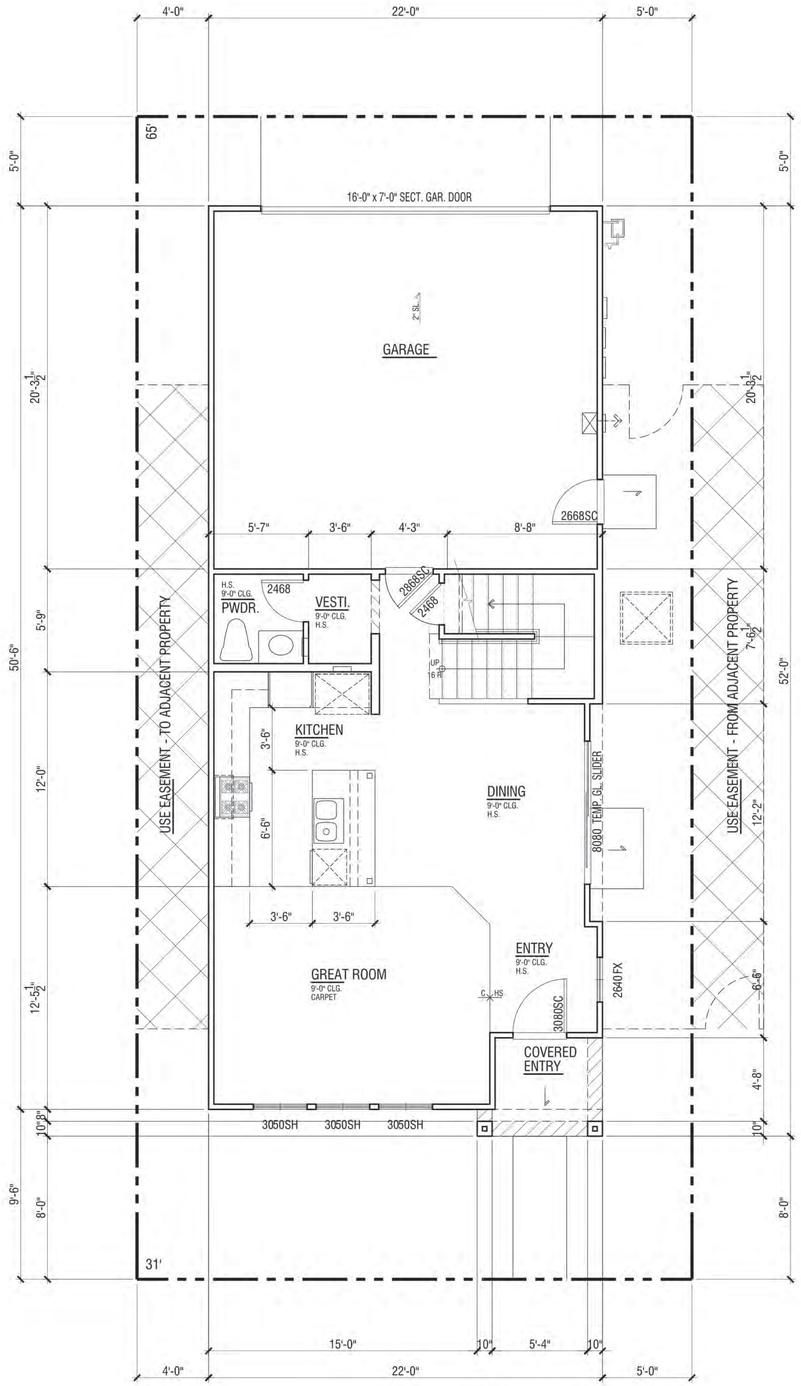


Second Floor 1,044 SF



First Floor 632 SF

FLOOR PLAN | PLAN 3A

FLOOR AREA TABLE	PLAN 3A
LOWER FLOOR PLAN	632 SQ. FT.
UPPER FLOOR PLAN	1044 SQ. FT.
TOTAL	1676 SQ. FT.
2-BAY GARAGE	446 SQ. FT.
COVERED ENTRY	33 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

NEIGHBORHOOD C

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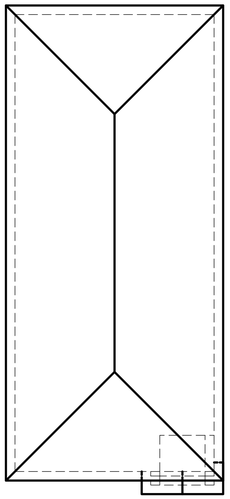
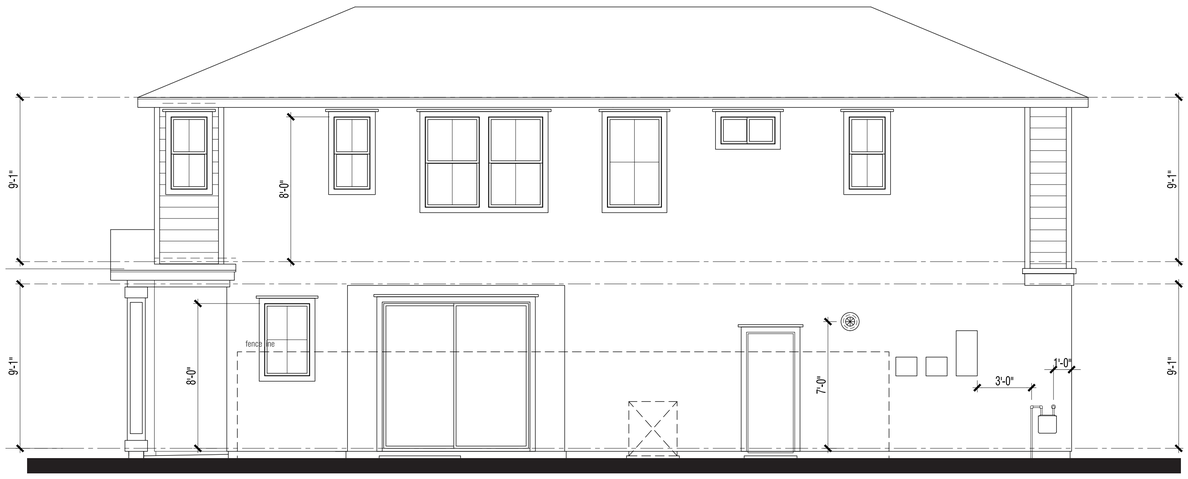
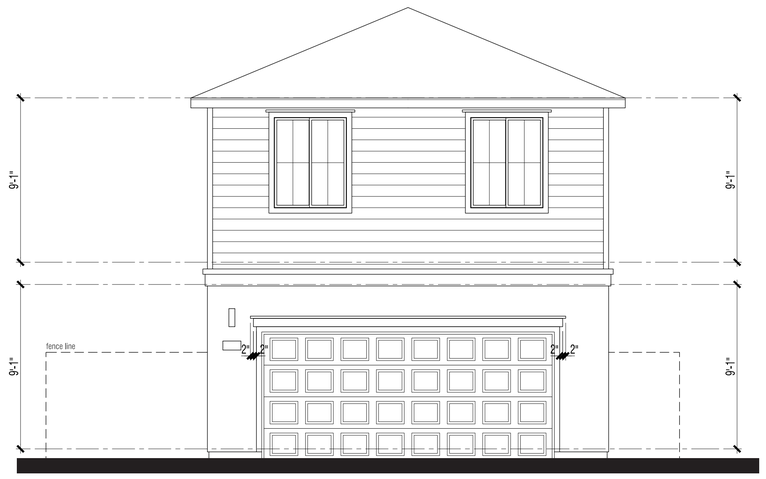


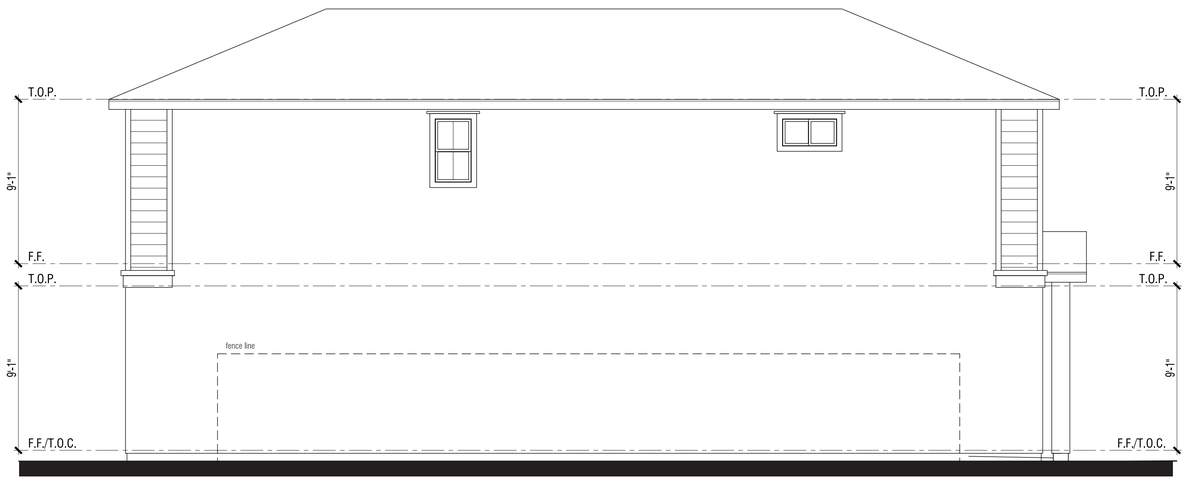
Roof Plan
at 1' =8"



Right Elevation



Rear Elevation



Left Elevation

Front Elevation

MATERIAL **STYLE ELEMENTS 'A' TRADITIONAL**

Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Gable:	Horizontal Lap Siding
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Entry Door:	Decorative Front Entry Door
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

PLAN 3A | ELEVATION WRAPS & ROOF PLAN

NEIGHBORHOOD C

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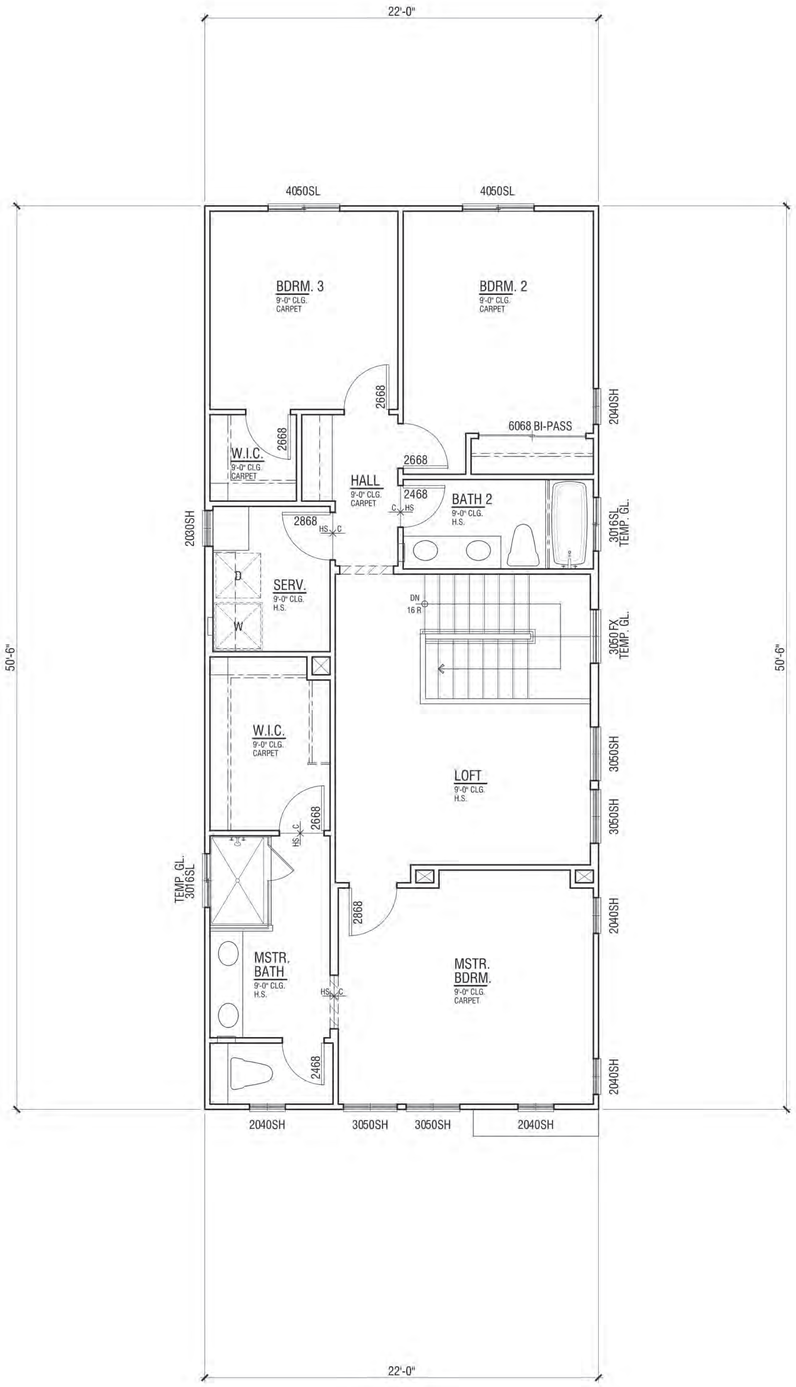
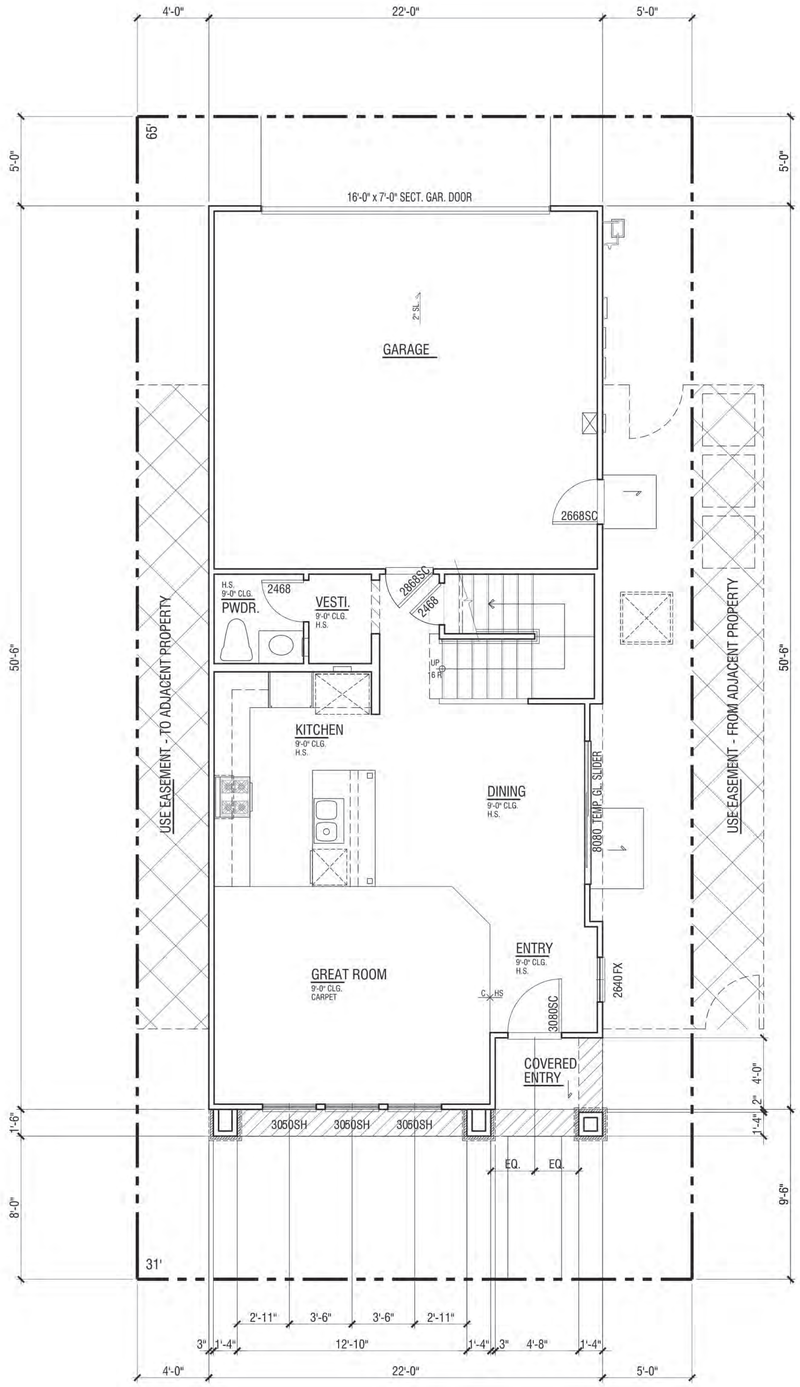


Second Floor 1,044 SF



First Floor 632 SF

FLOOR PLAN | PLAN 3B

FLOOR AREA TABLE	PLAN 3B
LOWER FLOOR PLAN	632 SQ. FT.
UPPER FLOOR PLAN	1044 SQ. FT.
TOTAL	1676 SQ. FT.
2-BAY GARAGE	446 SQ. FT.
COVERED ENTRY/PORCH	33 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

NEIGHBORHOOD C

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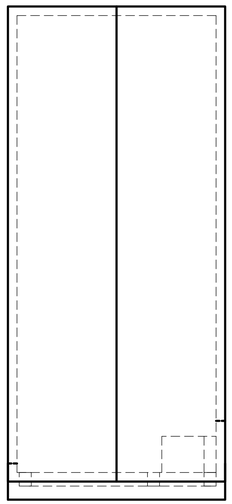
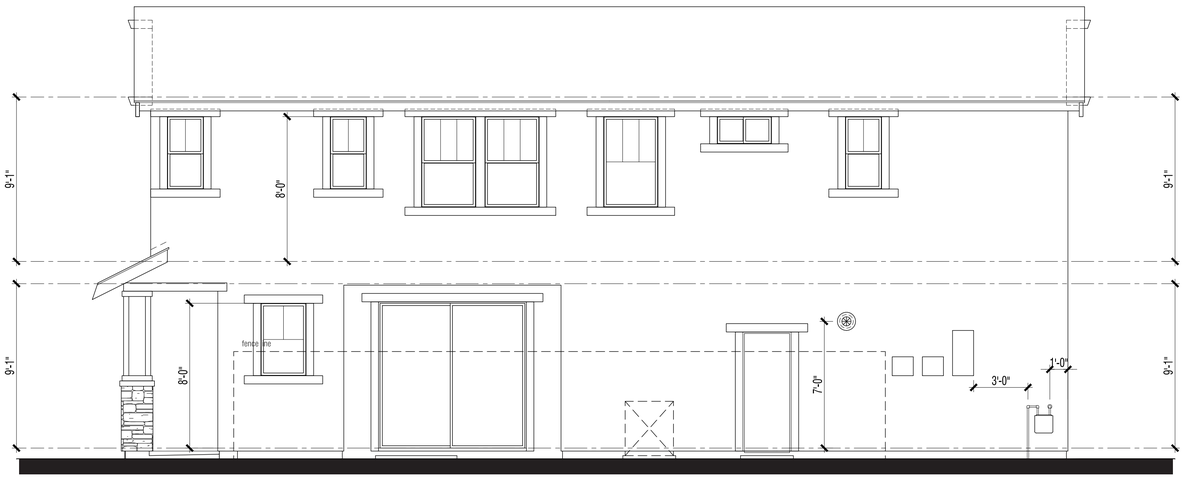
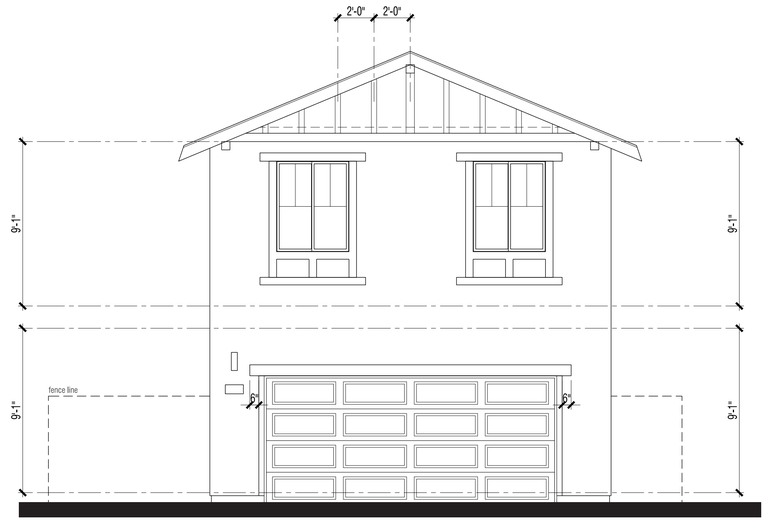


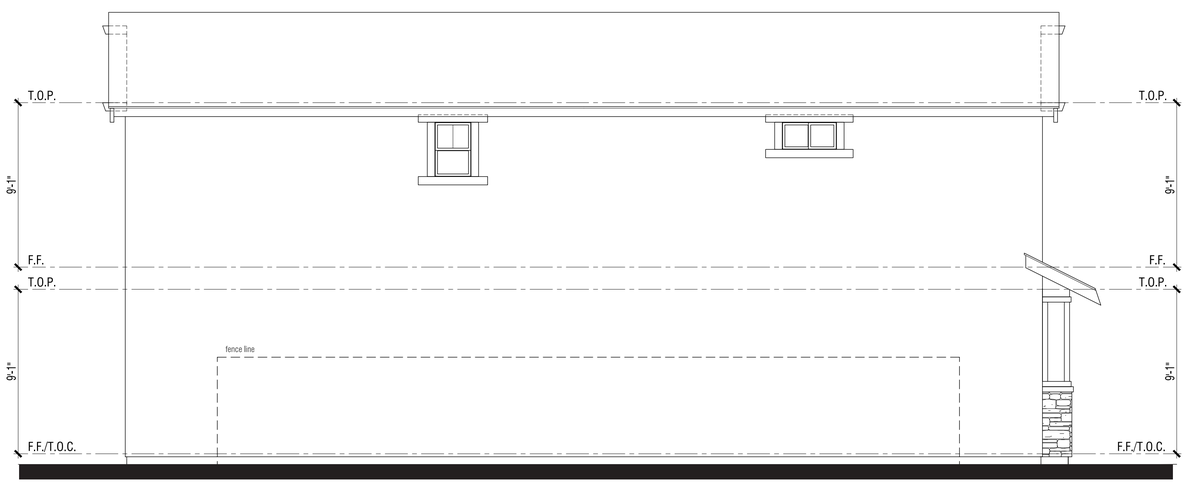
Roof Plan
at 1' =8"



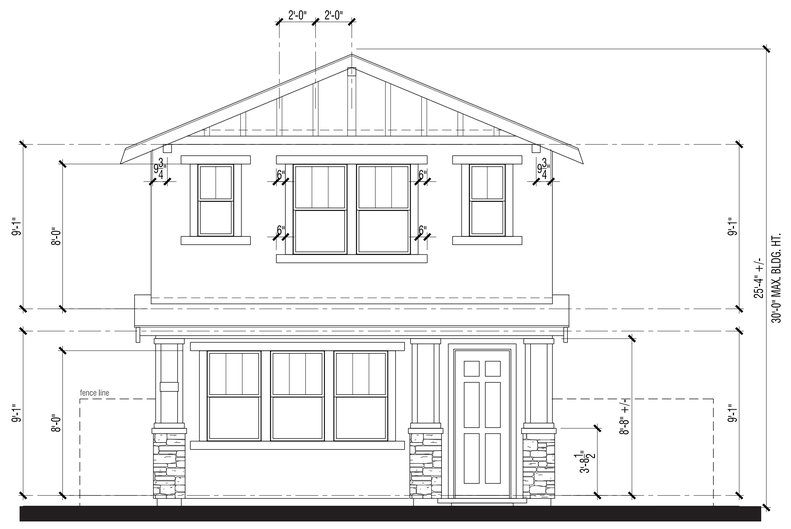
Right Elevation



Rear Elevation



Left Elevation



Front Elevation

MATERIAL **STYLE ELEMENTS 'B' BUNGALOW**

Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Gable:	Wood Outlookers with Board and Batten
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Entry Door:	Decorative Front Entry Door
Stone:	Manufactured Stone Veneer
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

PLAN 3B | ELEVATION WRAPS & ROOF PLAN

NEIGHBORHOOD C

ALVES RANCH

PITTSBURG, CA

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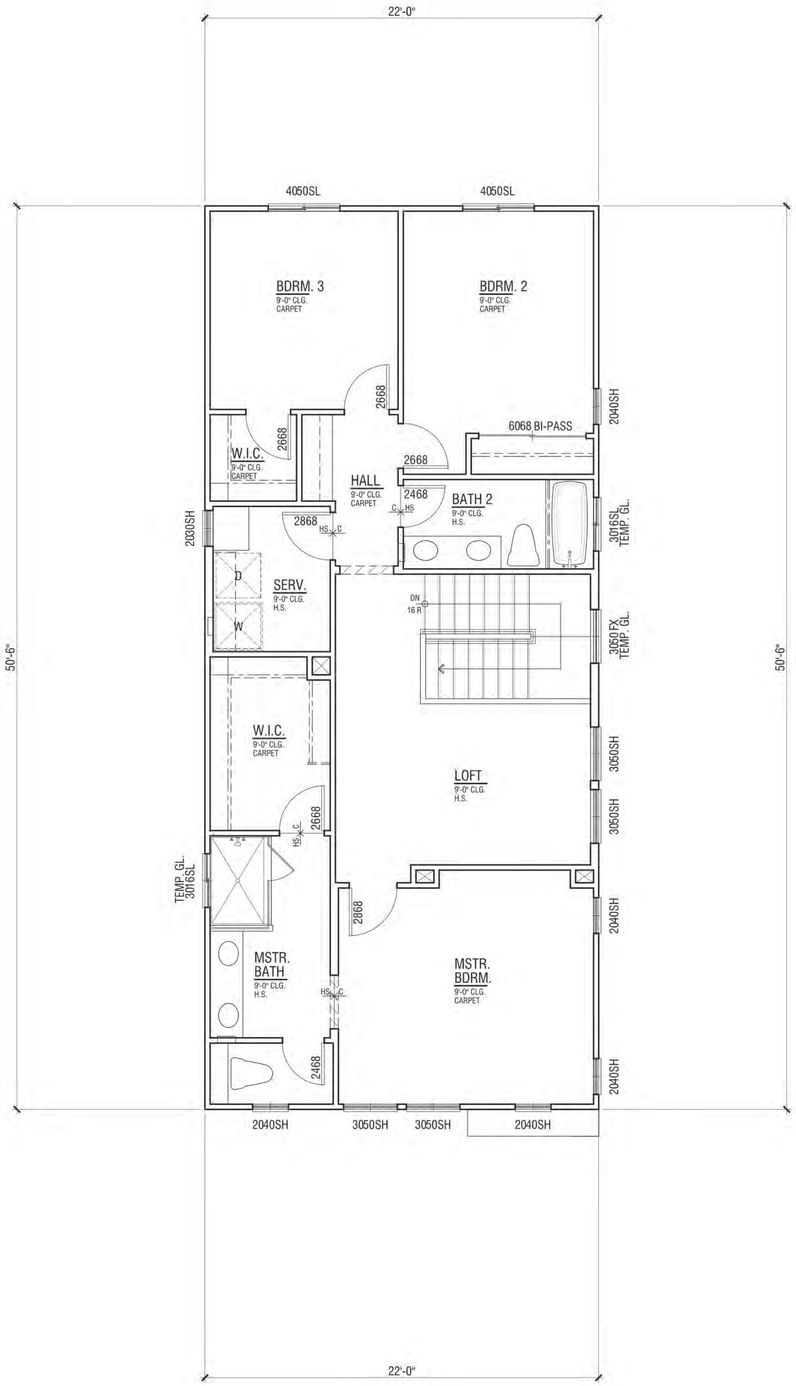
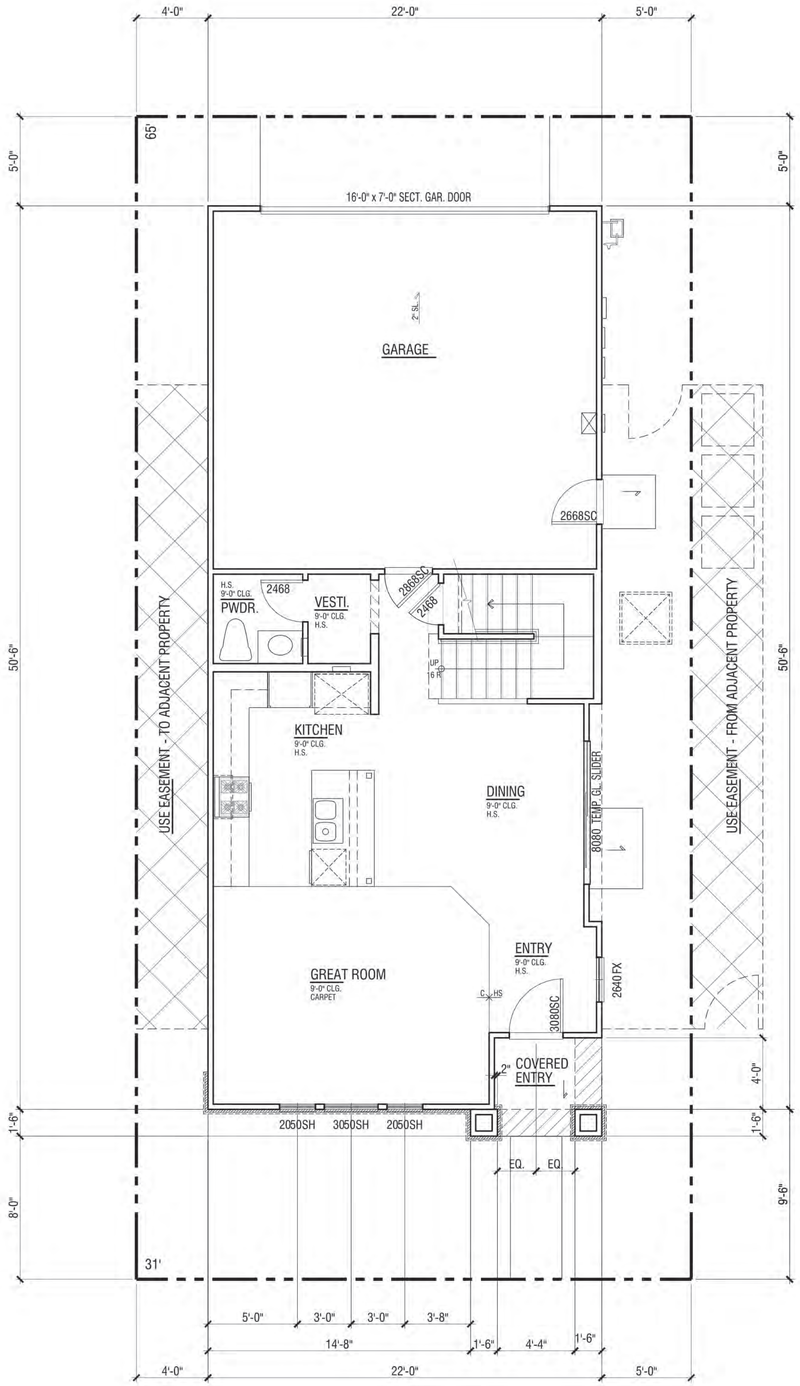


Second Floor 1,044 SF



First Floor 632 SF

FLOOR PLAN | PLAN 3C

FLOOR AREA TABLE	PLAN 3C
LOWER FLOOR PLAN	632 SQ. FT.
UPPER FLOOR PLAN	1044 SQ. FT.
TOTAL	1676 SQ. FT.
2-BAY GARAGE	446 SQ. FT.
COVERED ENTRY/PORCH	33 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

NEIGHBORHOOD C

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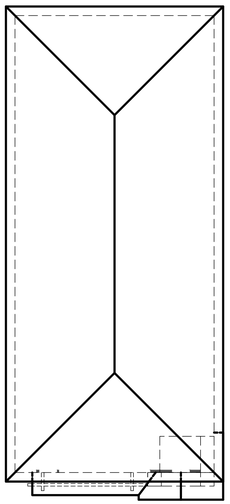
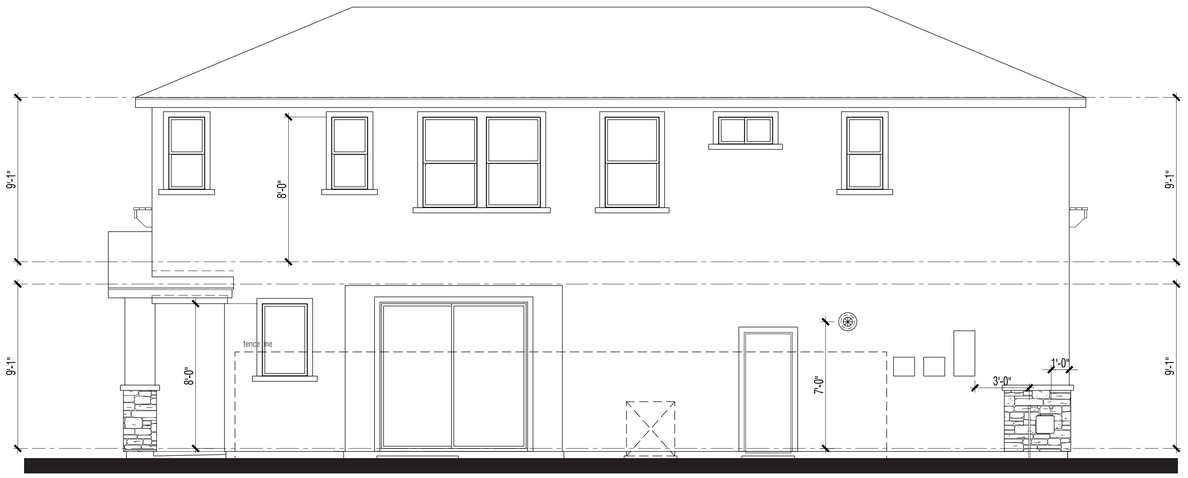
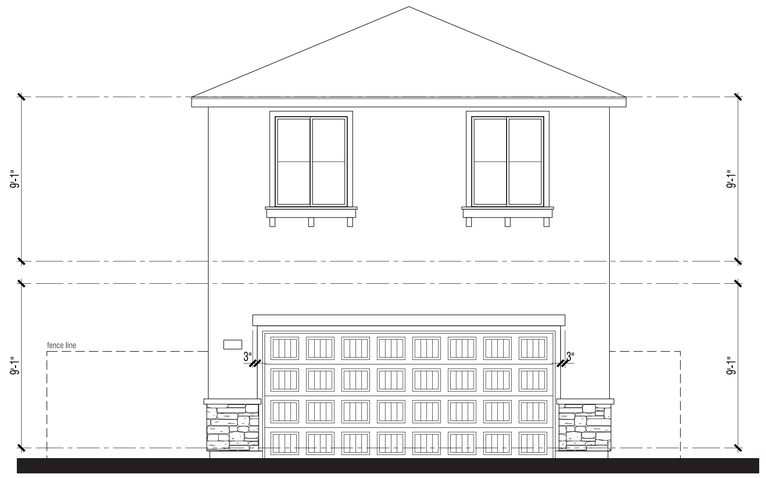


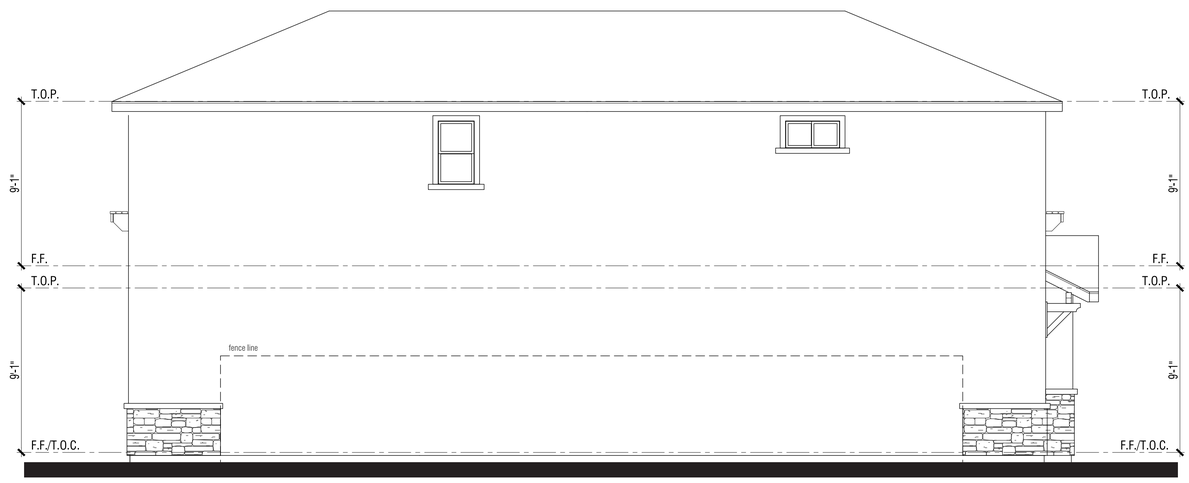
Roof Plan
at 1' =8"



Right Elevation



Rear Elevation



Left Elevation

Front Elevation

MATERIAL **STYLE ELEMENTS 'C' COTTAGE**

Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Entry Door:	Decorative Front Entry Door
Veneer:	Manufactured Stone Veneer
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

PLAN 3C | ELEVATION WRAPS & ROOF PLAN

NEIGHBORHOOD C

ALVES RANCH

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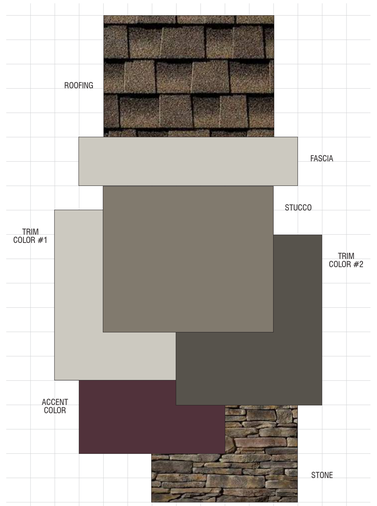

ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 1
'A' Elevations Only
Traditional

[1]ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

SCHEME 1 OF [1]2 — 'A' ELEVATIONS ONLY, TRADITIONAL

Material	Color	Manufacturer
Roofing: Composition Shingle	Barkwood Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
[1] **Manufactured Stone** *(dry stacked joints)*	Wolf Creek Southern Ledgestone	Cultured by Boral
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16|20 sand finish)*	SW 7046 Anonymous	Sherwin Williams
Trim Color #1 *(applied to):* Corbels, Eaves, Fascia, [1]Gable Detail @ Siding, Posts, Pot Shelf, Trim	SW 7015 Repose Gray	Sherwin Williams
Trim Color #2 *(applied to):* [1]Corner Boards, [1]Gable Detail @ Stucco, Garage Door, [1]Lap Siding	SW 7645 Thunder Gray	Sherwin Williams
Accent Color *(applied to):* Front Door	SW 2704 Merlot	Sherwin Williams
Weatherstrip @ Garage Door	Terra Bronze	Fehr Bros

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase.
Contact: Lily Martinez (925) 463-1700.

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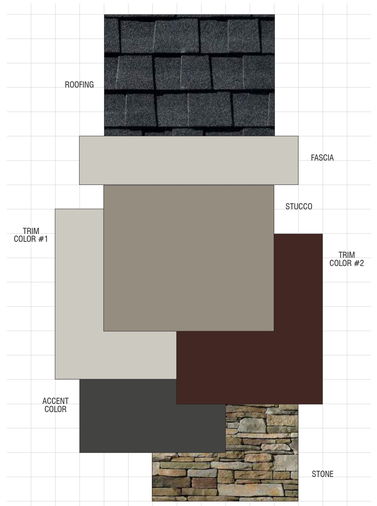
REVISIONS:

Number	Date	Description
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 1



ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 2
'A' Elevations Only
Traditional

[1]ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

SCHEME 2 OF [1]2 — 'A' ELEVATIONS ONLY, TRADITIONAL

Material	Color	Manufacturer
Roofing: Composition Shingle	Charcoal Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
[1] **Manufactured Stone** *(dry stacked joints)*	Bucks County Southern Ledgestone	Cultured by Boral
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16|20 sand finish)*	SW 9172 Studio Clay	Sherwin Williams
Trim Color #1 *(applied to):* Corbels, Eaves, Fascia, [1]Gable Detail @ Siding, Posts, Pot Shelf, Trim	SW 7015 Repose Gray	Sherwin Williams
Trim Color #2 *(applied to):* [1]Corner Boards, [1]Gable Detail @ Stucco, Garage Door, [1]Lap Siding	SW 2838 Polished Mahogany	Sherwin Williams
Accent Color *(applied to):* Front Door	SW 7069 Iron Ore	Sherwin Williams
Weatherstrip @ Garage Door	Brown	Fehr Bros

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase.
Contact: Lily Martinez (925) 463-1700.

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REVISIONS:

Number	Date	Description
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 2

ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 3
'A' Elevations Only
Traditional

[1]ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

SCHEME 3 OF [1]2 — 'A' ELEVATIONS ONLY, TRADITIONAL

Material	Color	Manufacturer
Roofing: Composition Shingle	Mission Brown Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
[1] **Manufactured Stone** *(dry stacked joints)*	Gray Southern Ledgestone	Cultured by Boral
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16|20 sand finish)*	SW 0077 Classic French Gray	Sherwin Williams
Trim Color #1 *(applied to):* Corbels, Eaves, Fascia, [1]Gable Detail @ Siding, Posts, Pot Shelf, Trim	SW 7015 Repose Gray	Sherwin Williams
Trim Color #2 *(applied to):* [1]Corner Boards, [1]Gable Detail @ Stucco, Garage Door, [1]Lap Siding	SW 2848 Roycroft Pewter	Sherwin Williams
Accent Color *(applied to):* Front Door	SW 2865 Classical Yellow	Sherwin Williams
Weatherstrip @ Garage Door	Gray	Fehr Bros

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase.
Contact: Lily Martinez (925) 463-1700.

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REVISIONS:

Number	Date	Description
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 3

ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 4
'A' Elevations Only
Traditional

[1]ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

SCHEME 4 OF [1]2 — 'A' ELEVATIONS ONLY, TRADITIONAL

Material	Color	Manufacturer
Roofing: Composition Shingle	Charcoal Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
[1] **Manufactured Stone** *(dry stacked joints)*	Hudson Bay Southern Ledgestone	Cultured by Boral
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16|20 sand finish)*	SW 9172 Studio Clay	Sherwin Williams
Trim Color #1 *(applied to):* Corbels, Eaves, Fascia, [1]Gable Detail @ Siding, Posts, Pot Shelf, Trim	[1]SW 7015 Repose Gray	Sherwin Williams
Trim Color #2 *(applied to):* [1]Corner Boards, [1]Gable Detail @ Stucco, Garage Door, [1]Lap Siding	SW 7622 Homburg Gray	Sherwin Williams
Accent Color *(applied to):* Front Door	SW 6216 Jasper	Sherwin Williams
Weatherstrip @ Garage Door	[1]Bronze	Fehr Bros

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase.
Contact: Lily Martinez (925) 463-1700.

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REVISIONS:

Number	Date	Description
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 4

COLOR & MATERIALS - 'A' TRADITIONAL

NEIGHBORHOOD C

ALVES RANCH

PITTSBURG, CA

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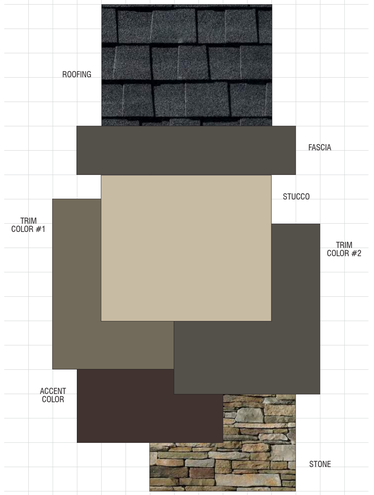

ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 5
'B' Elevations Only
Bungalow

1ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

'SCHEME 5 OF '12 — 'B' ELEVATIONS ONLY, BUNGALOW

Material	Color	Manufacturer
Roofing: Composition Shingle	Charcoal Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
Manufactured Stone *(standard raked joints)*	Bucks County Southern Ledgestone	Cultured by Boral
Mortar @ Stone	Khaki	Orco
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16/20 sand finish)*	SW 6149 Relaxed Khaki	Sherwin Williams
Trim Color #1 *(applied to):* Board & Battens @ Gables, Columns, 'Panel Detail, Trim	SW 6173 Cocoon	Sherwin Williams
Trim Color #2 *(applied to):* Eaves, Fascia, 'Garage Doors, Outlookers	SW 7048 Urbane Bronze	Sherwin Williams
Accent Color *(applied to):* Front Door	SW 6006 Black Bean	Sherwin Williams
Weatherstrip @ Garage Door	Terra Bronze	Fehr Bros

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase.
Contact: Lily Martinez (925) 463-1700.

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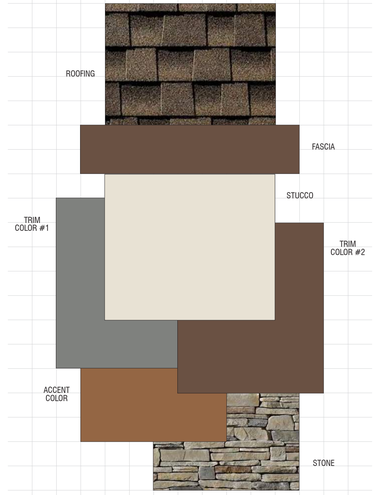
REVISIONS:

Number	Date	Description
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 5



ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 6
'B' Elevations Only
Bungalow

1ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

'SCHEME 6 OF '12 — 'B' ELEVATIONS ONLY, BUNGALOW

Material	Color	Manufacturer
Roofing: Composition Shingle	Barkwood Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
Manufactured Stone *(standard raked joints)*	Echo Ridge Southern Ledgestone	Cultured by Boral
Mortar @ Stone	Grey	Orco
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16/20 sand finish)*	SW 6154 Nacre	Sherwin Williams
Trim Color #1 *(applied to):* Board & Battens @ Gables, Columns, 'Panel Detail, Trim	SW 7067 Cityscape	Sherwin Williams
Trim Color #2 *(applied to):* Eaves, Fascia, 'Garage Doors, Outlookers	SW 7520 Plantation Shutters	Sherwin Williams
Accent Color *(applied to):* Front Door	SW 0045 Antiquarian Brown	Sherwin Williams
Weatherstrip @ Garage Door	'Gray	Fehr Bros

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase.
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REVISIONS:

Number	Date	Description
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 6

ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 7
'B' Elevations Only
Bungalow

1ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

'SCHEME 7 OF '12 — 'B' ELEVATIONS ONLY, BUNGALOW

Material	Color	Manufacturer
Roofing: Composition Shingle	Weathered Wood Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
Manufactured Stone *(standard raked joints)*	Hudson Bay Southern Ledgestone	Cultured by Boral
Mortar @ Stone	Misty Cove	Orco
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16/20 sand finish)*	SW 2844 Roycroft Mist Gray	Sherwin Williams
Trim Color #1 *(applied to):* Board & Battens @ Gables, Columns, 'Panel Detail, Trim	SW 6103 Tea Chest	Sherwin Williams
Trim Color #2 *(applied to):* Eaves, Fascia, 'Garage Doors, Outlookers	SW 7645 Thunder Gray	Sherwin Williams
Accent Color *(applied to):* Front Door	SW 2810 Rookwood Sash Green	Sherwin Williams
Weatherstrip @ Garage Door	Golden Oak	Fehr Bros

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase.
Contact: Lily Martinez (925) 463-1700.

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REVISIONS:

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1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 7

ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
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SCHEME 8
'B' Elevations Only
Bungalow

1ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

'SCHEME 8 OF '12 — 'B' ELEVATIONS ONLY, BUNGALOW

Material	Color	Manufacturer
Roofing: Composition Shingle	Charcoal Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
Manufactured Stone *(standard raked joints)*	Skyline Country Ledgestone	Cultured by Boral
Mortar @ Stone	Misty Cove	Orco
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16/20 sand finish)*	SW 7547 Sandbar	Sherwin Williams
Trim Color #1 *(applied to):* Board & Battens @ Gables, Columns, 'Panel Detail, Trim	SW 6159 High Tea	Sherwin Williams
Trim Color #2 *(applied to):* Eaves, Fascia, 'Garage Doors, Outlookers	SW 7645 Thunder Gray	Sherwin Williams
Accent Color *(applied to):* Front Door	'SW 7067 Cityscape	Sherwin Williams
Weatherstrip @ Garage Door	Bronze	Fehr Bros

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REVISIONS:

Number	Date	Description
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 8

COLOR & MATERIALS - 'B' BUNGALOW

NEIGHBORHOOD C

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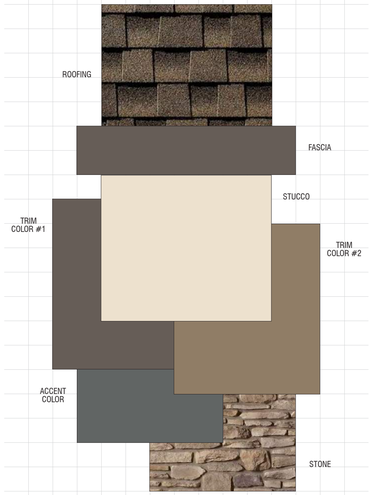

ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 9
'C' Elevations Only
Cottage

[1]ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

SCHEME 9 OF [1]2 — 'C' ELEVATIONS ONLY, COTTAGE

Material	Color	Manufacturer
Roofing: Composition Shingle	Barkwood Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
Manufactured Stone *(standard raked joints)*	Palermo Del Mare Ledgestone	Cultured by Boral
Mortar @ Stone	Light Khaki	Orco
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16/20 sand finish)*	SW 7571 Casa Blanca	Sherwin Williams
Trim Color #1 *(applied to):* [1]Board & Batten Siding, Eaves, Fascia, [1]Gable Siding, [1]Garage Door @ SFD & Alley, [1]Louvered Vents, [1]Pot Shelves	SW 7505 Manor House	Sherwin Williams
Trim Color #2 *(applied to):* [1]Garage Doors @ Duets Trim	SW 7550 Resort Tan	Sherwin Williams
Accent Color *(applied to):* Front Door, [1]Shutters	SW 2848 Roycroft Pewter	Sherwin Williams
Weatherstrip @ Garage Door	[1]Match adjacent color	Fehr Bros

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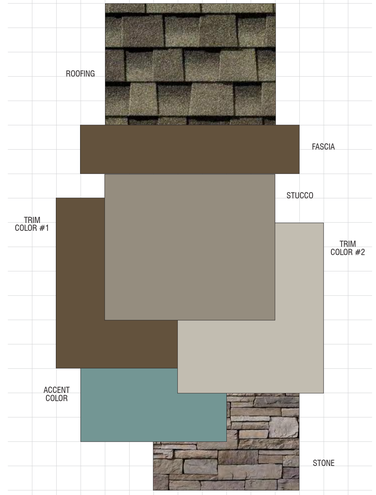
REVISIONS:

Number	Date	Description
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 9



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SCHEME 10
'C' Elevations Only
Cottage

[1]ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

[1]SCHEME 10 OF 12 — 'C' ELEVATIONS ONLY, COTTAGE

Material	Color	Manufacturer
Roofing: Composition Shingle	Weathered Wood Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
Manufactured Stone *(standard raked joints)*	Ashfall Country Ledgestone	Cultured by Boral
Mortar @ Stone	Khaki	Orco
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16/20 sand finish)*	SW 9172 Studio Clay	Sherwin Williams
Trim Color #1 *(applied to):* [1]Board & Batten Siding, Eaves, Fascia, [1]Gable Siding, [1]Garage Door @ SFD & Alley, [1]Louvered Vents, [1]Pot Shelves	SW 7545 Pier	Sherwin Williams
Trim Color #2 *(applied to):* [1]Garage Doors @ Duets Trim	SW 2844 Roycrott Mist Gray	Sherwin Williams
Accent Color *(applied to):* Front Door, [1]Shutters	SW 0020 Peacock Plume	Sherwin Williams
Weatherstrip @ Garage Door	[1]Match adjacent color	Fehr Bros

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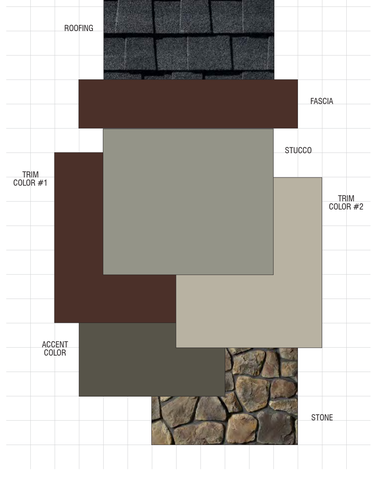
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 10



ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
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June 26, 2018 | 2017404

SCHEME 11
'C' Elevations Only
Cottage

[1]ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

[1]SCHEME 11 OF [1]12 — 'C' ELEVATIONS ONLY, COTTAGE

Material	Color	Manufacturer
Roofing: Composition Shingle	Charcoal Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
Manufactured Stone *(standard raked joints)*	Wolf Creek Dressed Fieldstone	Cultured by Boral
Mortar @ Stone	Khaki	Orco
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16/20 sand finish)*	SW 9131 Cornwall Slate	Sherwin Williams
Trim Color #1 *(applied to):* [1]Board & Batten Siding, Eaves, Fascia, [1]Gable Siding, [1]Garage Door @ SFD & Alley, [1]Louvered Vents, [1]Pot Shelves	SW 9182 Rojo Marron	Sherwin Williams
Trim Color #2 *(applied to):* [1]Garage Doors @ Duets Trim	SW 0049 Silver Gray	Sherwin Williams
Accent Color *(applied to):* Front Door, [1]Shutters	SW 2846 Roycroft Bronze Green	Sherwin Williams
Weatherstrip @ Garage Door	[1]Match adjacent color	Fehr Bros

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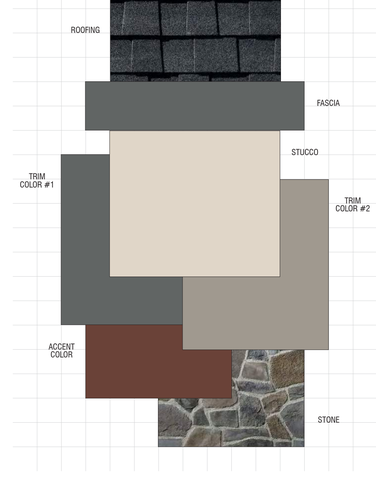
Number	Date	Description
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 11



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SCHEME 12
'C' Elevations Only
Cottage

[1]ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

[1]SCHEME 12 OF [1]12 — 'C' ELEVATIONS ONLY, COTTAGE

Material	Color	Manufacturer
Roofing: Composition Shingle	Charcoal Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
Manufactured Stone *(standard raked joints)*	Palisades Ancient Villa Fieldstone	Cultured by Boral
Mortar @ Stone	Misty Cove	Orco
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16/20 sand finish)*	SW 7516 Kestrel White	Sherwin Williams
Trim Color #1 *(applied to):* [1]Board & Batten Siding, Eaves, Fascia, [1]Gable Siding, [1]Garage Door @ SFD & Alley, [1]Louvered Vents, [1]Pot Shelves	SW 2848 Roycroft Pewter	Sherwin Williams
Trim Color #2 *(applied to):* [1]Garage Doors @ Duets Trim	SW 7642 Pavestone	Sherwin Williams
Accent Color *(applied to):* Front Door, [1]Shutters	SW 2837 Aurora Brown	Sherwin Williams
Weatherstrip @ Garage Door	[1]Match adjacent color	Fehr Bros

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REVISIONS:

Number	Date	Description
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 12

COLOR & MATERIALS - 'C' COTTAGE

NEIGHBORHOOD C

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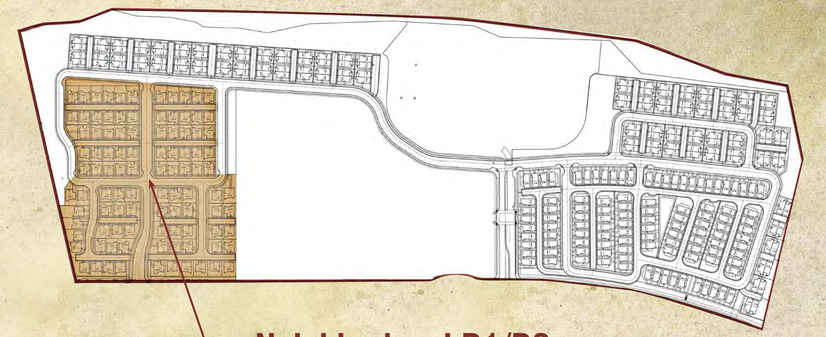
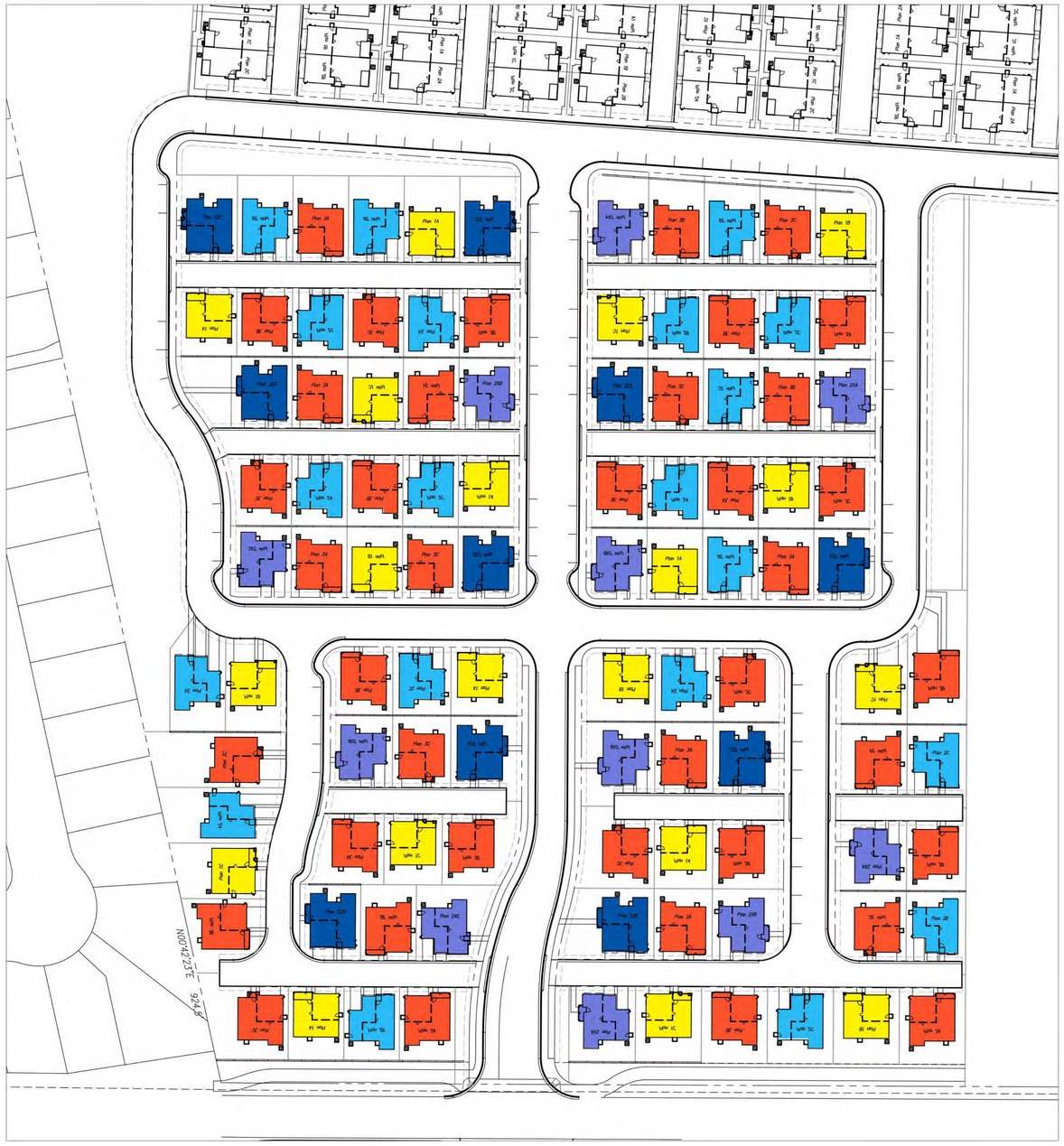


Neighborhood D1 & D2
43' x 54' Small Lot Traditional Single Family Homes

A2.PP Plot Plan
A2.1 Street Scene I
A2.2 Plan 1A - Floor Plan
A2.3 Plan 1A - Elevation Wraps & Roof Plan
A2.4 Plan 1B - Floor Plan
A2.5 Plan 1B - Elevation Wraps & Roof Plan
A2.6 Plan 1C - Floor Plan
A2.7 Plan 1C - Elevation Wraps & Roof Plan
A2.8 Plan 2A - Floor Plan
A2.9 Plan 2A - Elevation Wraps & Roof Plan
A2.10 Plan 2B - Floor Plan
A2.11 Plan 2B - Elevation Wraps & Roof Plan
A2.12 Plan 2C - Floor Plan
A2.13 Plan 2C - Elevation Wraps & Roof Plan
A2.14 Plan 2XA - Floor Plan
A2.15 Plan 2XA - Elevation Wraps & Roof Plan
A2.16 Plan 2XB - Floor Plan
A2.17 Plan 2XB - Elevation Wraps & Roof Plan
A2.18 Plan 2XC - Floor Plan
A2.19 Plan 2XC - Elevation Wraps and Roof Plan
A2.20 Plan 2ZA - Floor Plan
A2.21 Plan 2ZA - Elevation Wraps & Roof Plan
A2.22 Plan 2ZB - Floor Plan
A2.23 Plan 2ZB - Elevation Wraps & Roof Plan
A2.24 Plan 2ZC - Floor Plan
A2.25 Plan 2ZC - Elevation Wraps & Roof Plan
A2.26 Plan 3A - Floor Plan
A2.27 Plan 3A - Elevation Wraps & Roof Plan
A2.28 Plan 3B - Floor Plan
A2.29 Plan 3B - Elevation Wraps & Roof Plan
A2.30 Plan 3C - Floor Plan
A2.31 Plan 3C - Elevation Wraps & Roof Plan
A2.32 Color & Materials - 'A' Traditional
A2.33 Color & Materials - 'B' Bungalow
A2.34 Color & Materials - 'C' Cottage

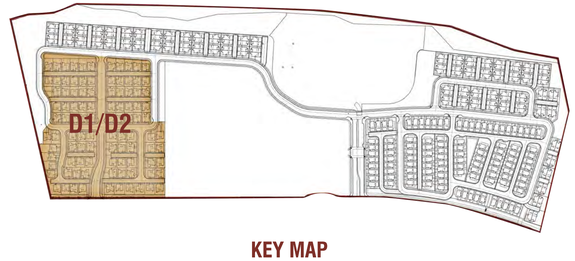


	PLAN 1	19 DU	19%
	PLAN 2	20 DU	20%
	PLAN 2X	11 DU	11%
	PLAN 2Z*	10 DU	10%
	PLAN 3	40 DU	40%
	TOTAL	100 DU	

*Note *: Plan 2Z includes an accessory dwelling unit*

Notes:

1. Site plan is for conceptual purposes only.
2. Site plan must be reviewed by planning, building, and fire departments for code compliance.
3. Base information per civil engineer.
4. Civil engineer to verify all setbacks and grading information
5. Building Footprints might change due to the final design elevation style.
6. Open space area is subject to change due to the balcony design of the elevation.
7. Building setbacks are measured from property lines to building foundation lines.



KEY MAP

CONCEPTUAL PLOT PLAN

NEIGHBORHOOD D1 & D2

ALVES RANCH

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A2.PP

0 25 50 100

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Note: Artist's Conception; Colors, Materials And Application May Vary.

PLAN 2ZA
TRADITIONAL

PLAN 1CR
COTTAGE

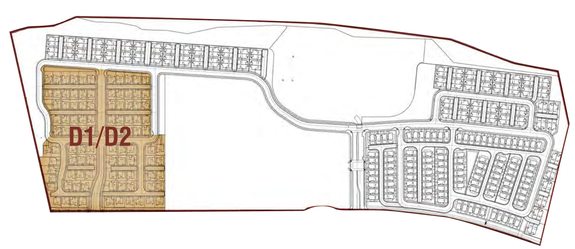
PLAN 2B
BUNGALOW

PLAN 3AR
TRADITIONAL

PLAN 2XC
COTTAGE

PLAN 2ZA
TRADITIONAL
CORNER LOT CONDITION

PLAN 2XC
COTTAGE
CORNER LOT CONDITION



KEY MAP

CONCEPTUAL STREETSCENE
NEIGHBORHOOD D1 & D2

ALVES RANCH
PITTSBURG, CA

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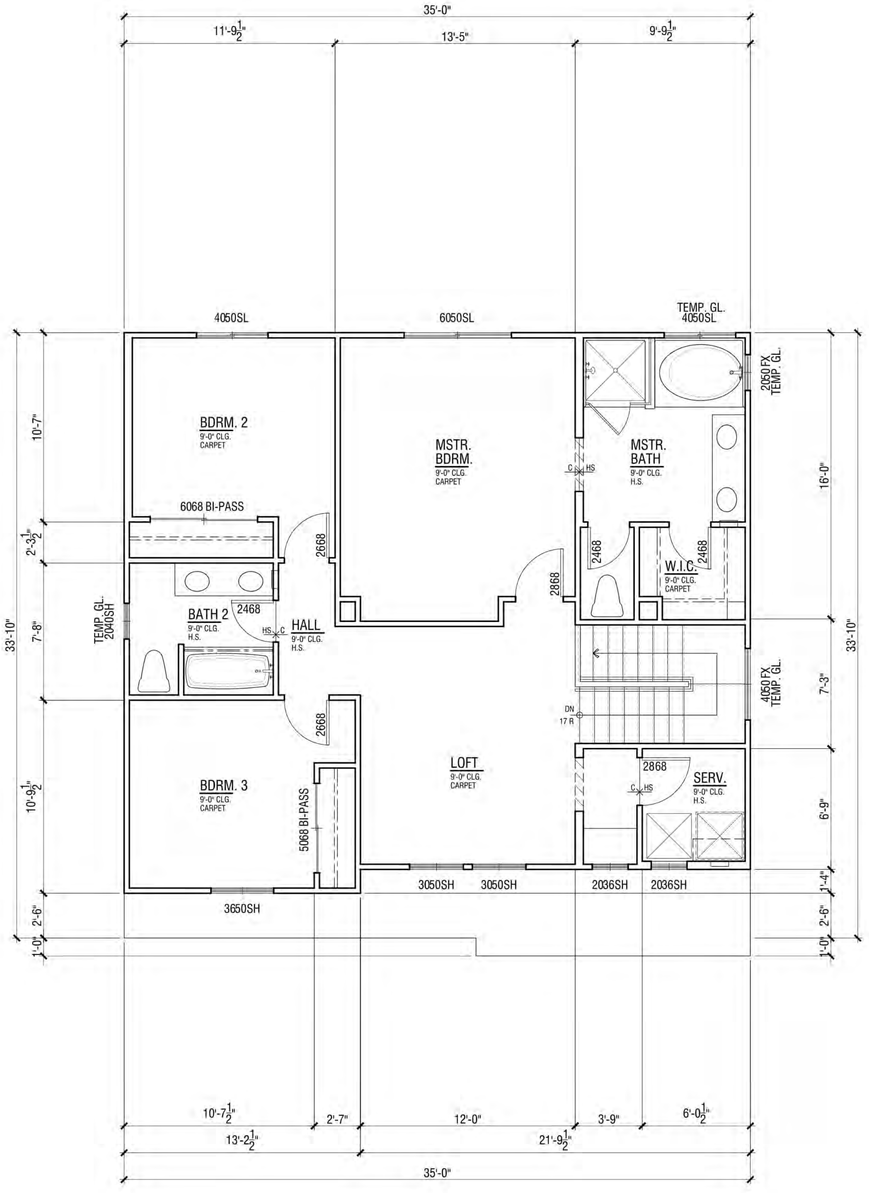
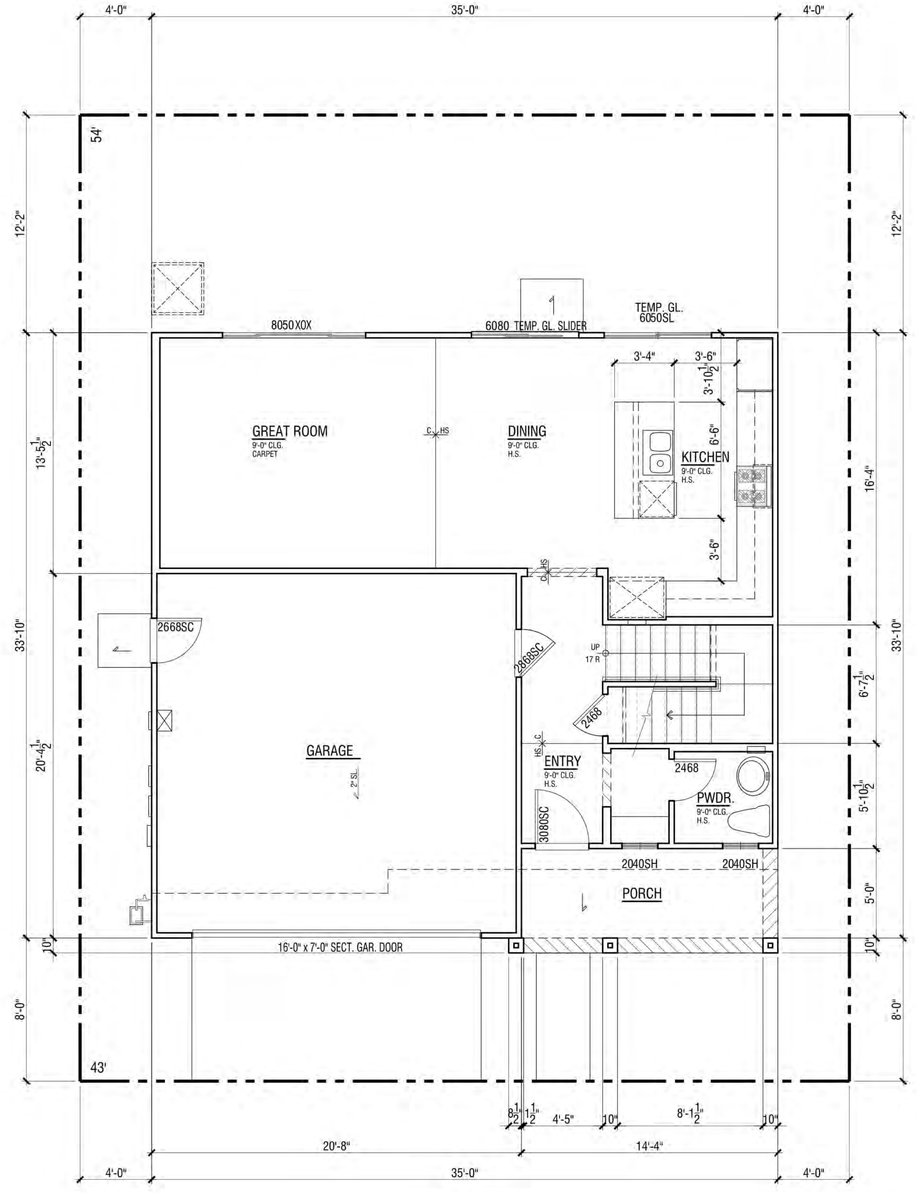


UPPER FLOOR PLAN



LOWER FLOOR PLAN

FLOOR PLAN | PLAN 1A

FLOOR AREA TABLE	PLAN 1A
LOWER FLOOR PLAN	696 SQ. FT.
UPPER FLOOR PLAN	1001 SQ. FT.
TOTAL	1697 SQ. FT.
2-BAY GARAGE	417 SQ. FT.
COVERED ENTRY/PORCH	84 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

NEIGHBORHOOD D1 & D2

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A2.2

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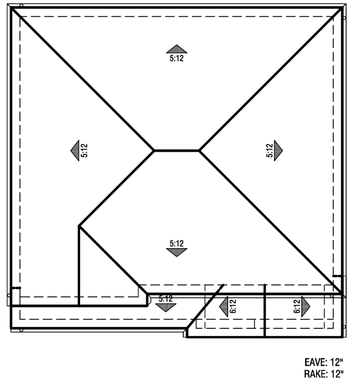
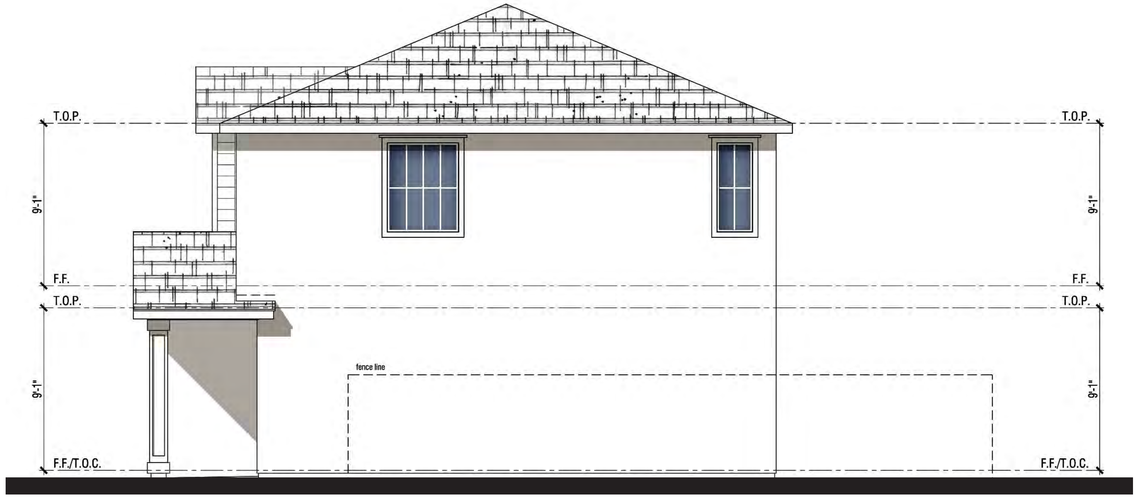
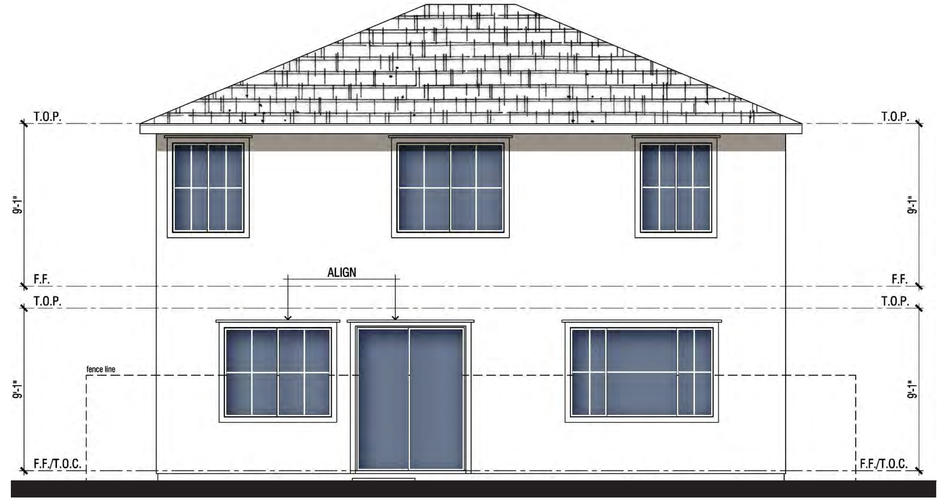


Roof Plan

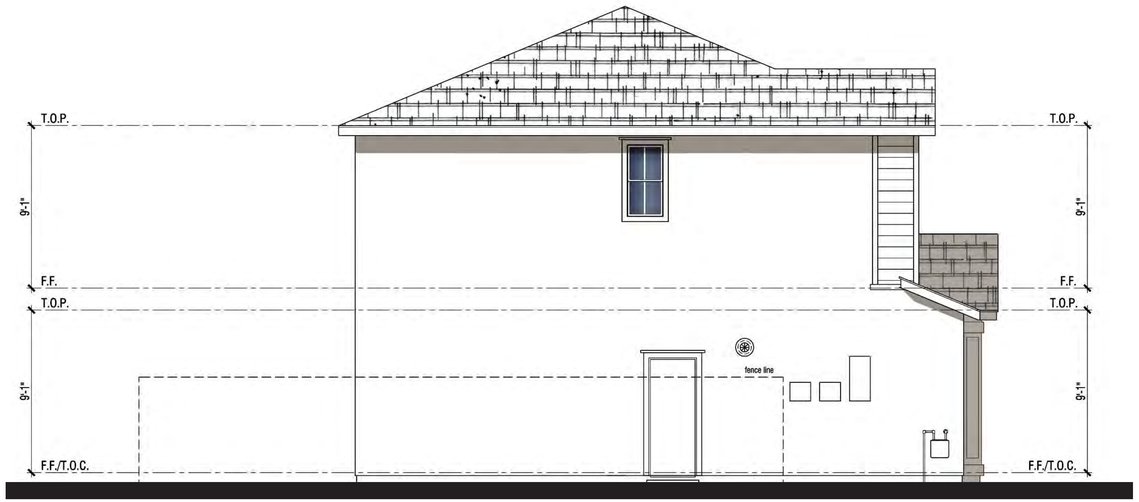
@ 1' =8"



Right Elevation



Rear Elevation



Left Elevation

Note: Artist's Conception; Colors, Materials And Application May Vary.

Front Elevation

Scheme# 1

MATERIAL	STYLE ELEMENTS 'A' TRADITIONAL
Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Gable:	Horizontal Lap Siding
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Entry Door:	Decorative Front Entry Door
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

PLAN 1A | ELEVATION WRAPS & ROOF PLAN

NEIGHBORHOOD D1 & D2

ALVES RANCH

PITTSBURG, CA

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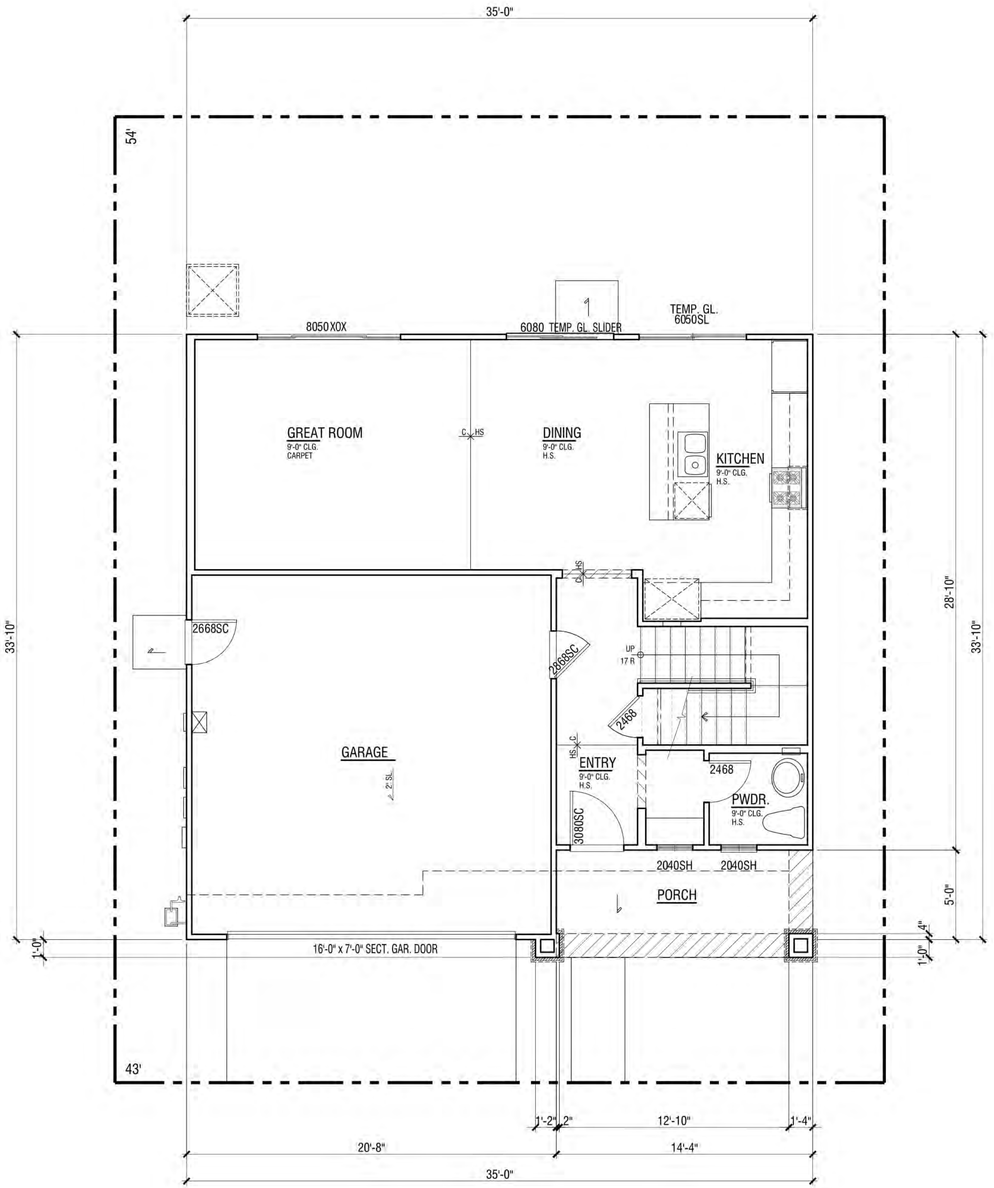
UPPER FLOOR PLAN



LOWER FLOOR PLAN

FLOOR PLAN | PLAN 1B

FLOOR AREA TABLE	PLAN 1B
LOWER FLOOR PLAN	696 SQ. FT.
UPPER FLOOR PLAN	1001 SQ. FT.
TOTAL	1697 SQ. FT.
2-BAY GARAGE	417 SQ. FT.
COVERED ENTRY/PORCH	86 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

NEIGHBORHOOD D1 & D2

ALVES RANCH

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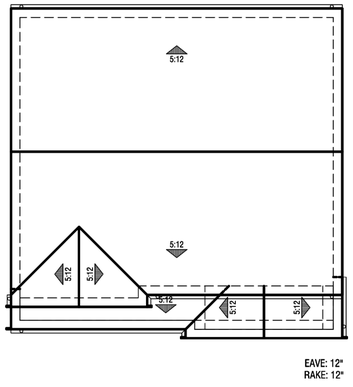
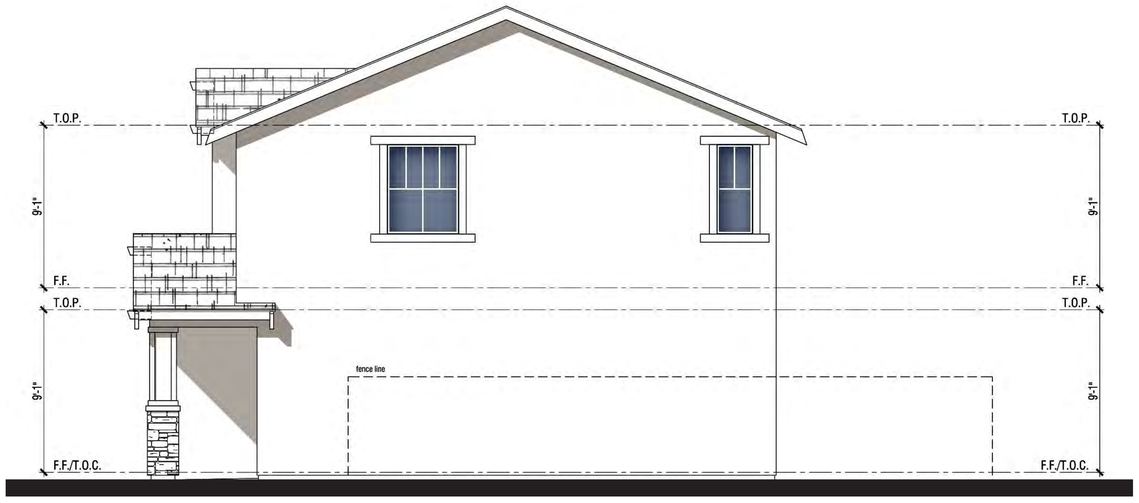


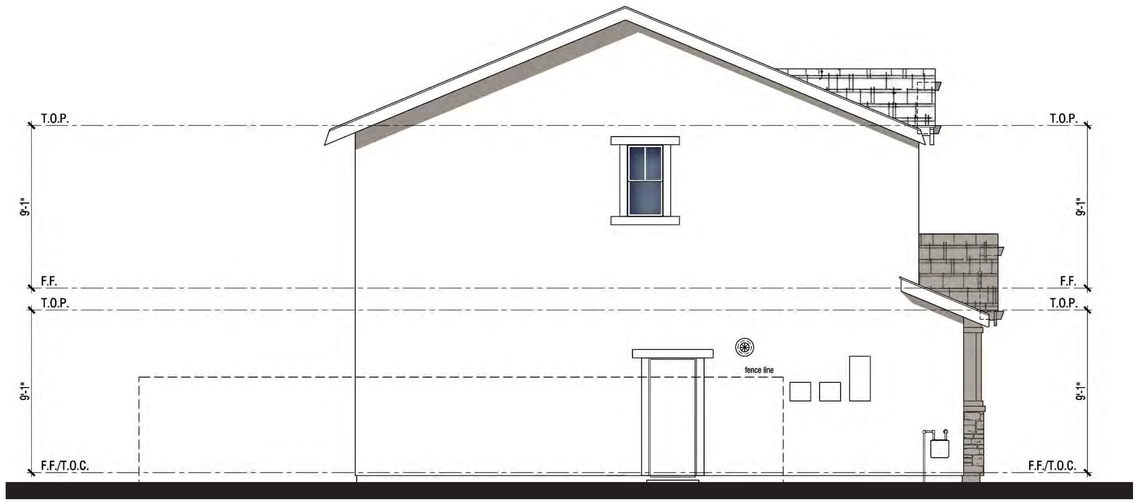
Roof Plan

@ 1' =8"



Right Elevation

Rear Elevation



Left Elevation

Note: Artist's Conception; Colors, Materials And Application May Vary.

Front Elevation

Scheme# 5

MATERIAL	STYLE ELEMENTS 'B' BUNGALOW
Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Gable:	Wood Outlookers with Board and Batten
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Entry Door:	Decorative Front Entry Door
Stone:	Manufactured Stone Veneer
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

PLAN 1B | ELEVATION WRAPS & ROOF PLAN

NEIGHBORHOOD D1 & D2

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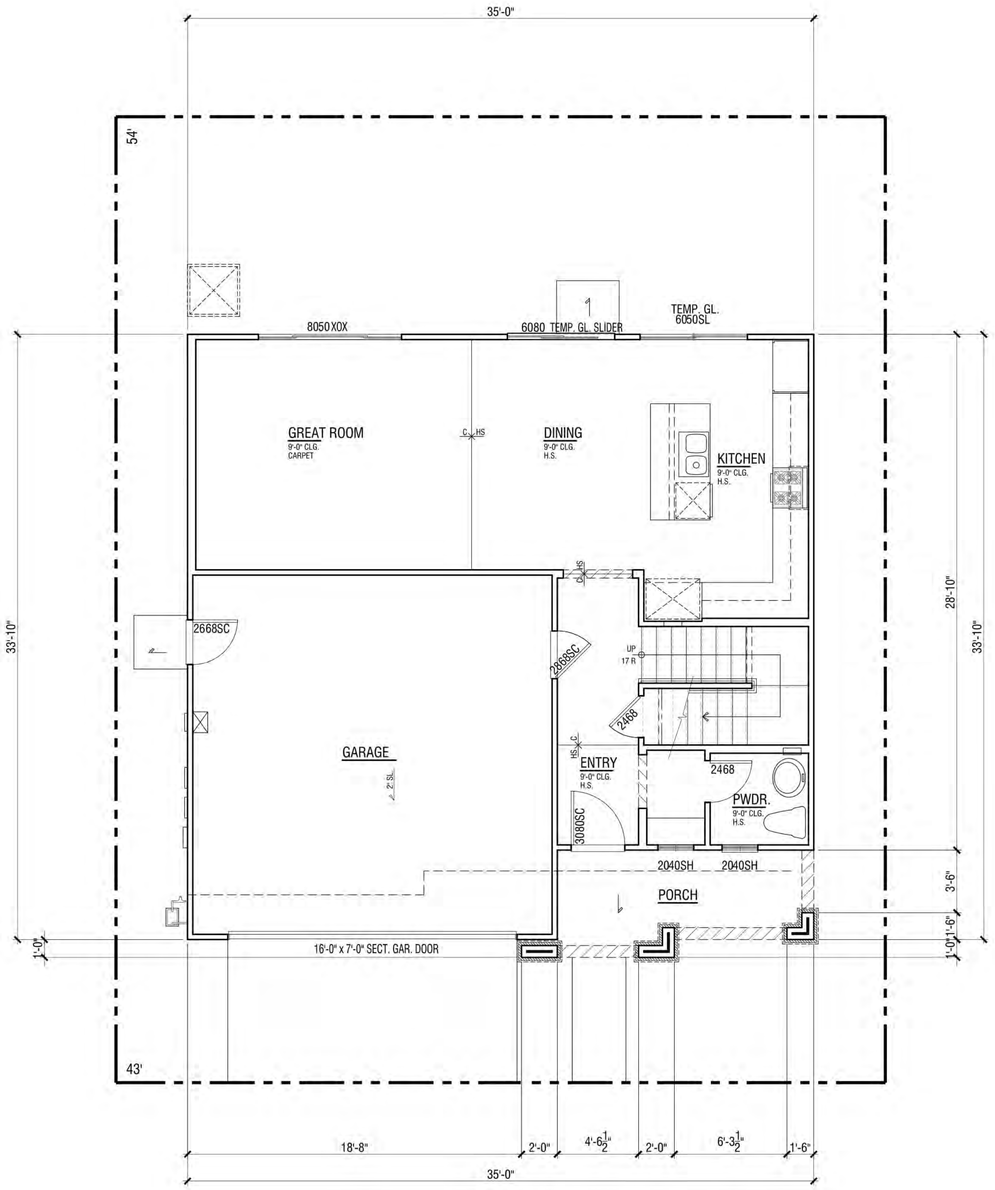

ADDENDA FLOOR PLAN NOTES

NOTE: SHADED WALLS INDICATE AREAS THAT ARE DIFFERENT THAN THE BASE FLOOR PLAN

NOTE: REFER TO CIVIL AND LANDSCAPE DRAWINGS BY OTHERS FOR ALL DRIVEWAYS AND SIDEWALK LOCATIONS.

REFER TO BASE PLAN SHEET A1.1 FOR ADDITIONAL NOTES AND DIMENSIONS.

INTERIOR ELEVATION KEY

FLOOR PLAN | PLAN 1C

FLOOR AREA TABLE	PLAN 1C
LOWER FLOOR PLAN	696 SQ. FT.
UPPER FLOOR PLAN	1001 SQ. FT.
TOTAL	1697 SQ. FT.
2-BAY GARAGE	417 SQ. FT.
COVERED ENTRY/PORCH	78 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

UPPER FLOOR PLAN

LOWER FLOOR PLAN

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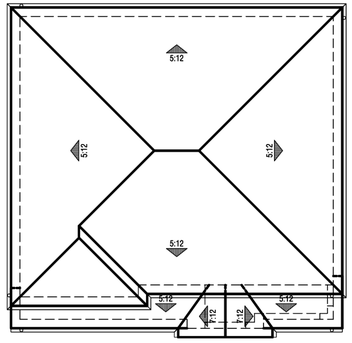
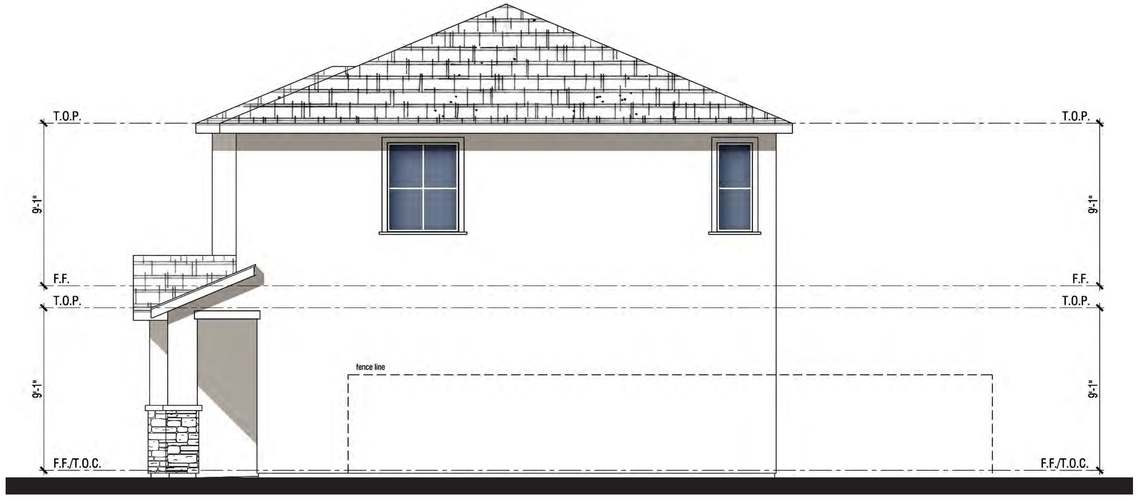


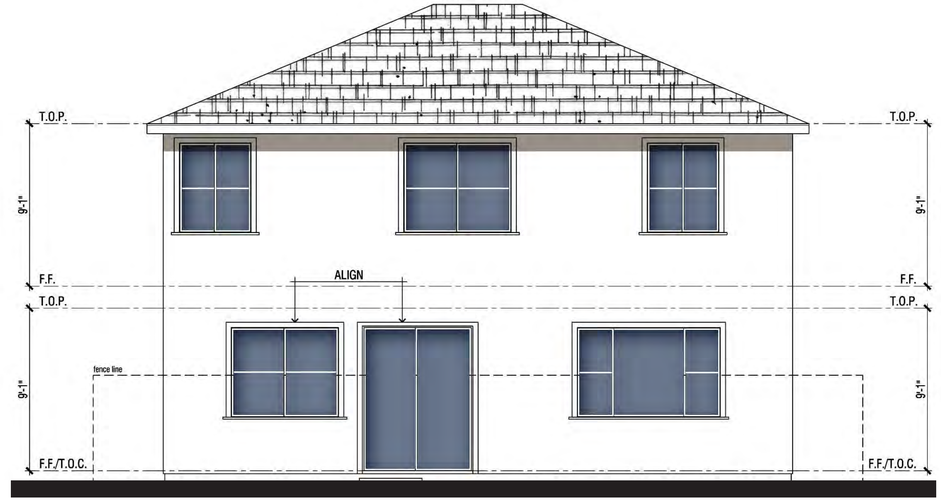
EAVE: 12"
RAKE: 12"

Roof Plan

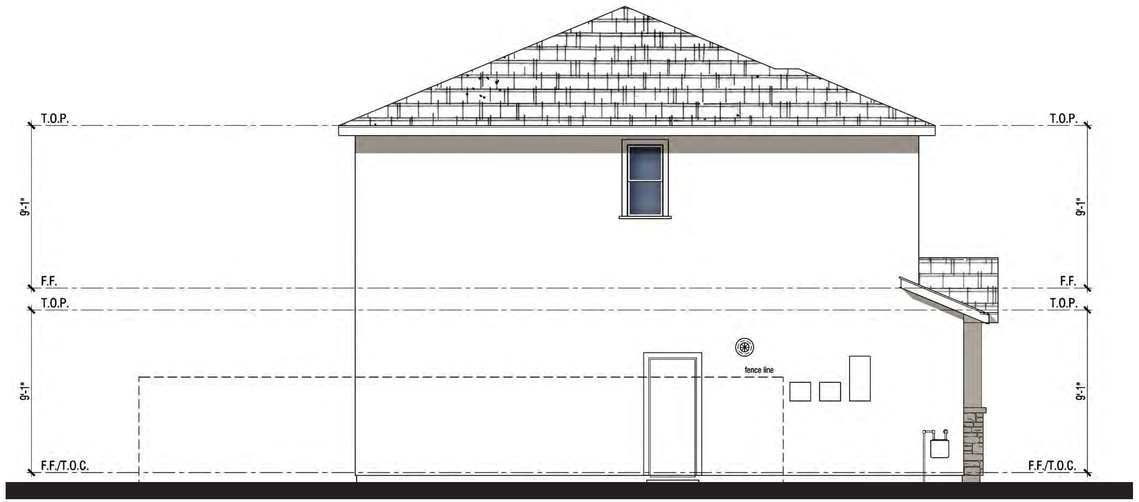
@ 1' =8"



Right Elevation



Rear Elevation



Left Elevation

Note: Artist's Conception; Colors, Materials And Application May Vary.

Scheme# 9

Front Elevation

MATERIAL	STYLE ELEMENTS 'C' COTTAGE
Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Entry Door:	Decorative Front Entry Door
Veneer:	Manufactured Stone Veneer
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

PLAN 1C | ELEVATION WRAPS & ROOF PLAN

NEIGHBORHOOD D1 & D2

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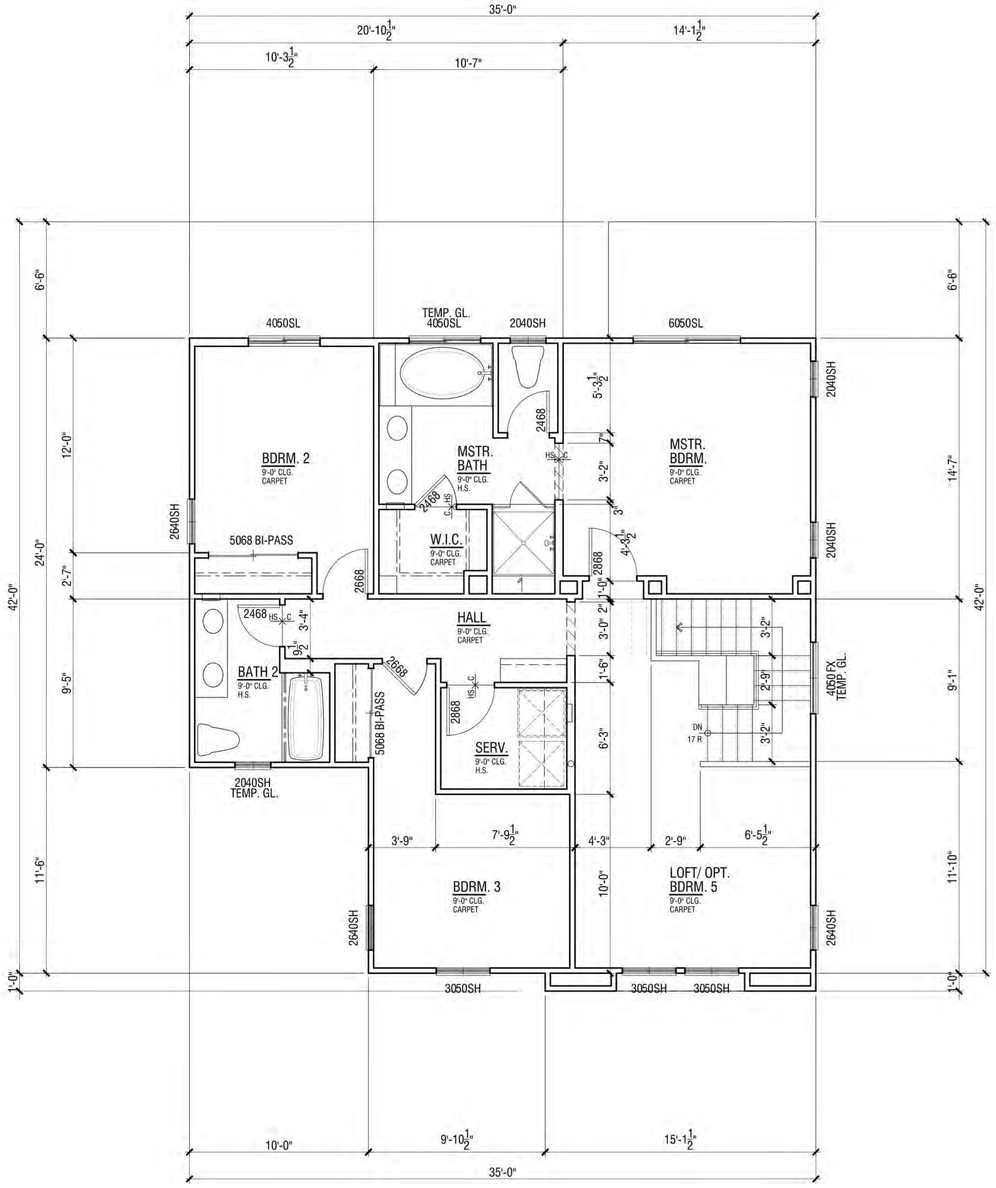
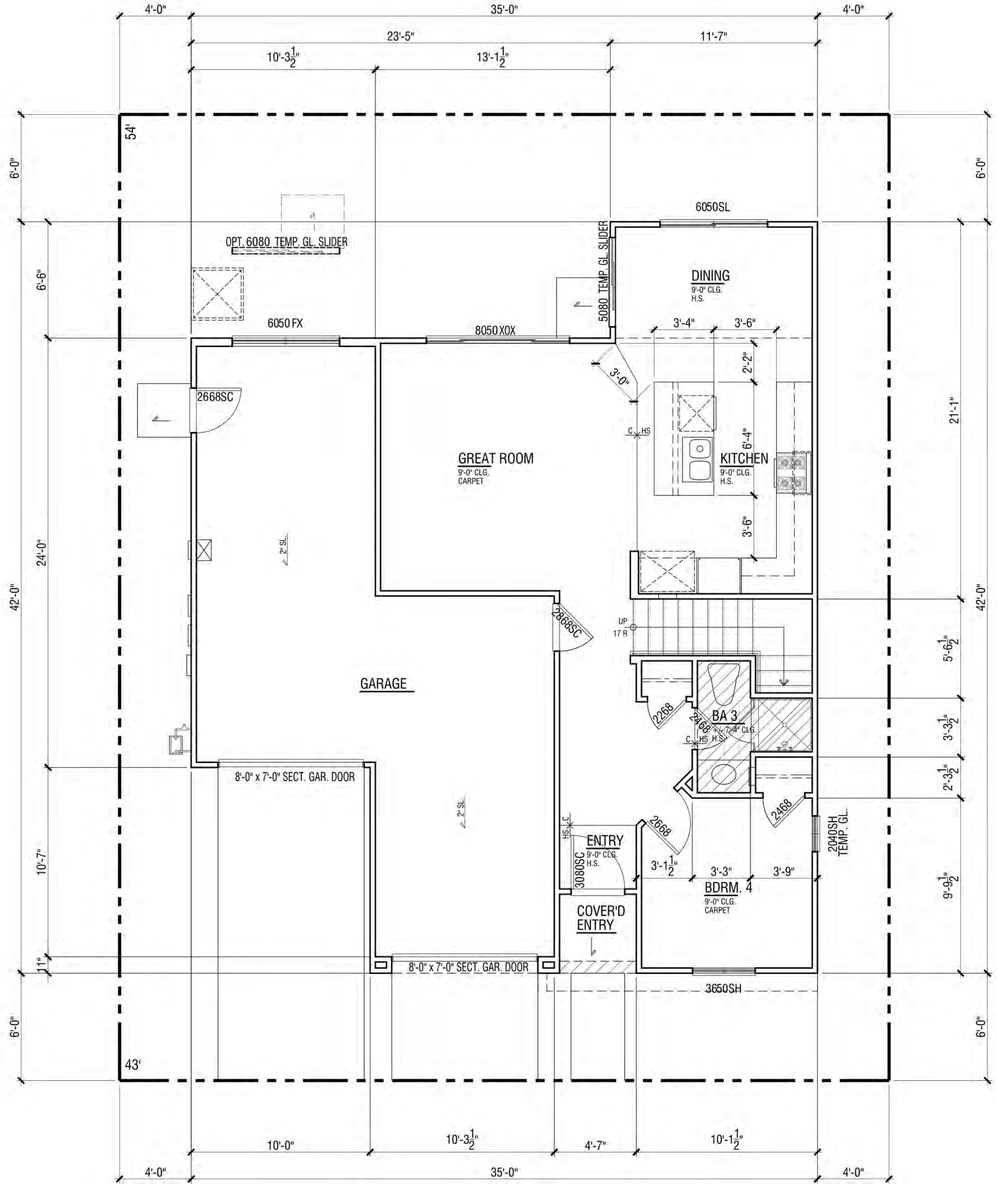
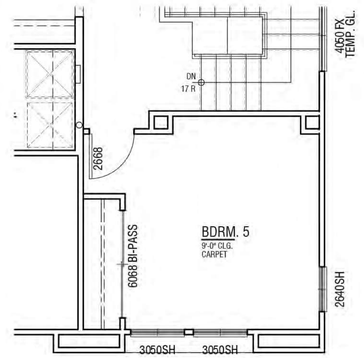


UPPER FLOOR PLAN



LOWER FLOOR PLAN



OPT. BEDROOM 5

FLOOR PLAN | PLAN 2A

FLOOR AREA TABLE	PLAN 2A
LOWER FLOOR PLAN	721 SQ. FT.
UPPER FLOOR PLAN	1071 SQ. FT.
TOTAL	1792 SQ. FT.
2-BAY GARAGE	456 SQ. FT.
COVERED ENTRY/PORCH	19 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

NEIGHBORHOOD D1 & D2

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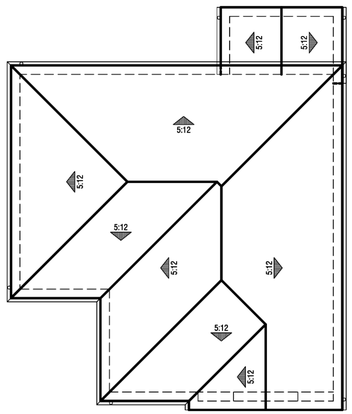
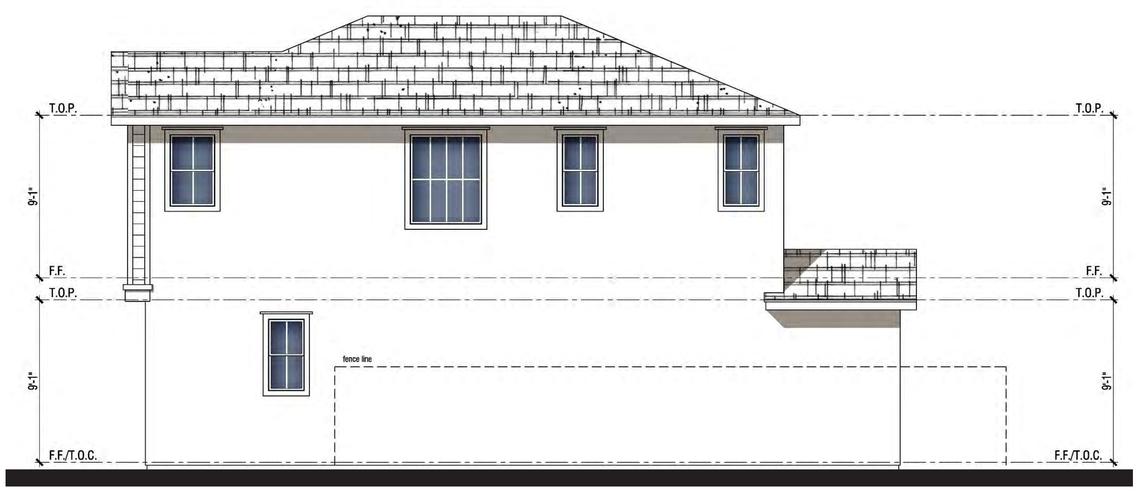
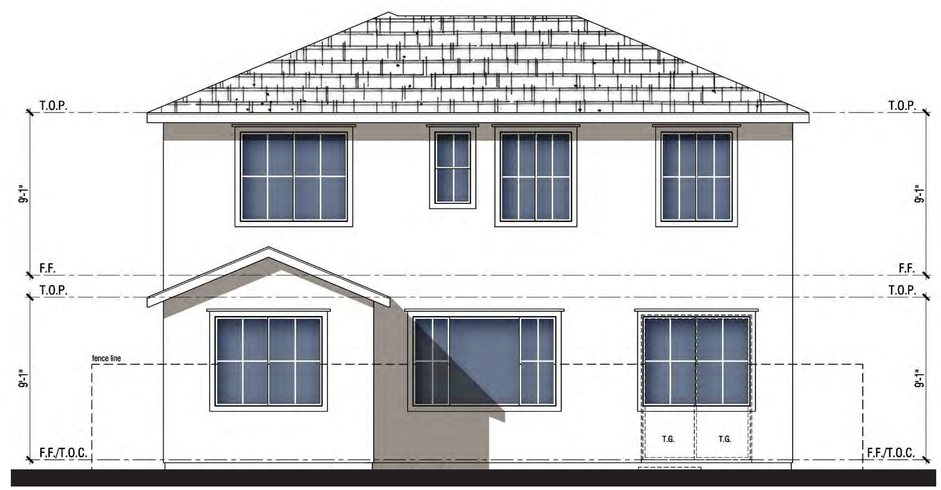


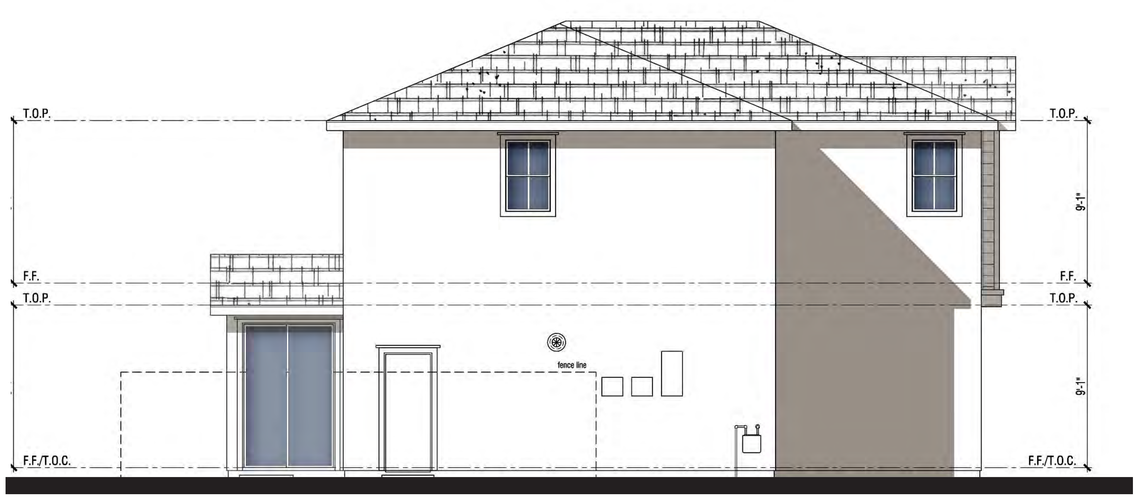
Roof Plan
@ 1' =8"



Right Elevation



Rear Elevation



Left Elevation

Note: Artist's Conception; Colors, Materials And Application May Vary.

Front Elevation

Scheme# 2

MATERIAL	STYLE ELEMENTS 'A' TRADITIONAL
Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Gable:	Horizontal Lap Siding
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Entry Door:	Decorative Front Entry Door
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

PLAN 2A | ELEVATION WRAPS & ROOF PLAN

NEIGHBORHOOD D1 & D2

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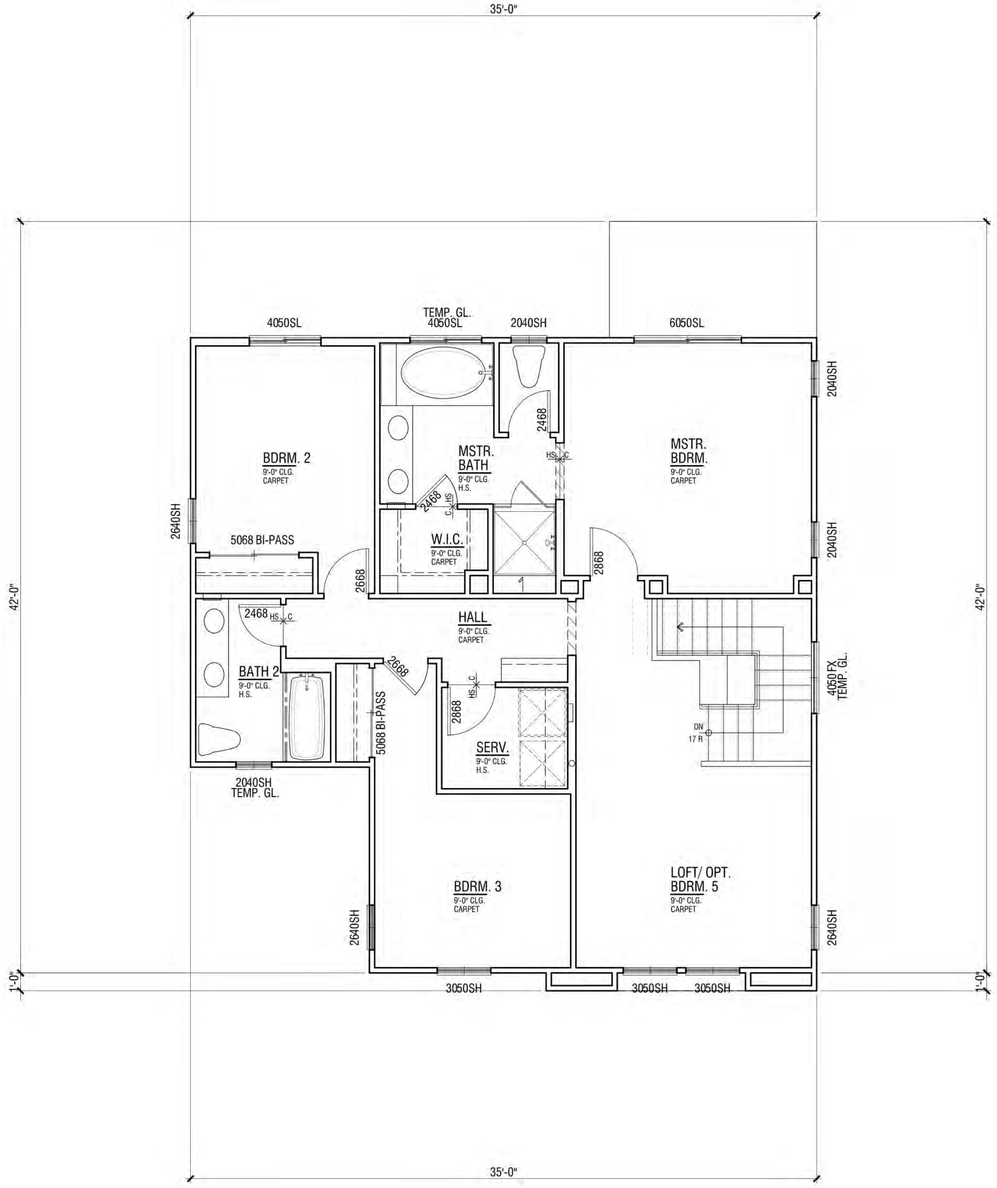

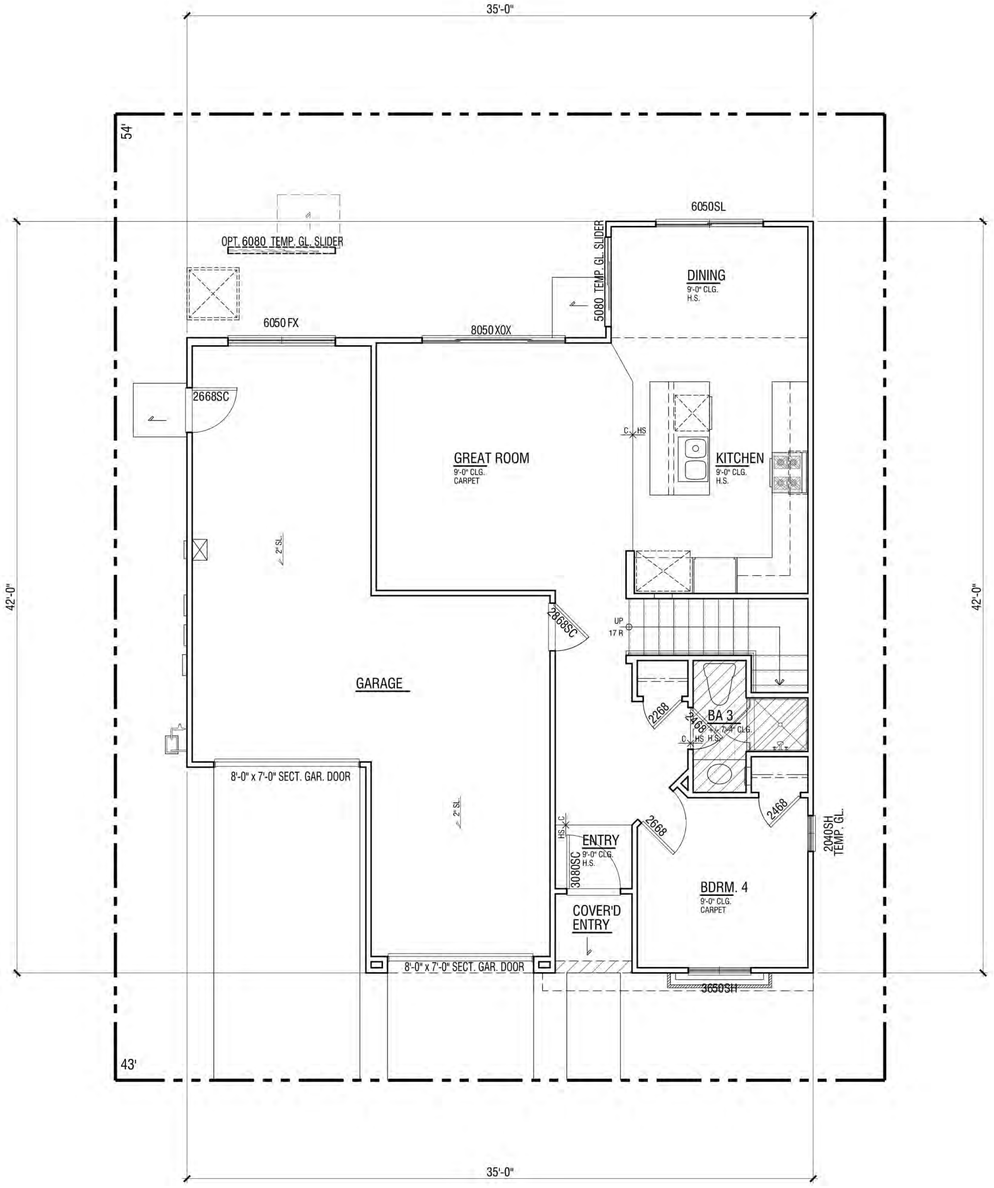

UPPER FLOOR PLAN

LOWER FLOOR PLAN

FLOOR PLAN | PLAN 2B

FLOOR AREA TABLE	PLAN 2B
LOWER FLOOR PLAN	721 SQ. FT.
UPPER FLOOR PLAN	1070 SQ. FT.
TOTAL	1792 SQ. FT.
2-BAY GARAGE	456 SQ. FT.
COVERED ENTRY/PORCH	19 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

NEIGHBORHOOD D1 & D2

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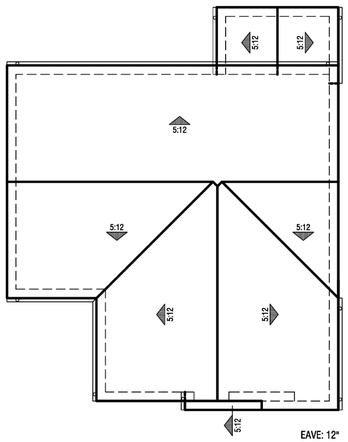
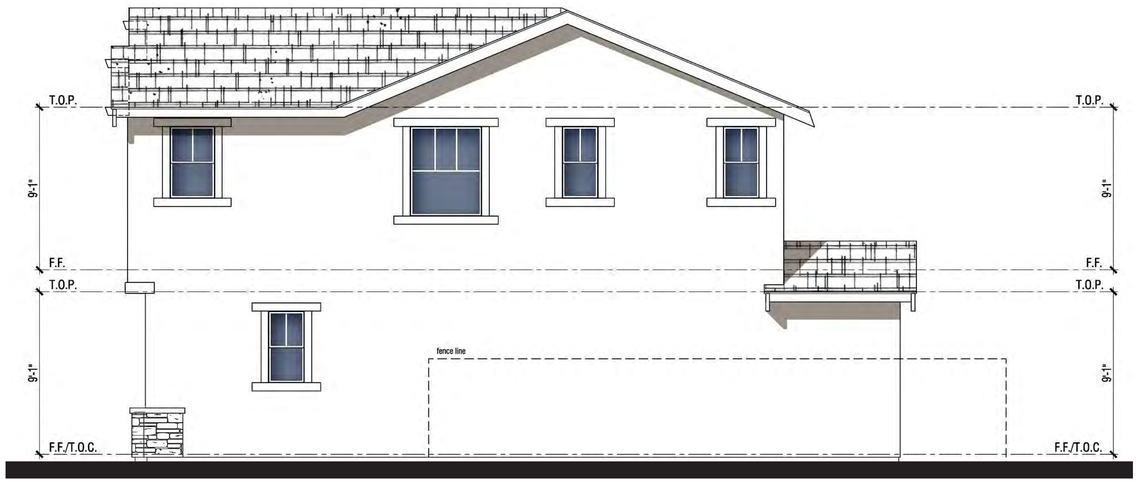
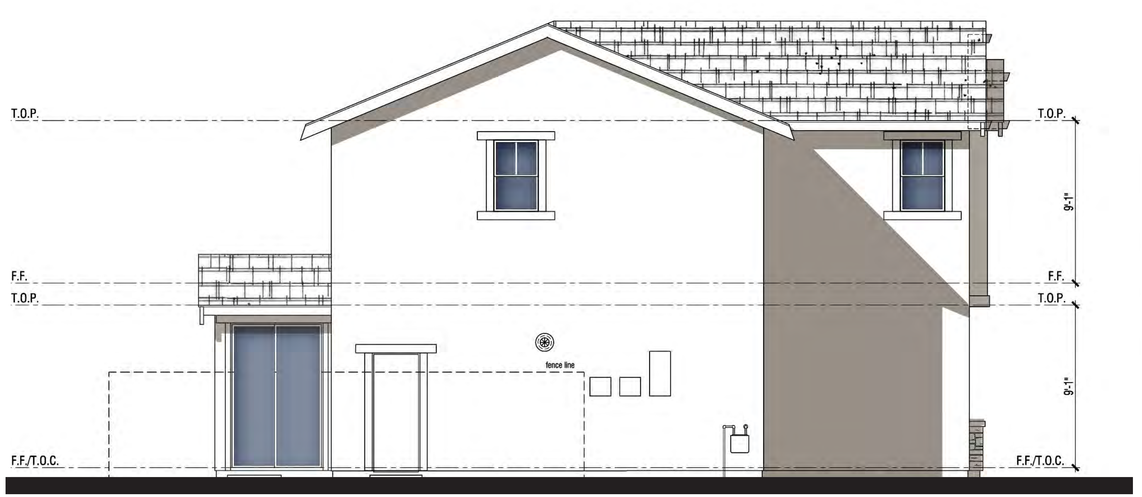


Roof Plan
@ 1' =8"



Right Elevation

Rear Elevation



Left Elevation

Note: Artist's Conception; Colors, Materials And Application May Vary.

Scheme# 7

Front Elevation

MATERIAL	STYLE ELEMENTS 'B' BUNGALOW
Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Gable:	Wood Outlookers with Board and Batten
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Entry Door:	Decorative Front Entry Door
Stone:	Manufactured Stone Veneer
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

PLAN 2B | ELEVATION WRAPS & ROOF PLAN

NEIGHBORHOOD D1 & D2

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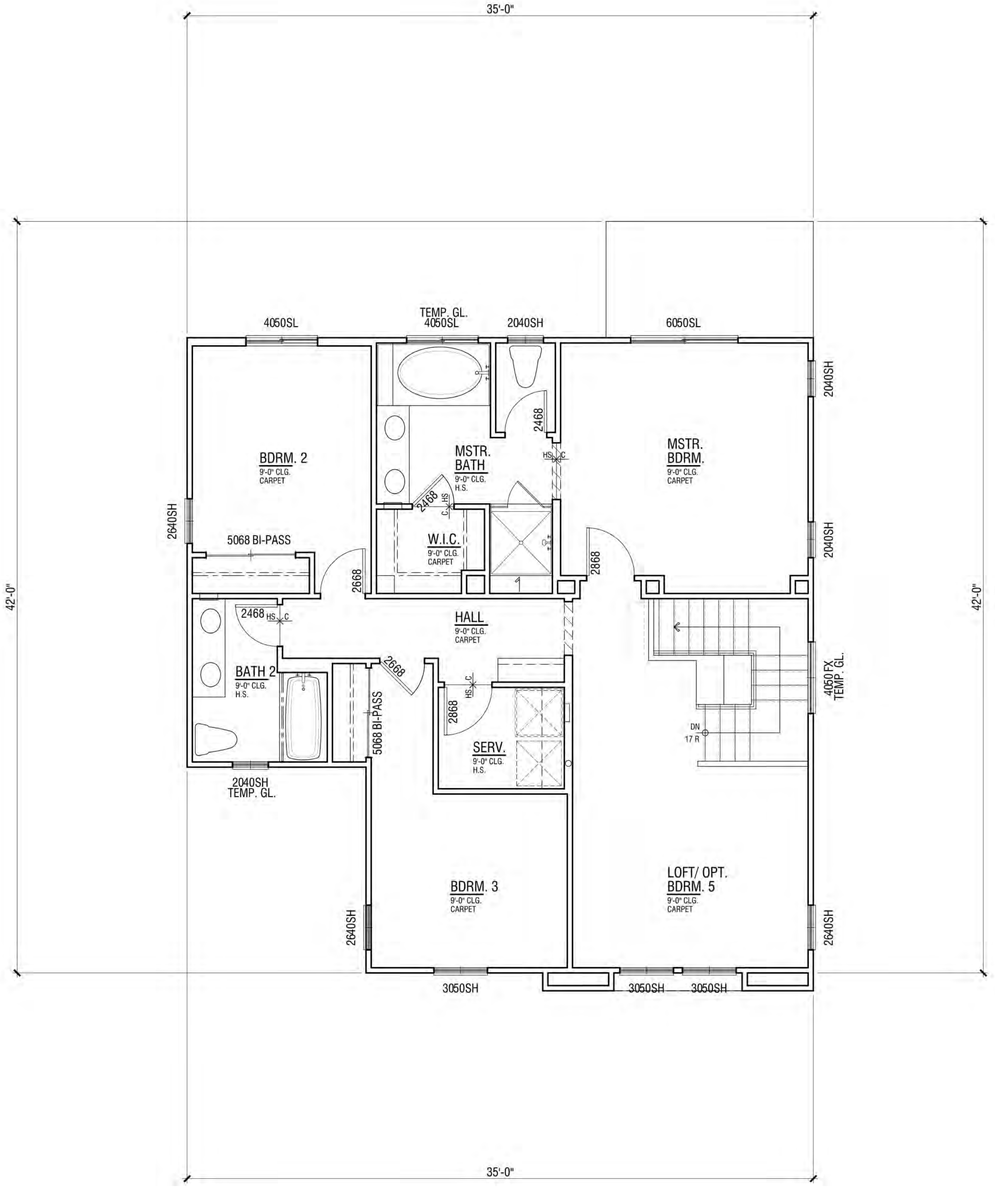

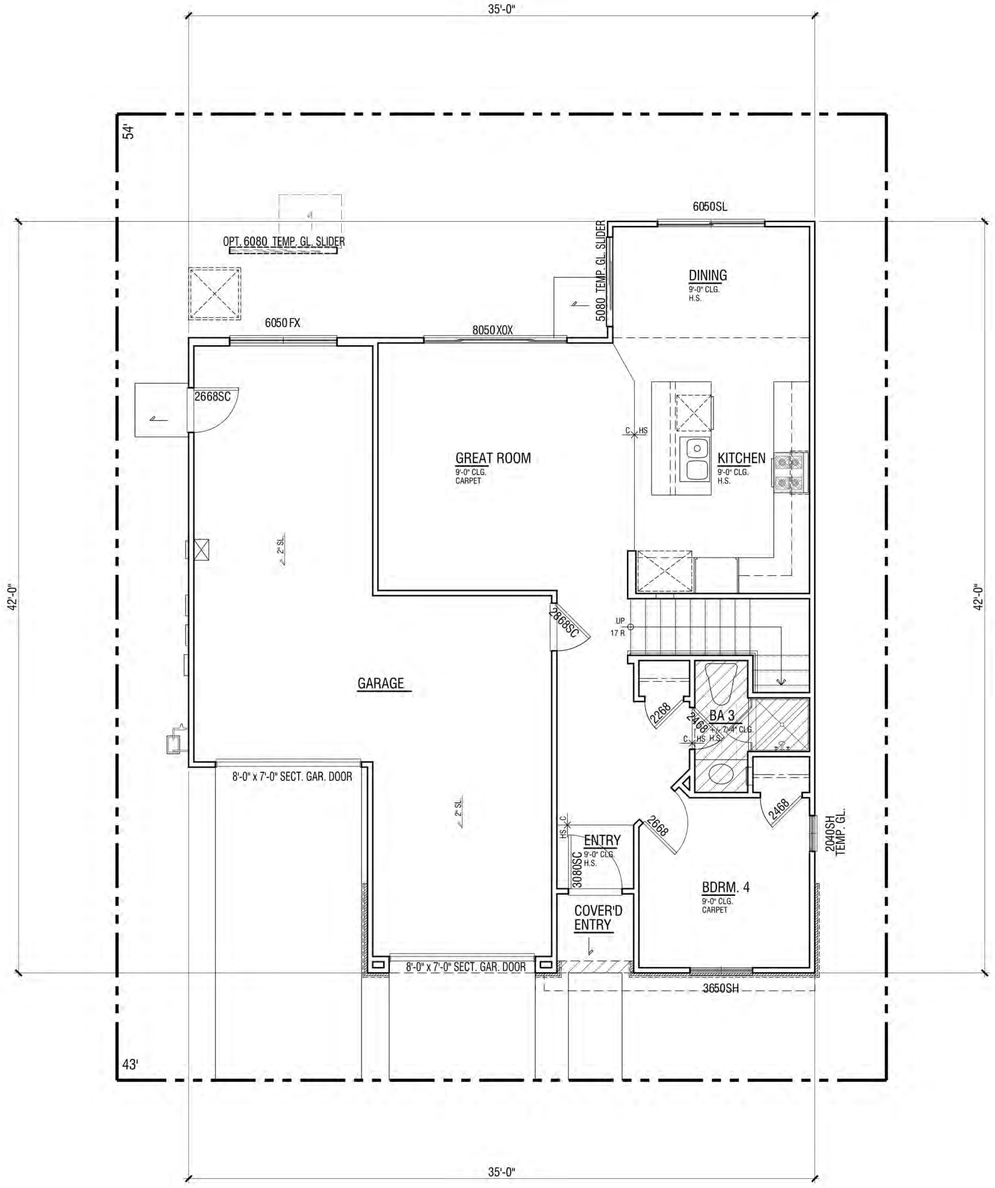

UPPER FLOOR PLAN

LOWER FLOOR PLAN

FLOOR PLAN | PLAN 2C

FLOOR AREA TABLE	PLAN 2C
LOWER FLOOR PLAN	721 SQ. FT.
UPPER FLOOR PLAN	1070 SQ. FT.
TOTAL	1792 SQ. FT.
2-BAY GARAGE	456 SQ. FT.
COVERED ENTRY/PORCH	19 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

NEIGHBORHOOD D1 & D2

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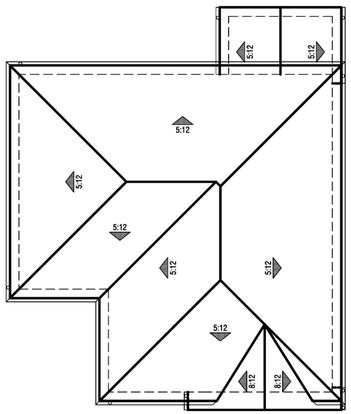
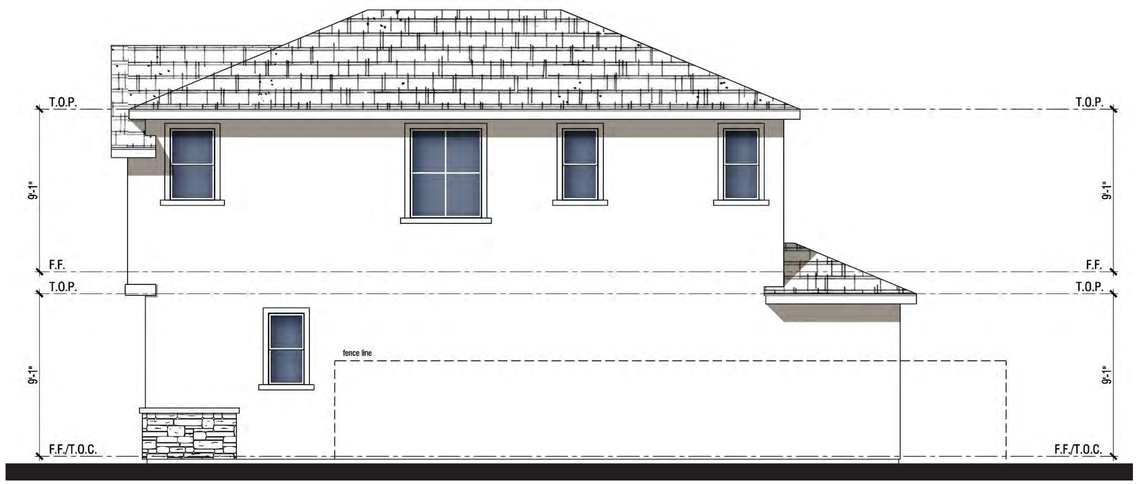
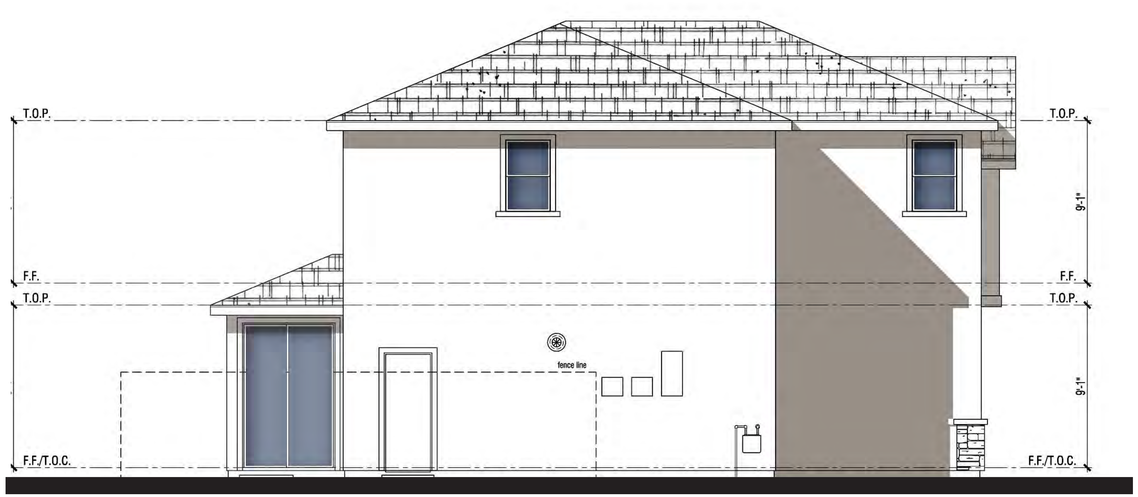


Roof Plan
@ 1' =8"



Right Elevation

Rear Elevation



Left Elevation

Note: Artist's Conception; Colors, Materials And Application May Vary.

Front Elevation

Scheme# 11

MATERIAL **STYLE ELEMENTS 'C' COTTAGE**

Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Entry Door:	Decorative Front Entry Door
Veneer:	Manufactured Stone Veneer
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

PLAN 2C | ELEVATION WRAPS & ROOF PLAN

NEIGHBORHOOD D1 & D2

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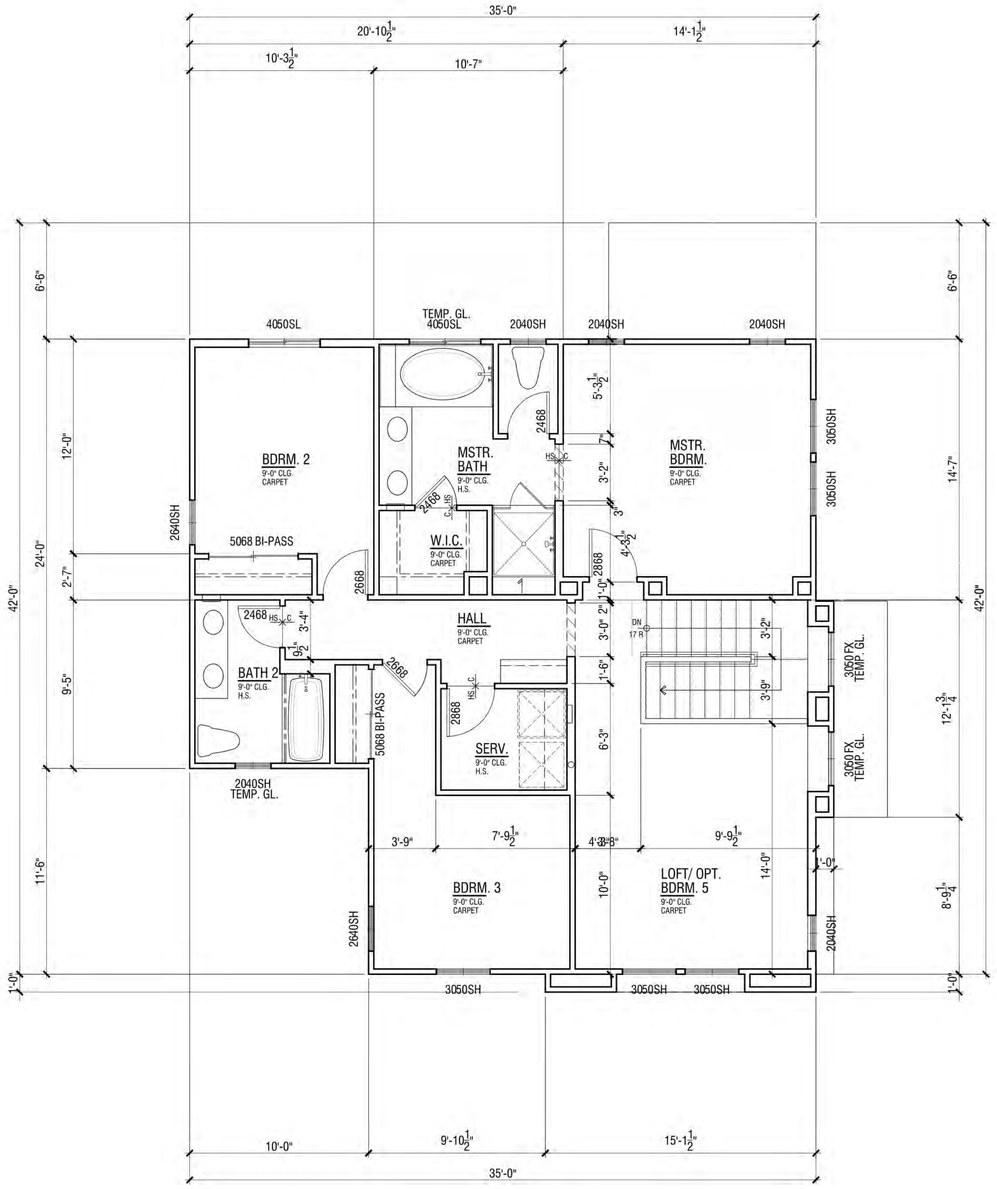
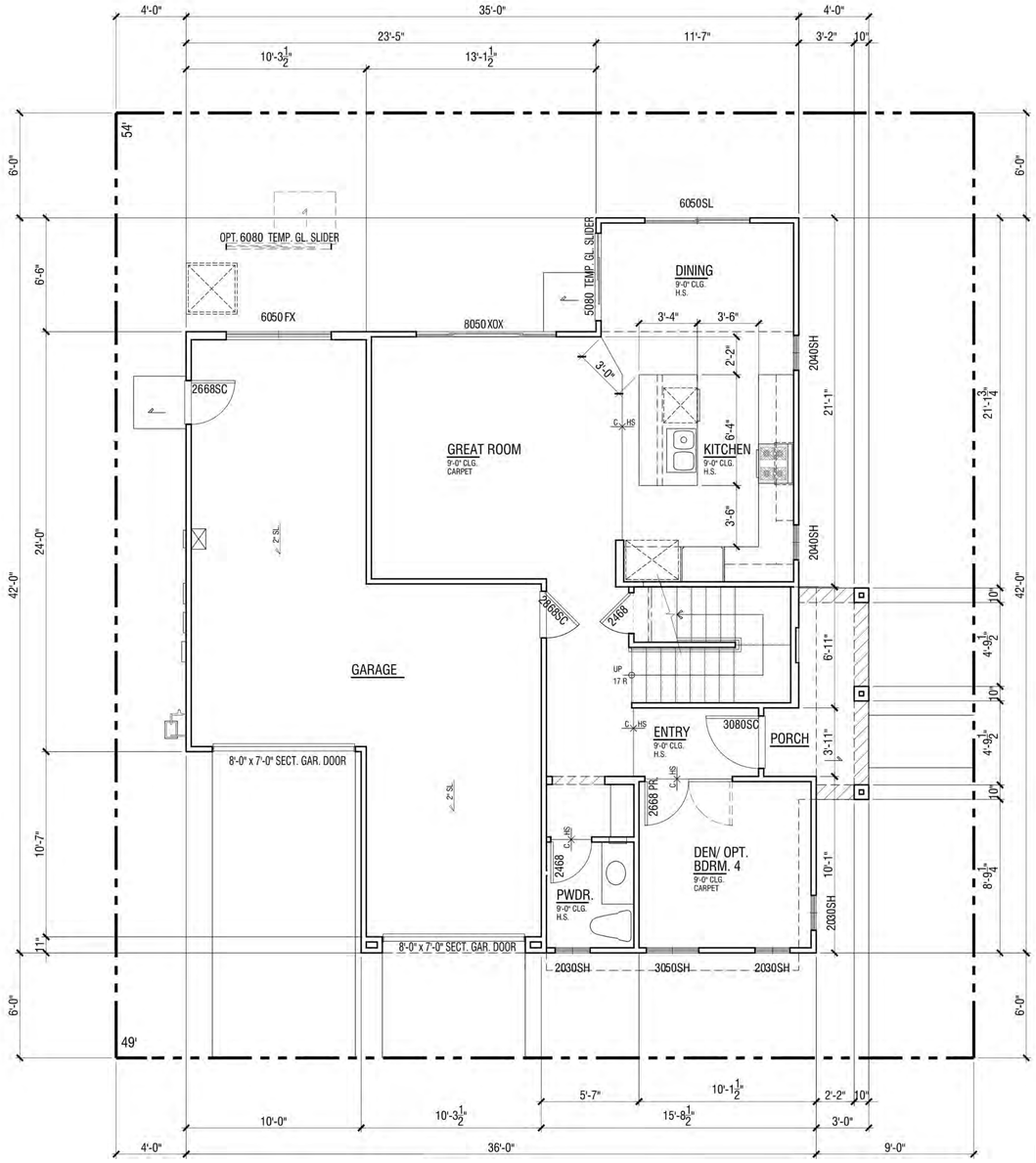
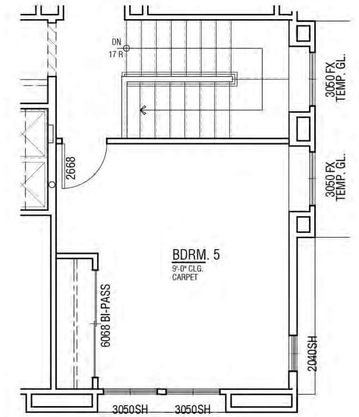
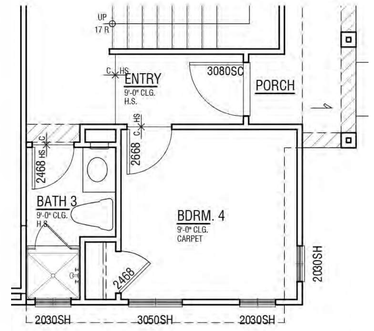






OPT. BEDROOM 5



OPT. BEDROOM 4

FLOOR PLAN | PLAN 2XA

FLOOR AREA TABLE	PLAN 2XA
LOWER FLOOR PLAN	744 SQ. FT.
UPPER FLOOR PLAN	1065 SQ. FT.
TOTAL	1809 SQ. FT.
2-BAY GARAGE	455 SQ. FT.
COVERED ENTRY/PORCH	55 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

UPPER FLOOR PLAN

LOWER FLOOR PLAN

NEIGHBORHOOD D1 & D2

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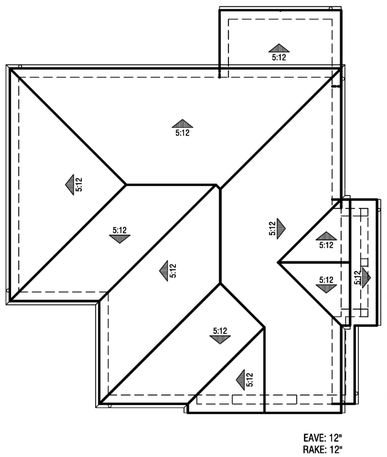
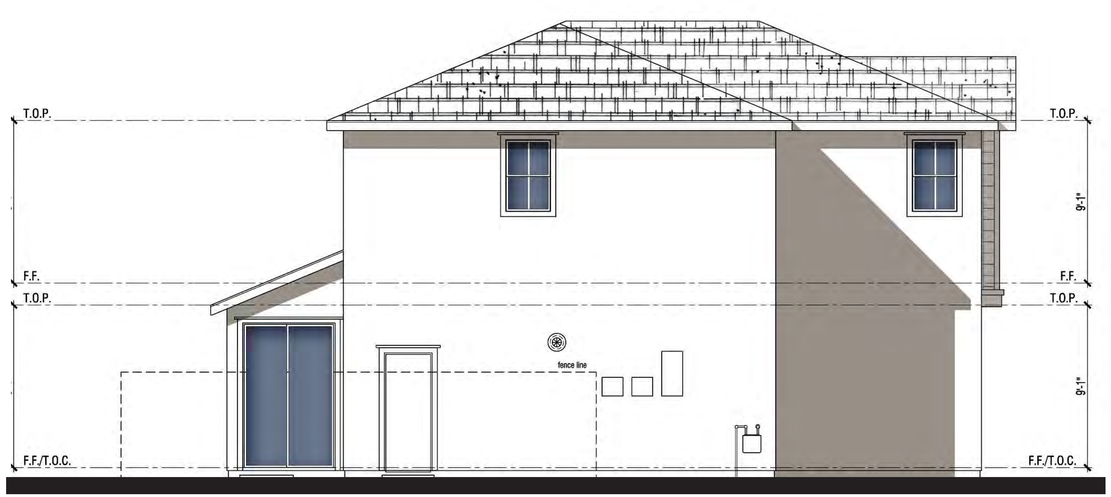


Roof Plan
@ 1' =8"

Right Elevation

Rear Elevation



Left Elevation

Note: Artist's Conception; Colors, Materials And Application May Vary.

Front Elevation

Scheme# 3

MATERIAL	STYLE ELEMENTS 'A' TRADITIONAL
Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Gable:	Horizontal Lap Siding
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Entry Door:	Decorative Front Entry Door
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

PLAN 2XA | ELEVATION WRAPS & ROOF PLAN

NEIGHBORHOOD D1 & D2

ALVES RANCH

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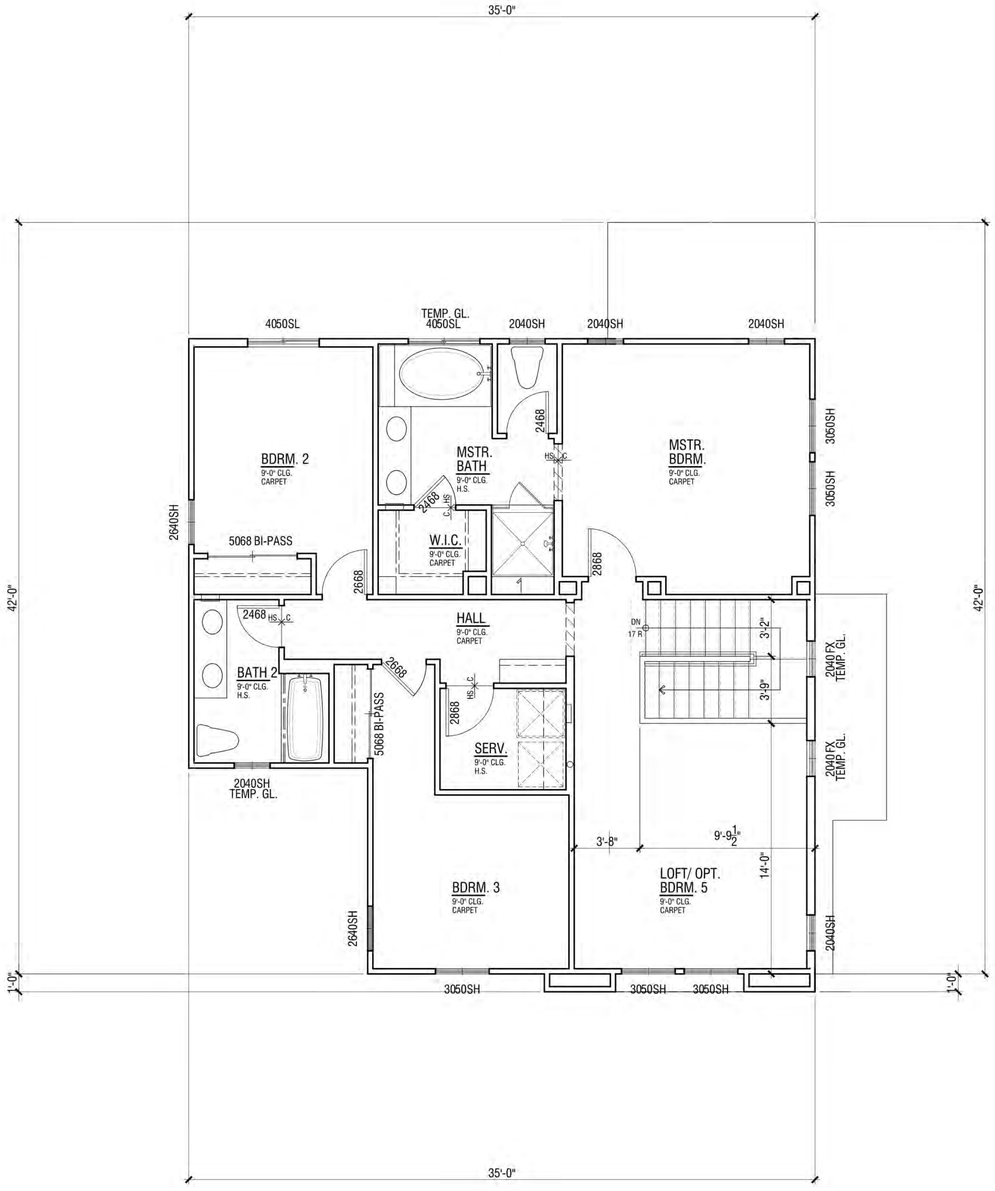
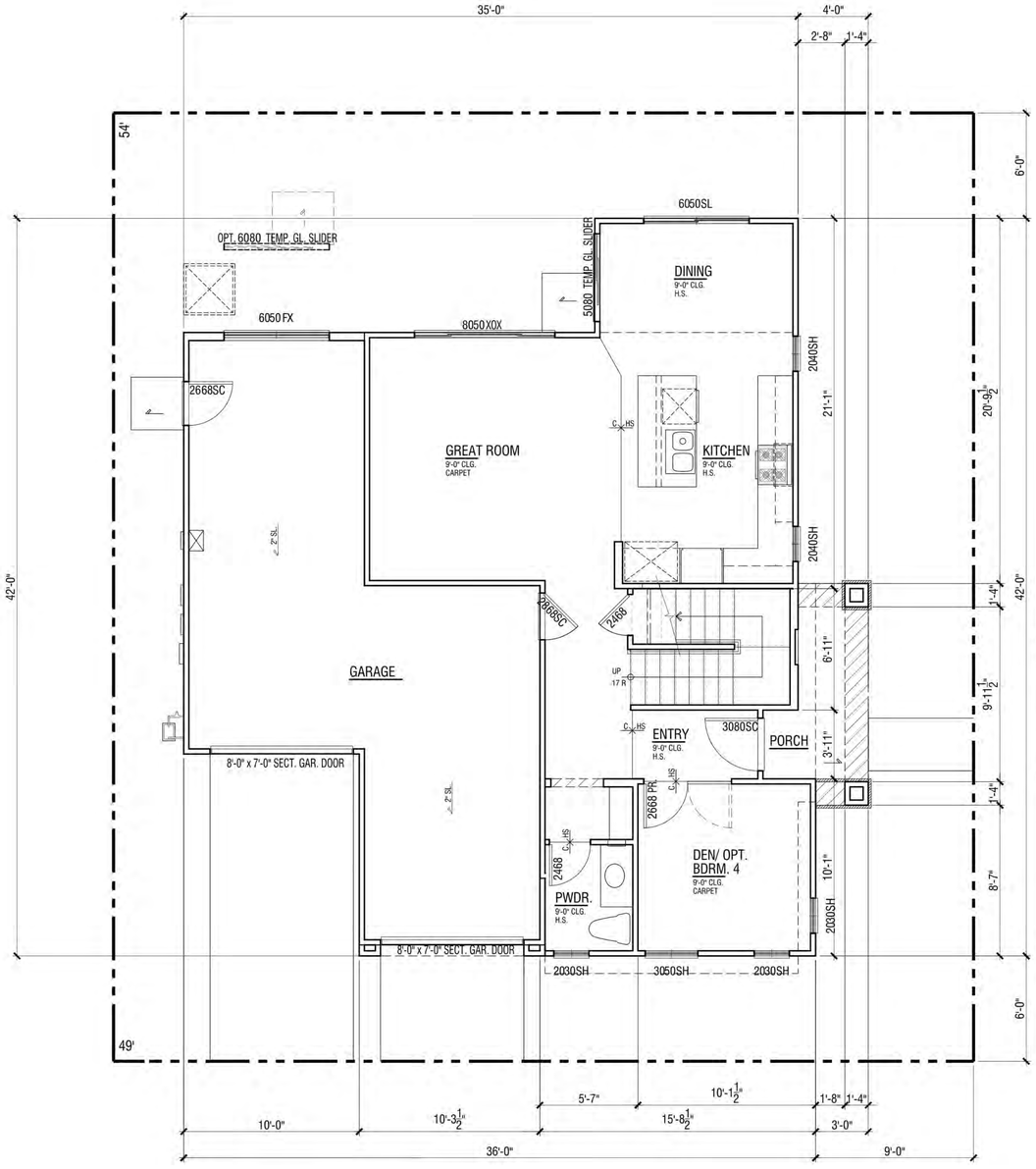


UPPER FLOOR PLAN



LOWER FLOOR PLAN

FLOOR PLAN | PLAN 2XB

FLOOR AREA TABLE	PLAN 2XB
LOWER FLOOR PLAN	744 SQ. FT.
UPPER FLOOR PLAN	1065 SQ. FT.
TOTAL	1809 SQ. FT.
2-BAY GARAGE	455 SQ. FT.
COVERED ENTRY/PORCH	57 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

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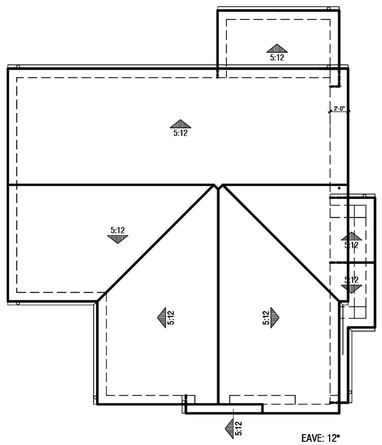

Roof Plan
@ 1' =8"

Right Elevation

Rear Elevation

Left Elevation

Note: Artist's Conception; Colors, Materials And Application May Vary.

Front Elevation

Scheme# 6

MATERIAL	STYLE ELEMENTS 'B' BUNGALOW
Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Gable:	Wood Outlookers with Board and Batten
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Entry Door:	Decorative Front Entry Door
Stone:	Manufactured Stone Veneer
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

PLAN 2XB | ELEVATION WRAPS & ROOF PLAN

NEIGHBORHOOD D1 & D2

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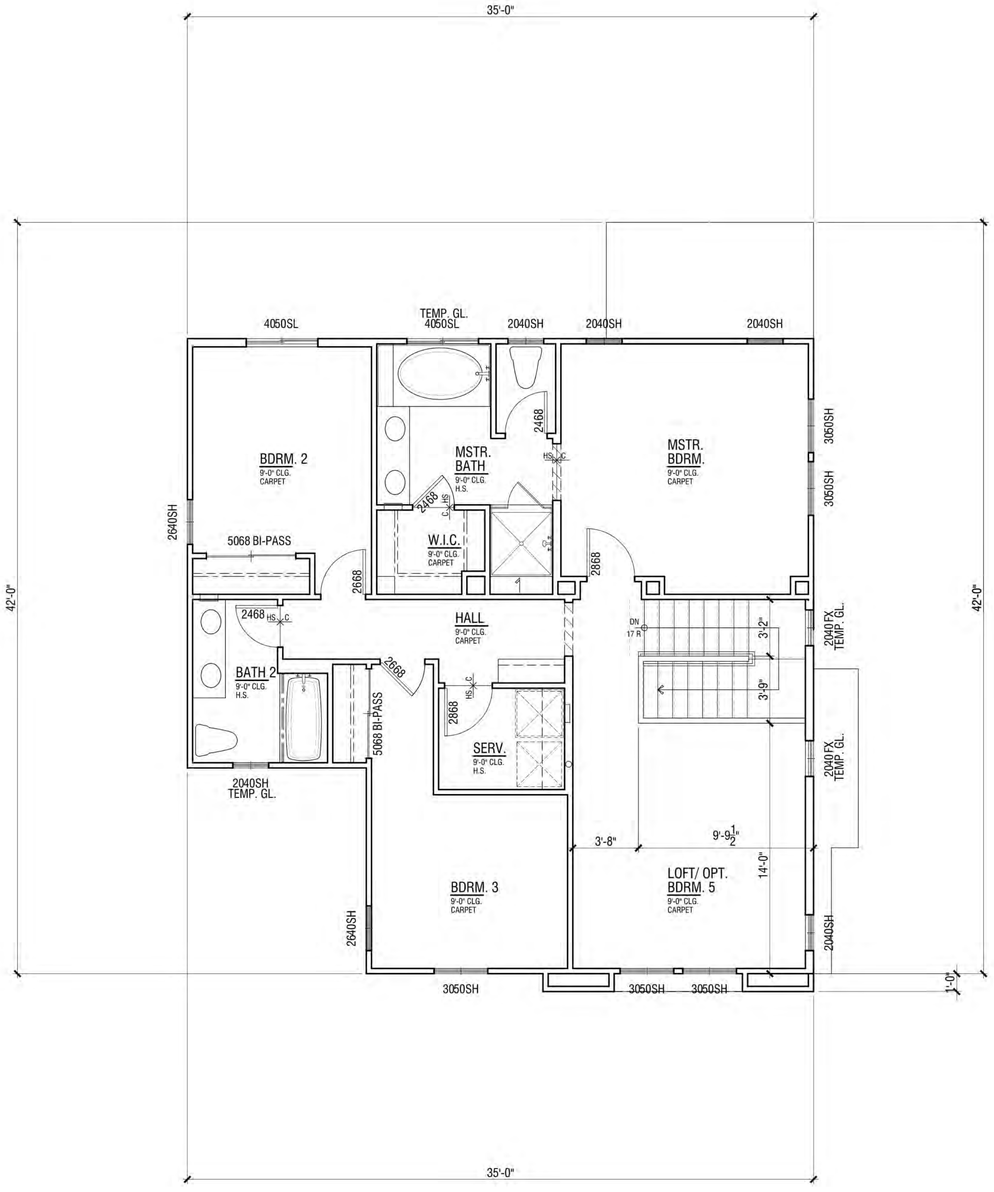
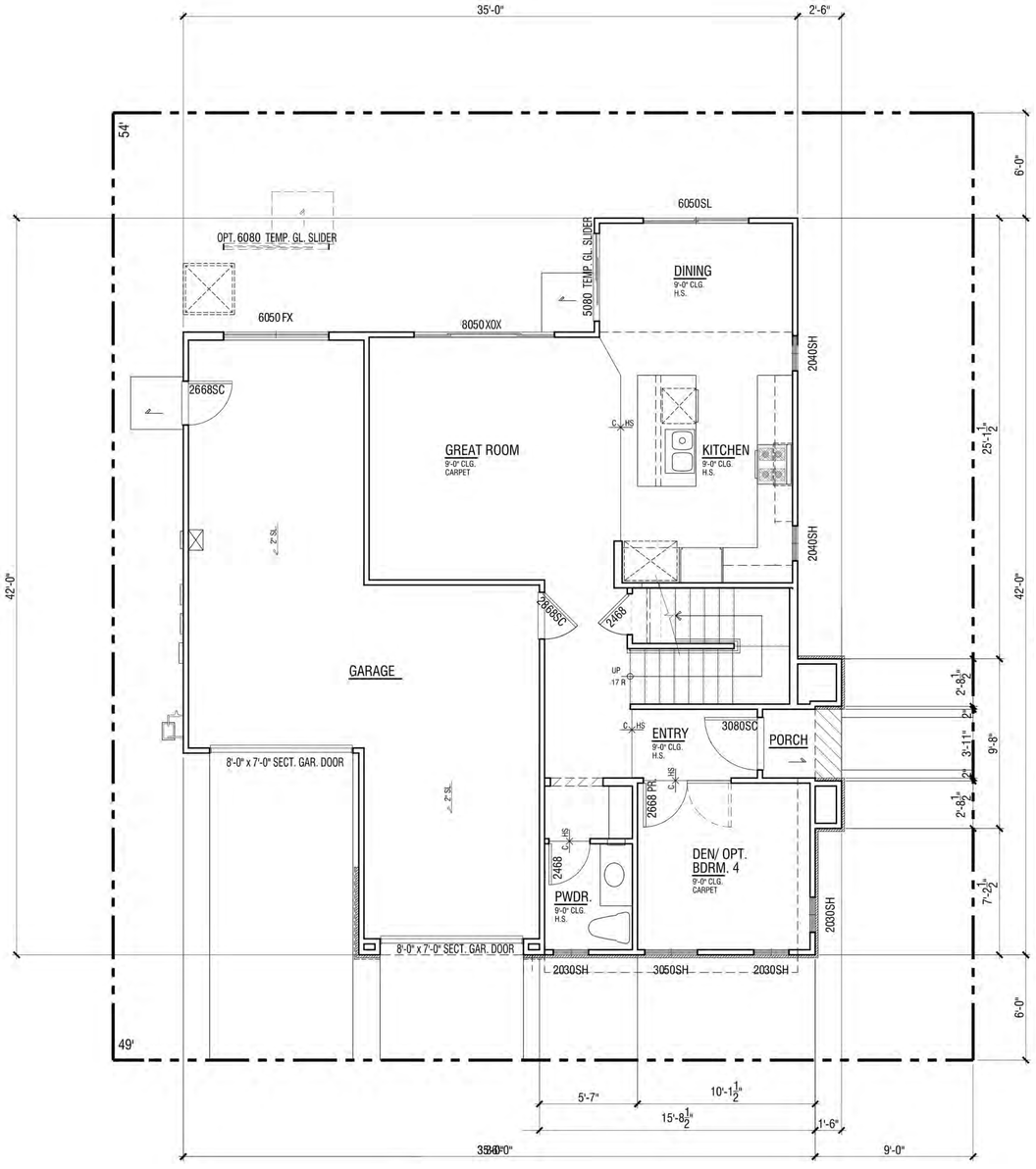


UPPER FLOOR PLAN



LOWER FLOOR PLAN

FLOOR PLAN | PLAN 2XC

FLOOR AREA TABLE	PLAN 2XC
LOWER FLOOR PLAN	744 SQ. FT.
UPPER FLOOR PLAN	1065 SQ. FT.
TOTAL	1809 SQ. FT.
2-BAY GARAGE	455 SQ. FT.
COVERED ENTRY/PORCH	18 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

NEIGHBORHOOD D1 & D2

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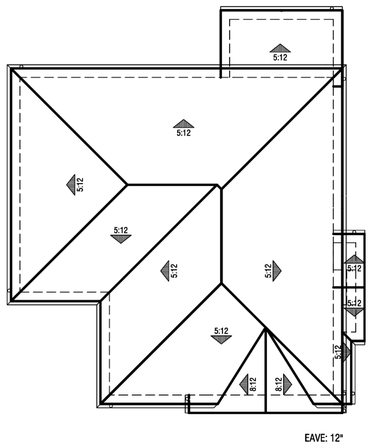
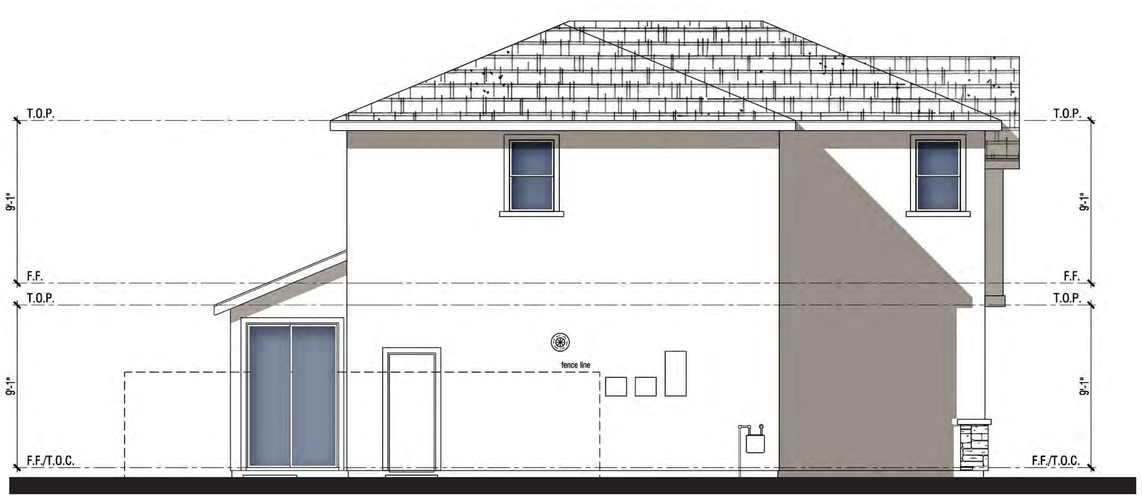


Roof Plan
@ 1' =8"

Right Elevation

Rear Elevation



Left Elevation

Note: Artist's Conception; Colors, Materials And Application May Vary.

Front Elevation

Scheme# 10

MATERIAL	STYLE ELEMENTS 'C' COTTAGE
Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Entry Door:	Decorative Front Entry Door
Veneer:	Manufactured Stone Veneer
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

PLAN 2XC | ELEVATION WRAPS & ROOF PLAN

NEIGHBORHOOD D1 & D2

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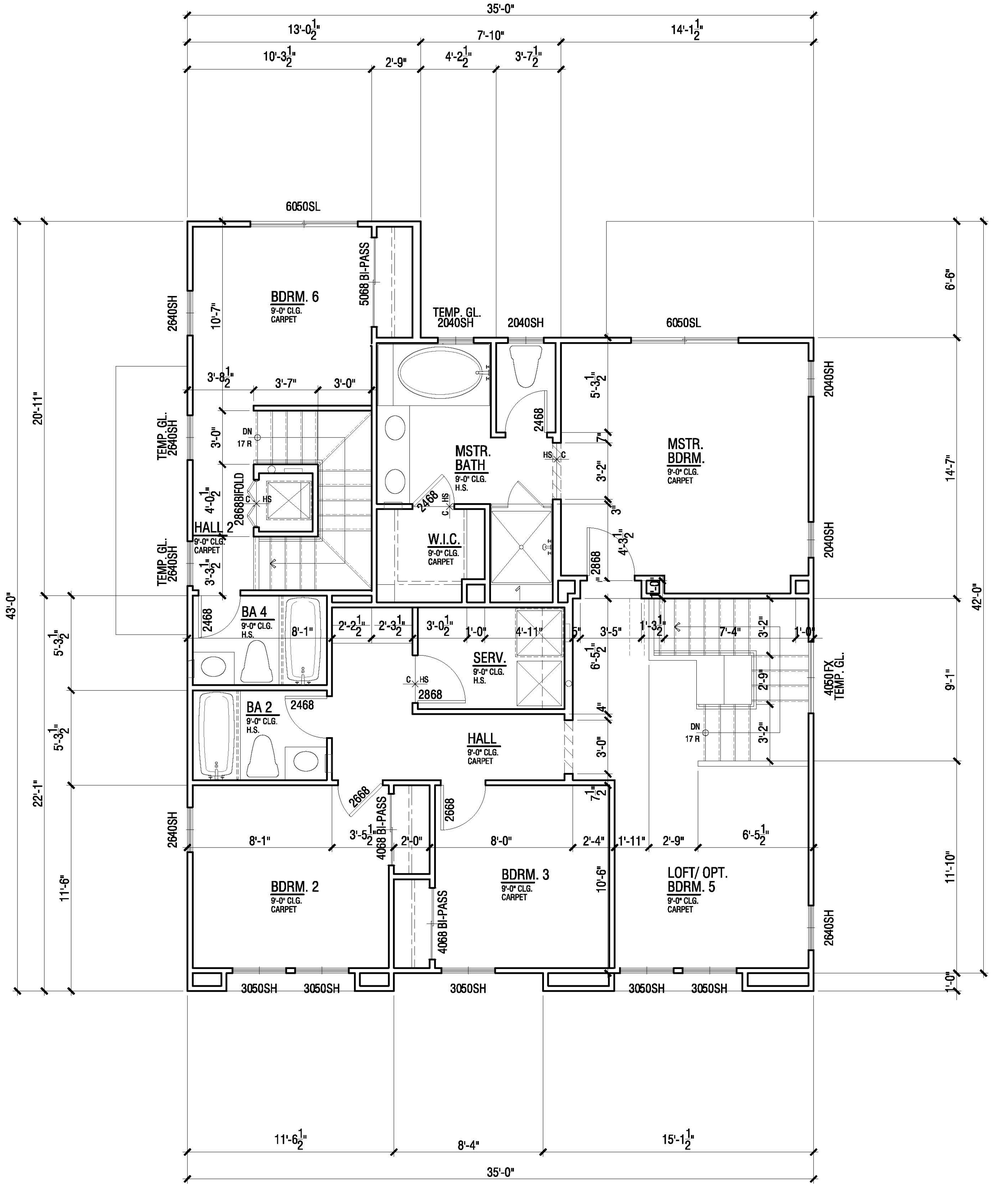
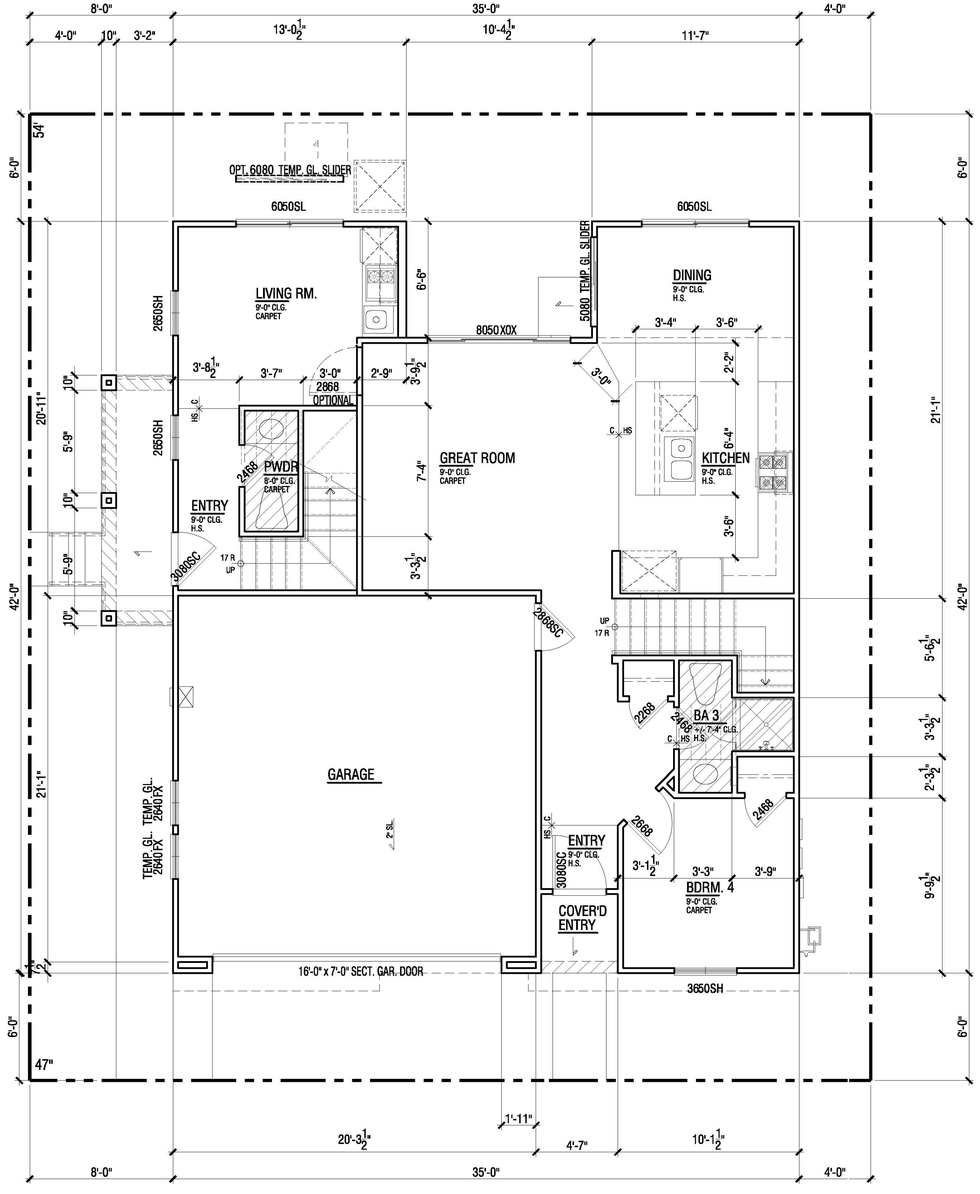
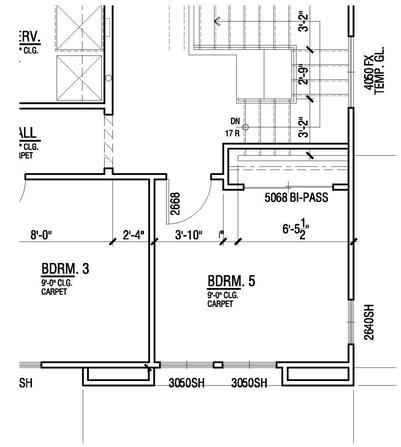


UPPER FLOOR PLAN



LOWER FLOOR PLAN



OPT. BEDROOM 5

FLOOR PLAN | PLAN 2ZA

FLOOR AREA TABLE	PLAN 2ZA
LOWER FLOOR PLAN	721 SQ. FT.
UPPER FLOOR PLAN	1019 SQ. FT.
TOTAL	1740 SQ. FT.
2-BAY GARAGE	416 SQ. FT.
COVERED ENTRY/PORCH	19 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

FLOOR AREA TABLE	PLAN 2ZA (ADU)
LOWER FLOOR PLAN	232 SQ. FT.
UPPER FLOOR PLAN	220 SQ. FT.
TOTAL	452 SQ. FT.

NEIGHBORHOOD D1 & D2

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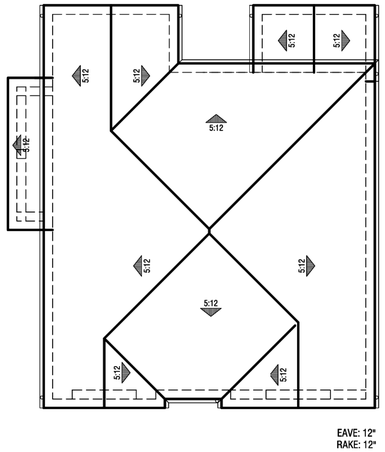
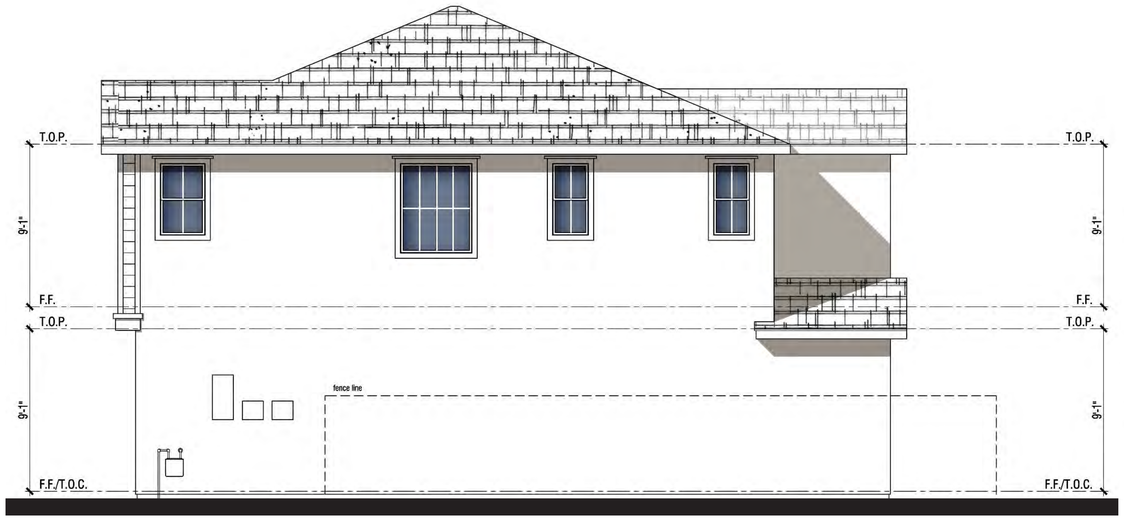


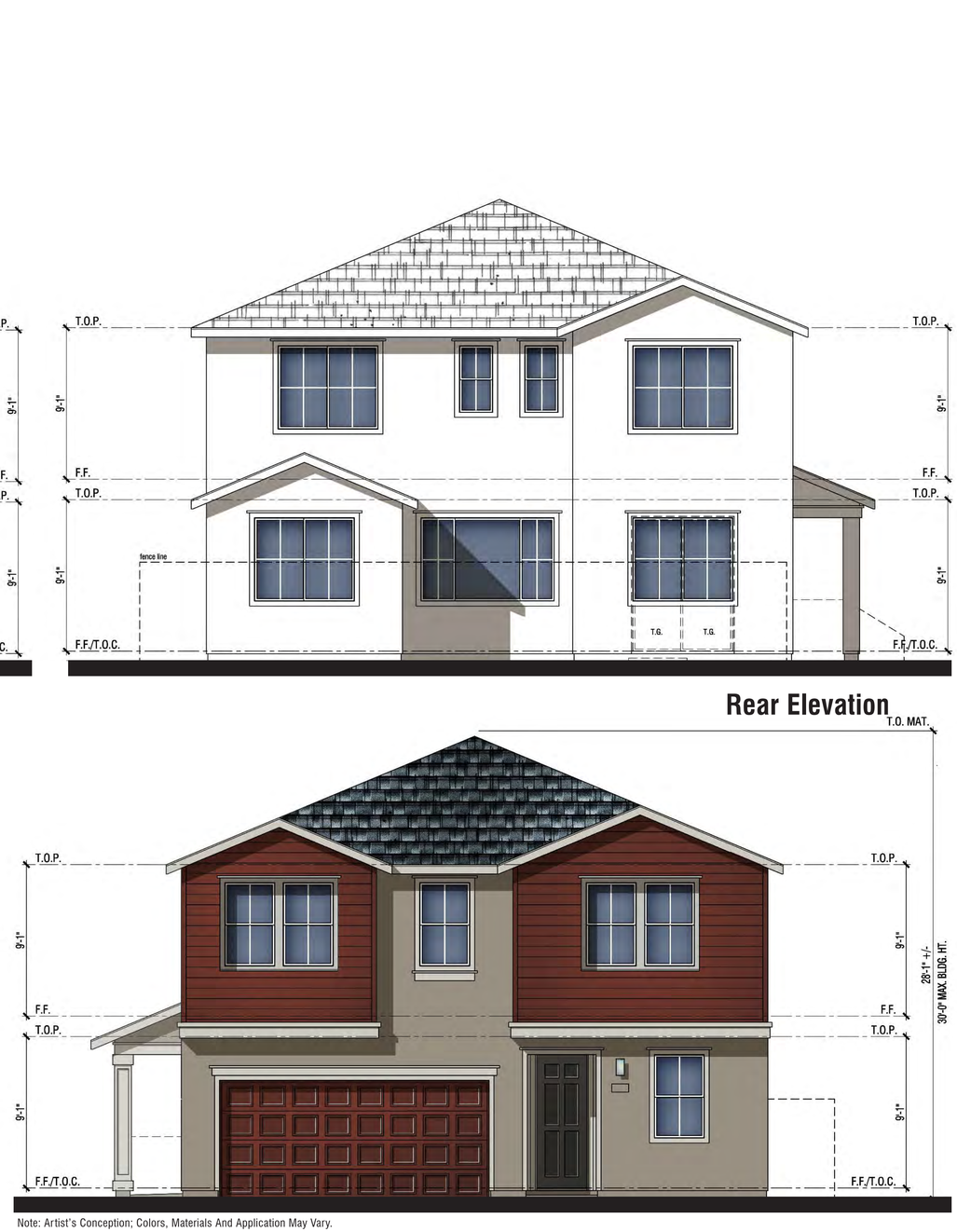
Roof Plan
@ 1' =8"



Right Elevation

Rear Elevation

Left Elevation



Note: Artist's Conception; Colors, Materials And Application May Vary.

Scheme# 2

Front Elevation

MATERIAL **STYLE ELEMENTS 'A' TRADITIONAL**

Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Gable:	Horizontal Lap Siding
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Entry Door:	Decorative Front Entry Door
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

PLAN 2ZA | ELEVATION WRAP & ROOF PLAN

NEIGHBORHOOD D1 & D2

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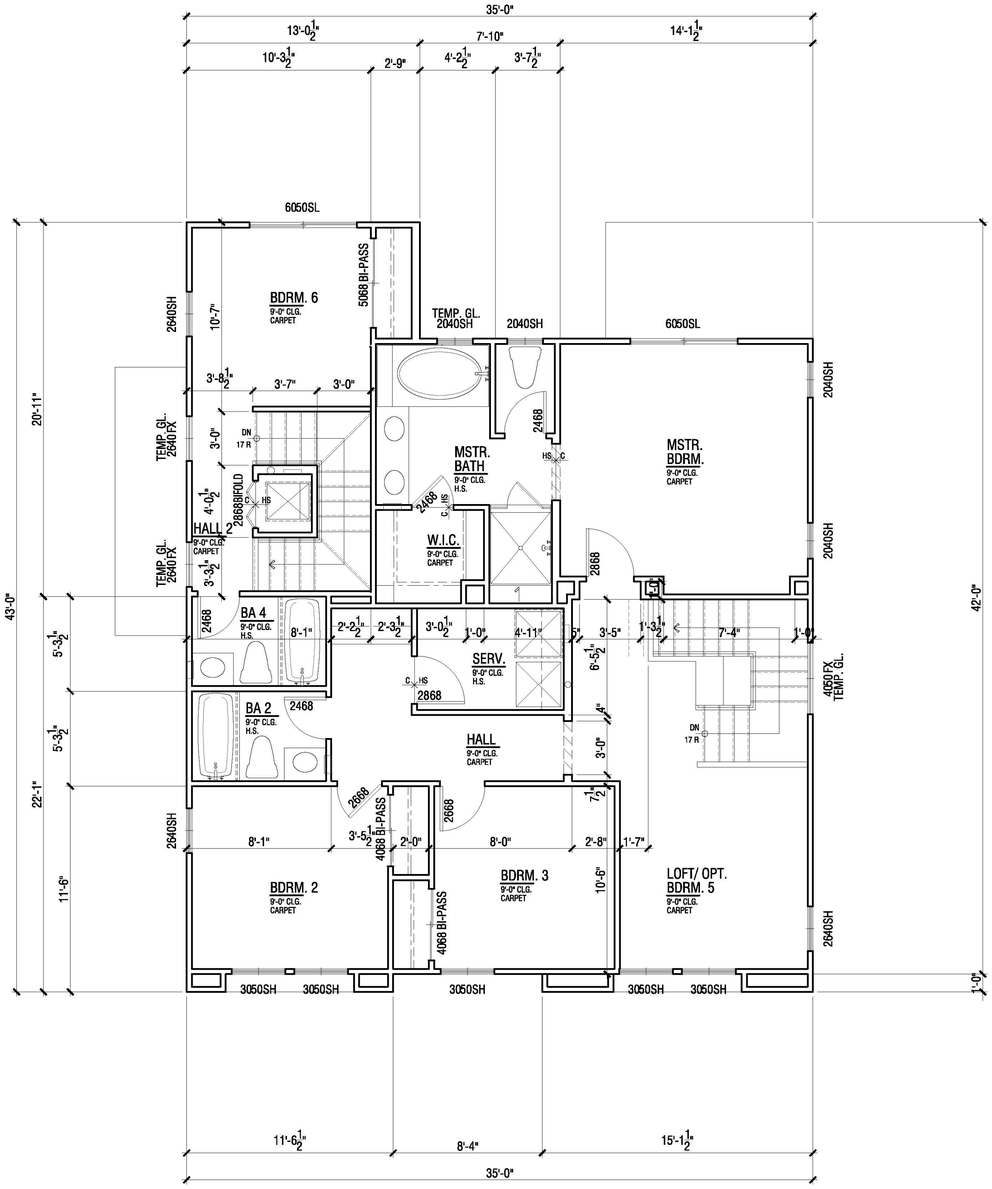
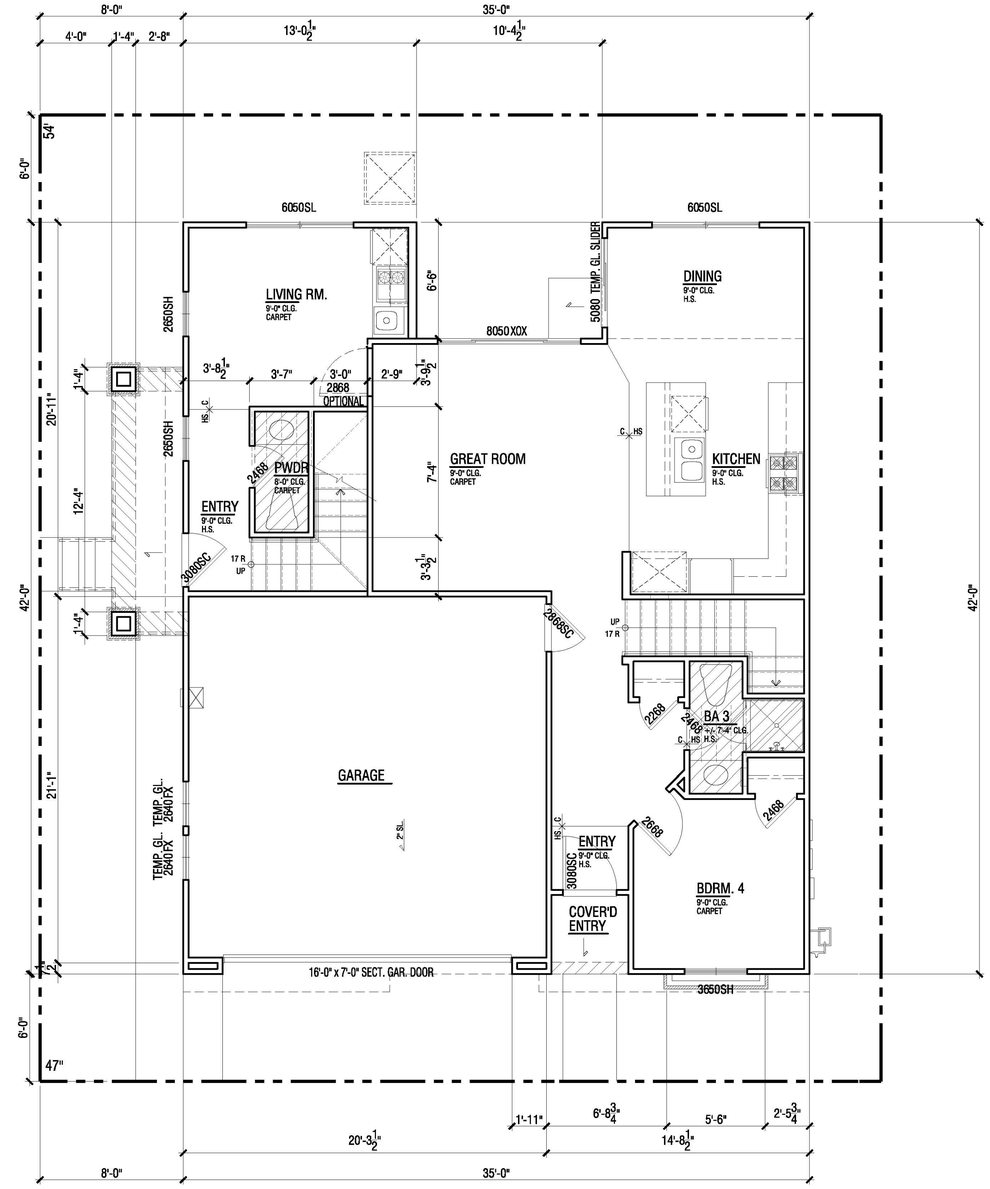


UPPER FLOOR PLAN



LOWER FLOOR PLAN

FLOOR PLAN | PLAN 2ZB

FLOOR AREA TABLE	PLAN 2ZB
LOWER FLOOR PLAN	721 SQ. FT.
UPPER FLOOR PLAN	1019 SQ. FT.
TOTAL	1740 SQ. FT.
2-BAY GARAGE	416 SQ. FT.
COVERED ENTRY/PORCH	19 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

FLOOR AREA TABLE	PLAN 2ZB (ADU)
LOWER FLOOR PLAN	232 SQ. FT.
UPPER FLOOR PLAN	220 SQ. FT.
TOTAL	452 SQ. FT.

NEIGHBORHOOD D1 & D2

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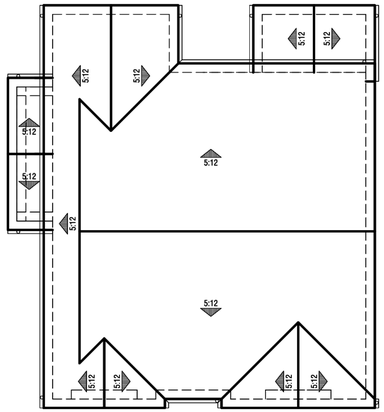
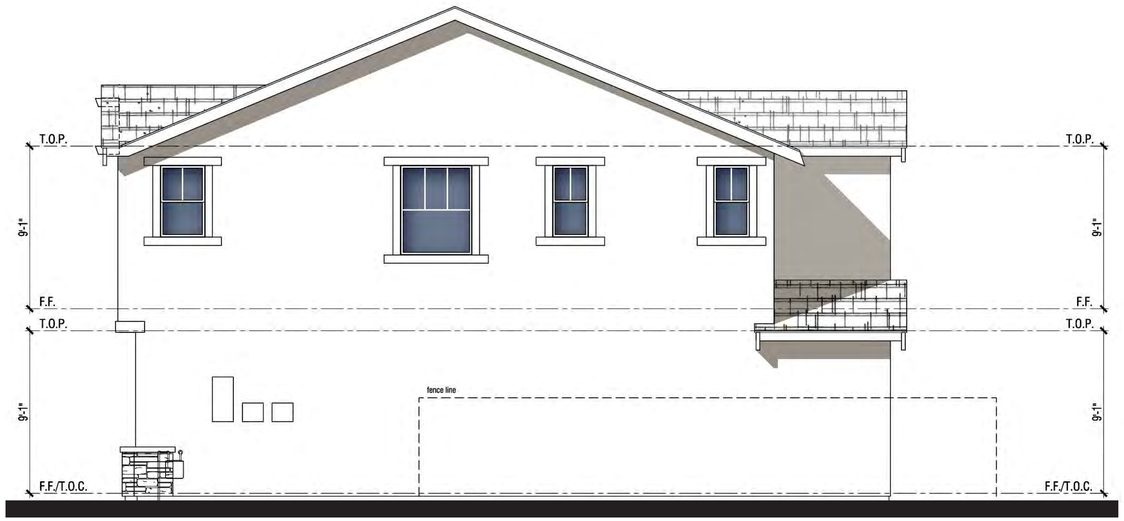
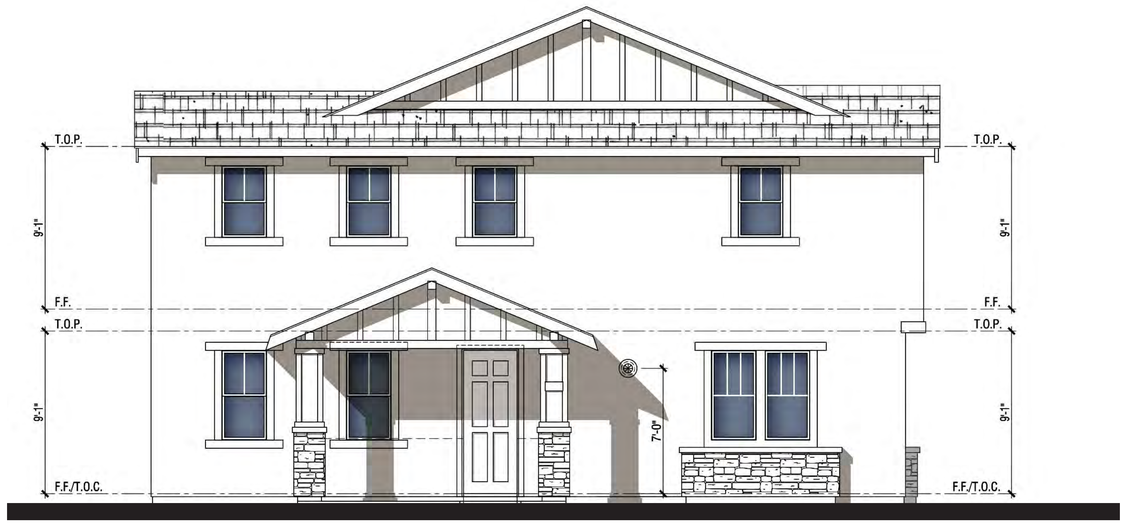


Roof Plan
@ 1' =8"



Right Elevation

Rear Elevation



Left Elevation

Note: Artist's Conception; Colors, Materials And Application May Vary.

Scheme# 8

Front Elevation

MATERIAL **STYLE ELEMENTS 'B' BUNGALOW**

Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Gable:	Wood Outlookers with Board and Batten
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Entry Door:	Decorative Front Entry Door
Stone:	Manufactured Stone Veneer
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

PLAN 2ZB | ELEVATION WRAPS & ROOF PLAN

NEIGHBORHOOD D1 & D2

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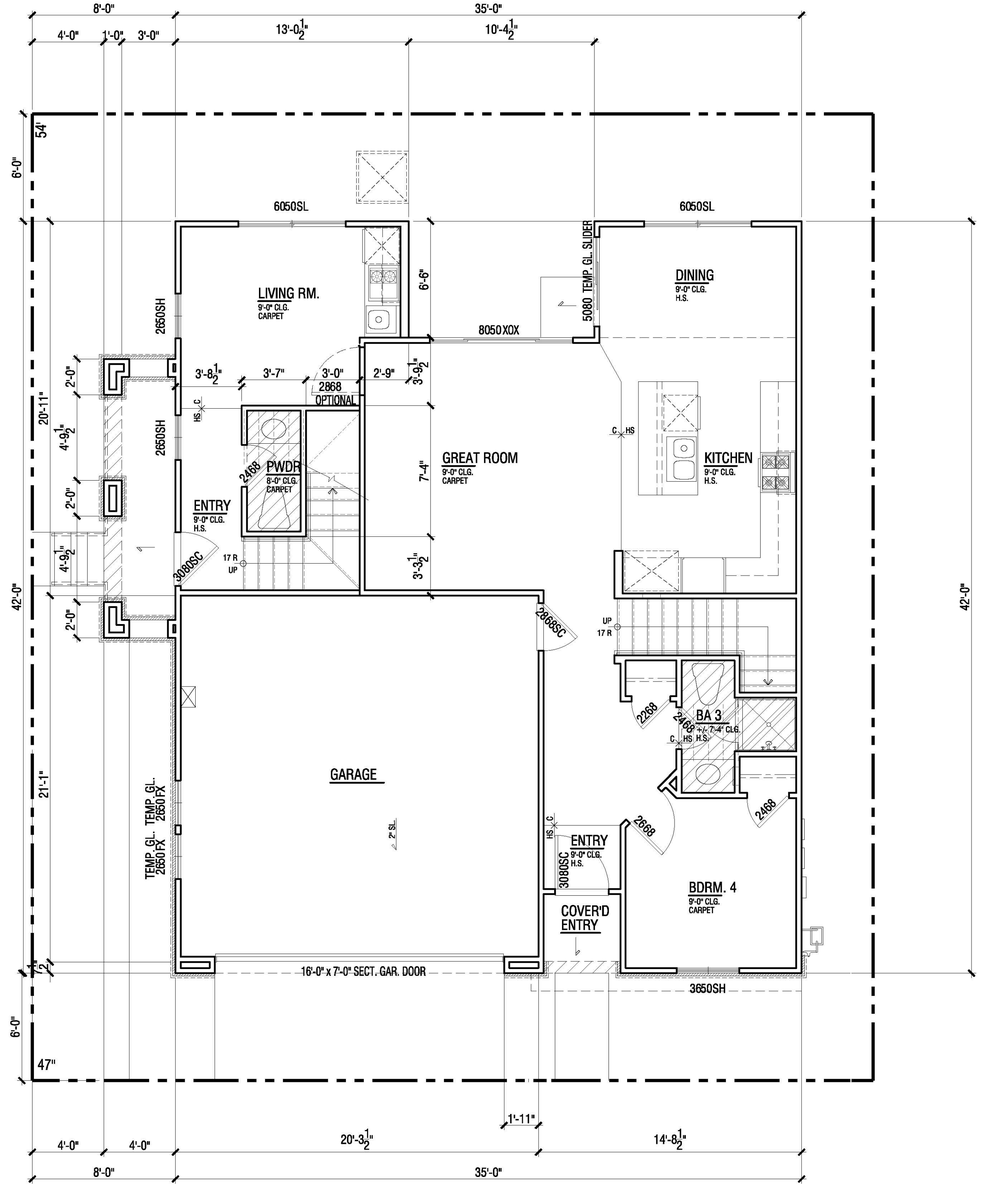
UPPER FLOOR PLAN



LOWER FLOOR PLAN

FLOOR PLAN | PLAN 2ZC

FLOOR AREA TABLE	PLAN 2ZC
LOWER FLOOR PLAN	721 SQ. FT.
UPPER FLOOR PLAN	1019 SQ. FT.
TOTAL	1740 SQ. FT.
2-BAY GARAGE	416 SQ. FT.
COVERED ENTRY/PORCH	19 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

FLOOR AREA TABLE	PLAN 2ZC (ADU)
LOWER FLOOR PLAN	232 SQ. FT.
UPPER FLOOR PLAN	220 SQ. FT.
TOTAL	452 SQ. FT.

SCALE: 1/4" = 1'- 0"

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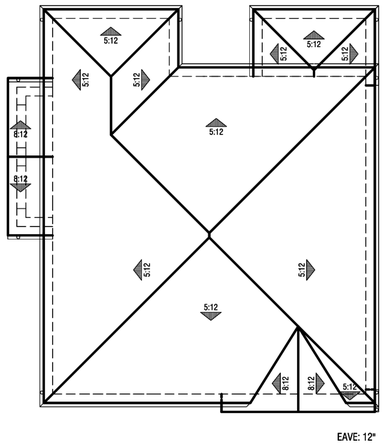
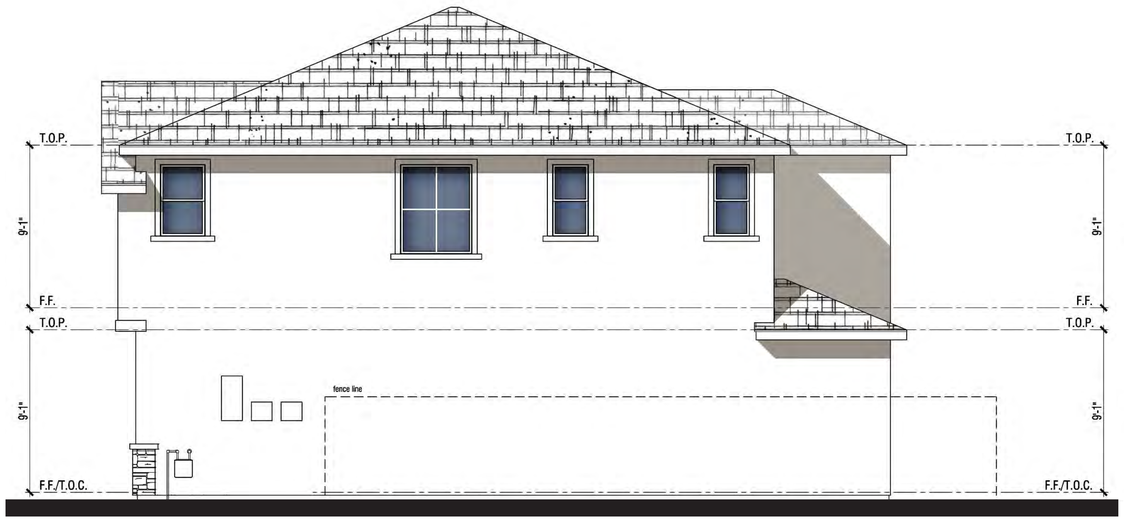


Roof Plan
@ 1' =8"



Right Elevation

Rear Elevation

Left Elevation

Note: Artist's Conception; Colors, Materials And Application May Vary.

Front Elevation

Scheme# 12

MATERIAL	STYLE ELEMENTS 'C' COTTAGE
Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Entry Door:	Decorative Front Entry Door
Veneer:	Manufactured Stone Veneer
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

PLAN 2ZC | ELEVATION WRAPS & ROOF PLAN

NEIGHBORHOOD D1 & D2

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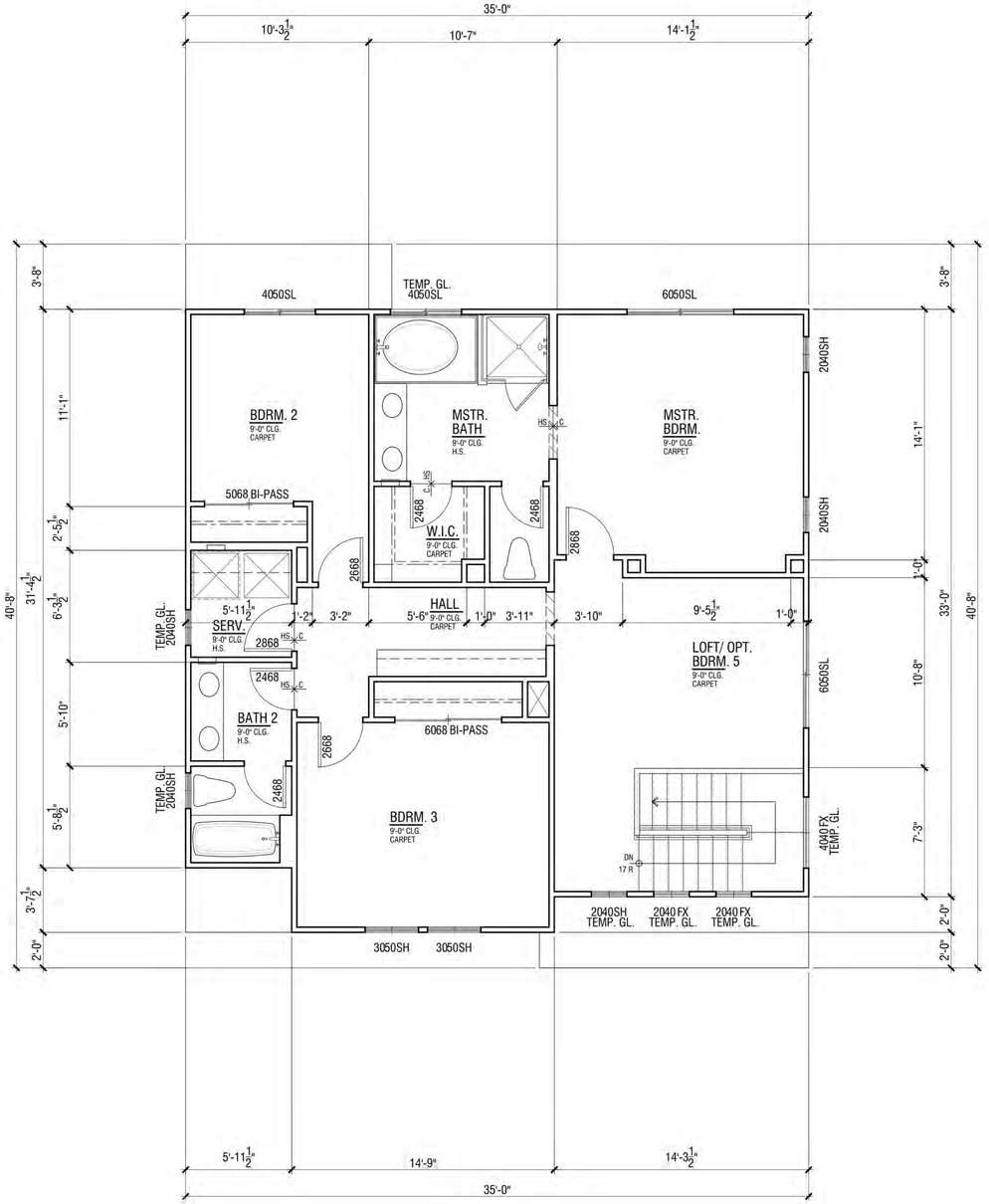
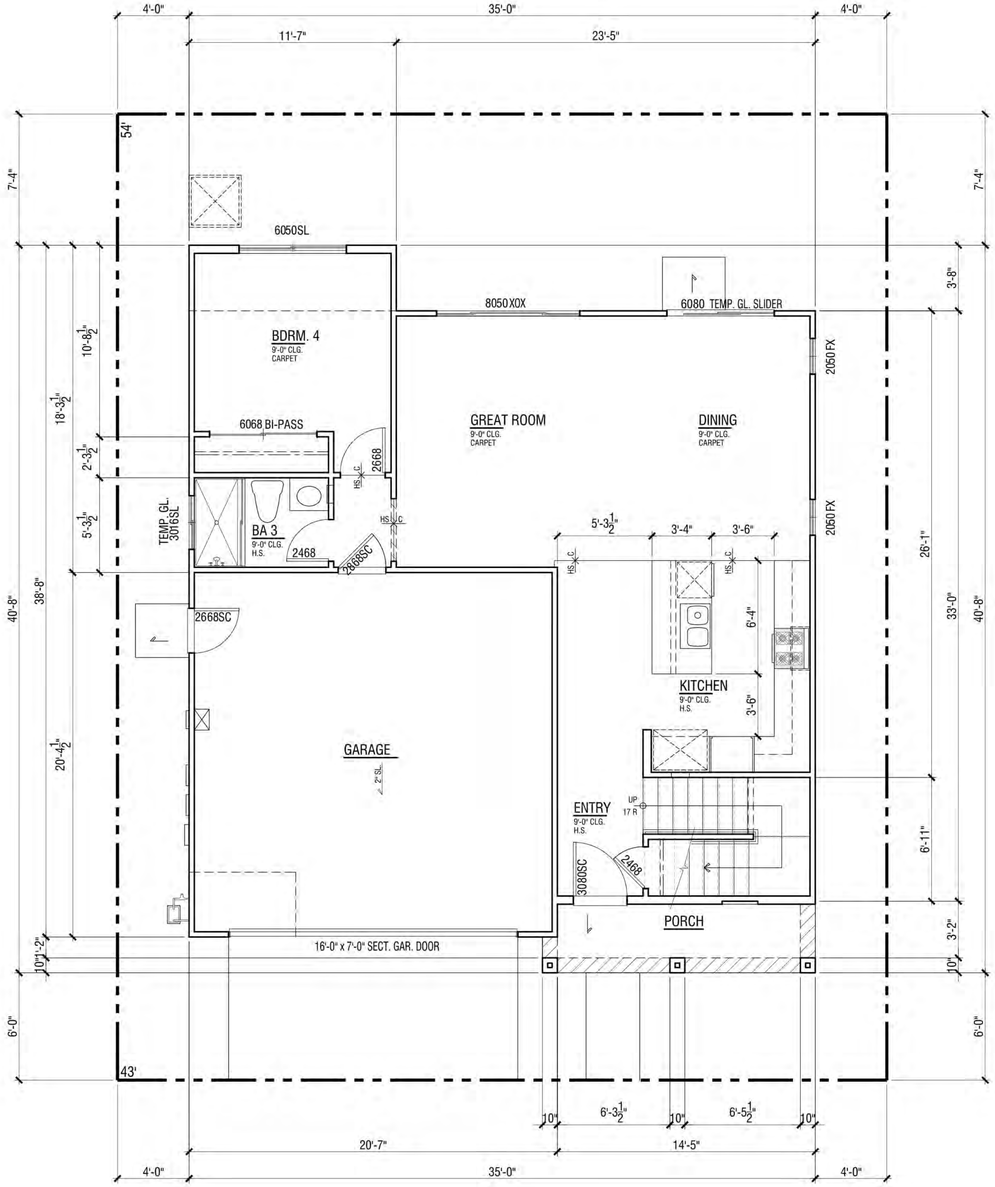
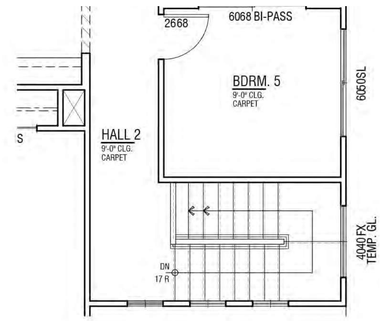


UPPER FLOOR PLAN



LOWER FLOOR PLAN



OPT. BEDROOM 5

FLOOR PLAN | PLAN 3A

FLOOR AREA TABLE	PLAN 3A
LOWER FLOOR PLAN	825 SQ. FT.
UPPER FLOOR PLAN	1109 SQ. FT.
TOTAL	1934 SQ. FT.
2-BAY GARAGE	414 SQ. FT.
COVERED ENTRY/PORCH	58 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

NEIGHBORHOOD D1 & D2

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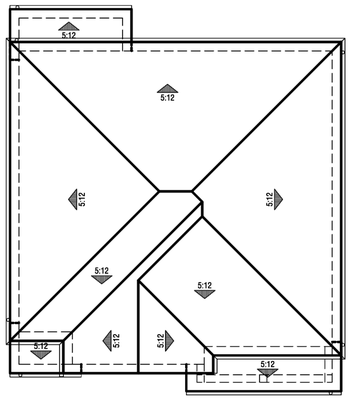
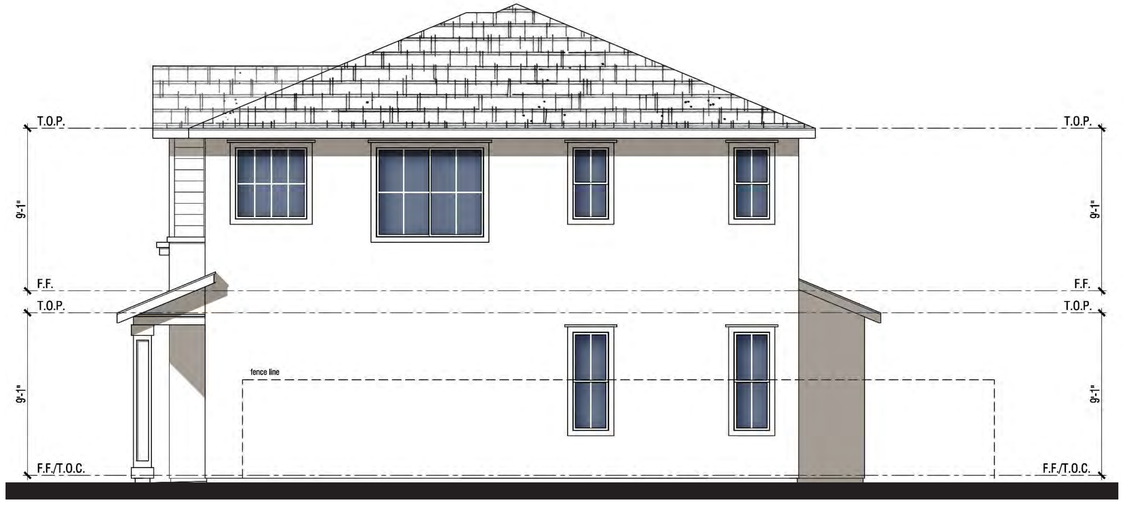
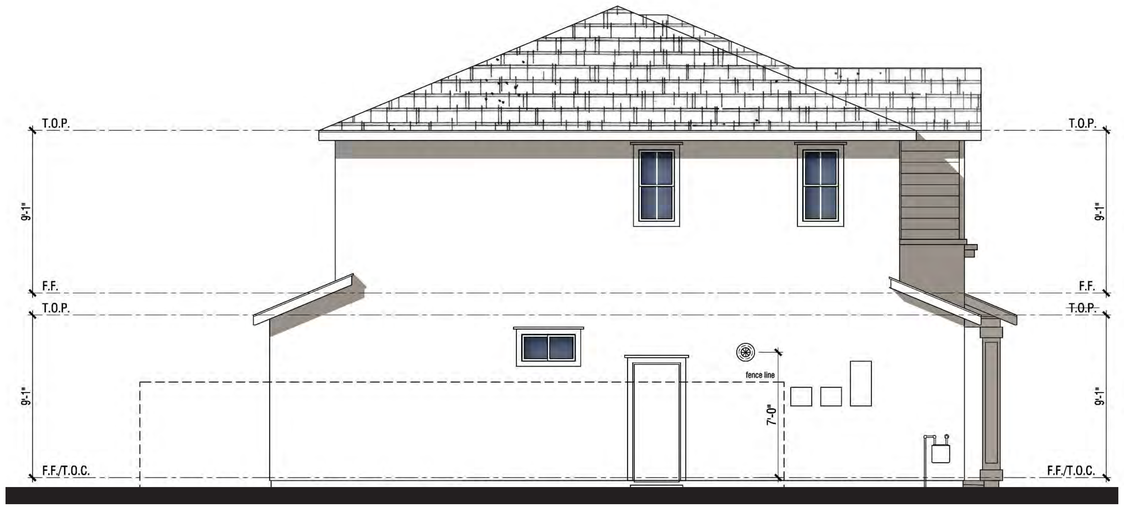


Roof Plan
@ 1' =8"



Right Elevation

Rear Elevation



Left Elevation

Note: Artist's Conception; Colors, Materials And Application May Vary.

Front Elevation

Scheme# 4

MATERIAL	STYLE ELEMENTS 'A' TRADITIONAL
Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Gable:	Horizontal Lap Siding
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Entry Door:	Decorative Front Entry Door
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

PLAN 3A | ELEVATION WRAPS & ROOF PLAN

NEIGHBORHOOD D1 & D2

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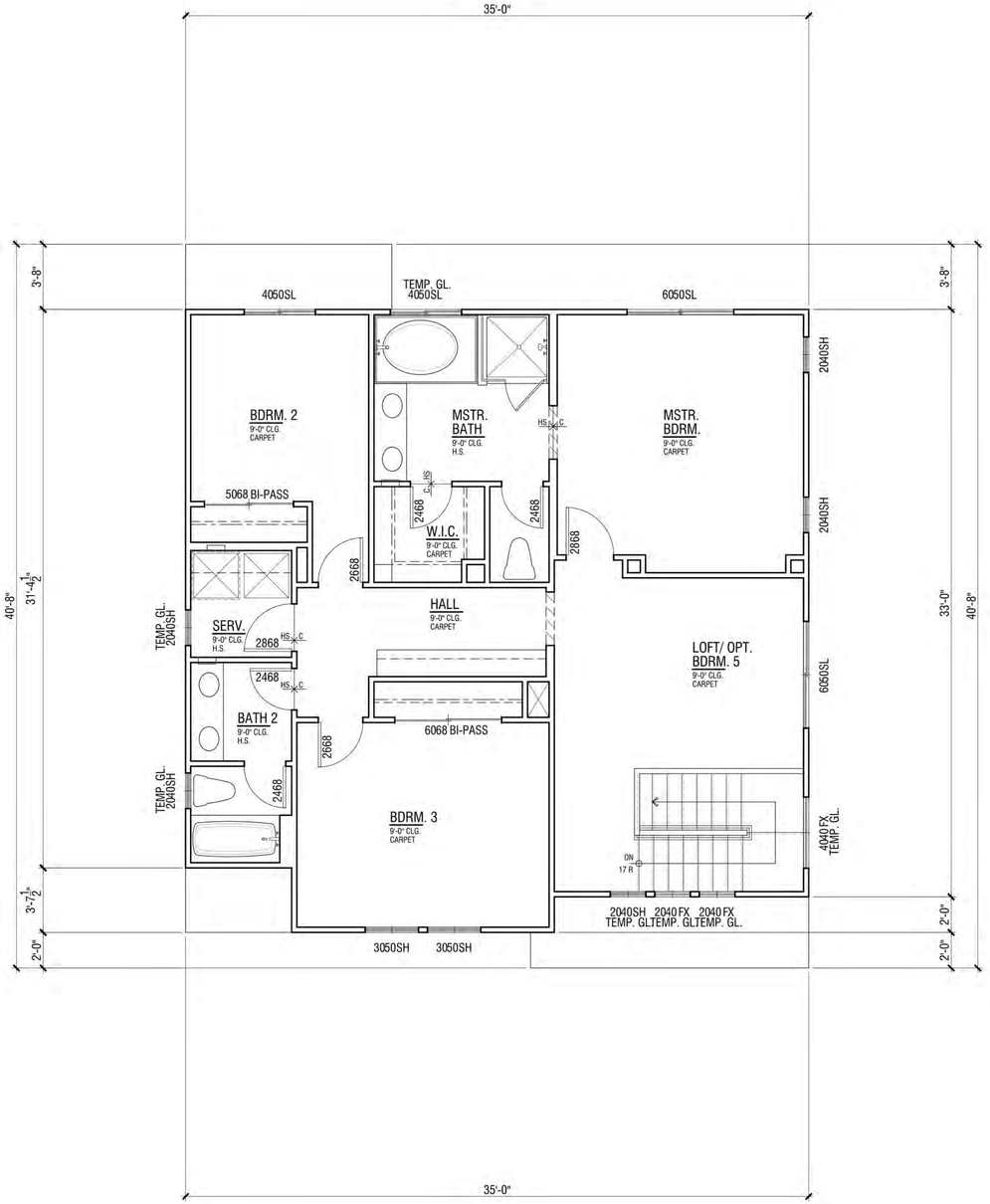
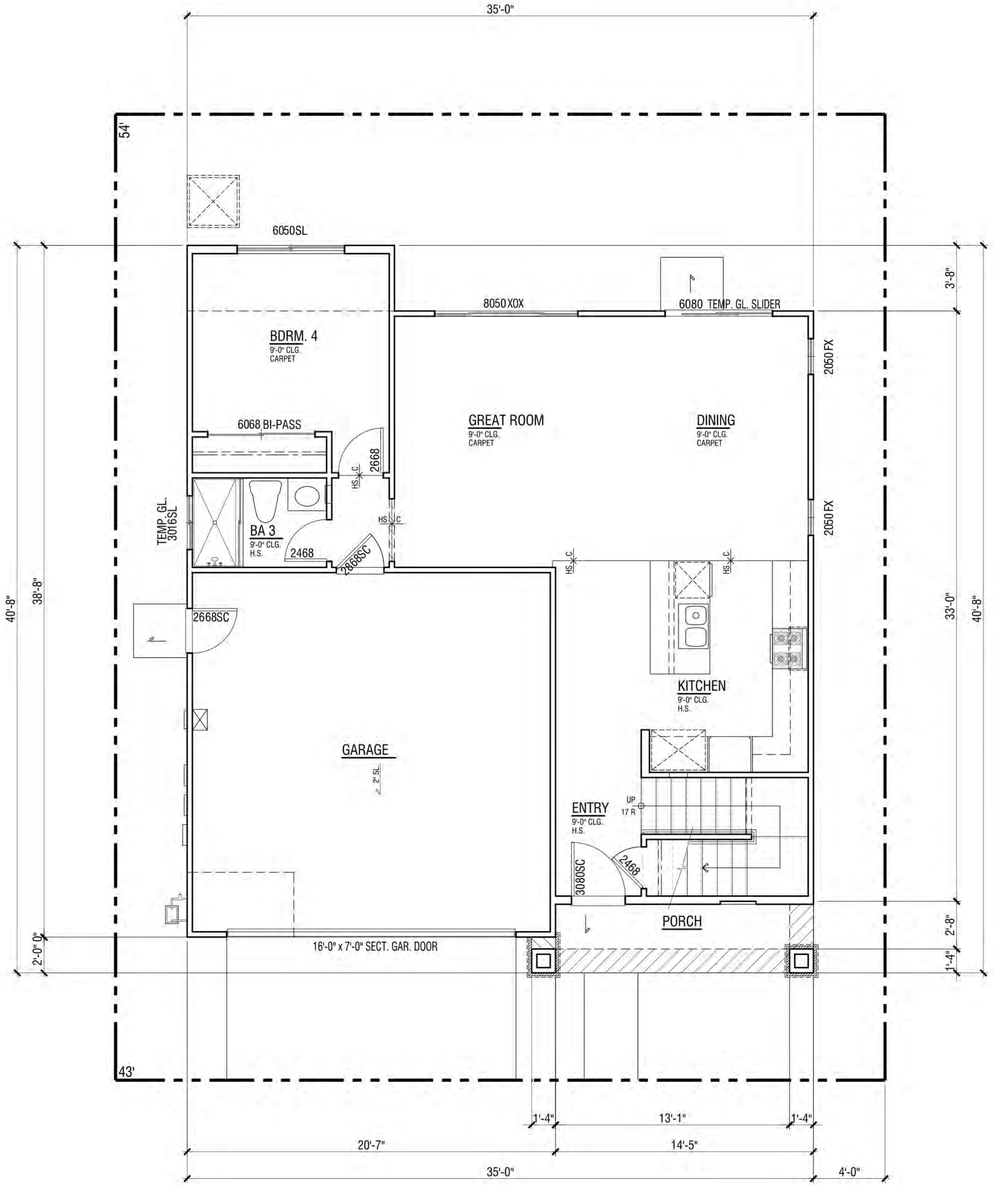


UPPER FLOOR PLAN



LOWER FLOOR PLAN

FLOOR PLAN | PLAN 3B

FLOOR AREA TABLE	PLAN 1B
LOWER FLOOR PLAN	825 SQ. FT.
UPPER FLOOR PLAN	1109 SQ. FT.
TOTAL	1934 SQ. FT.
2-BAY GARAGE	414 SQ. FT.
COVERED ENTRY/PORCH	58 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

NEIGHBORHOOD D1 & D2

ALVES RANCH

PITTSBURG, CA

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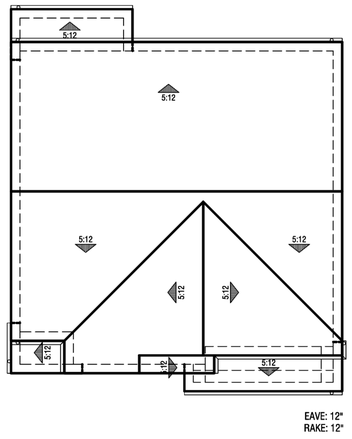
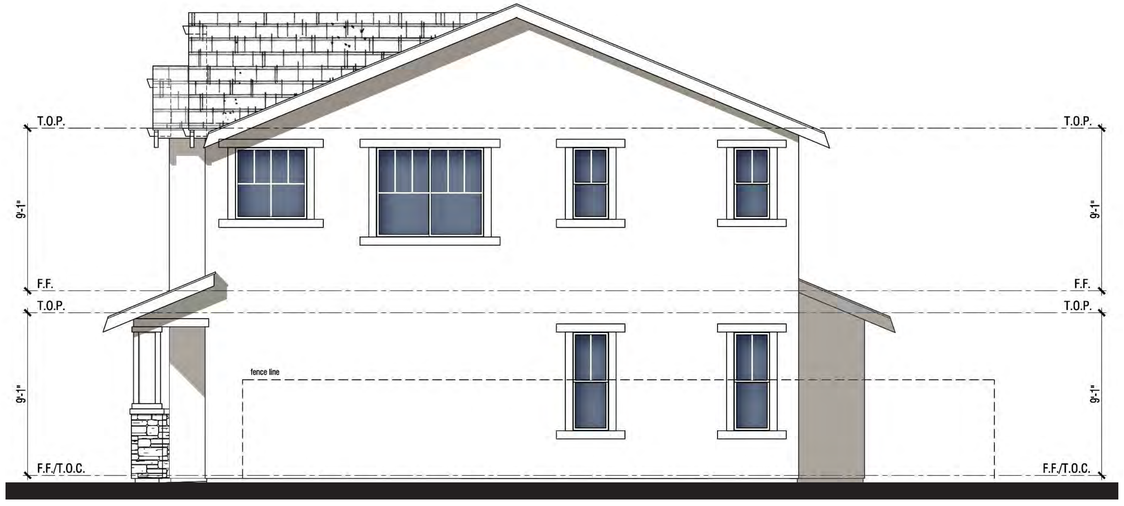


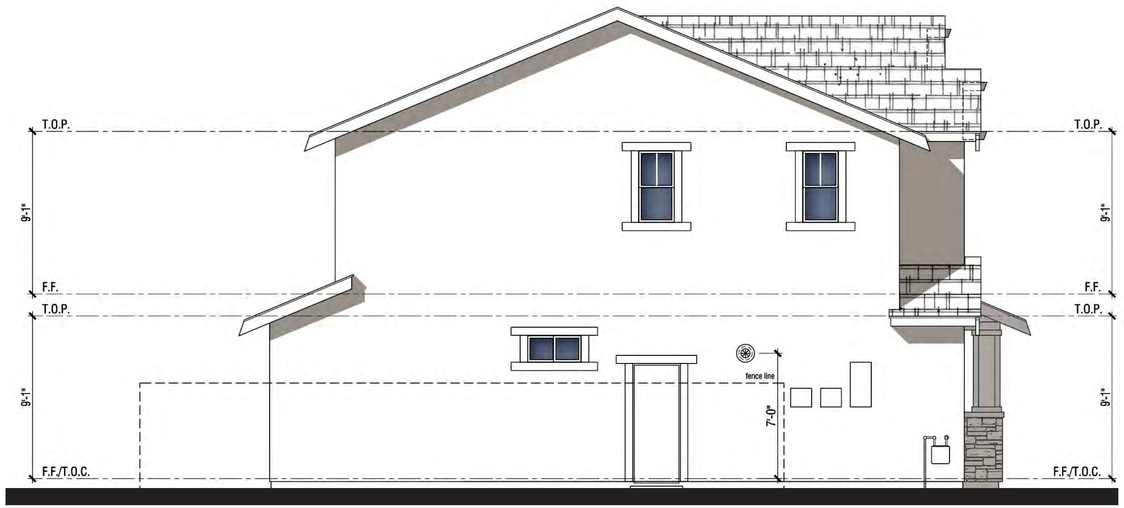
Roof Plan

@ 1' =8"



Right Elevation

Rear Elevation



Left Elevation

Note: Artist's Conception; Colors, Materials And Application May Vary.

Front Elevation

Scheme# 7

MATERIAL **STYLE ELEMENTS 'B' BUNGALOW**

Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Gable:	Wood Outlookers with Board and Batten
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Entry Door:	Decorative Front Entry Door
Stone:	Manufactured Stone Veneer
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

PLAN 3B | ELEVATION WRAPS & ROOF PLAN

NEIGHBORHOOD D1 & D2

ALVES RANCH

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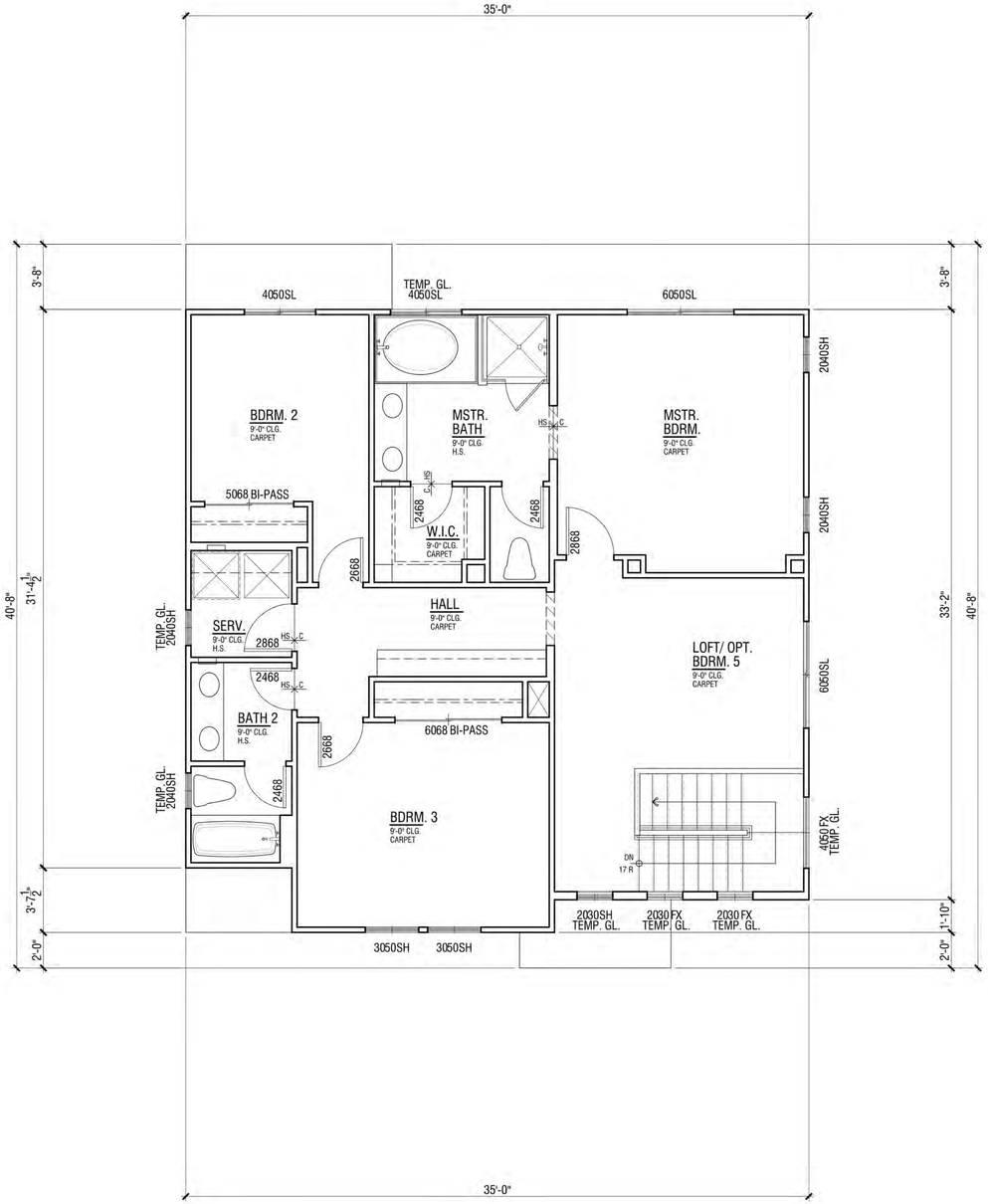
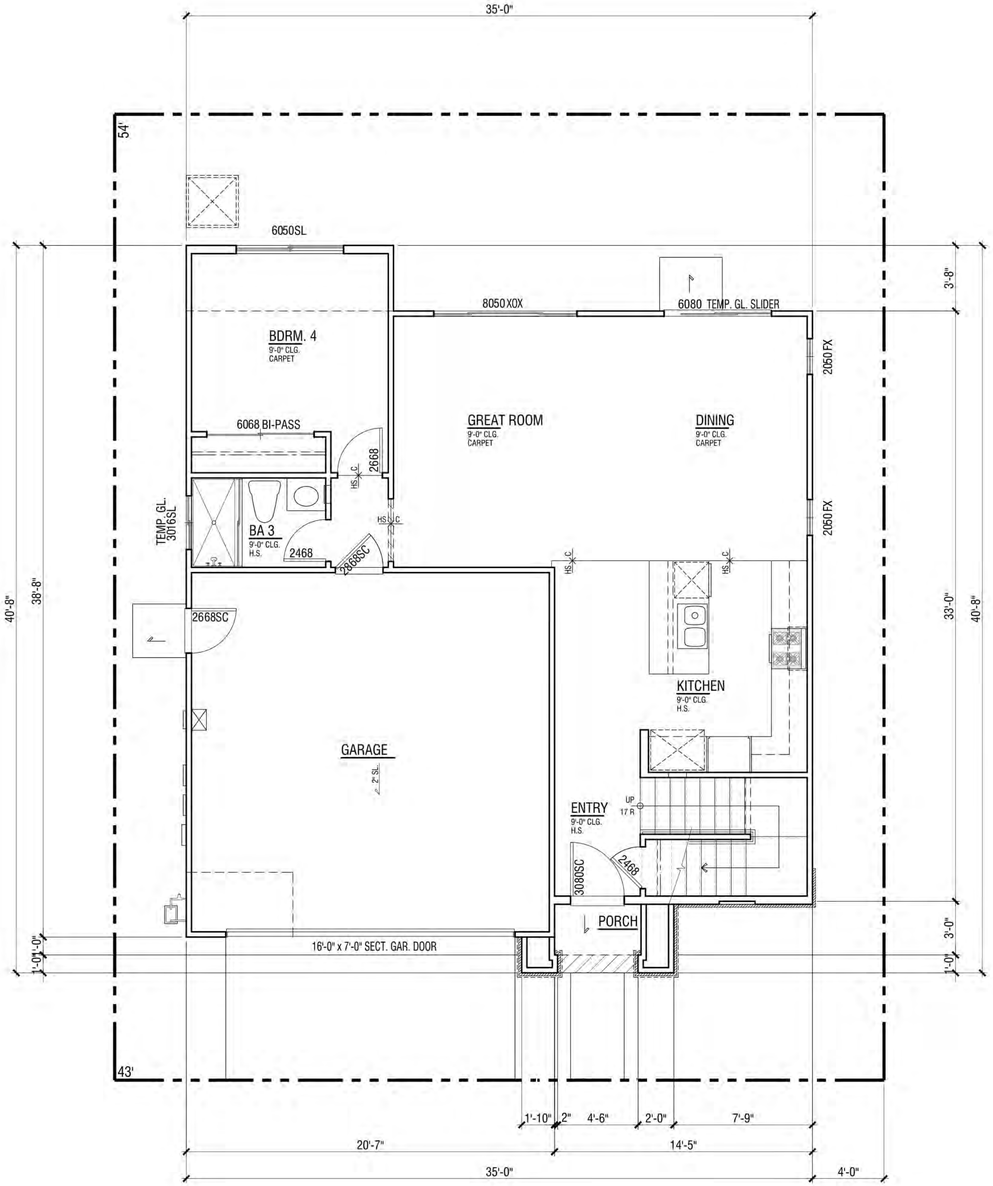


UPPER FLOOR PLAN



LOWER FLOOR PLAN

FLOOR PLAN | PLAN 3C

FLOOR AREA TABLE	PLAN 1C
LOWER FLOOR PLAN	825 SQ. FT.
UPPER FLOOR PLAN	1109 SQ. FT.
TOTAL	1934 SQ. FT.
2-BAY GARAGE	414 SQ. FT.
COVERED ENTRY/PORCH	22 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

NEIGHBORHOOD D1 & D2

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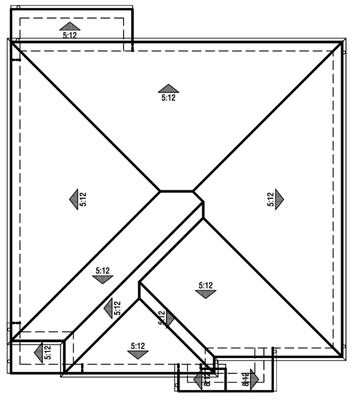
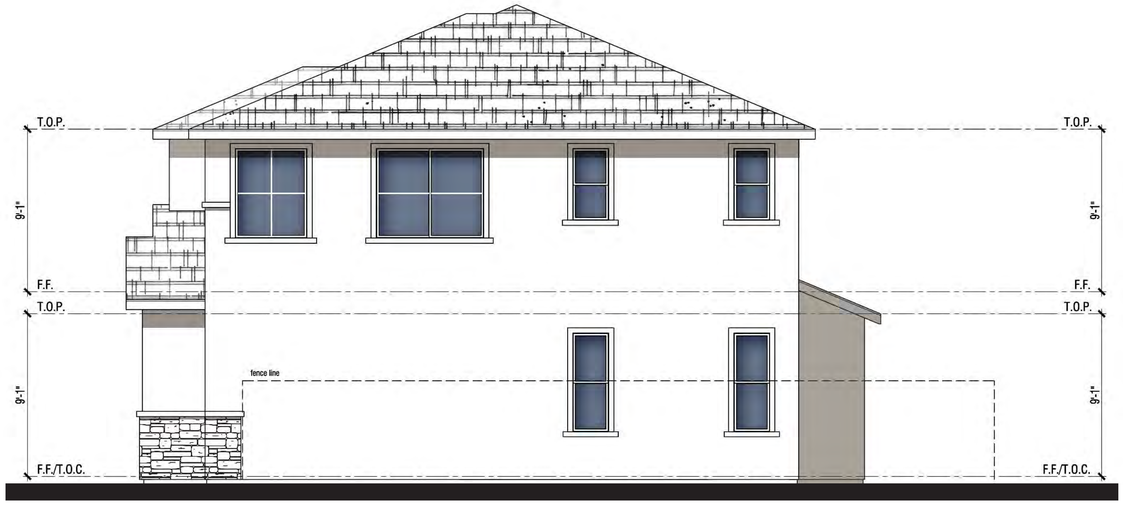


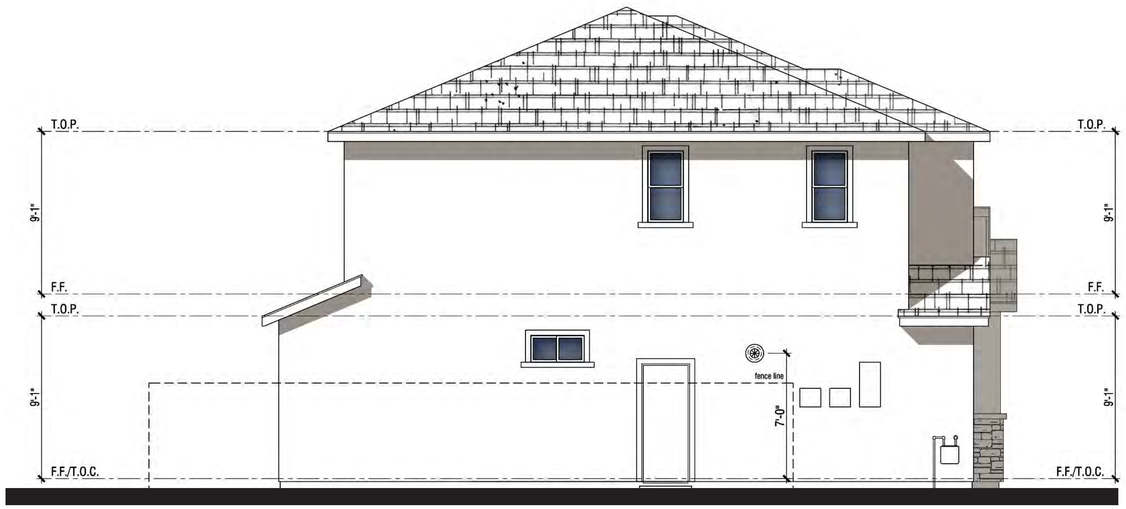
Roof Plan

@ 1' =8"



Right Elevation

Rear Elevation



Left Elevation

Note: Artist's Conception; Colors, Materials And Application May Vary.

Front Elevation

Scheme# 9

MATERIAL	STYLE ELEMENTS 'C' COTTAGE
Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Entry Door:	Decorative Front Entry Door
Veneer:	Manufactured Stone Veneer
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

PLAN 3C | ELEVATION WRAPS & ROOF PLAN

NEIGHBORHOOD D1 & D2

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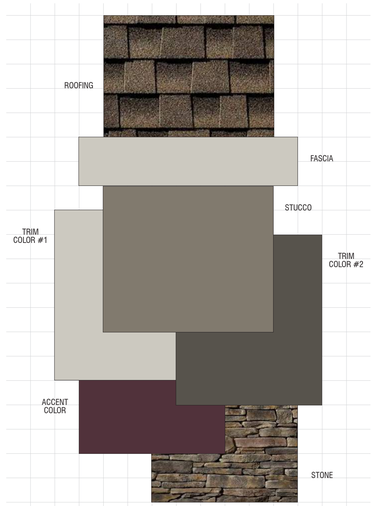

ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 1
'A' Elevations Only
Traditional

[1]ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

SCHEME 1 OF [1]2 — 'A' ELEVATIONS ONLY, TRADITIONAL

Material	Color	Manufacturer
Roofing: Composition Shingle	Barkwood Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
[1] **Manufactured Stone** *(dry stacked joints)*	Wolf Creek Southern Ledgestone	Cultured by Boral
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16|20 sand finish)*	SW 7046 Anonymous	Sherwin Williams
Trim Color #1 *(applied to):* Corbels, Eaves, Fascia, [1]Gable Detail @ Siding, Posts, Pot Shelf, Trim	SW 7015 Repose Gray	Sherwin Williams
Trim Color #2 *(applied to):* [1]Corner Boards, [1]Gable Detail @ Stucco, Garage Door, [1]Lap Siding	SW 7645 Thunder Gray	Sherwin Williams
Accent Color *(applied to):* Front Door	SW 2704 Merlot	Sherwin Williams
Weatherstrip @ Garage Door	Terra Bronze	Fehr Bros

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase.
Contact: Lily Martinez (925) 463-1700.

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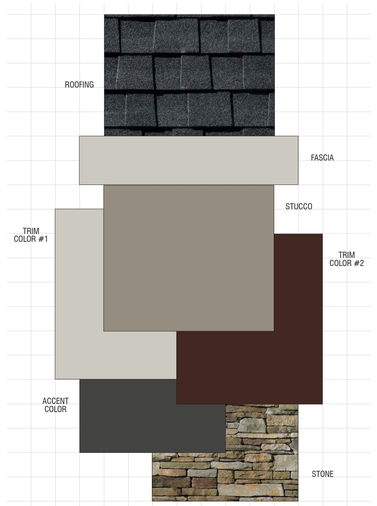
REVISIONS:

Number	Date	Description
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 1



ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 2
'A' Elevations Only
Traditional

[1]ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

SCHEME 2 OF [1]2 — 'A' ELEVATIONS ONLY, TRADITIONAL

Material	Color	Manufacturer
Roofing: Composition Shingle	Charcoal Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
[1] **Manufactured Stone** *(dry stacked joints)*	Bucks County Southern Ledgestone	Cultured by Boral
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16|20 sand finish)*	SW 9172 Studio Clay	Sherwin Williams
Trim Color #1 *(applied to):* Corbels, Eaves, Fascia, [1]Gable Detail @ Siding, Posts, Pot Shelf, Trim	SW 7015 Repose Gray	Sherwin Williams
Trim Color #2 *(applied to):* [1]Corner Boards, [1]Gable Detail @ Stucco, Garage Door, [1]Lap Siding	SW 2838 Polished Mahogany	Sherwin Williams
Accent Color *(applied to):* Front Door	SW 7069 Iron Ore	Sherwin Williams
Weatherstrip @ Garage Door	Brown	Fehr Bros

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase.
Contact: Lily Martinez (925) 463-1700.

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REVISIONS:

Number	Date	Description
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 2

ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 3
'A' Elevations Only
Traditional

[1]ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

SCHEME 3 OF [1]2 — 'A' ELEVATIONS ONLY, TRADITIONAL

Material	Color	Manufacturer
Roofing: Composition Shingle	Mission Brown Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
[1] **Manufactured Stone** *(dry stacked joints)*	Gray Southern Ledgestone	Cultured by Boral
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16|20 sand finish)*	SW 0077 Classic French Gray	Sherwin Williams
Trim Color #1 *(applied to):* Corbels, Eaves, Fascia, [1]Gable Detail @ Siding, Posts, Pot Shelf, Trim	SW 7015 Repose Gray	Sherwin Williams
Trim Color #2 *(applied to):* [1]Corner Boards, [1]Gable Detail @ Stucco, Garage Door, [1]Lap Siding	SW 2848 Roycroft Pewter	Sherwin Williams
Accent Color *(applied to):* Front Door	SW 2865 Classical Yellow	Sherwin Williams
Weatherstrip @ Garage Door	Gray	Fehr Bros

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REVISIONS:

Number	Date	Description
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 3

ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 4
'A' Elevations Only
Traditional

[1]ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

SCHEME 4 OF [1]2 — 'A' ELEVATIONS ONLY, TRADITIONAL

Material	Color	Manufacturer
Roofing: Composition Shingle	Charcoal Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
[1] **Manufactured Stone** *(dry stacked joints)*	Hudson Bay Southern Ledgestone	Cultured by Boral
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16|20 sand finish)*	SW 9172 Studio Clay	Sherwin Williams
Trim Color #1 *(applied to):* Corbels, Eaves, Fascia, [1]Gable Detail @ Siding, Posts, Pot Shelf, Trim	[1]SW 7015 Repose Gray	Sherwin Williams
Trim Color #2 *(applied to):* [1]Corner Boards, [1]Gable Detail @ Stucco, Garage Door, [1]Lap Siding	SW 7622 Homburg Gray	Sherwin Williams
Accent Color *(applied to):* Front Door	SW 6216 Jasper	Sherwin Williams
Weatherstrip @ Garage Door	[1]Bronze	Fehr Bros

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REVISIONS:

Number	Date	Description
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 4

COLOR & MATERIALS - 'A' TRADITIONAL

NEIGHBORHOOD D1 & D2

ALVES RANCH

PITTSBURG, CA

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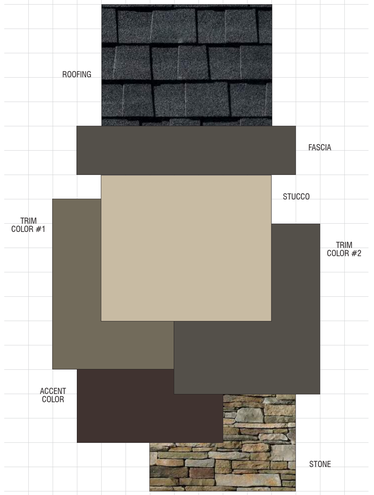

ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 5
'B' Elevations Only
Bungalow

1ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

'SCHEME 5 OF '12 — 'B' ELEVATIONS ONLY, BUNGALOW

Material	Color	Manufacturer
Roofing: Composition Shingle	Charcoal Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
Manufactured Stone *(standard raked joints)*	Bucks County Southern Ledgestone	Cultured by Boral
Mortar @ Stone	Khaki	Orco
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16/20 sand finish)*	SW 6149 Relaxed Khaki	Sherwin Williams
Trim Color #1 *(applied to):* Board & Battens @ Gables, Columns, 'Panel Detail, Trim	SW 6173 Cocoon	Sherwin Williams
Trim Color #2 *(applied to):* Eaves, Fascia, 'Garage Doors, Outlookers	SW 7048 Urbane Bronze	Sherwin Williams
Accent Color *(applied to):* Front Door	SW 6006 Black Bean	Sherwin Williams
Weatherstrip @ Garage Door	Terra Bronze	Fehr Bros

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase.
Contact: Lily Martinez (925) 463-1700.

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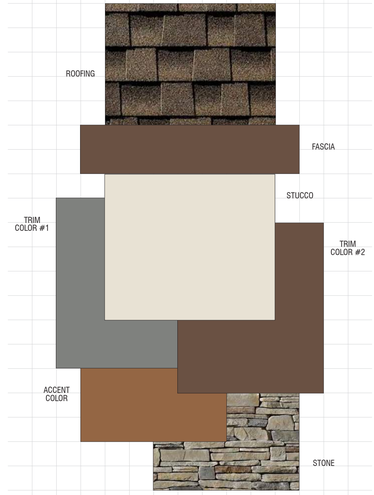
REVISIONS:

Number	Date	Description
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 5



ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 6
'B' Elevations Only
Bungalow

1ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

'SCHEME 6 OF '12 — 'B' ELEVATIONS ONLY, BUNGALOW

Material	Color	Manufacturer
Roofing: Composition Shingle	Barkwood Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
Manufactured Stone *(standard raked joints)*	Echo Ridge Southern Ledgestone	Cultured by Boral
Mortar @ Stone	Grey	Orco
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16/20 sand finish)*	SW 6154 Nacre	Sherwin Williams
Trim Color #1 *(applied to):* Board & Battens @ Gables, Columns, 'Panel Detail, Trim	SW 7067 Cityscape	Sherwin Williams
Trim Color #2 *(applied to):* Eaves, Fascia, 'Garage Doors, Outlookers	SW 7520 Plantation Shutters	Sherwin Williams
Accent Color *(applied to):* Front Door	SW 0045 Antiquarian Brown	Sherwin Williams
Weatherstrip @ Garage Door	'Gray	Fehr Bros

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase.
Contact: Lily Martinez (925) 463-1700.

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REVISIONS:

Number	Date	Description
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 6

ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 7
'B' Elevations Only
Bungalow

1ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

'SCHEME 7 OF '12 — 'B' ELEVATIONS ONLY, BUNGALOW

Material	Color	Manufacturer
Roofing: Composition Shingle	Weathered Wood Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
Manufactured Stone *(standard raked joints)*	Hudson Bay Southern Ledgestone	Cultured by Boral
Mortar @ Stone	Misty Cove	Orco
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16/20 sand finish)*	SW 2844 Roycroft Mist Gray	Sherwin Williams
Trim Color #1 *(applied to):* Board & Battens @ Gables, Columns, 'Panel Detail, Trim	SW 6103 Tea Chest	Sherwin Williams
Trim Color #2 *(applied to):* Eaves, Fascia, 'Garage Doors, Outlookers	SW 7645 Thunder Gray	Sherwin Williams
Accent Color *(applied to):* Front Door	SW 2810 Rookwood Sash Green	Sherwin Williams
Weatherstrip @ Garage Door	Golden Oak	Fehr Bros

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase.
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REVISIONS:

Number	Date	Description
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 7

ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 8
'B' Elevations Only
Bungalow

1ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

'SCHEME 8 OF '12 — 'B' ELEVATIONS ONLY, BUNGALOW

Material	Color	Manufacturer
Roofing: Composition Shingle	Charcoal Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
Manufactured Stone *(standard raked joints)*	Skyline Country Ledgestone	Cultured by Boral
Mortar @ Stone	Misty Cove	Orco
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16/20 sand finish)*	SW 7547 Sandbar	Sherwin Williams
Trim Color #1 *(applied to):* Board & Battens @ Gables, Columns, 'Panel Detail, Trim	SW 6159 High Tea	Sherwin Williams
Trim Color #2 *(applied to):* Eaves, Fascia, 'Garage Doors, Outlookers	SW 7645 Thunder Gray	Sherwin Williams
Accent Color *(applied to):* Front Door	'SW 7067 Cityscape	Sherwin Williams
Weatherstrip @ Garage Door	Bronze	Fehr Bros

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase.
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REVISIONS:

Number	Date	Description
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 8

COLOR & MATERIALS - 'B' BUNGALOW

NEIGHBORHOOD D1 & D2

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ALVES RANCH

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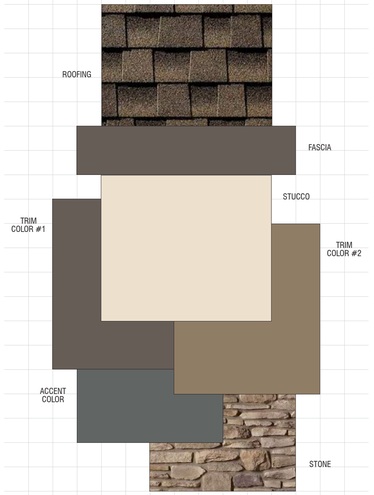

ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 9
'C' Elevations Only
Cottage

[1]ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

[1]SCHEME 9 OF [1]2 — 'C' ELEVATIONS ONLY, COTTAGE

Material	Color	Manufacturer
Roofing: Composition Shingle	Barkwood Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
Manufactured Stone *(standard raked joints)*	Palermo Del Mare Ledgestone	Cultured by Boral
Mortar @ Stone	Light Khaki	Orco
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16/20 sand finish)*	SW 7571 Casa Blanca	Sherwin Williams
Trim Color #1 *(applied to):* [1]Board & Batten Siding, Eaves, Fascia, [1]Gable Siding, [1]Garage Door @ SFD & Alley, [1]Louvered Vents, [1]Pot Shelves	SW 7505 Manor House	Sherwin Williams
Trim Color #2 *(applied to):* [1]Garage Doors @ Duets Trim	SW 7550 Resort Tan	Sherwin Williams
Accent Color *(applied to):* Front Door, [1]Shutters	SW 2848 Roycroft Pewter	Sherwin Williams
Weatherstrip @ Garage Door	[1]Match adjacent color	Fehr Bros

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Contact: Lily Martinez (925) 463-1700.

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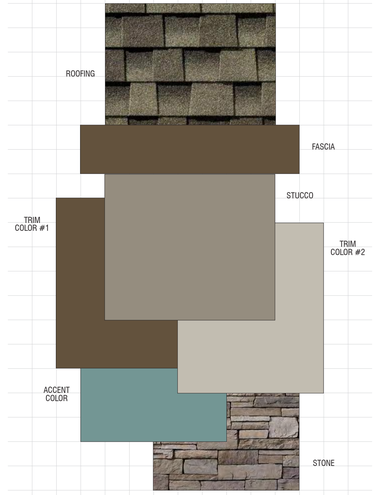
REVISIONS:

Number	Date	Description
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 9



ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 10
'C' Elevations Only
Cottage

[1]ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

[1]SCHEME 10 OF 12 — 'C' ELEVATIONS ONLY, COTTAGE

Material	Color	Manufacturer
Roofing: Composition Shingle	Weathered Wood Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
Manufactured Stone *(standard raked joints)*	Ashfall Country Ledgestone	Cultured by Boral
Mortar @ Stone	Khaki	Orco
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16/20 sand finish)*	SW 9172 Studio Clay	Sherwin Williams
Trim Color #1 *(applied to):* [1]Board & Batten Siding, Eaves, Fascia, [1]Gable Siding, [1]Garage Door @ SFD & Alley, [1]Louvered Vents, [1]Pot Shelves	SW 7545 Pier	Sherwin Williams
Trim Color #2 *(applied to):* [1]Garage Doors @ Duets Trim	SW 2844 Roycrott Mist Gray	Sherwin Williams
Accent Color *(applied to):* Front Door, [1]Shutters	SW 0020 Peacock Plume	Sherwin Williams
Weatherstrip @ Garage Door	[1]Match adjacent color	Fehr Bros

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase.
Contact: Lily Martinez (925) 463-1700.

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REVISIONS:

Number	Date	Description
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 10

ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 11
'C' Elevations Only
Cottage

[1]ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

[1]SCHEME 11 OF [1]12 — 'C' ELEVATIONS ONLY, COTTAGE

Material	Color	Manufacturer
Roofing: Composition Shingle	Charcoal Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
Manufactured Stone *(standard raked joints)*	Wolf Creek Dressed Fieldstone	Cultured by Boral
Mortar @ Stone	Khaki	Orco
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16/20 sand finish)*	SW 9131 Cornwall Slate	Sherwin Williams
Trim Color #1 *(applied to):* [1]Board & Batten Siding, Eaves, Fascia, [1]Gable Siding, [1]Garage Door @ SFD & Alley, [1]Louvered Vents, [1]Pot Shelves	SW 9182 Rojo Marron	Sherwin Williams
Trim Color #2 *(applied to):* [1]Garage Doors @ Duets Trim	SW 0049 Silver Gray	Sherwin Williams
Accent Color *(applied to):* Front Door, [1]Shutters	SW 2846 Roycroft Bronze Green	Sherwin Williams
Weatherstrip @ Garage Door	[1]Match adjacent color	Fehr Bros

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase.
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REVISIONS:

Number	Date	Description
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 11

ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 12
'C' Elevations Only
Cottage

[1]ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

[1]SCHEME 12 OF [1]12 — 'C' ELEVATIONS ONLY, COTTAGE

Material	Color	Manufacturer
Roofing: Composition Shingle	Charcoal Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
Manufactured Stone *(standard raked joints)*	Palisades Ancient Villa Fieldstone	Cultured by Boral
Mortar @ Stone	Misty Cove	Orco
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16/20 sand finish)*	SW 7516 Kestrel White	Sherwin Williams
Trim Color #1 *(applied to):* [1]Board & Batten Siding, Eaves, Fascia, [1]Gable Siding, [1]Garage Door @ SFD & Alley, [1]Louvered Vents, [1]Pot Shelves	SW 2848 Roycroft Pewter	Sherwin Williams
Trim Color #2 *(applied to):* [1]Garage Doors @ Duets Trim	SW 7642 Pavestone	Sherwin Williams
Accent Color *(applied to):* Front Door, [1]Shutters	SW 2837 Aurora Brown	Sherwin Williams
Weatherstrip @ Garage Door	[1]Match adjacent color	Fehr Bros

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REVISIONS:

Number	Date	Description
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 12

COLOR & MATERIALS - 'C' COTTAGE

NEIGHBORHOOD D1 & D2

ALVES RANCH

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A2.34

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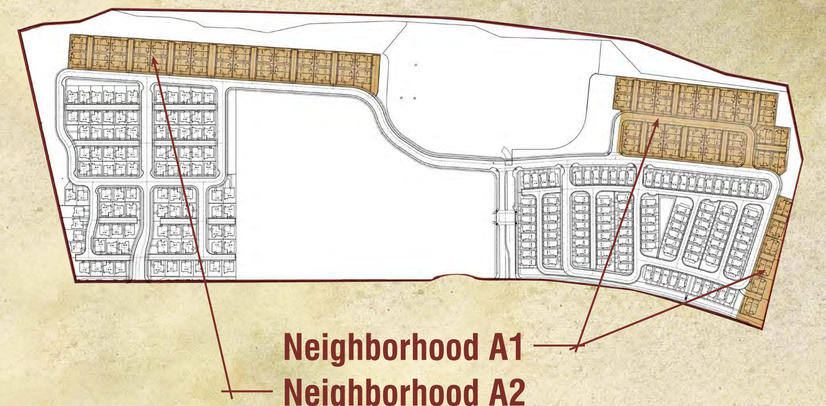


Neighborhood A1 & A2
Duets

A3.PP1 Plot Plan Neighborhood 1

A3.PP2 Plot Plan Neighborhood 2

A3.1 Street Scene

A3.2 Plan 1A / 2A - Floor Plan

A3.3 Plan 1A / 2A - Elevation Wraps

A3.4 Plan 1B / 2B - Floor Plan

A3.5 Plan 1B / 2B - Elevation Wraps

A3.6 Plan 1C / 2C - Floor Plan

A3.7 Plan 1C / 2C - Elevation Wraps

A3.8 Plans 1& 2 / A, B& C - Roof Plans

A3.9 Colo & Materials - 'A' Traditional

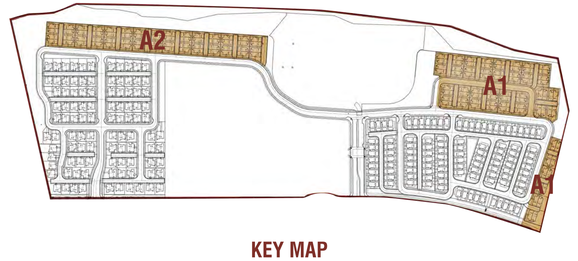
A3.10 Color & Materials - 'B' Bungalow

A3.11 Color & Materials - 'C' Cottage

PLAN 1	38 DU	50%
PLAN 2	38 DU	50%
TOTAL	76 DU	

Notes:

1. Site plan is for conceptual purposes only.
2. Site plan must be reviewed by planning, building, and fire departments for code compliance.
3. Base information per civil engineer.
4. Civil engineer to verify all setbacks and grading information
5. Building Footprints might change due to the final design elevation style.
6. Open space area is subject to change due to the balcony design of the elevation.
7. Building setbacks are measured from property lines to building foundation lines.



KEY MAP

CONCEPTUAL PLOT PLAN NEIGHBORHOOD 1

NEIGHBORHOOD A1 & A2

ALVES RANCH

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A3.PP1

0 25 50 100

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	PLAN 1	30 DU	50%
	PLAN 2	30 DU	50%
	TOTAL	60 DU	

Notes:

1. Site plan is for conceptual purposes only.
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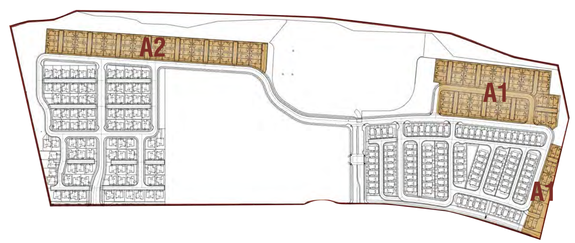
3. Base information per civil engineer.
4. Civil engineer to verify all setbacks and grading information
5. Building Footprints might change due to the final design elevation style.
6. Open space area is subject to change due to the balcony design of the elevation.
7. Building setbacks are measured from property lines to building foundation lines.



KEY MAP

CONCEPTUAL PLOT PLAN NEIGHBORHOOD 2

NEIGHBORHOOD A1 & A2

ALVES RANCH

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A3.PP2

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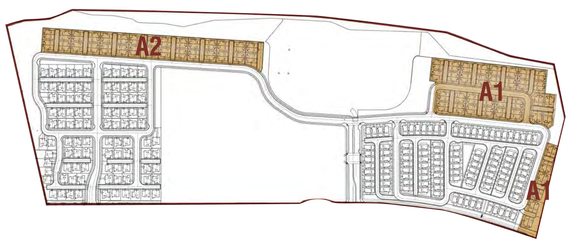
Note: Artist's Conception; Colors, Materials And Application May Vary.

PLAN 2AR - LEFT | PLAN 2AR | PLAN 1AR | PLAN 1B | PLAN 2B | PLAN 2B - RIGHT



KEY MAP

CONCEPTUAL STREETSCENE

NEIGHBORHOOD A1 & A2

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A3.1

0 2 4 8

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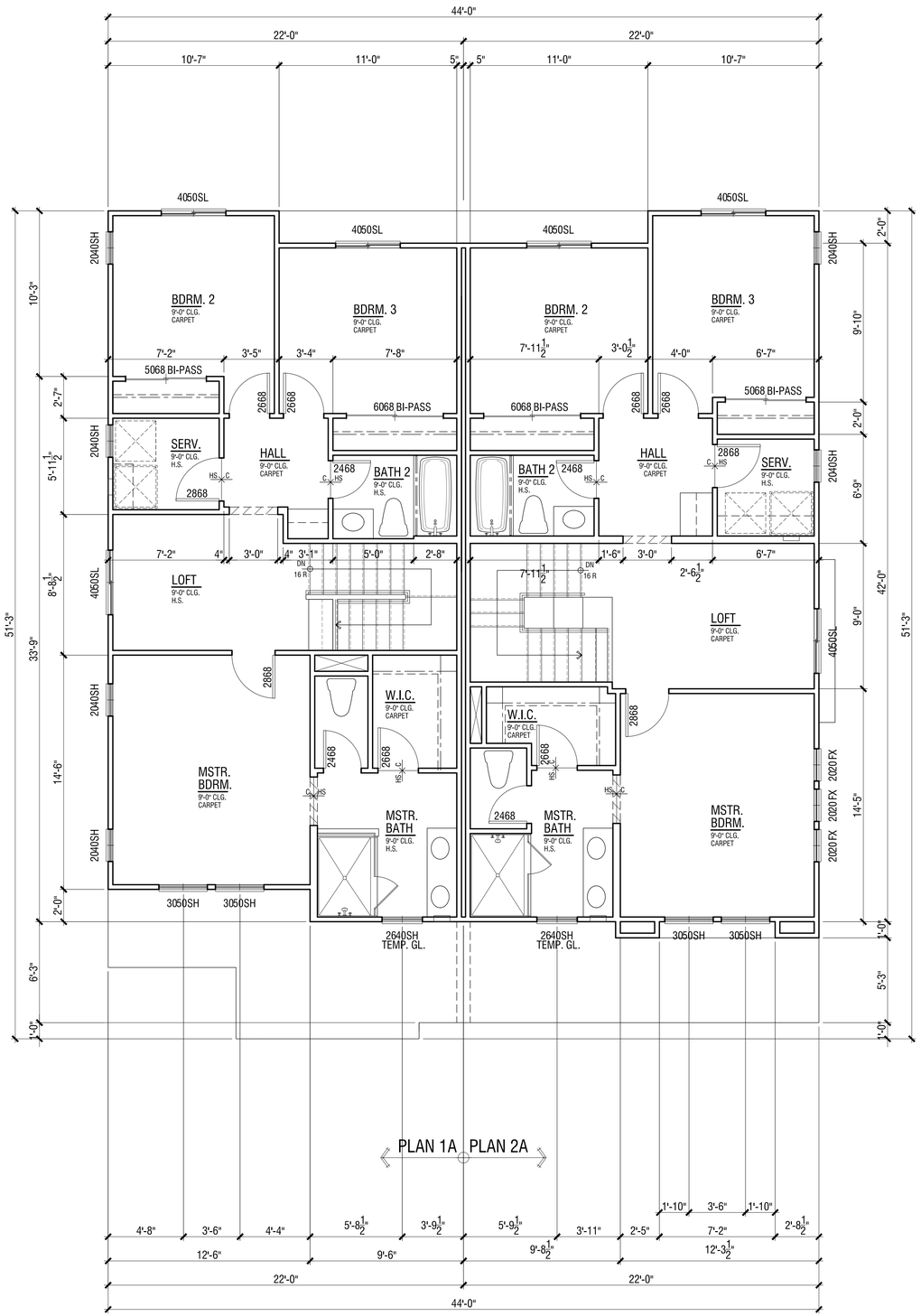
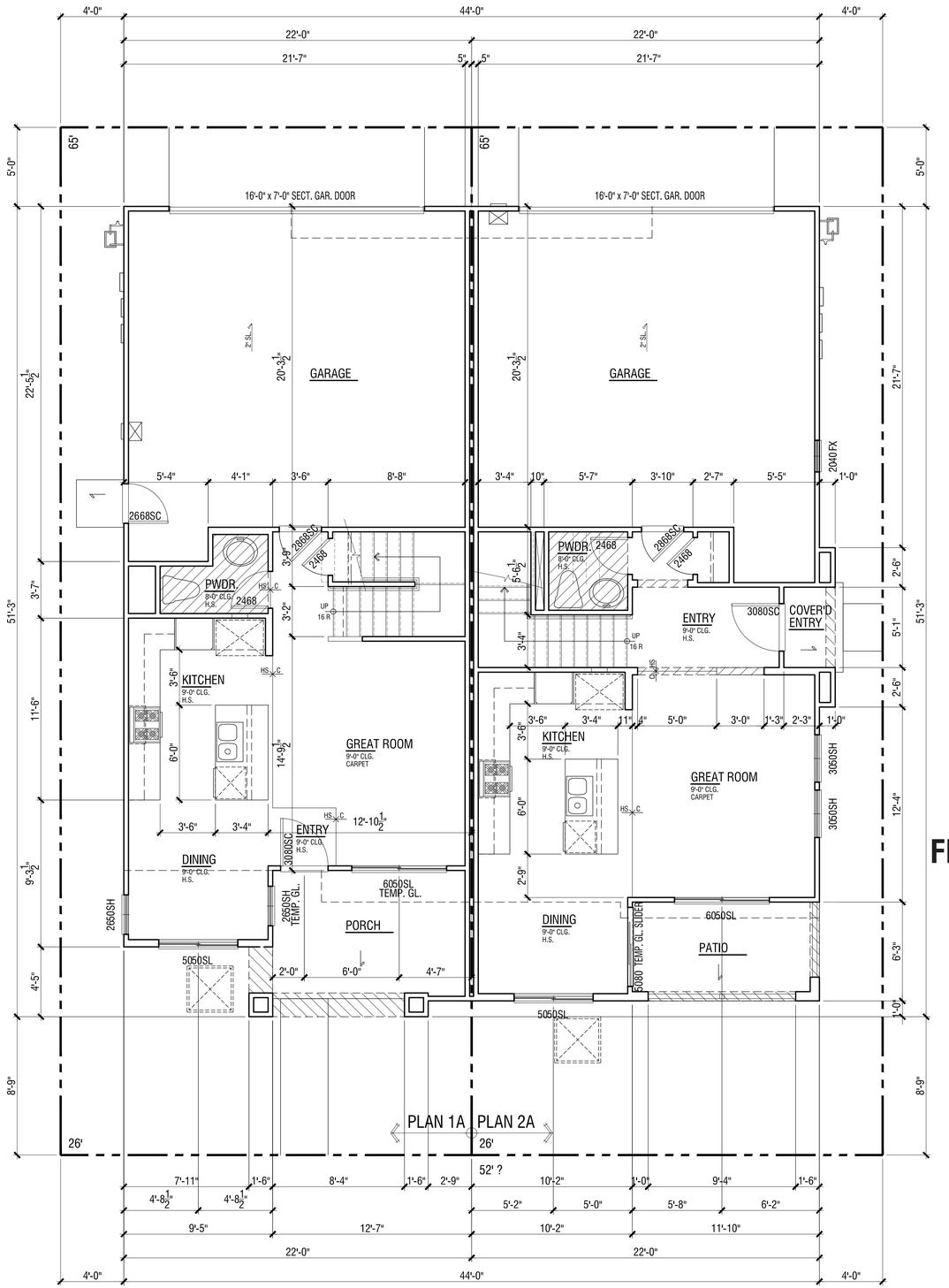


Second Floor



First Floor

NEIGHBORHOOD A1 & A2

FLOOR PLAN | PLAN 1A/2A

FLOOR AREA TABLE	PLAN 2A
LOWER FLOOR PLAN	554 SQ. FT.
UPPER FLOOR PLAN	883 SQ. FT.
TOTAL	1437 SQ. FT.
2-BAY GARAGE	466 SQ. FT.
COVERED ENTRY/PORCH	17 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

FLOOR AREA TABLE	PLAN 1A
LOWER FLOOR PLAN	512 SQ. FT.
UPPER FLOOR PLAN	863 SQ. FT.
TOTAL	1375 SQ. FT.
2-BAY GARAGE	458 SQ. FT.
COVERED ENTRY/PORCH	102 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

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A3.2

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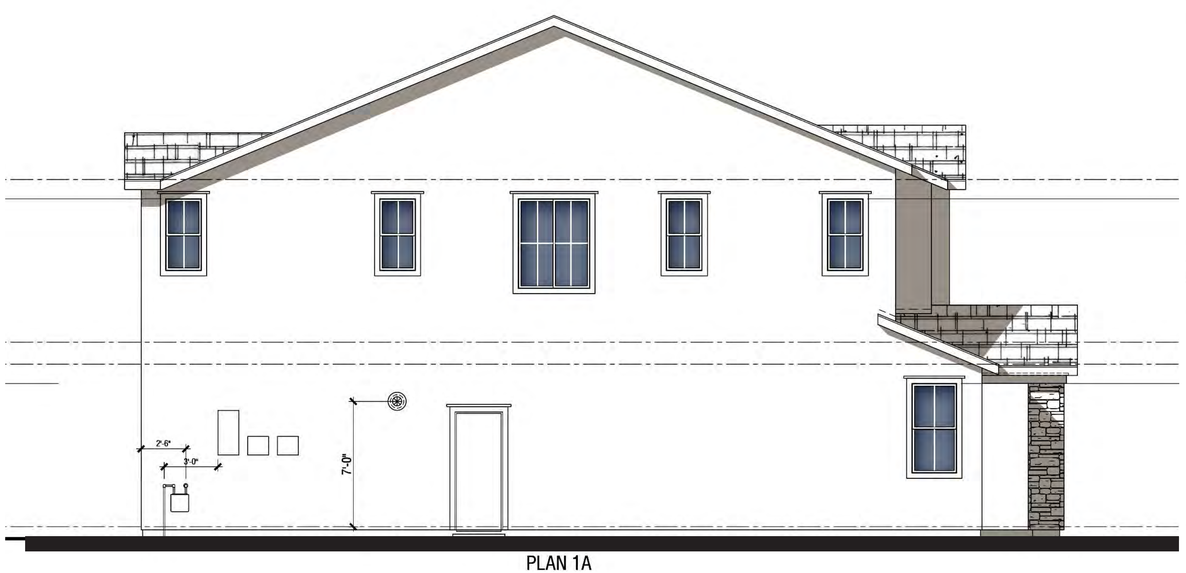
PLAN 2A

Right Elevation

PLAN 2A | PLAN 1A

Rear Elevation



PLAN 1A

Left Elevation

PLAN 1A | PLAN 2A

Front Elevation

MATERIAL	STYLE ELEMENTS 'A' TRADITIONAL
Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Gable:	Horizontal Lap Siding
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

Scheme# 2

PLAN 1A/PLAN 2A | ELEVATION WRAPS

NEIGHBORHOOD A1 & A2

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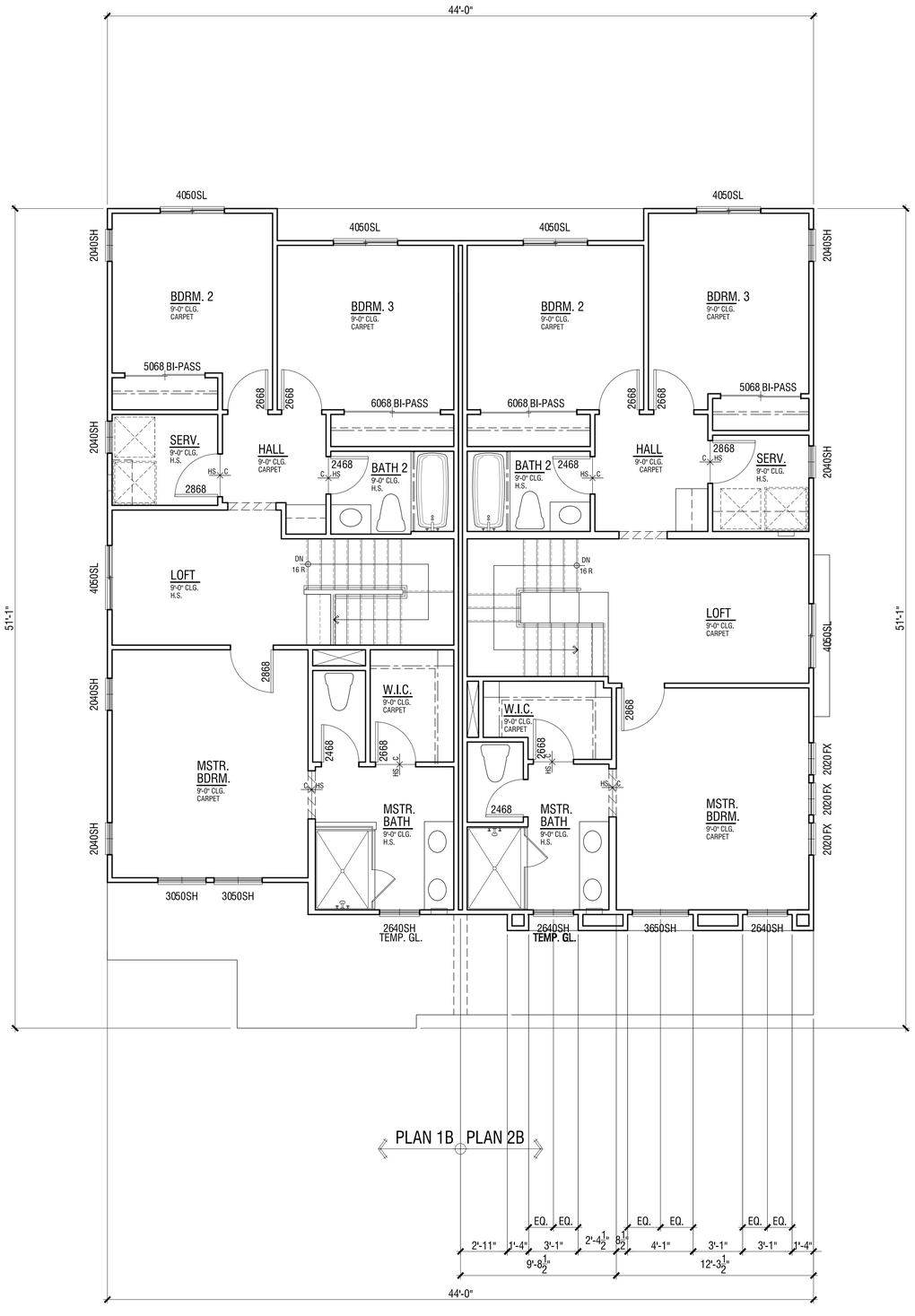
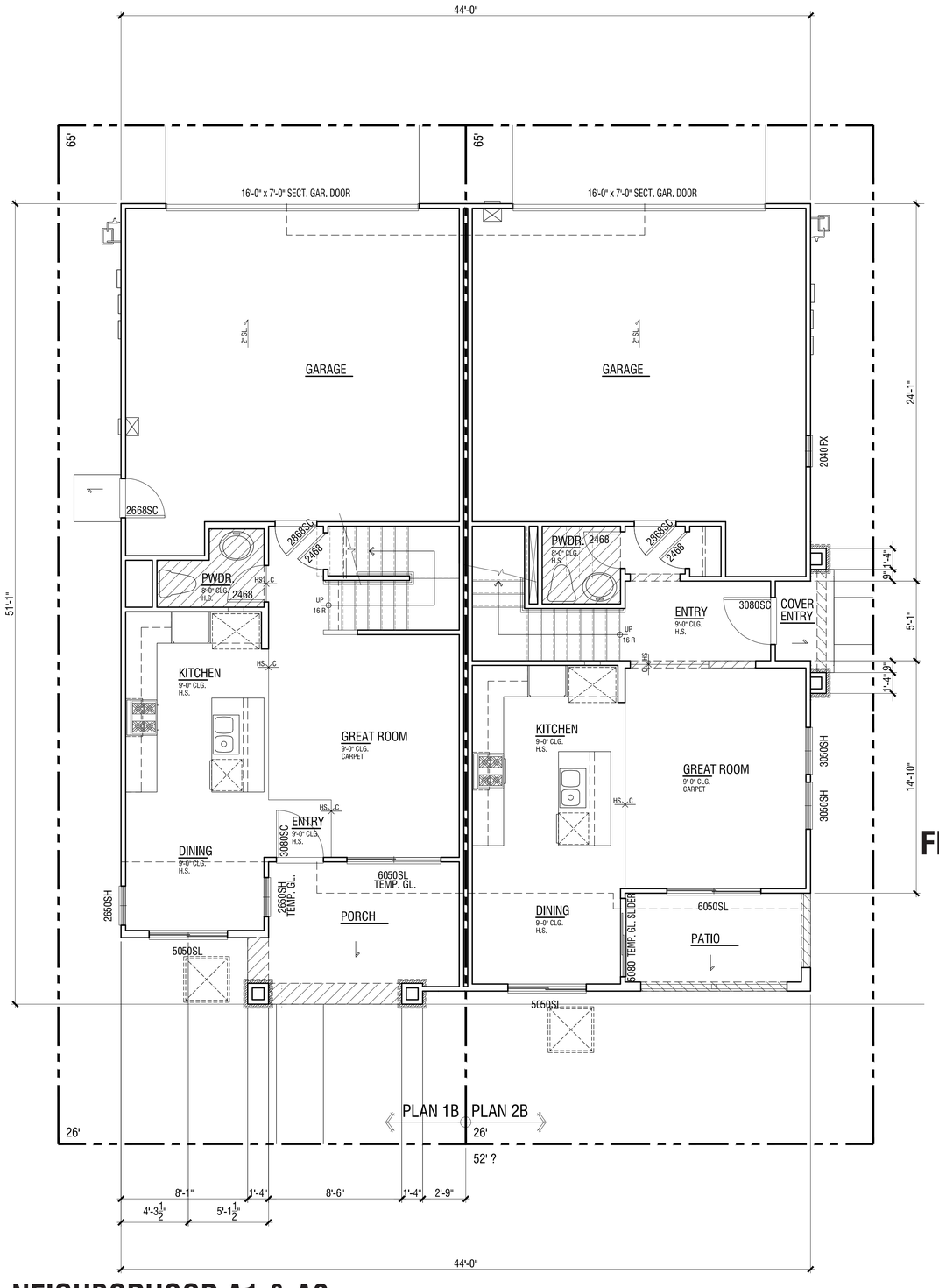


Second Floor



First Floor

NEIGHBORHOOD A1 & A2

FLOOR PLAN | PLAN 1B/2B

FLOOR AREA TABLE	PLAN 2B
LOWER FLOOR PLAN	554 SQ. FT.
UPPER FLOOR PLAN	883 SQ. FT.
TOTAL	1437 SQ. FT.
2-BAY GARAGE	466 SQ. FT.
COVERED ENTRY/PORCH	74 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

FLOOR AREA TABLE	PLAN 1B
LOWER FLOOR PLAN	512 SQ. FT.
UPPER FLOOR PLAN	863 SQ. FT.
TOTAL	1375 SQ. FT.
2-BAY GARAGE	458 SQ. FT.
COVERED ENTRY/PORCH	111 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

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ALVES RANCH

PITTSBURG, CA

A3.4

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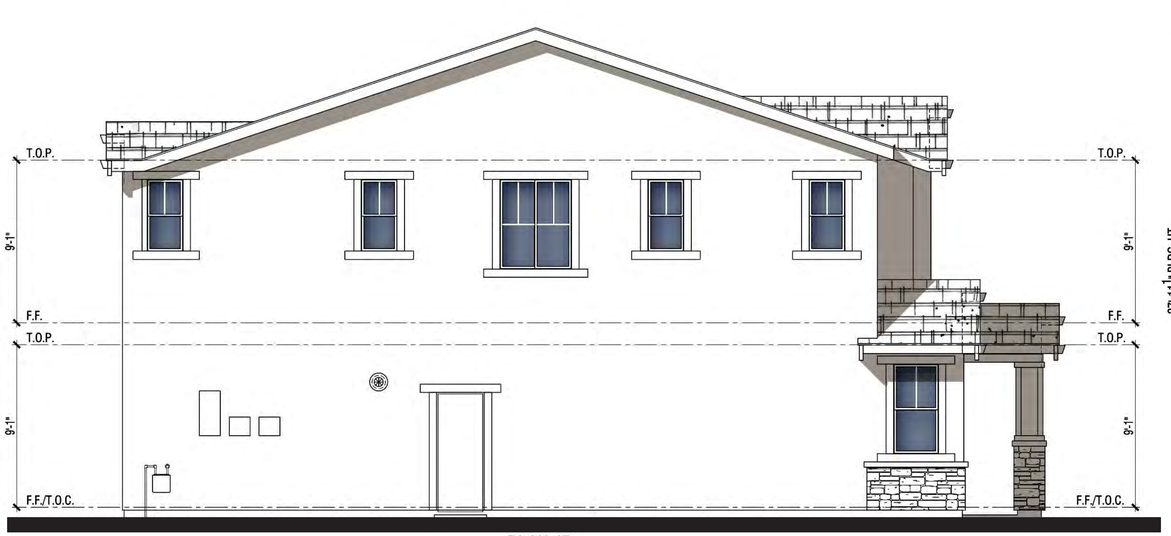
PLAN 2A

Right Elevation

PLAN 2B | PLAN 1B

Rear Elevation



PLAN 1B

Left Elevation

PLAN 1B | PLAN 2B

Front Elevation

Scheme# 7

MATERIAL	STYLE ELEMENTS 'B' BUNGALOW
Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Gable:	Wood Outlookers with Board and Batten
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Stone:	Manufactured Stone Veneer
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

PLAN 1B/PLAN 2B | ELEVATION WRAPS

NEIGHBORHOOD A1 & A2

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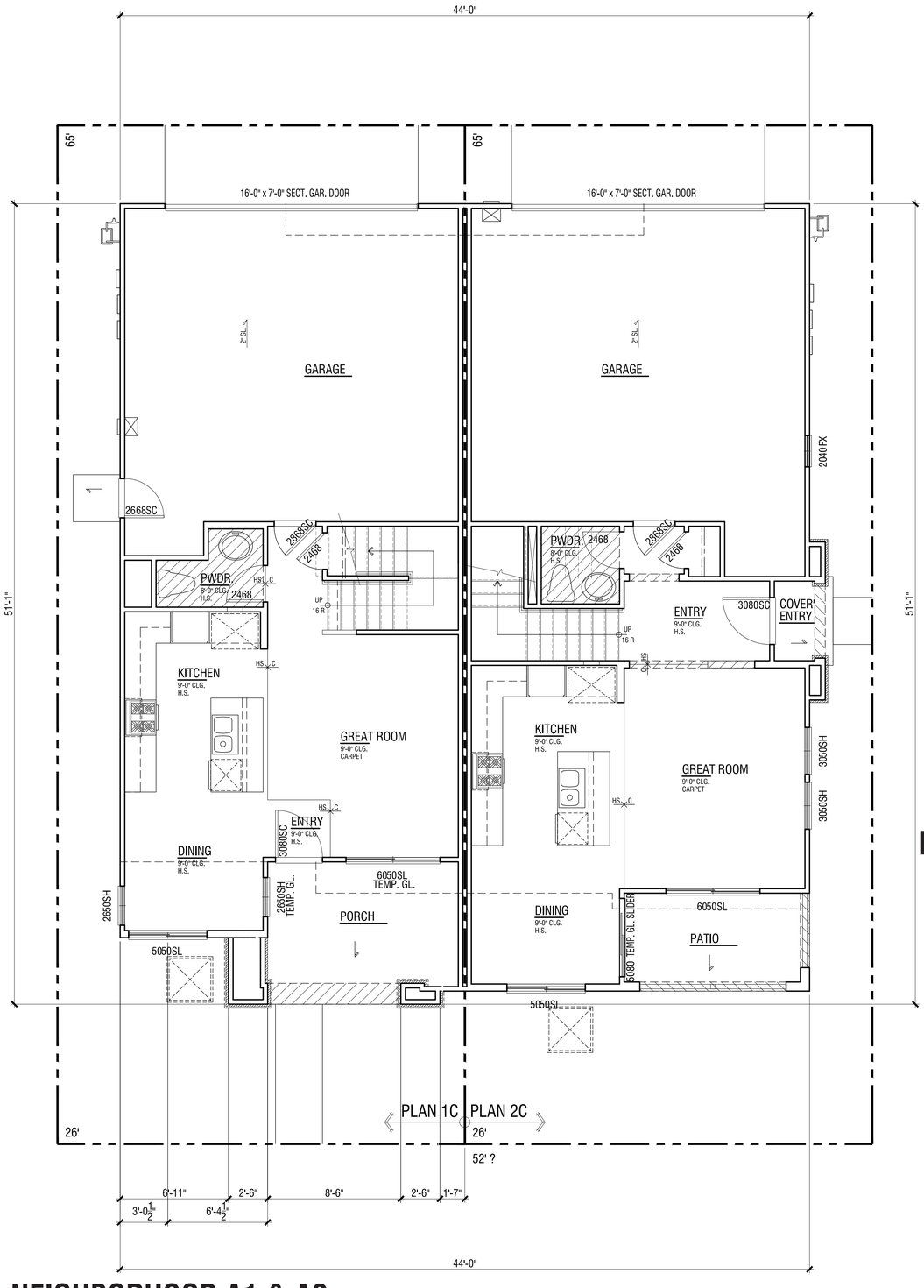
Second Floor



First Floor

FLOOR PLAN | PLAN 1C/2C

FLOOR AREA TABLE	PLAN 2C
LOWER FLOOR PLAN	554 SQ. FT.
UPPER FLOOR PLAN	883 SQ. FT.
TOTAL	1437 SQ. FT.
2-BAY GARAGE	466 SQ. FT.
COVERED ENTRY/PORCH	74 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

FLOOR AREA TABLE	PLAN 1C
LOWER FLOOR PLAN	512 SQ. FT.
UPPER FLOOR PLAN	863 SQ. FT.
TOTAL	1375 SQ. FT.
2-BAY GARAGE	458 SQ. FT.
COVERED ENTRY/PORCH	111 SQ. FT.

NOTE: SQUARE FOOTAGE MAY VARY DUE TO METHOD OF CALCULATION

NEIGHBORHOOD A1 & A2

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A3.6

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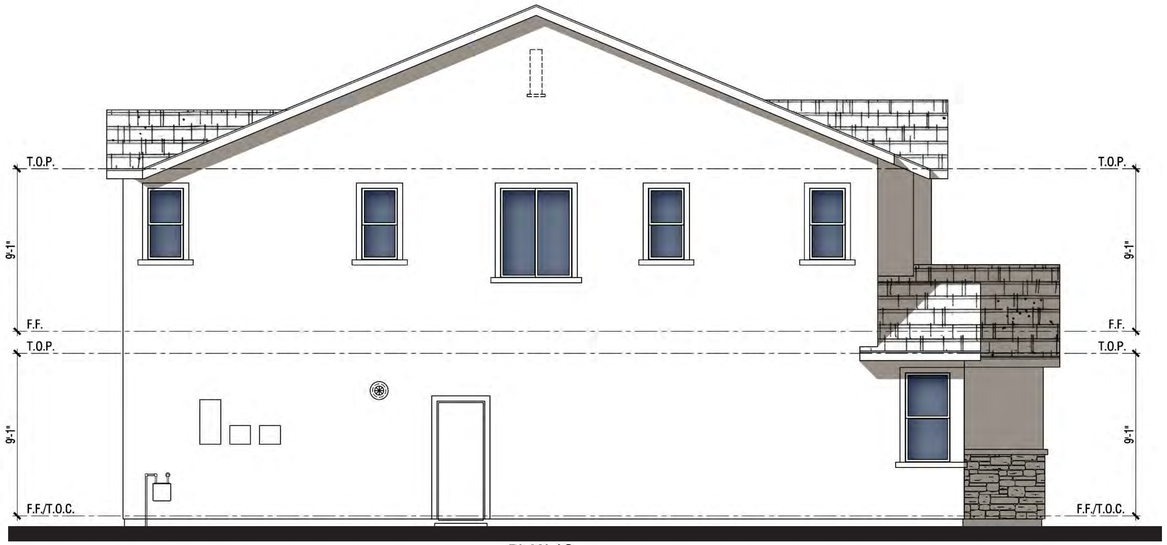
PLAN 2A

Right Elevation

PLAN 2C | PLAN 1C

Rear Elevation



PLAN 1C

Left Elevation

PLAN 1C | PLAN 2C

Front Elevation

MATERIAL	STYLE ELEMENTS 'C' COTTAGE
Roof:	Composition Shingle
Fascia:	2X6 Wood Typical
Exterior:	Stucco (16/20 Sand Finish)
Window & Door Trim:	Stucco over Foam Trim per Elevation Style
Veneer:	Manufactured Stone Veneer
Garage Door:	Decorative Metal Roll-Up Garage Door per Elevation Style

Scheme# 9

PLAN 1C/PLAN 2C | ELEVATION WRAPS

NEIGHBORHOOD A1 & A2

ALVES RANCH

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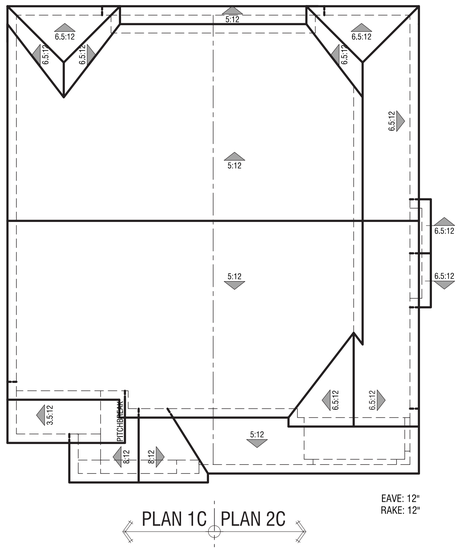
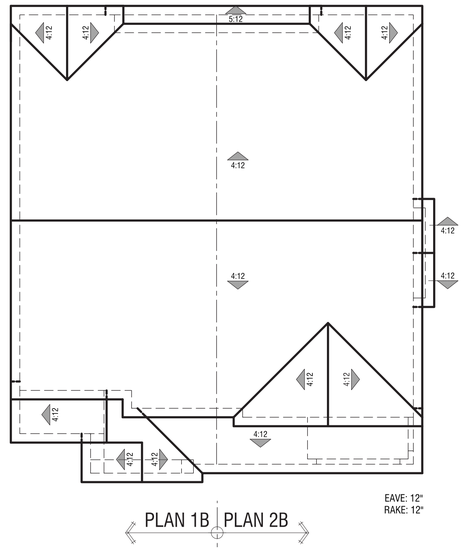
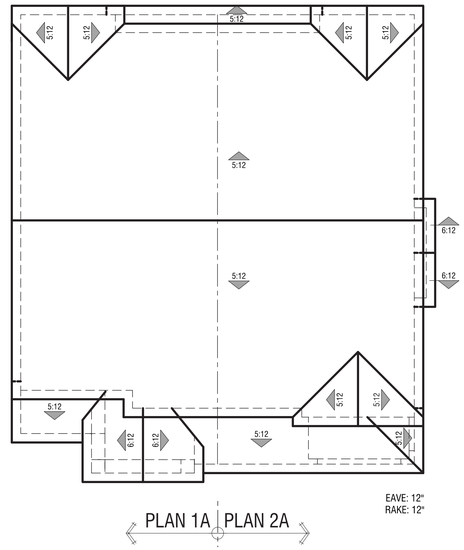


PLAN 1C | PLAN 2C



PLAN 1B | PLAN 2B



PLAN 1A | PLAN 2A

PLANS 1& 2 / A, B& C | ROOF PLANS

NEIGHBORHOOD A1 & A2

ALVES RANCH

PITTSBURG, CA

A3.8

0 2 4 8

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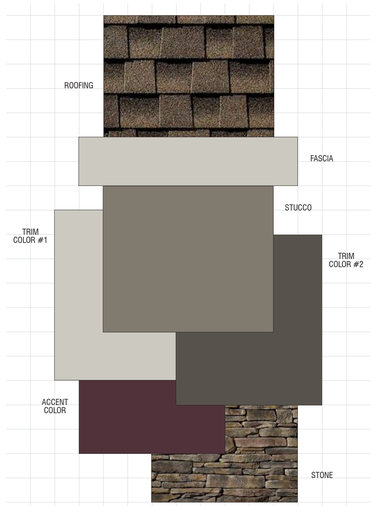

ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 1
'A' Elevations Only
Traditional

[1]ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

SCHEME 1 OF [1]2 — 'A' ELEVATIONS ONLY, TRADITIONAL

Material	Color	Manufacturer
Roofing: Composition Shingle	Barkwood Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
[1] **Manufactured Stone** *(dry stacked joints)*	Wolf Creek Southern Ledgestone	Cultured by Boral
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16|20 sand finish)*	SW 7046 Anonymous	Sherwin Williams
Trim Color #1 *(applied to):* Corbels, Eaves, Fascia, [1]Gable Detail @ Siding, Posts, Pot Shelf, Trim	SW 7015 Repose Gray	Sherwin Williams
Trim Color #2 *(applied to):* [1]Corner Boards, [1]Gable Detail @ Stucco, Garage Door, [1]Lap Siding	SW 7645 Thunder Gray	Sherwin Williams
Accent Color *(applied to):* Front Door	SW 2704 Merlot	Sherwin Williams
Weatherstrip @ Garage Door	Terra Bronze	Fehr Bros

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase.
Contact: Lily Martinez (925) 463-1700.

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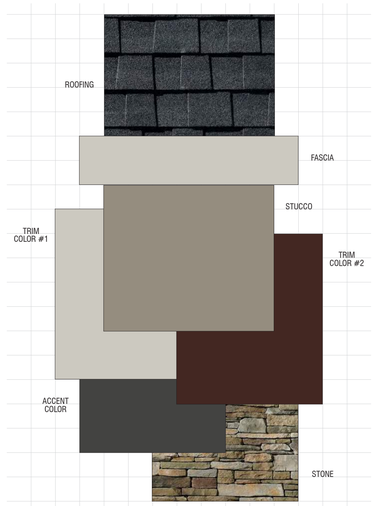
REVISIONS:

Number	Date	Description
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 1



ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 2
'A' Elevations Only
Traditional

[1]ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

SCHEME 2 OF [1]2 — 'A' ELEVATIONS ONLY, TRADITIONAL

Material	Color	Manufacturer
Roofing: Composition Shingle	Charcoal Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
[1] **Manufactured Stone** *(dry stacked joints)*	Bucks County Southern Ledgestone	Cultured by Boral
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16|20 sand finish)*	SW 9172 Studio Clay	Sherwin Williams
Trim Color #1 *(applied to):* Corbels, Eaves, Fascia, [1]Gable Detail @ Siding, Posts, Pot Shelf, Trim	SW 7015 Repose Gray	Sherwin Williams
Trim Color #2 *(applied to):* [1]Corner Boards, [1]Gable Detail @ Stucco, Garage Door, [1]Lap Siding	SW 2838 Polished Mahogany	Sherwin Williams
Accent Color *(applied to):* Front Door	SW 7069 Iron Ore	Sherwin Williams
Weatherstrip @ Garage Door	Brown	Fehr Bros

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase.
Contact: Lily Martinez (925) 463-1700.

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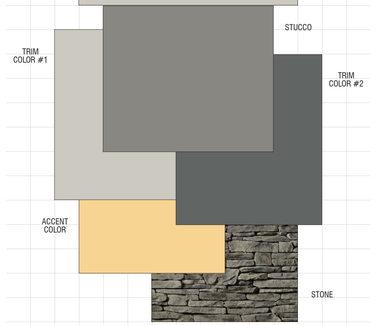
REVISIONS:

Number	Date	Description
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 2



ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 3
'A' Elevations Only
Traditional

[1]ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

SCHEME 3 OF [1]2 — 'A' ELEVATIONS ONLY, TRADITIONAL

Material	Color	Manufacturer
Roofing: Composition Shingle	Mission Brown Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
[1] **Manufactured Stone** *(dry stacked joints)*	Gray Southern Ledgestone	Cultured by Boral
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16|20 sand finish)*	SW 0077 Classic French Gray	Sherwin Williams
Trim Color #1 *(applied to):* Corbels, Eaves, Fascia, [1]Gable Detail @ Siding, Posts, Pot Shelf, Trim	SW 7015 Repose Gray	Sherwin Williams
Trim Color #2 *(applied to):* [1]Corner Boards, [1]Gable Detail @ Stucco, Garage Door, [1]Lap Siding	SW 2848 Roycroft Pewter	Sherwin Williams
Accent Color *(applied to):* Front Door	SW 2865 Classical Yellow	Sherwin Williams
Weatherstrip @ Garage Door	Gray	Fehr Bros

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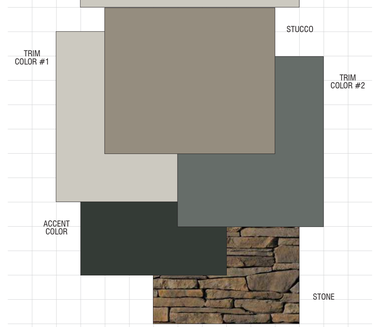
REVISIONS:

Number	Date	Description
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 3



ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 4
'A' Elevations Only
Traditional

[1]ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

SCHEME 4 OF [1]2 — 'A' ELEVATIONS ONLY, TRADITIONAL

Material	Color	Manufacturer
Roofing: Composition Shingle	Charcoal Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
[1] **Manufactured Stone** *(dry stacked joints)*	Hudson Bay Southern Ledgestone	Cultured by Boral
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16|20 sand finish)*	SW 9172 Studio Clay	Sherwin Williams
Trim Color #1 *(applied to):* Corbels, Eaves, Fascia, [1]Gable Detail @ Siding, Posts, Pot Shelf, Trim	[1]SW 7015 Repose Gray	Sherwin Williams
Trim Color #2 *(applied to):* [1]Corner Boards, [1]Gable Detail @ Stucco, Garage Door, [1]Lap Siding	SW 7622 Homburg Gray	Sherwin Williams
Accent Color *(applied to):* Front Door	SW 6216 Jasper	Sherwin Williams
Weatherstrip @ Garage Door	[1]Bronze	Fehr Bros

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REVISIONS:

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Scheme 4

COLOR & MATERIALS - 'A' TRADITIONAL

NEIGHBORHOOD A1 & A2

ALVES RANCH

PITTSBURG, CA

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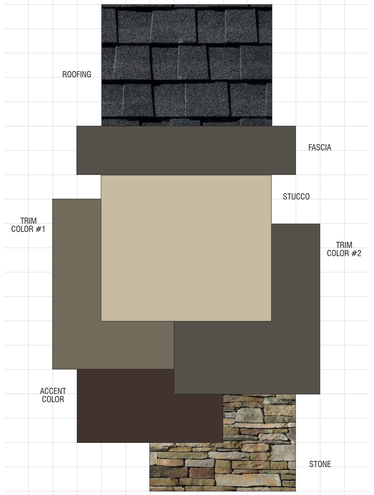

ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 5
'B' Elevations Only
Bungalow

1ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

'SCHEME 5 OF '12 — 'B' ELEVATIONS ONLY, BUNGALOW

Material	Color	Manufacturer
Roofing: Composition Shingle	Charcoal Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
Manufactured Stone *(standard raked joints)*	Bucks County Southern Ledgestone	Cultured by Boral
Mortar @ Stone	Khaki	Orco
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16/20 sand finish)*	SW 6149 Relaxed Khaki	Sherwin Williams
Trim Color #1 *(applied to):* Board & Battens @ Gables, Columns, 'Panel Detail, Trim	SW 6173 Cocoon	Sherwin Williams
Trim Color #2 *(applied to):* Eaves, Fascia, 'Garage Doors, Outlookers	SW 7048 Urbane Bronze	Sherwin Williams
Accent Color *(applied to):* Front Door	SW 6006 Black Bean	Sherwin Williams
Weatherstrip @ Garage Door	Terra Bronze	Fehr Bros

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REVISIONS:

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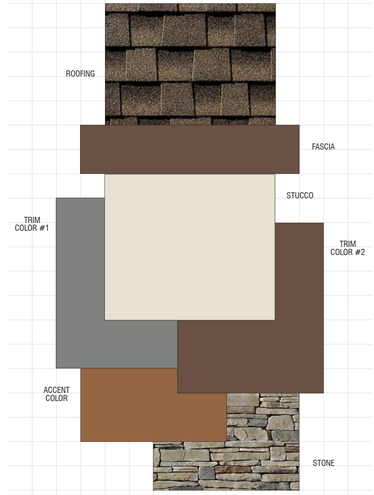
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 5



ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 6
'B' Elevations Only
Bungalow

1ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

'SCHEME 6 OF '12 — 'B' ELEVATIONS ONLY, BUNGALOW

Material	Color	Manufacturer
Roofing: Composition Shingle	Barkwood Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
Manufactured Stone *(standard raked joints)*	Echo Ridge Southern Ledgestone	Cultured by Boral
Mortar @ Stone	Grey	Orco
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16/20 sand finish)*	SW 6154 Nacre	Sherwin Williams
Trim Color #1 *(applied to):* Board & Battens @ Gables, Columns, 'Panel Detail, Trim	SW 7067 Cityscape	Sherwin Williams
Trim Color #2 *(applied to):* Eaves, Fascia, 'Garage Doors, Outlookers	SW 7520 Plantation Shutters	Sherwin Williams
Accent Color *(applied to):* Front Door	SW 0045 Antiquarian Brown	Sherwin Williams
Weatherstrip @ Garage Door	'Gray	Fehr Bros

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REVISIONS:

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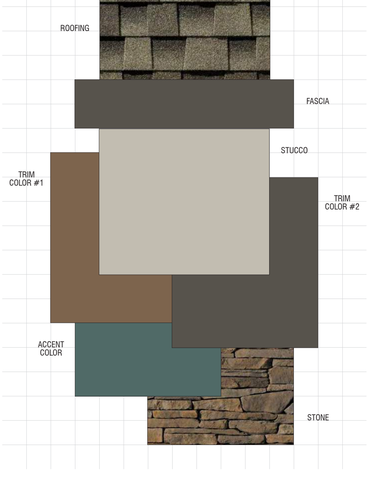
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 6



ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 7
'B' Elevations Only
Bungalow

1ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

'SCHEME 7 OF '12 — 'B' ELEVATIONS ONLY, BUNGALOW

Material	Color	Manufacturer
Roofing: Composition Shingle	Weathered Wood Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
Manufactured Stone *(standard raked joints)*	Hudson Bay Southern Ledgestone	Cultured by Boral
Mortar @ Stone	Misty Cove	Orco
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16/20 sand finish)*	SW 2844 Roycroft Mist Gray	Sherwin Williams
Trim Color #1 *(applied to):* Board & Battens @ Gables, Columns, 'Panel Detail, Trim	SW 6103 Tea Chest	Sherwin Williams
Trim Color #2 *(applied to):* Eaves, Fascia, 'Garage Doors, Outlookers	SW 7645 Thunder Gray	Sherwin Williams
Accent Color *(applied to):* Front Door	SW 2810 Rookwood Sash Green	Sherwin Williams
Weatherstrip @ Garage Door	Golden Oak	Fehr Bros

NOTE: Notify WHA if any variation occurs between these schemes and the construction documents prior to purchase.
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REVISIONS:

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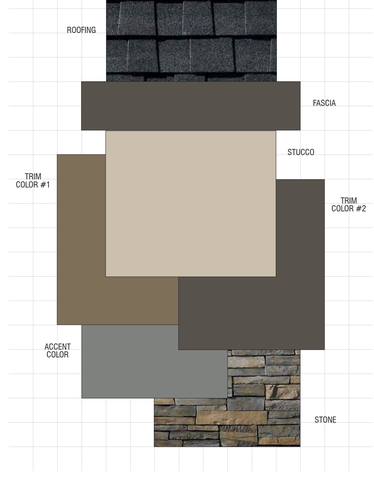
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 7



ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 8
'B' Elevations Only
Bungalow

1ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

'SCHEME 8 OF '12 — 'B' ELEVATIONS ONLY, BUNGALOW

Material	Color	Manufacturer
Roofing: Composition Shingle	Charcoal Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
Manufactured Stone *(standard raked joints)*	Skyline Country Ledgestone	Cultured by Boral
Mortar @ Stone	Misty Cove	Orco
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16/20 sand finish)*	SW 7547 Sandbar	Sherwin Williams
Trim Color #1 *(applied to):* Board & Battens @ Gables, Columns, 'Panel Detail, Trim	SW 6159 High Tea	Sherwin Williams
Trim Color #2 *(applied to):* Eaves, Fascia, 'Garage Doors, Outlookers	SW 7645 Thunder Gray	Sherwin Williams
Accent Color *(applied to):* Front Door	'SW 7067 Cityscape	Sherwin Williams
Weatherstrip @ Garage Door	Bronze	Fehr Bros

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REVISIONS:

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Scheme 8

COLOR & MATERIALS - 'B' BUNGALOW

NEIGHBORHOOD A1 & A2

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ALVES RANCH

PITTSBURG, CA

A3.10

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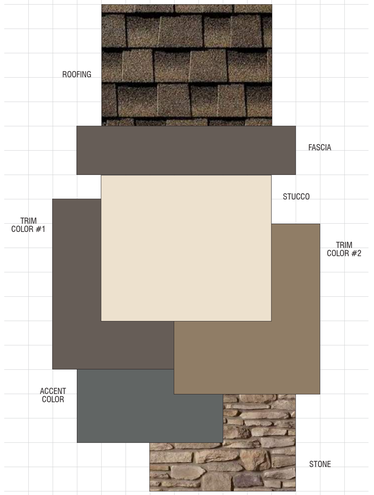

ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 9
'C' Elevations Only
Cottage

[1]ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

[1]SCHEME 9 OF [1]2 — 'C' ELEVATIONS ONLY, COTTAGE

Material	Color	Manufacturer
Roofing: Composition Shingle	Barkwood Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
Manufactured Stone *(standard raked joints)*	Palermo Del Mare Ledgestone	Cultured by Boral
Mortar @ Stone	Light Khaki	Orco
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16/20 sand finish)*	SW 7571 Casa Blanca	Sherwin Williams
Trim Color #1 *(applied to):* [1]Board & Batten Siding, Eaves, Fascia, [1]Gable Siding, [1]Garage Door @ SFD & Alley, [1]Louvered Vents, [1]Pot Shelves	SW 7505 Manor House	Sherwin Williams
Trim Color #2 *(applied to):* [1]Garage Doors @ Duets Trim	SW 7550 Resort Tan	Sherwin Williams
Accent Color *(applied to):* Front Door, [1]Shutters	SW 2848 Roycroft Pewter	Sherwin Williams
Weatherstrip @ Garage Door	[1]Match adjacent color	Fehr Bros

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REVISIONS:

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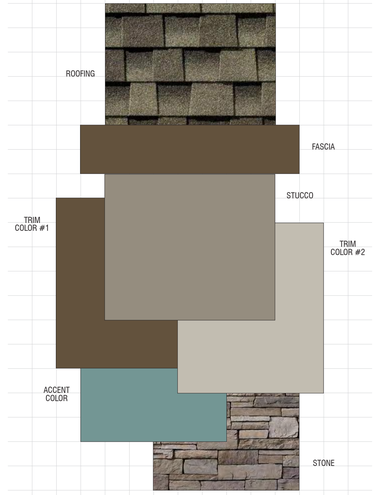
Scheme 9



ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 10
'C' Elevations Only
Cottage

[1]ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

[1]SCHEME 10 OF 12 — 'C' ELEVATIONS ONLY, COTTAGE

Material	Color	Manufacturer
Roofing: Composition Shingle	Weathered Wood Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
Manufactured Stone *(standard raked joints)*	Ashfall Country Ledgestone	Cultured by Boral
Mortar @ Stone	Khaki	Orco
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16/20 sand finish)*	SW 9172 Studio Clay	Sherwin Williams
Trim Color #1 *(applied to):* [1]Board & Batten Siding, Eaves, Fascia, [1]Gable Siding, [1]Garage Door @ SFD & Alley, [1]Louvered Vents, [1]Pot Shelves	SW 7545 Pier	Sherwin Williams
Trim Color #2 *(applied to):* [1]Garage Doors @ Duets Trim	SW 2844 Roycroft Mist Gray	Sherwin Williams
Accent Color *(applied to):* Front Door, [1]Shutters	SW 0020 Peacock Plume	Sherwin Williams
Weatherstrip @ Garage Door	[1]Match adjacent color	Fehr Bros

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Contact: Lily Martinez (925) 463-1700.

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REVISIONS:

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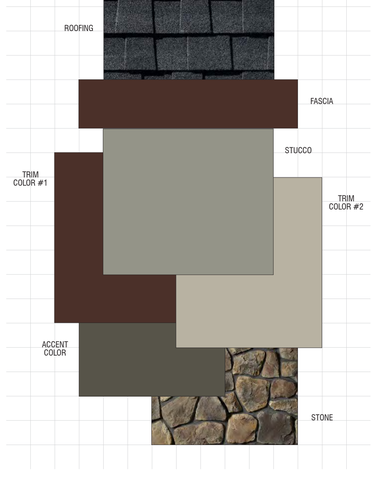
Scheme 10



ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 11
'C' Elevations Only
Cottage

[1]ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

[1]SCHEME 11 OF [1]12 — 'C' ELEVATIONS ONLY, COTTAGE

Material	Color	Manufacturer
Roofing: Composition Shingle	Charcoal Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
Manufactured Stone *(standard raked joints)*	Wolf Creek Dressed Fieldstone	Cultured by Boral
Mortar @ Stone	Khaki	Orco
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16/20 sand finish)*	SW 9131 Cornwall Slate	Sherwin Williams
Trim Color #1 *(applied to):* [1]Board & Batten Siding, Eaves, Fascia, [1]Gable Siding, [1]Garage Door @ SFD & Alley, [1]Louvered Vents, [1]Pot Shelves	SW 9182 Rojo Marron	Sherwin Williams
Trim Color #2 *(applied to):* [1]Garage Doors @ Duets Trim	SW 0049 Silver Gray	Sherwin Williams
Accent Color *(applied to):* Front Door, [1]Shutters	SW 2846 Roycroft Bronze Green	Sherwin Williams
Weatherstrip @ Garage Door	[1]Match adjacent color	Fehr Bros

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REVISIONS:

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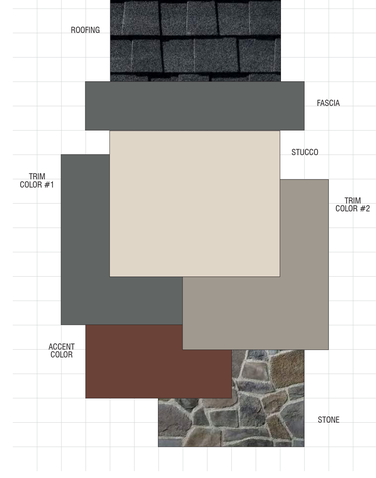
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 11



ALVES RANCH (SFD, ALLEY & DUETS)
Pittsburg, California
WILLIAM LYON HOMES
June 26, 2018 | 2017404

SCHEME 12
'C' Elevations Only
Cottage

[1]ALVES RANCH (SFD, ALLEY & DUETS)

Pittsburg, California
WILLIAM LYON HOMES
April 11, 2018 | 2017404.00

Exterior Color & Materials

[1]SCHEME 12 OF [1]12 — 'C' ELEVATIONS ONLY, COTTAGE

Material	Color	Manufacturer
Roofing: Composition Shingle	Charcoal Timberline HD	GAF
Vinyl Windows *(factory finish)*	White	TBD
Manufactured Stone *(standard raked joints)*	Palisades Ancient Villa Fieldstone	Cultured by Boral
Mortar @ Stone	Misty Cove	Orco
Gutters & Downspouts	Match adjacent color	Sherwin Williams
Stucco *(16/20 sand finish)*	SW 7516 Kestrel White	Sherwin Williams
Trim Color #1 *(applied to):* [1]Board & Batten Siding, Eaves, Fascia, [1]Gable Siding, [1]Garage Door @ SFD & Alley, [1]Louvered Vents, [1]Pot Shelves	SW 2848 Roycroft Pewter	Sherwin Williams
Trim Color #2 *(applied to):* [1]Garage Doors @ Duets Trim	SW 7642 Pavestone	Sherwin Williams
Accent Color *(applied to):* Front Door, [1]Shutters	SW 2837 Aurora Brown	Sherwin Williams
Weatherstrip @ Garage Door	[1]Match adjacent color	Fehr Bros

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REVISIONS:

Number	Date	Description
1	06/26/18	Various updates for City comments to combine schemes for a total of 12 only for the entire development.

Scheme 12

COLOR & MATERIALS - 'C' COTTAGE

NEIGHBORHOOD A1 & A2

ALVES RANCH

PITTSBURG, CA

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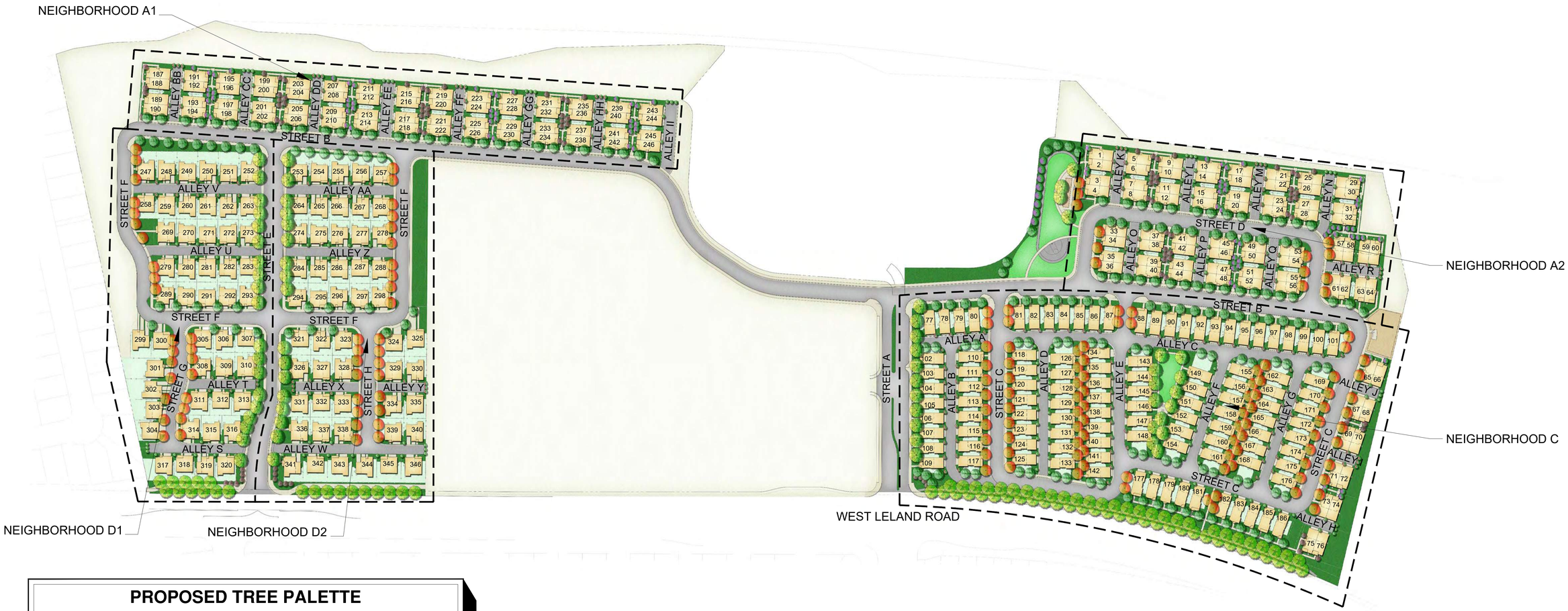

PROPOSED TREE PALETTE

BOTANICAL NAME	COMMON NAME	MIN. SIZE	WUCOLS*
TREES			
ACER RUBRUM `RED SUNSET`	RED SUNSET MAPLE	15 GAL	M
CELTIS AUSTRALIS	EUROPEAN HACKBERRY	15 GAL	L
DODONAEA VISCOSA `PURPUREA`	PURPLE LEAFED HOPSEED BUSH	15 GAL	L
LAGERSTROEMIA INDICA	CRAPE MYRTLE	15 GAL	L
LIRIODENDRON TULIPIFERA	TULIP TREE	15 GAL	M
PISTACIA CHINENSIS `KEITH DAVEY`	KEITH DAVEY CHINESE PISTACHE	15 GAL	L
PRUNUS CERASIFERA `KRAUTER VESUVIUS`	PURPLE LEAF PLUM	15 GAL	L
RHAPHIOLEPIS INDICA `MAJESTIC BEAUTY` TM	MAJESTIC BEAUTY HAWTHORN	15 GAL	L

* WATER NEEDS BASED ON THE WATER USE CLASSIFICATION OF LANDSCAPE SPECIES (WUCOLS) BY THE UNIVERSITY OF CALIFORNIA COOPERATIVE EXTENSION.

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Overall Landscape Plan

ALVES RANCH

PITTSBURG, CA

L-1

0 50 100 200

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855 Bordeaux Way
Suite 240
Napa, CA 94558

tel: 707.224.2299
www.vandertoolen.com

PROPOSED TREE PALETTE

BOTANICAL NAME	COMMON NAME	MIN. SIZE	WUCOLS*
TREES			
ACER RUBRUM `RED SUNSET`	RED SUNSET MAPLE	15 GAL	M
CELTIS AUSTRALIS	EUROPEAN HACKBERRY	15 GAL	L
DODONAEA VISCOSA `PURPUREA`	PURPLE LEAFED HOPSEED BUSH	15 GAL	L
LAGERSTROEMIA INDICA	CRAPE MYRTLE	15 GAL	L
LIRIODENDRON TULIPIFERA	TULIP TREE	15 GAL	M
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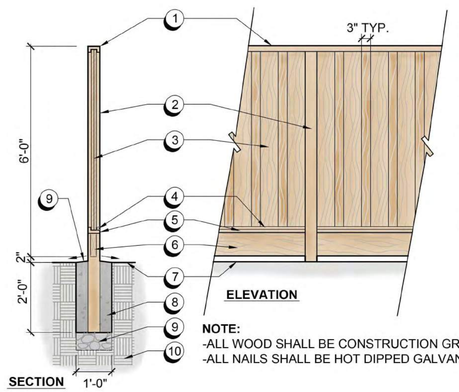
PRUNUS CERASIFERA `KRAUTER VESUVIUS`	PURPLE LEAF PLUM	15 GAL	L
RHAPHIOLEPIS INDICA `MAJESTIC BEAUTY` TM	MAJESTIC BEAUTY HAWTHORN	15 GAL	L

* WATER NEEDS BASED ON THE WATER USE CLASSIFICATION OF LANDSCAPE SPECIES (WUCOLS) BY THE UNIVERSITY OF CALIFORNIA COOPERATIVE EXTENSION.



1. 2 x 4 TOP RAIL WITH DADO.
2. 4 x 4 POSTS @ 8' 0.C.
3. 3/4 x 6 FENCE BOARDS.
4. 1 x 1 CLEAT.
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7. FINISH GRADE.
8. CONCRETE FOOTING.
9. TOP OF FOOTING AT TOP OF GRADE.
10. 6" DRAIN ROCK.
11. COMPACTED SUBGRADE OR ENGINEERED FILL.

NOTE:
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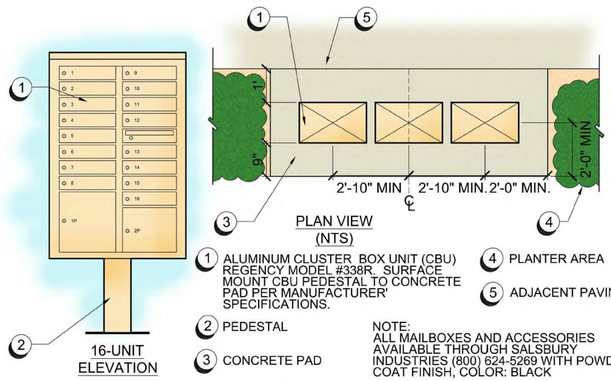
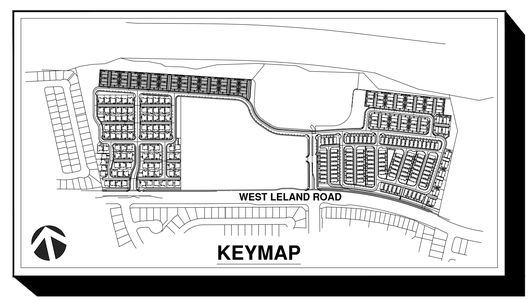
A GOOD NEIGHBOR FENCE
SCALE: 1/2" = 1'-0 "



1. ALUMINUM CLUSTER BOX UNIT (CBU) REGENCY MODEL #338R. SURFACE MOUNT CBU PEDESTAL TO CONCRETE PAD PER MANUFACTURER' SPECIFICATIONS.
2. PEDESTAL
3. CONCRETE PAD
4. PLANTER AREA
5. ADJACENT PAVING

NOTE:
ALL MAILBOXES AND ACCESSORIES AVAILABLE THROUGH SALSBURY INDUSTRIES (800) 624-5269 WITH POWDER COAT FINISH, COLOR: BLACK

B CBU MAILBOX
SCALE:3/4" = 1'-0"



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Neighborhood A1

ALVES RANCH

PITTSBURG, CA

L-2

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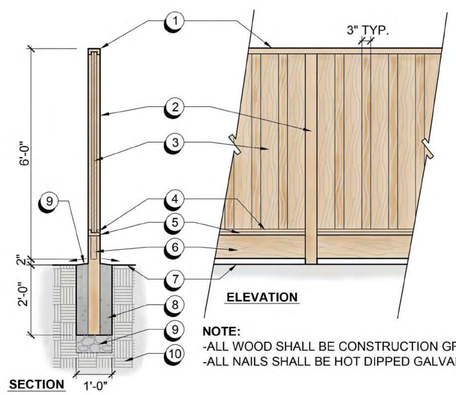

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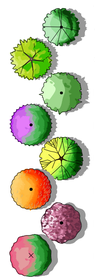

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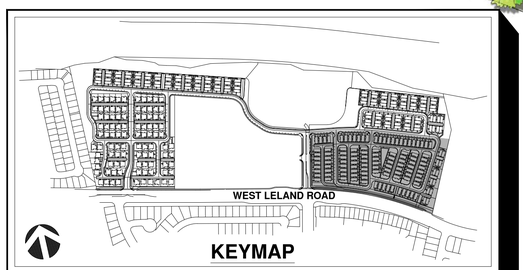

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Neighborhood C
ALVES RANCH
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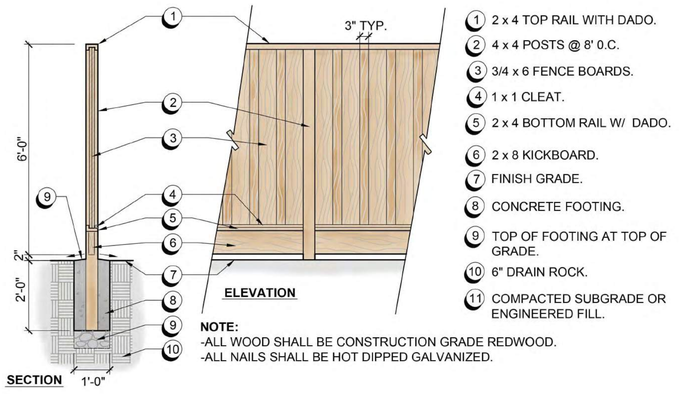

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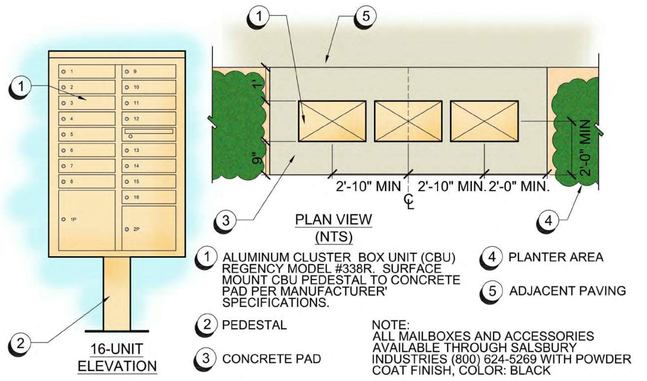

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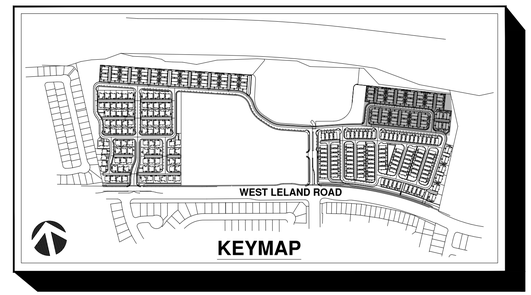

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Neighborhood A2

ALVES RANCH

PITTSBURG, CA

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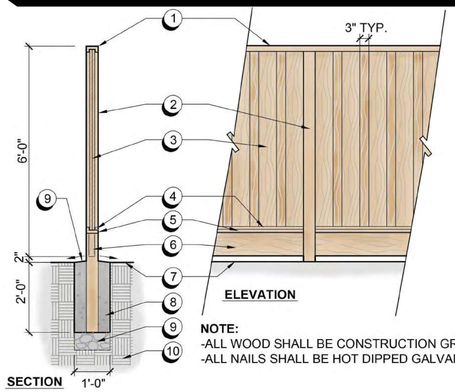

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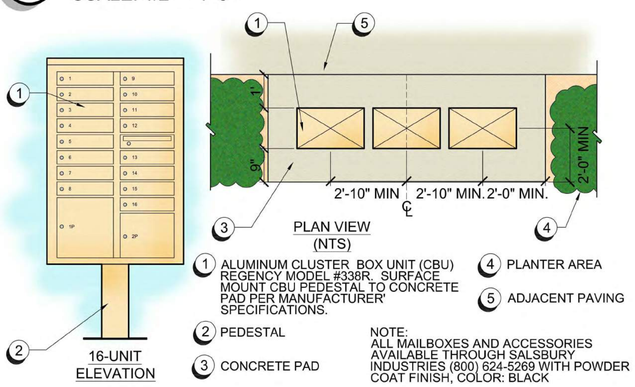

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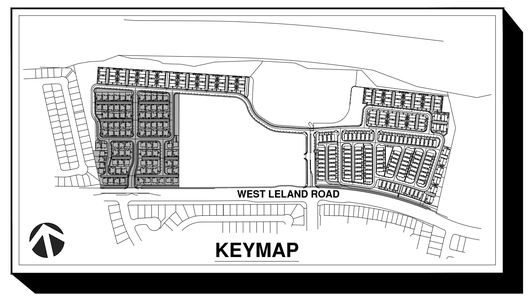

Neighborhoods D1 & D2

ALVES RANCH

PITTSBURG, CA

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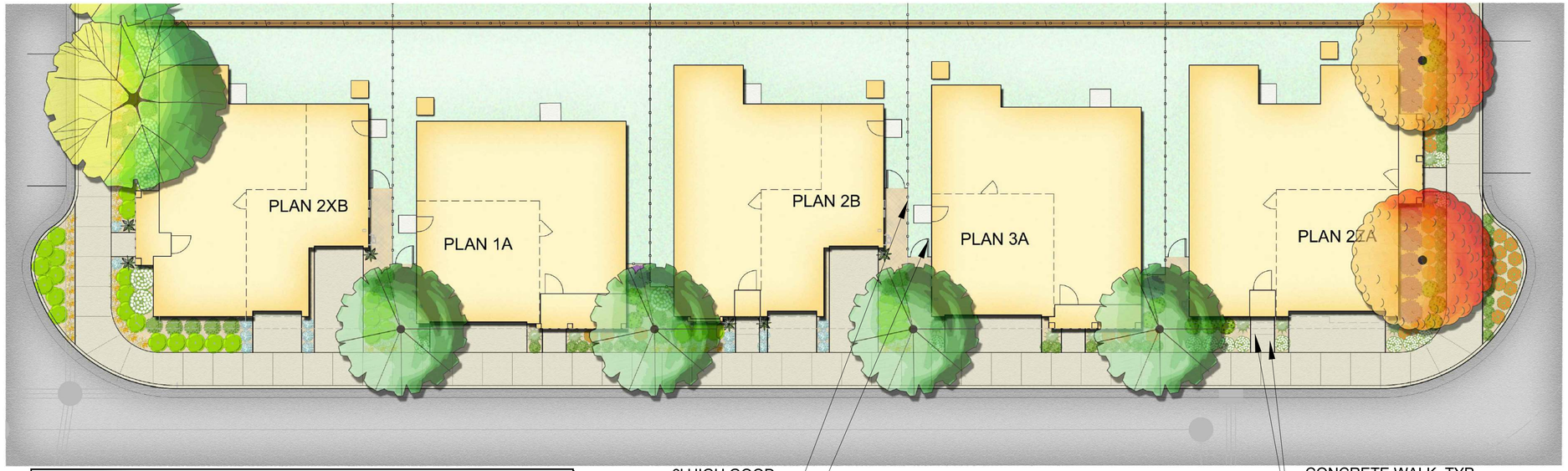

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SHRUBS			
ARCTOSTAPHYLOS D. 'HOWARD MCMINN'	HOWARD MCMINN MANZANITA	5 GAL	L
CALLISTEMON CITRINUS 'LITTLE JOHN'	DWARF BOTTLE BRUSH	5 GAL	L
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CISTUS 'SUNSET'	ROCKROSE	5 GAL	L
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DIETES SPP.	FORTNIGHT LILY	1 GAL	L
ERIGERON KARVINSKIANUS	SANTA BARBARA DAISY	1 GAL	L
GREVILLEA 'NOELLII'	GREVILLEA	5 GAL	L
HELICTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	1 GAL	L
KNIPHOFIA UVARIA	RED-HOT POKER	1 GAL	L
LOROPETELUM C. 'PURPLE DIAMOND'	FRINGE FLOWER	5 GAL	L
MIMULUS AURANTIACUS	STICKY MONKEY FLOWER	1 GAL	L
PENSTEMON G 'APPLE BLOSSOM'	BORDER PENSTEMON	1 GAL	L
PHORMIUM SPP.	NEW ZEALAND FLAX	5 GAL	L
PITTOSPORUM T. 'TURNER'S VARIEGATED DWARF'	TURNER'S MOCK ORANGE	5 GAL	L
ROSA CALIFORNICA	CALIFORNIA WILD ROSE	1 GAL	L
SALVIA LEUCANTHA	MEXICAN BUSH SAGE	1 GAL	L
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WESTRINGIA FRUTICOSA	COAST ROSEMARY	5 GAL	L
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GROUNDCOVERS			
CEANOTHUS 'CARMEL CREEPER'	WILD LILAC	1 GAL	VL
COTONEASTER 'LOWFAST'	COTONEASTER	1 GAL	L
HELIANTHEMUM N. 'HENFIELD BRILLIANT'	SUNROSE	1 GAL	L
MYOPORUM PARVIFOLIUM 'PROSTRATUM'	MYOPORUM	1 GAL	L
SCAEVOLA 'MAUVE CLUSTERS'	SCAEVOLA	1 GAL	L
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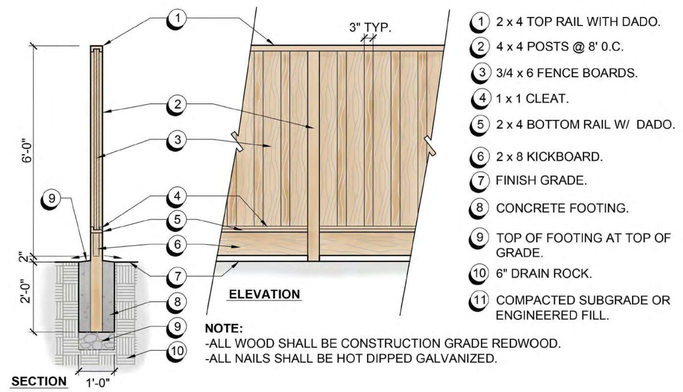

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Typical Single Family Detached Homes

ALVES RANCH

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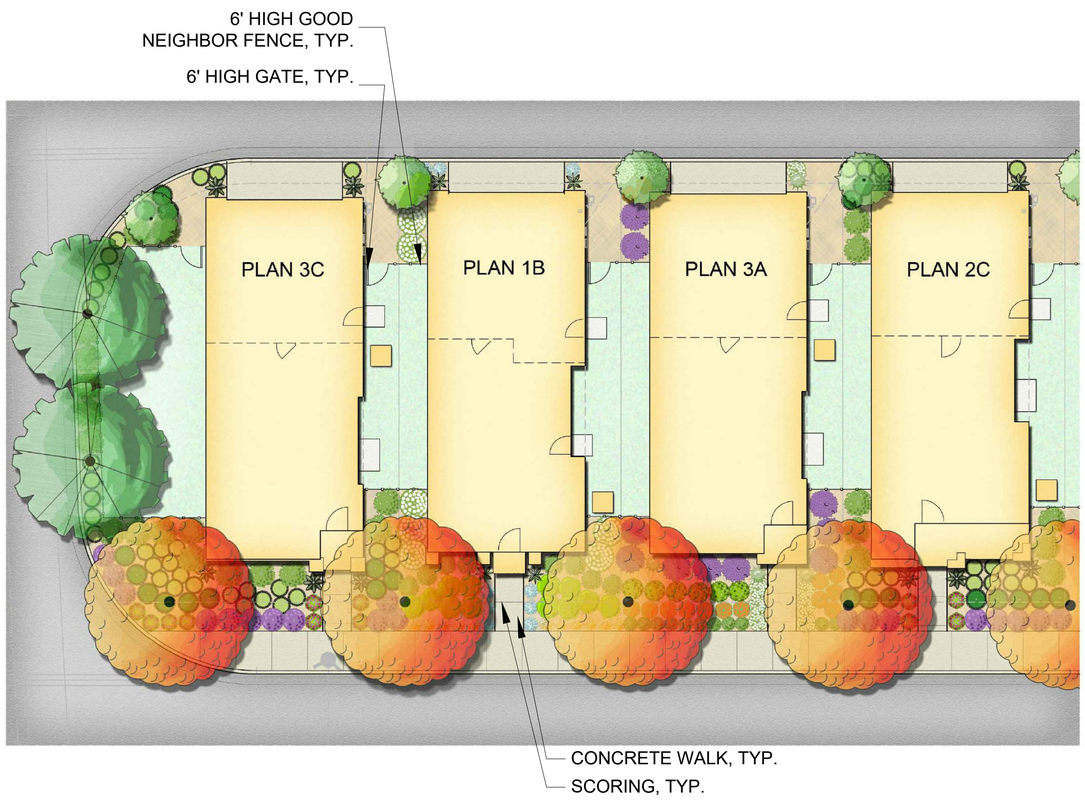

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	VERBENA PERUVIANA 'HOMESTEAD PURPLE'	PURPLE VERBENA	1 GAL	L

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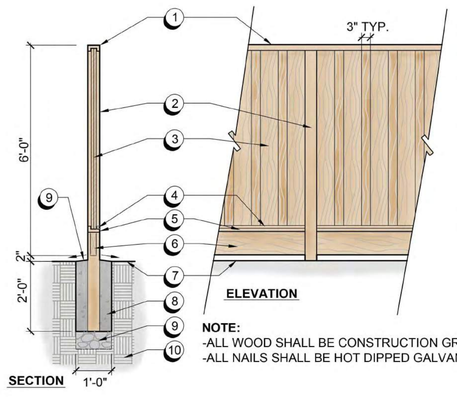

1. 2 x 4 TOP RAIL WITH DADO.
2. 4 x 4 POSTS @ 8' 0.C.
3. 3/4 x 6 FENCE BOARDS.
4. 1 x 1 CLEAT.
5. 2 x 4 BOTTOM RAIL W/ DADO.
6. 2 x 8 KICKBOARD.
7. FINISH GRADE.
8. CONCRETE FOOTING.
9. TOP OF FOOTING AT TOP OF GRADE.
10. 6" DRAIN ROCK.
11. COMPACTED SUBGRADE OR ENGINEERED FILL.

NOTE:
-ALL WOOD SHALL BE CONSTRUCTION GRADE REDWOOD.
-ALL NAILS SHALL BE HOT DIPPED GALVANIZED.

(A) GOOD NEIGHBOR FENCE

SCALE: 1/2" = 1'-0 "

Typical Alley Loaded Homes

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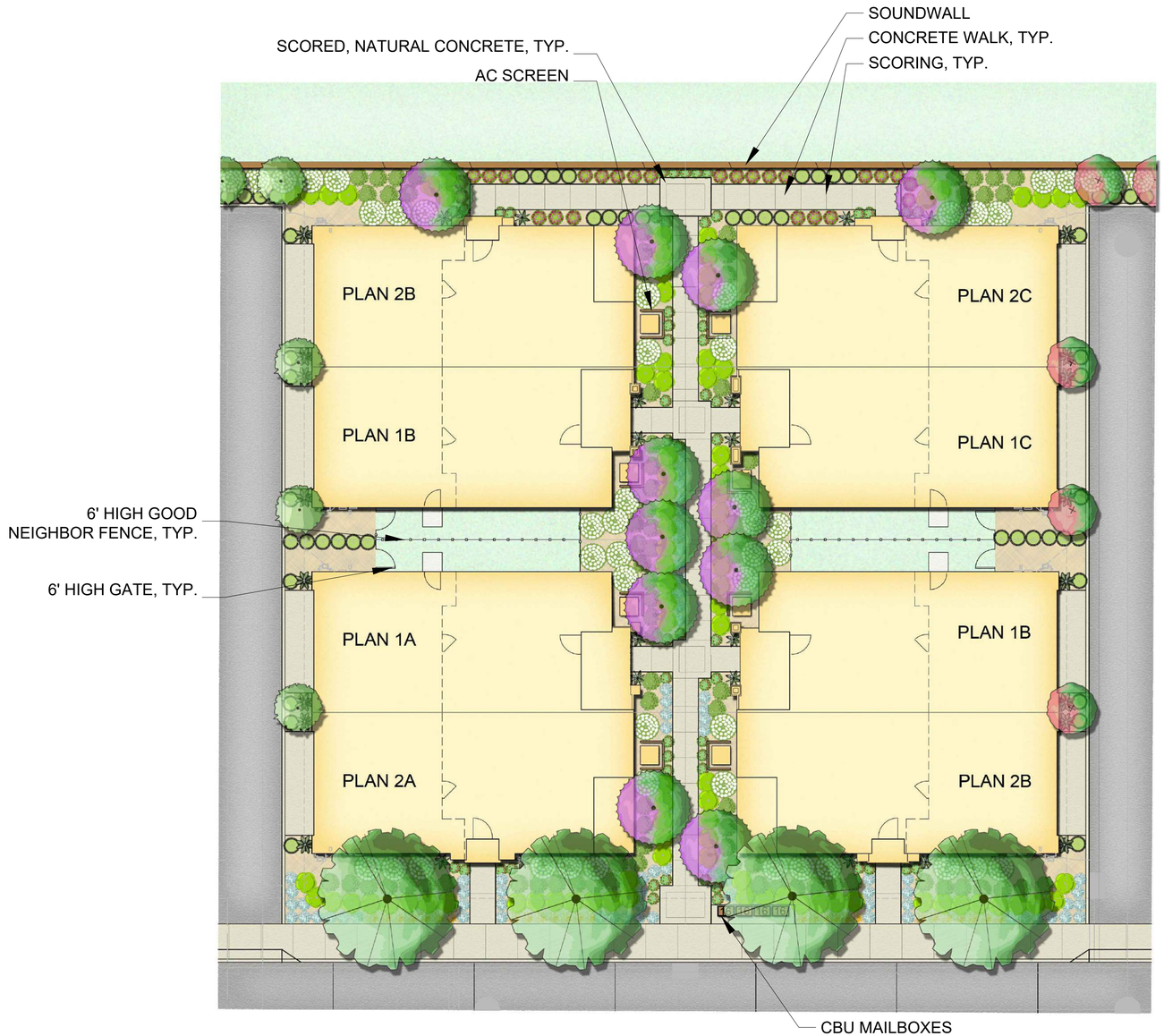

PROPOSED PLANT PALETTE

BOTANICAL NAME	COMMON NAME	MIN. SIZE	WUCOLS*
TREES			
ACER RUBRUM `RED SUNSET`	RED SUNSET MAPLE	15 GAL	M
CELTIS AUSTRALIS	EUROPEAN HACKBERRY	15 GAL	L
DODONAEA VISCOSA `PURPUREA`	PURPLE LEAFED HOPSEED BUSH	15 GAL	L
LAGERSTROEMIA INDICA	CRAPE MYRTLE	15 GAL	L
LIRIODENDRON TULIPIFERA	TULIP TREE	15 GAL	M
PISTACIA CHINENSIS `KEITH DAVEY`	KEITH DAVEY CHINESE PISTACHE	15 GAL	L
PRUNUS CERASIFERA `KRAUTER VESUVIUS`	PURPLE LEAF PLUM	15 GAL	L
RHAPHIOLEPIS INDICA `MAJESTIC BEAUTY` TM	MAJESTIC BEAUTY HAWTHORN	15 GAL	L
SHRUBS			
ARCTOSTAPHYLOS D. 'HOWARD MCMINN'	HOWARD MCMINN MANZANITA	5 GAL	L
CALLISTEMON CITRINUS 'LITTLE JOHN'	DWARF BOTTLE BRUSH	5 GAL	L
CEANOTHUS RIGIDUS 'SNOWBALL'	CEANOTHUS SNOWBALL	5 GAL	L
CISTUS 'SUNSET'	ROCKROSE	5 GAL	L
CORREA P. 'CARMINE BELLS'	AUSTRALIAN FUCHSIA	5 GAL	L
DIETES SPP.	FORTNIGHT LILY	1 GAL	L
ERIGERON KARVINSKIANUS	SANTA BARBARA DAISY	1 GAL	L
GREVILLEA 'NOELLII'	GREVILLEA	5 GAL	L
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KNIPHOFIA UVARIA	RED-HOT POKER	1 GAL	L
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SALVIA LEUCANTHA	MEXICAN BUSH SAGE	1 GAL	L
SALVIA GREGGII	AUTUMN SAGE	1 GAL	L
WESTRINGIA FRUTICOSA	COAST ROSEMARY	5 GAL	L
ZAUSCHNERIA CALIFORNICA 'SCHIEFFLIN'S CHOICE'	CALIFORNIA FUCHSIA	1 GAL	L
GROUNDCOVERS			
CEANOTHUS 'CARMEL CREEPER'	WILD LILAC	1 GAL	VL
COTONEASTER 'LOWFAST'	COTONEASTER	1 GAL	L
HELIANTHEMUM N. 'HENFIELD BRILLIANT'	SUNROSE	1 GAL	L
MYOPORUM PARVIFOLIUM 'PROSTRATUM'	MYOPORUM	1 GAL	L
SCAEVOLA 'MAUVE CLUSTERS'	SCAEVOLA	1 GAL	L
SOLLYA HETERPHYLLA	AUSTRALIAN BLUEBELL CREEPER	1 GAL	L
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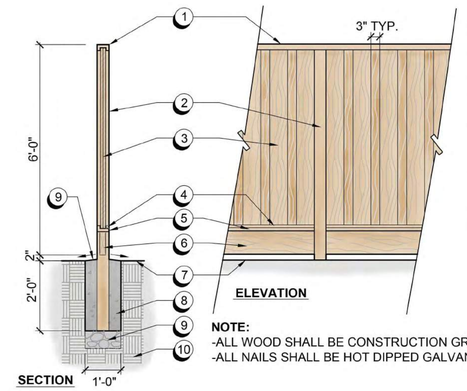

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A GOOD NEIGHBOR FENCE

SCALE: 1/2" = 1'-0 "

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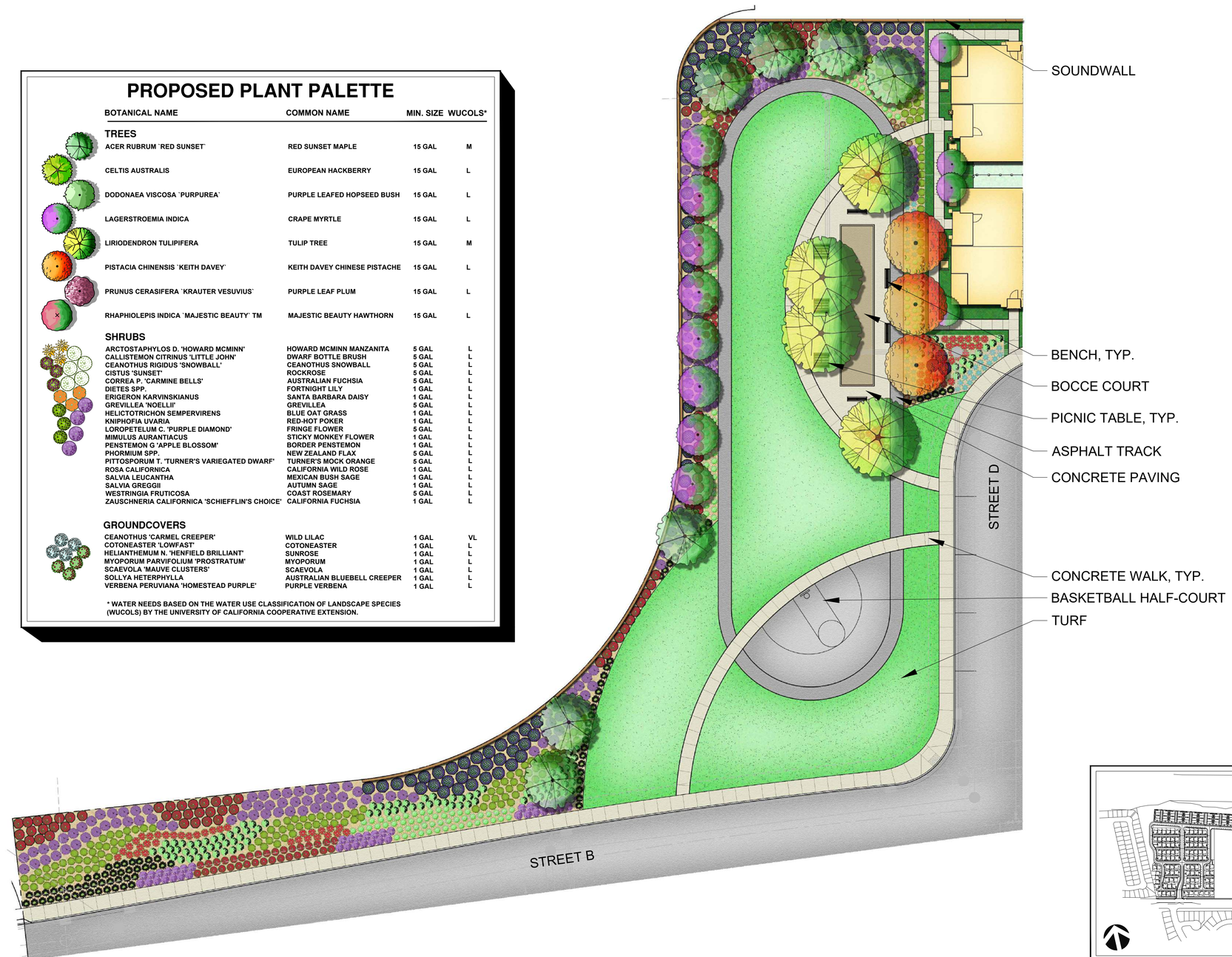

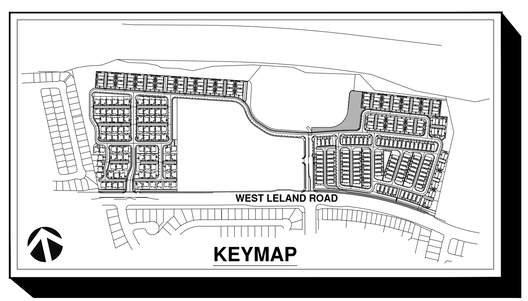

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Recreation Area

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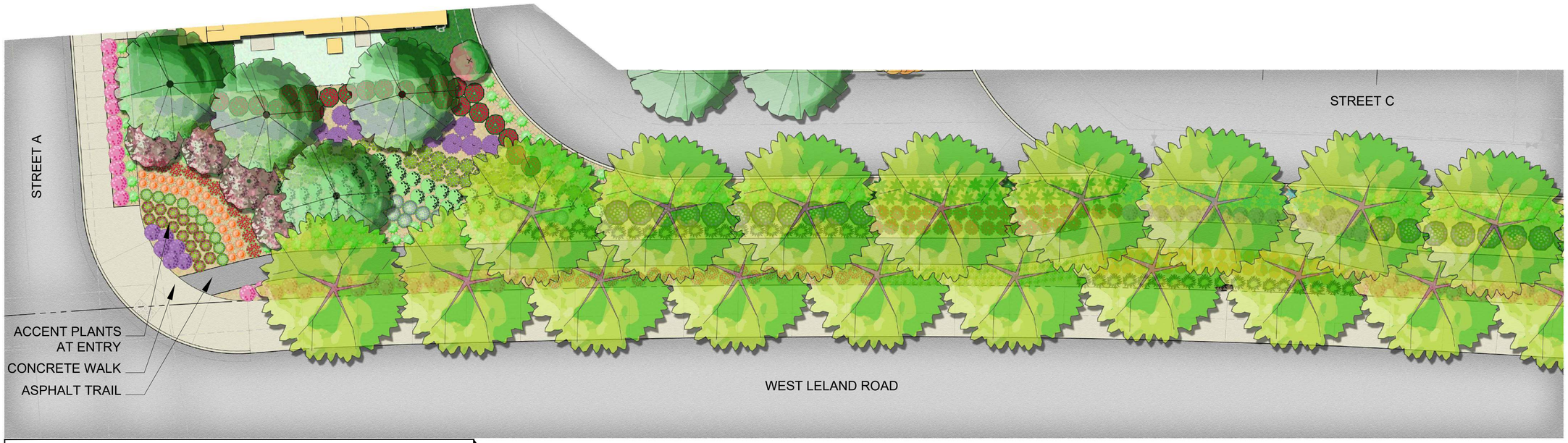

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Typical Streetscape Along West Leland Road

ALVES RANCH

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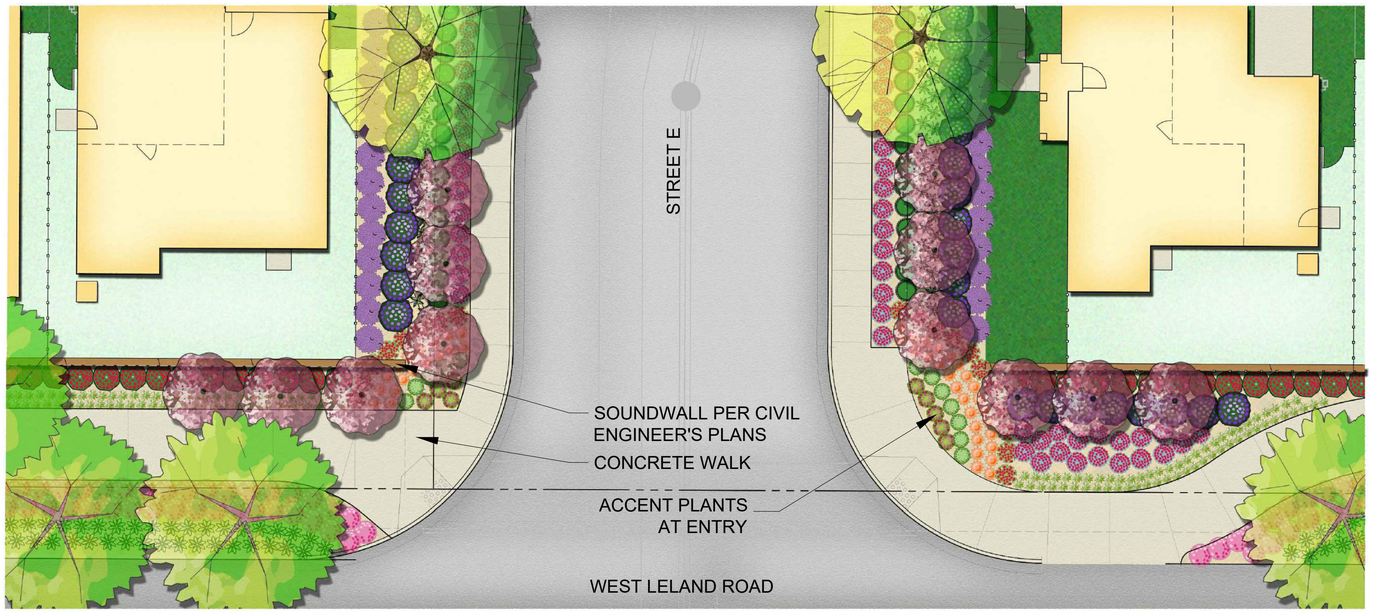

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Typical Entry

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Surrounding Uses and Existing Conditions

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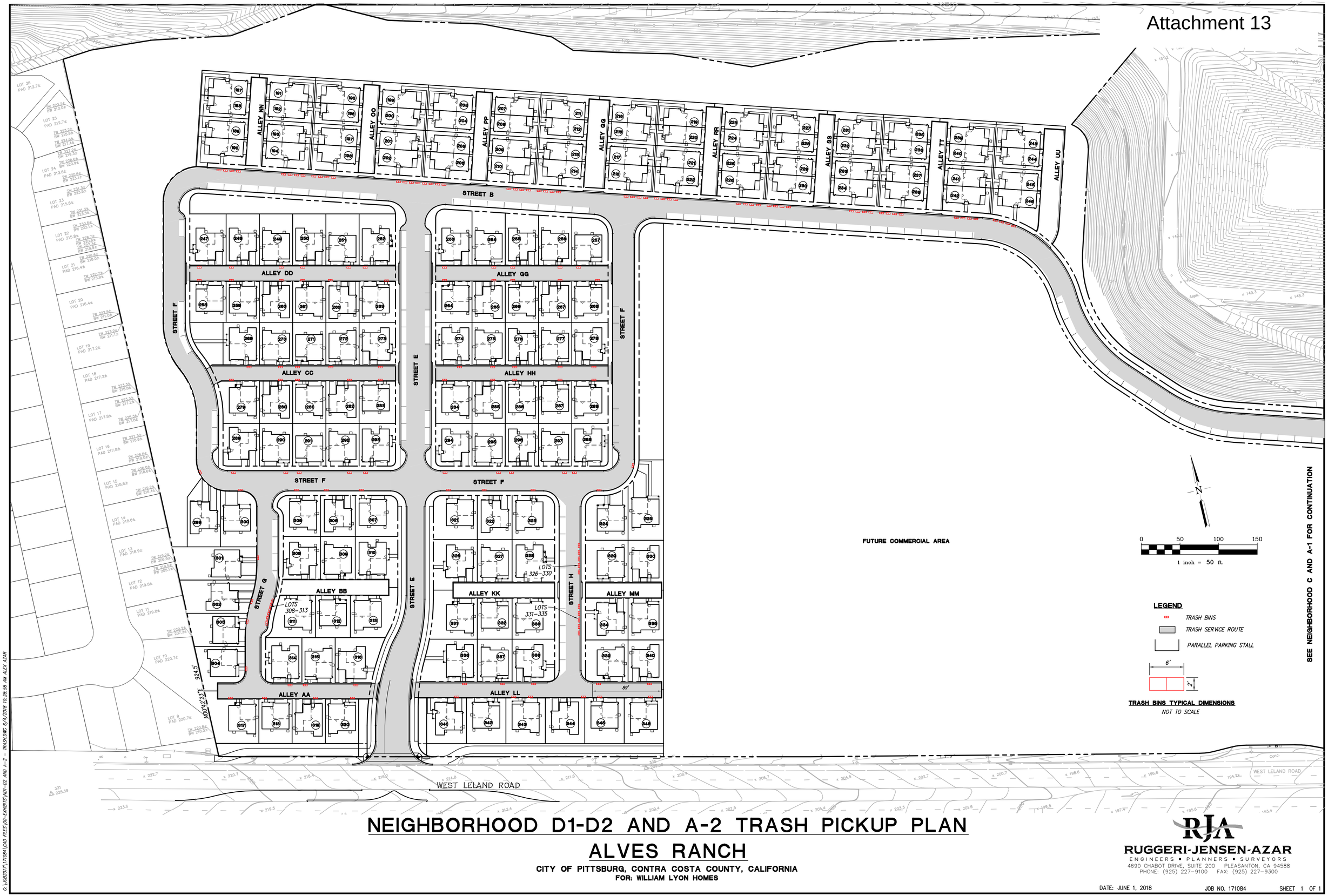

NEIGHBORHOOD D1-D2 AND A-2 TRASH PICKUP PLAN

ALVES RANCH

CITY OF PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA
FOR: WILLIAM LYON HOMES

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

DATE: JUNE 1, 2018 JOB NO. 171084 SHEET 1 OF 1

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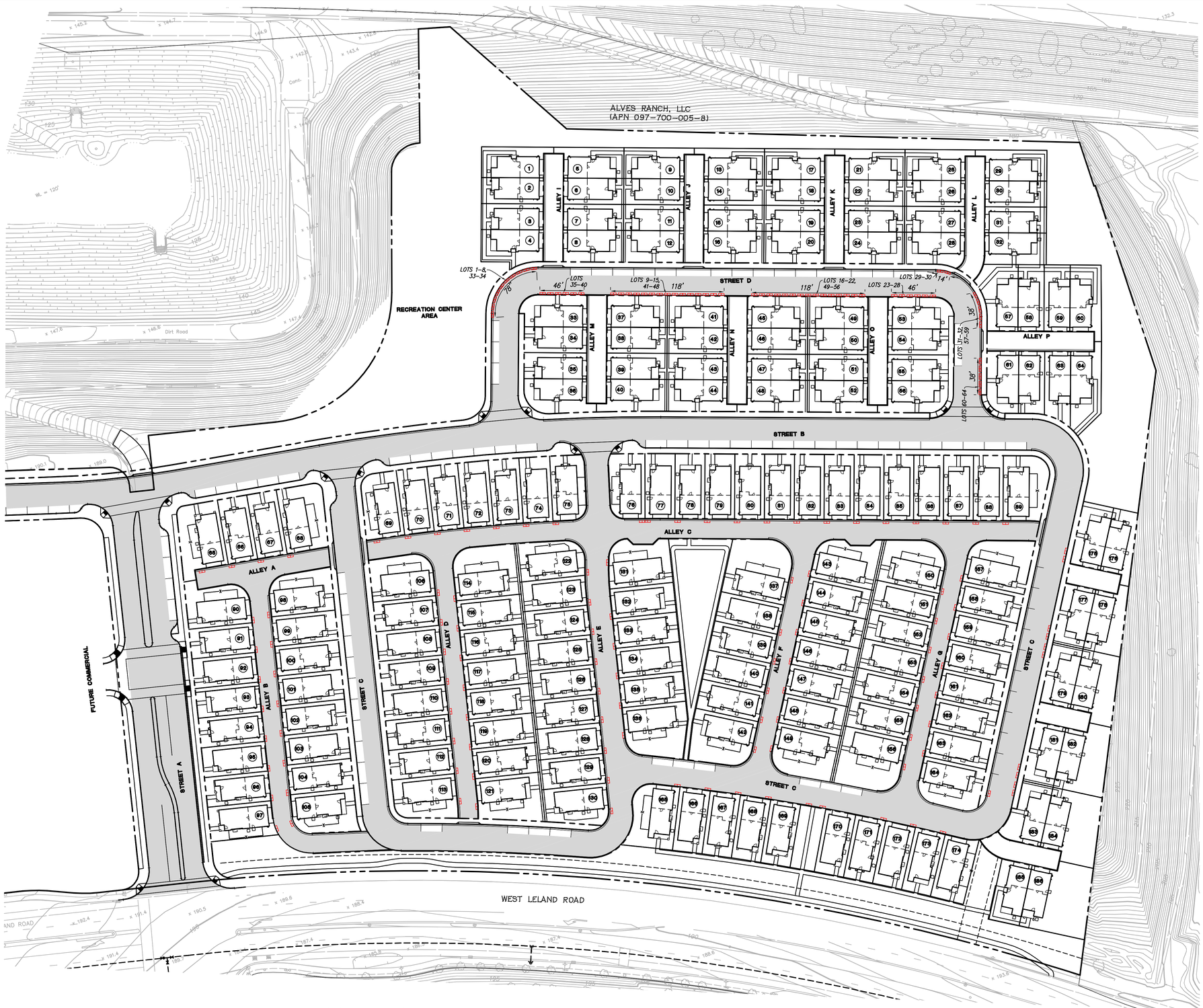
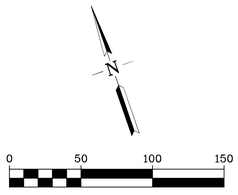
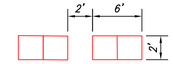




LEGEND

- TRASH BINS
- TRASH SERVICE ROUTE
- PARALLEL PARKING STALL

NOTE:
1) GREEN BINS WILL NOT BE USED.



TRASH BINS TYPICAL DIMENSIONS
NOT TO SCALE

NEIGHBORHOOD C AND A-1 TRASH PICKUP PLAN

ALVES RANCH

CITY OF PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA
FOR: WILLIAM LYON HOMES

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RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
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PHONE: (925) 227-9100 FAX: (925) 227-9300

DATE: JUNE 6, 2018 JOB NO. 171084 SHEET 1 OF 1

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Attachment 14
Applicable General Plan Goals and Policies
Alves Ranch Project, AP-18-1348 (GP, RZ, VTM, DR, DA)

General Plan Goal or Policy	Analysis
Land Use Element – Citywide	
2-G-1: Maintain a compact urban form within the City's projected municipal boundary. Ensure that hillside lands not environmentally suitable for development are maintained as open space.	**Consistent.** The proposed project would be constructed on an infill site.
2-G-2: Promote large-scale office/business development, and reserve sites for Business Commercial uses in designated locations accessible from regional transportation systems.	**Consistent.** The proposed project would maintain an approximately 12-acre commercial area to promote business development in an area in proximity to transit.
2-G-3: Emphasize concentrated commercial development, rather than linear commercial strips.	**Consistent.** The proposed project would maintain an approximately 12-acre commercial area, which would allow for concentrated commercial development.
2-G-4: Provide a range of development intensities, with the highest intensities in Downtown and in areas accessible to transit and services, and lower intensities in hillsides and at the City's southern edge.	**Consistent.** The project site is within a half-mile distance of the Pittsburg/Bay Point BART Station and adjacent to bus stops located near the intersections of West Leland Road and Alves Ranch Road.
2-G-5: Promote a diversity of housing types, including opportunities for hillside estate development, as well as smaller lot, infill, and high-density housing.	**Consistent.** The proposed project would construct provide higher-density, single-family development on smaller lots ranging from approximately 1,800 to over 4,000 square feet.
2-G-7: Promote flexibility and diversity in land use arrangements, including mixed-use development in appropriate areas.	**Consistent.** The proposed project would promote commercial development in an area surrounding and dominated by existing and proposed residential development,
2-P-5: Undertake planned development as a means to achieve high community design standards, not to circumvent development intensity standards.	**Consistent.** The proposed project would utilize PD Zoning to allow for a variety of high quality housing types and a commercial component that would reduce automobile reliance for residents in the area.
2-P-6: Ensure provision of community amenities within planned development projects, including parks and recreation facilities, streetscaping and pedestrian paths, transit facilities, parking areas, and public safety facilities. Ensure construction of amenities at a time that is in balance with the needs of the development.	**Consistent.** The proposed project would include a recreation area complete with a bocce court and basketball court, a Class I pedestrian path along the project frontage, a Class I connection to the property to the east and designated on-street parking areas as well as off-street parking.
2-P-7: During development review, consider project compatibility with existing surrounding land uses. Ensure that sensitive uses—such as residences, schools, and parks—are not subject to hazardous or unhealthy conditions.	**Consistent.** The proposed project would include 346 residential units in an area surrounded by existing residential development. The commercial portion of the proposed project would serve the residents of the area.

2-P-10: Reserve sites for Business Commercial uses, including but not limited to: • Along State Route 4, focused at the Willow Pass Road/San Marco Boulevard interchange and Loveridge Road interchange; • Adjacent to the Pittsburg/Bay Point BART Station; • Between Willow Pass Road and the BNSF Railroad tracks, west of Downtown; and • Along Harbor Street, between State Route 4 and East Leland Road (the proposed Railroad Avenue BART Station).	**Consistent.** It has been determined that adequate sites are available elsewhere to meet the City's office and business development objectives, as additional land near the Pittsburg Center BART Station has been designated for these types of uses, and the City's focus for office and business development has shifted to this area. The land currently designated as 'Business Commercial' has stood undeveloped for nearly 20 years, with almost no interest in its development as an office park or similar type of use and point to the availability for these opportunities elsewhere.
2-P-11: Do not allow sites designated for Business Commercial uses to be changed to another land use designation unless it is determined that adequate sites are available elsewhere to meet the City's office and business development objectives.	**Consistent.** It has been determined that adequate sites are available elsewhere to meet the City's office and business development objectives, as additional land near the Pittsburg Center BART Station has been designated for these types of uses, and the City's focus for office and business development has shifted to this area. The land currently designated as 'Business Commercial' has stood undeveloped for nearly 20 years, with almost no interest in its development as an office park or similar type of use and point to the availability for these opportunities elsewhere.
2-P-15: Ensure minimum residential densities, in accordance with the ranges stipulated in this Plan.	**Consistent.** The proposed project would provide an overall residential density of approximately 14 dwelling units per acre, consistent with the High-Density Residential Land Use Designation.
2-P-16: Develop criteria and standards for small-lot single-family residential development that: • Promotes design and development flexibility; • Includes design and bulk standards to ensure that development is appropriate and related to underlying lot size; and • Ensures that residential development promotes a neighborhood orientation, with limitation on frontage that can be occupied by garages.	**Consistent.** The proposed project would utilize PD zoning to allow for small lot, single family residential development, which is appropriate for the underlying land use designation and reduced the prominence of garages.
2-P-30: Encourage private developers to conduct geo-technical and biological studies prior to filing project applications to ensure environmentally sensitive project layout and design.	**Consistent.** The Supplemental Environmental Impact Report (SEIR) analyzed geotechnical and biological impacts. Recommended conditions of approval would require the developer provide confirmation of biological studies and geotechnical studies.
Land Use Element – Southwest Hills	
2-P-86: Work with project developers to ensure that new residential neighborhoods and business commercial complexes built along West Leland Road provide transit amenities (such as pedestrian paths, bus shelters, bicycle racks) and convenient access to the Pittsburg/Bay Point BART Station.	**Consistent.** The proposed project would provide a Class I pedestrian path along the project frontage as well as a Class I connection to the property to the east. Further, a recommended condition of approval would require the developer install hanging bicycle racks within each residential garage.

2-P-87: Ensure that all proposed residential development is set back from the edge of State Route 4 to mitigate visual and noise impacts.	**Consistent.** The proposed project would be setback to adequately mitigate visual and noise impacts. Additionally, the developer would be required to install noise barriers in areas identified within the noise analysis.
2-P-89: Allow development on the site east of the proposed West Leland Road/San Marco Boulevard intersection (Alves Ranch) as follows: • A maximum of 306 Hillside Low and Low-Density units, and 794 Medium and High Density residential units; • A maximum of 20 acres of Business Commercial between West Leland Road and State Route 4; • Grading to be kept to a minimum, all designated ridgelines protected, and impacts to creeks mitigated; and • Dedication of one school site.	**Consistent.** The proposed project would stay within the maximum allowable number of units and commercial acreage. The amount of grading would be minimal as the site is relatively flat, and no ridgelines or creeks run through the site. As part of the Vista Del Mar development to the south, a school site was dedicated.
2-P-92: Consider the development of a specific plan for the High Density Residential, Business Commercial, and Community Commercial areas adjacent to State Route 4, West Leland Road and San Marco Boulevard. Integrate all uses in this area into a mixed-use, transit-oriented village, featuring executive offices, research and development, entertainment, and hotel uses.	**Consistent.** Staff believes the intent of this policy was to ensure that large areas of the identified subarea be developed in a cohesive manner that accounts for residents' housing, shopping and transportation needs. The proposed project would establish what accounts to a master planned community, with a variety of commercial and residential uses.
2-P-94: Pursue construction of a landscaped multi-use path along West Leland Road, from Pittsburg/Bay Point BART Station to the proposed San Marco Village. Ensure that design of the linear parkway accommodates bicyclists.	**Consistent.** The proposed project would establish a Class I bicycle path along West Leland Road adjacent to the residential portions of the development, as well as a temporary 8-foot wide pathway along the commercial parcel.
Growth Management Element	
3-G-1: Manage the City's growth to balance development of housing options and job opportunities, protection of open space and habitat areas, construction of transportation improvements, and preservation of high quality public facilities.	**Consistent.** The proposed project would include the development of a residential neighborhood, as well as a commercial parcel which could be used for a variety of uses which would generate jobs. The use would also establish residential uses close to transit, which allows citizens additional access to job markets, and Class I pathways to encourage residents to utilize transit.
3-G-3: Provide a range of development intensities, with the highest intensities in Downtown and in areas approximate to transit and services, and lower intensities in hillsides and at the City's southern edge.	**Consistent.** The project itself would provide a range of densities and would create a greater mix of densities in the larger subarea.
3-G-6: Support efforts to establish a regional approach to transportation and land use planning.	**Consistent.** The proposed project would include the development of a residential neighborhood, as well as a commercial parcel which could be used for a variety of uses which would generate jobs. The use would also establish residential uses close to transit, which allows citizens additional access to job markets, and Class I pathways to encourage residents to utilize transit.
3-G-9: Encourage the provision of new and improved pedestrian, bicycle and transit facilities to serve all users of new development projects.	

3-G-10: Foster development of a variety of housing types, densities and prices to balance the City's housing stock and meet the City's regional fair share housing needs for people of all income levels. (Housing Element Goal 13-G-1)	**Consistent.** The project itself would provide a range of densities and housing types, including single-family attached and detached units, and would create a greater mix of densities and types in the larger subarea.
3-P-1: Allow urban and suburban development only in areas where public facilities and infrastructure (police, fire, parks, water, sewer, storm drainage, and community facilities) are available or can be provided.	**Consistent.** The project site is within an area of the City where public facilities are available.
3-P-2: Prior to project approval, ensure that the existing and planned transportation system will have adequate capacity to accommodate new urban development.	**Conditionally Consistent.** The 2004 Vista Del Mar EIR analyzed the capacity of the transportation system, and recommended mitigations to ensure that the transportation system remained adequate. A trip generation and site access and circulation assessment have found the project is consistent with the 2004 EIR, and thus, with the implementation of applicable mitigation measures, would be adequately served by the existing and planned transportation system.
3-P-5: As part of development review, require preparation of a traffic impact study for all development projects expected to generate more than 100 net new peak hour vehicle trips. Ensure that traffic impact studies are prepared by professional transportation consultants selected and hired by the City but require that project proponents pay all fees associated with development of such studies.	**Consistent.** A traffic impact study was prepared as part of the 2004 EIR and 2019 SEIR.
3-P-16: Preserve options for future transit use when designing improvements for roadways. Ensure that developers provide bus turnouts and/or shelters, where appropriate, as part of projects. (Transportation Policy 7-P-29)	**Consistent.** The project is adjacent to an existing bus stop.
3-P-17: As part of development approval, ensure that safe and contiguous routes for pedestrians and bicyclists are provided within new development projects and on any roadways that are impacted as a result of new development. (Transportation Policy 7-P-34)	**Consistent.** The proposed project would provide a Class I pedestrian path along the project frontage as well as a Class I connection to the property to the east.
Urban Design Element	
4-G-11: Initiate streetscape improvements to create an attractive, usable, multimodal transportation corridor along Leland Road.	**Consistent.** The proposed project would provide a Class I pedestrian path along the project frontage as well as a Class I connection to the property to the

4-G-13: Encourage development of pedestrian-oriented mixed-use areas as focal points of new neighborhoods, and adjacent to key transportation centers.	east.
4-G-16: Establish the City's BART Stations as regional focal points, surrounded by a mix of urban activities and services.	**Consistent.** The proposed project would include the development of a residential neighborhood, as well as a commercial parcel which could be used for a variety of uses which would generate jobs. The use would also establish residential uses close to transit, which allows citizens additional access to job markets, and Class I pathways to encourage residents to utilize transit.
4-G-17: Encourage development of diverse and distinctive neighborhoods that build on the patterns of the natural landscape and provide a sense of connection with surrounding uses.	
4-G-18: Ensure that neighborhood streets provide safe and attractive connections to local schools, parks, commercial centers, and transit facilities for pedestrians and bicycles.	
4-P-30: Ensure that all residential developers provide multi-use trails or trailheads connecting to local schools and parks, commercial centers, and regional open spaces.	
4-P-59: Pursue the development of a linear parkway along West Leland Road, west of Bailey Road, linking the Pittsburg/Bay Point BART Station Area to new residential neighborhoods within the southern hills.	
4-P-75: Encourage West Leland Road to be designed as a pedestrian-friendly street, with wide sidewalks, small plazas and benches, signaled crosswalks, pedestrian scale building massing, and parking tucked behind the buildings.	
4-P-76: Pursue the development of a linear parkway along West Leland Road, connecting the Pittsburg/Bay Point BART Station Area to San Marco Village.	
4-P-84: Use traffic calming measures to reduce speeds in residential areas, rather than limiting through-street connections.	**Consistent.** The proposed project would utilize bulb-outs and narrower streets which encourage slower automobile movement.
4-P-85: Provide safe and comfortable pedestrian routes through local neighborhoods by requiring sidewalks on both sides of residential streets, except in hillside areas, by planting street trees adjacent to the curb, and by minimizing curb cuts.	**Consistent.** The City's traffic engineer has determined that adequate sidewalks and pathways are provided to allow for safe pedestrian circulation.
Economic Development Element	

6-G-2: Establish economic development priorities and undertake targeted investments to facilitate expansion, retention and attraction of businesses that meet the City's economic development objectives.	**Consistent.** The proposed project would promote the development of commercial opportunities in the general area, consistent with the City's economic goals, and creating an inviting climate for conducting business in Pittsburg. The development trend in the area is largely residential, with limited commercial opportunities; the proposed project would potentially help the City meet that need.
6-G-4: Maintain and enhance an attractive climate for conducting business in Pittsburg.	
6-P-1: Monitor land use and development trends in the City, specifically in the Economic Opportunity Areas established in Policy 6-P-9, to ensure a sufficient supply of land that offers appropriate use designations and development intensities.	
Transportation Element	
7-G-15: Encourage walking as a regular means of transportation for people who live within a half-mile walk of school, work, or routine shopping destinations.	**Consistent.** The proposed project would establish residential uses close to transit, which allows citizens to walk to BART, and Class I pathways to encourage residents to utilize transit and walk. The project would also allow for future commercial uses within walking distance of not only the project, but other residential uses as well.
7-G-16: Ensure that current bicycle-friendly roadways, featuring wide shoulders or marked bicycle lanes, are not redesigned to improve traffic LOS, unless all other alternative roadways possible to alleviate congestion are exhausted.	**Consistent.** West Leland Road would not be redesigned, and existing bicycle facilities would remain.
7-P-1: Require mitigation for development proposals that are not part of the Traffic Mitigation Fee program which contribute more than one percent of the volume to an existing roadway or intersections with inadequate capacity to meet cumulative demand.	**Consistent.** The 2004 EIR and 2019 SEIR identified traffic impact mitigations, which would be applicable to the project.
7-P-29: Preserve options for future transit use when designing improvements for roadways. Ensure that developers provide bus turnouts and/or shelters, where appropriate, as part of projects.	**Consistent.** The project is adjacent to an existing bus stop.
7-P-34: As part of development approval, ensure that safe and contiguous routes for pedestrians and bicyclists are provided within new development projects and on any roadways that are impacted as a result of new development.	**Consistent.** The proposed project would provide a Class I pedestrian path along the project frontage as well as a Class I connection to the property to the east. The City's traffic engineer has determined that adequate sidewalks and pathways are provided to allow for safe pedestrian circulation.
7-P-39: Ensure that residential and commercial developments provide pedestrian pathways between lots for direct routes to commercial centers, schools, and transit facilities.	
7-P-40: Ensure provision of sufficiently wide sidewalks and pedestrian paths in all new residential development.	

7-P-48: Ensure that construction of bulb-outs and curb extensions at intersections for pedestrian safety does not endanger bicyclists by forcing them into traffic lanes	**Conditionally Consistent.** A recommended condition of approval would require the mid-block bulb-out projecting into Street A be removed to ensure bicyclist safety.
Open Space, Youth and Recreation Element	
8-P-2: Pursue the development of park and recreation facilities within reasonable walking distance of all homes.	**Consistent.** The proposed project would include a recreation area with bocce courts and a basketball court, as well as a ¼ mile track. Several other open spaces are also available to residents.
Resource Conservation Element	
9-P-1: Ensure that development does not substantially affect special status species, as required by State and federal agencies and listed in Table 9-1. Conduct assessments of biological resources as required by CEQA prior to approval of development within habitat areas of identified special status species, as depicted in Figure 9-1.	**Conditionally Consistent.** Mitigation measures identified in the 2004 EIR and 2019 SEIR added as conditions of approval would require the project provide surveys to analyze if biological resources and special status species exist on the project site prior ton issuance of a grading permit.
9-P-8: As a condition of approval of new development, ensure revegetation of cut-and-fill slopes with native plant species.	**Conditionally Consistent.** Mitigation measures identified in the 2004 EIR and 2019 SEIR added as conditions of approval would require the project provide revegetate cut and fill slopes as necessary.
9-P-41: If archeological resources are found during ground-breaking for new urban development, halt construction immediately and conduct an archeological investigation to collect all valuable remnants	**Conditionally Consistent.** Mitigation measures identified in the 2004 EIR and added as conditions of approval would require the project adhere to best management practices archeological resources be found on the project site.
Health and Safety Element	
10-G-3: Minimize the potential for soil erosion by wind and storm water runoff.	**Conditionally Consistent.** Recommended conditions of approval would require the applicant submit a stormwater prevention plan, submit a soils report and geotechnical analysis, and comply with the City's NPDES permitting requirements. The City Engineer shall review and approve all items prior to issuance of a grading permit.
10-P-1: Ensure preparation of a soils report by a City approved engineer or geologist in areas identified as having geological hazards in Figure 10-1, as part of development review.	
10-P-9: Ensure geotechnical studies prior to development approval in geologic hazard areas, as shown in Figure 10-1. Contract comprehensive geologic and engineering studies of critical structures regardless of location.	

10-P-10: As part of development approval, ensure that a registered engineering geologist be available at the discretion of the City Engineer to review reports submitted by applicants in the geologic hazard areas identified in Figure 10-1. Project proponents shall pay all costs associated with engineering studies related to geologic hazards.	
10-P-18: Evaluate storm drainage needs for each development project in the context of demand and capacity when the drainage area is fully developed. Ensure drainage improvements or other mitigation of the project's impacts on the storm drainage system appropriate to the project's share of the cumulative effect.	
Public Facilities Element	
11-P-23: Encourage builders to incorporate interior and exterior storage areas for recyclables into new or remodeled residential, commercial, and industrial structures.	**Consistent.** All homes are provided with oversized garages that would provide adequate storage area for recyclables.
Noise Element	
12-P-1: As part of development review, use Figure 12-3 to determine acceptable uses and installation requirements in noise-impacted areas.	**Consistent.** A noise study has been prepared as part of the proposed project, and determined that, with mitigations incorporated, all homes would meet "acceptable" or "conditionally acceptable" noise levels.
12-P-6: Ensure that new noise-sensitive uses, including schools, hospitals, churches, and homes, in areas near roadways identified as impacting sensitive receptors by producing noise levels greater than 65 dB CNEL (Figure 12-1), incorporate mitigation measures to ensure that interior noise levels do not exceed 45 dB CNEL.	**Conditionally Consistent.** A proposed condition of approval would require the developer prepare a subsequent noise study to ensure all residential units maintain an interior noise level not to exceed 45 dB CNEL.
Housing Element	
13-G-1: Foster development of a variety of housing types, densities, and prices to balance the City's housing stock and meet Pittsburg's regional fair share housing needs for people of all income levels.	**Consistent.** The project itself would provide a range of densities and housing types, including single-family attached and detached units, and would create a greater mix of densities and types in the larger subarea.
13-G-2: Promote the expansion of the city's affordable housing stock, including that which accommodates special needs households.	**Consistent.** The proposed project would include the construction of 10 accessory dwelling units (ADUs) which would have affordability covenants requiring they only be rented out to low-income households.
13-P-1.1.B: Rezone vacant/underutilized land as deemed appropriate for mixed use or residential/higher residential use.	**Consistent.** The proposed project would rezone the proposed project site to PD and CC Districts in order to help utilize the land with a mixture of uses and higher residential densities.

13-P-1.1.F: Support the use of Planned Development zoning for projects, when utilized to accommodate innovative site plans aimed at preserving open space, new recreational opportunities, and/or the supply of affordable housing.	**Consistent.** The proposed project would utilize PD Zoning to allow for a variety of high quality housing types and a commercial component that would reduce automobile reliance for residents in the area.
13-P-1.2: Encourage the construction of both high end and moderate-income housing in the southern foothills, downtown, along the waterfront, and throughout Pittsburg to provide above moderate-income housing opportunities in the community and to increase economic activity within the city.	**Consistent.** The proposed project would provide a variety of housing types, including single-family detached, single-family attached, and ADUs which will serve a variety of income levels. The proposed single-family units will likely be sold to moderate and above-moderate households. The commercial opportunities presented by the project, as well as the recreation space and proximity to transit, will make these units desirable and increase economic activity within the area.
13-P-1.2.D: Support the development of moderate and above moderate income housing within existing City limits such as high end condominiums, townhouses, and single-family units with premium views and amenities throughout the city to increase economic activity within these areas.	
Policy 13-1.3: Encourage the development of small-lot single-family in-fill developments suitable for first-time homebuyers, empty nesters, and single-parent households.	**Consistent.** The proposed project would utilize PD zoning to allow for small lot, single family residential development, which is appropriate for the underlying land use designation and reduced the prominence of garages.
13-P-1.5: Encourage the construction of accessory dwelling units or “second units” that allow extended families to live near each other, increase the affordable and rental housing stock, and provide income assistance to homeowners.	**Consistent.** The proposed project would include the construction of 10 accessory dwelling units (ADUs) which would have affordability covenants requiring they only be rented out to low-income households.
13-P-1.6/13-P-1.7: Meet Pittsburg’s fair share regional housing needs.	**Consistent.** The proposed project would include the development of 346 single family homes which would contribute to the City’s fair share housing goals regarding moderate and above-moderate levels. The project would also include 10 ADUs, which would be income restricted and contribute the City’s fair share of low income units.
13-P-1.7.A: Endeavor to facilitate the production of at least a minimum of 1,772 housing units between January 1, 2007, and June 30, 2014, including at least 322 units serving very low-income households, 223 units serving low-income households, and 296 serving moderate-income households through implementation of the policies and actions identified in this element.	
13-P-2.4: Increase homeownership opportunities for extremely low-, very low-, low-, and moderate-income households.	**Consistent.** The proposed project would include the construction of 10 accessory dwelling units (ADUs) which would have affordability covenants requiring they only be rented out to low-income households. The project also includes smaller-lot single family homes, which would be much more attainable to first-time buyers.
13-P-2.4.G: Ensure that all single-family housing projects approved for construction meet the requirements set forth in the inclusionary housing ordinance.	**Consistent.** The proposed project would include the construction of 10 accessory dwelling units (ADUs) which would have affordability covenants requiring they only be rented out to low-income households.

13-P-2.4.H: Ensure that inclusionary and market rate housing units are integrated within a subdivision, and that the units are architecturally similar, and constructed with the same quality of exterior materials through the design review process.	**Consistent.** The proposed project would include the construction of 10 accessory dwelling units (ADUs) which would have affordability covenants requiring they only be rented out to low-income households.
13-P-2.4.I: Consider requiring that a certain percentage of homes in new single-family small lot developments be limited in size in an attempt to make them more "affordable by design" for first-time homebuyers and single parent households.	**Consistent.** The proposed project would include smaller-lot single family homes, which would be much more attainable to first-time buyers.
13-P-2.7: Utilize smart growth principles in the site planning of new subdivisions to enhance the quality of life of Pittsburg residents.	**Consistent.** The proposed project would provide a variety of housing types, including single-family detached, single-family attached, and ADUs which will serve a variety of income levels. The proposed single-family units will likely be sold to moderate and above-moderate households. The commercial opportunities presented by the project, as well as the recreation space and proximity to transit, will make these units desirable and increase economic activity within the area. The inclusion of Class I pathways will promote walking, bicycling, and transit use, reducing the reliance on personal automobiles.
13-P-2.7.A: Encourage the incorporation of smart growth site planning principles in new subdivisions as part of a comprehensive update of the development review design guidelines.	
13-P-5.2.A: Continue to require developers to install street trees in the front yards of homes.	**Consistent.** Street trees would be installed on all front yards of lots adjacent to streets.

Attachment 15
Development Review Design Guidelines
Alves Ranch Project, AP-18-1348 (GP, RZ, VTM, DR, DA)

Design Review Guideline	Meets Guideline?
1.a: Reliefs and architectural treatments should be provided on all building elevations (360 degree architecture), i.e. 2"x4" (wood or styrofoam/stucco) window and door reveal treatment on all building elevations.	**Yes.** The proposed house designs include architectural treatments on all building facades.
1.b: Provide concrete and/or tile roof material. Architectural grade composition material may be used if rake treatment is included or roof pitch, greater than 4:12 is used.	**Yes.** The proposed homes incorporate composite tile roof material.
1.c: Each dwelling unit should be provided with complete front yard and corner-side yard xerophytic landscaping and automatic irrigation.	**Conditionally.** The proposed landscaping would be required to meet the standards set forth in PMC Section 18.84.310.
1.d: Required front yards should vary in depth unless otherwise stated for a proposed PD (Planned Development) district.	**Not applicable.** This guideline does not appear to apply to PD districts.
1.e: Decorative masonry walls should be provided between all arterial streets and future homes.	**Yes.** Decorative masonry walls are provided between West Leland Road and future homes, as applicable.
1.f: Roof slopes should be considered greater than 4:12 unless inappropriate for architectural style (i.e. Ranch Style, etc.).	**Yes.**
1.g: Provide articulated garage doors on all garages.	**Yes.** The proposed homes will have articulated garage doors.
1.h: Garage doors designs should not be duplicated. Not less than four styles should be used in a subdivision.	**Yes.** There are three distinct home designs with three different home elevations, each of which has a different garage door design and color.
1.i: Side-on garages are recommended intermittently through-out the subdivision (70' wide lots or greater).	**Not applicable.** Seventy-foot wide lots are not proposed as part of the project.
1.j: Garage frontage should not occupy more than 60% of allowable lot frontage.	**Not applicable.** The proposed project utilizes rear-loaded garages in order to reduce the dominance of garages within front yard facades.

1.k: Provide board-on-board fencing on all side yards and rear yards (excluding side yards and rear yards adjacent to major thoroughfares), unless a view corridor is to be maintained.	**Yes.** Six-foot-high, wood, board-on-board fencing will be installed along side and rear yards, as applicable, unless other wall materials are required in order to mitigate visual or noise impacts.
1.l: The architectural treatments (such as sidings, shingles, window, and door trims) established on the front facades of each of the approved house designs shall be carried around to the sides and rear elevations of the buildings, except that masonry veneer treatments at the base of a structure need be carried only partly around the side elevations, to either the adjoining fence line or the closest interior right angle joint.	**Yes.** All architectural treatments are carried around sides of buildings to the nearest adjoining fence line, right angle, or utility area.
2.a: Subdivision entry monuments should be provided on new major subdivisions, neighborhoods or villages, if appropriate.	**Not applicable.** The developer has not proposed signage into the subdivision in order to maintain adequate space for pedestrian amenities.
2.b: Perimeter wall and/or sound wall pilasters should not be greater than 50 feet on center.	**Conditionally.** A proposed condition of approval would require the developer to provide pilasters with a decorative concrete cap at intervals of 25 feet or less along West Leland Road. A decorative wall cap would also be provided along each wall.
2.c: Sound walls exceeding 6 feet in height and visible from the public right-of-way should be treated with decorative features consistent with the neighborhood design.	
2.d: All masonry walls should include a wall cap.	
2.e: Retaining walls, exceeding three feet tall, adjacent to a public right-of-way should be constructed with the same materials as used for the sound walls.	**Not applicable.** The proposed project would not require any retaining walls.
2.f: Masonry or sound walls should be staggered when adjacent to public right of ways.	**No.** However, staggering the masonry walls along West Leland Road is not considered appropriate because doing so would further reduce the sizes of the adjacent lots, making it tougher to meet the minimum setbacks that are sought for the PD district, as well as reducing the landscape buffer and Class I trail area.

2.g: Single story units should be located on corner lots whenever possible.	**No.** However, staff believes that this guideline is partially intended to incorporate affordability by design. It should be noted that income-restricted accessory dwelling units would be incorporated into at least six homes throughout the subdivision.
2.h: Developer should select, at least one of the schemes provided in Appendix 1 of the DRDGs for screening all utility boxes, transformers, backflow preventers, meters and junction boxes.	**Conditionally.** A condition of approval would require all utility boxes and/or transformers to be undergrounded. Where undergrounding is deemed infeasible or not recommended by PG&E, utility boxes and/or transformers would be masked by either faux stone utility box covers or a landscape screen.
2.i: Construct fence/walls at top down slope banks. Design fence at top of slope to take advantage of potential views.	**Not applicable.** The site is relatively flat and will not require fences/walls at top down slope banks.
2.j: Dwelling unit driveways should align with on-coming street at three-way intersections when possible.	**No.** The houses at the end of each motor court are not fully aligned with on-coming traffic. However, given the site constraints and lot configurations, very little can be done to achieve full alignment and no change is considered necessary.
Green Building Design Guideline	**Meets Guideline?**
6.A.1: Solar energy systems should be an option to the homebuyer by the builder.	**Conditionally.** A condition of approval would require the developer to include, as part of the options package for buyers of single-family houses in the subdivision, an option that offers pre-wiring of the house for photovoltaic (solar) panels.
6.A.2: For homes without solar energy systems, green roofs or cool roofs, roofing should include the following features: a) A minimum of 300 square feet of unobstructed roof area facing within 30 degrees of south. b) South facing sloped roofs should be at an angle of approximately 38 degrees.	
6.A.3: The external design of homes should feature up to date energy efficiency technologies: a) For infill housing, homes without solar energy systems should be covered with a cool roof. b) Roof overhangs should be sized to block the high summer sun but allow the lower winter sun to enter windows.	**Conditionally.** The project is required to meet the Residential Mandatory Measures specified under the 2016 California Green Building Standards Code, Part 11. A condition of approval would be included requiring the developer to implement additional Residential Voluntary Measures, including cool roofs for reduction of heat island effect.

6.A.4: Deciduous trees of approved native species should be planted to the south and west of the home to shade the home during summer and allow solar heat gain during winter.	**Conditionally.** The proposed landscaping would be required to meet the standards set forth in PMC Section 18.84.310.
6.A.5: Secure and convenient storage for at least two bicycles should be provided.	**Conditionally.** A recommended condition of approval would provide bicycle racks in each garage for secure parking.
6.A.6: Outdoor design and features should maximize landscaping water conservation.	**Conditionally.** The proposed landscaping would be required to meet the standards set forth in PMC Section 18.84.310.

BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Recommending City Council Approval of a General Plan Map Amendment, Rezoning, Vesting Tentative Subdivision Map, Development Agreement, and Design Review for a 346-Unit Single-Family Residential Subdivision, Along the North Side of West Leland Road, for the "Alves Ranch Development, AP-18-1348 (GP, RZ, VTM, DR, DA)."	Resolution No. 10121

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

A. On June 18, 2018, Mandy Leung of William Lyon Homes, Inc., filed Planning Application No. AP-18-1348, requesting approval of: 1) a zoning map amendment rezoning the site from a combination of RH-P (High Density Residential with a Master Plan Overlay) and CO-P (Office Commercial with a Master Plan Overlay) Districts to PD (Planned Development) and CC (Community Commercial) Districts; 2) a new vesting tentative map subdividing the 57.81-acre site to allow for the construction of a 346-unit, single family development as well as a 12-acre commercial site; and 3) design review of architectural and landscape plans. The project site is located along the north side of West Leland Road, south of State Route 4. Assessor's Parcel Nos. 097-700-001; 097-700-002; and 097-700-005.

B. The proposed project is governed by the applicable goals and policies of the Pittsburg General Plan, the Pittsburg Municipal Code (PMC), and the City's Design Review and Development Guidelines adopted by Planning Commission through Resolution No. 9864.

C. In 2004, William Lyon Homes, Inc. and Alves Ranch, LLC, submitted a plan to develop approximately 293-acres as a residential and commercial subdivision, known as the Vista Del Mar development. The 2004 Vista Del Mar project anticipated approximately 1,100 housing units (spanning the north and south sides of West Leland Road), approximately 257,500 square feet of commercial floor space, an approximately 11.33-acre school/park site, approximately 117.68 acres of permanent hillside open space, associated landscaped buffers, public and private roadways, a detention basin, a water tank site, and a water pump station site (see Figure 1 below).

D. On October 18, 2004, the City Council adopted Resolution No. 04-10168 certifying that the Final Environmental Impact Report (2004 FEIR) for the Vista Del Mar project (SCH # 2004012097) was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines.

E. On November 29, 2004, after having reviewed and considered the environmental documentation prepared for the Vista Del Mar project, the City Council adopted Resolution No. 04-10191, approving CEQA findings, adopting a Statement of Overriding Considerations, and a Mitigation and Monitoring and Reporting Program (MMRP) for the Vista Del Mar project.

F. On December 6, 2004, the City Council adopted Ordinance No. 04-1230, rezoning the portion of the project located north of West Leland Road (Alves Ranch site) to CO-P (Commercial Office with a Master Plan Overlay) and RH-P (High Density Residential with a Master Plan Overlay) Districts; however, no specific master plan/development plan was adopted at that time. On the same night, the Council also approved a Development Agreement (Ordinance No. 04-1231) for the full Vista Del Mar project allowing development for up to 540 medium and high-density residential units, and no more than 20 acres of business commercial development.

G. In August 2008, a master plan for development of the Alves Ranch site was proposed by the property owner. On January 20, 2009, the City Council adopted Ordinance No. 08-1312, approving the Alves Ranch Master Plan and an EIR addendum, which allowed for up to 560 housing units, a 0.6-acre recreational facility, and 221,500 square feet of commercial floor area on approximately 14 acres.

H. Since adoption of the Alves Ranch Master Plan, the project proposal for the site has been further refined based on current market conditions, as well as the desire of residents for additional retail commercial opportunities within the area of the City west of Bailey Road.

I. On November 7, 2017, the proposed project was discussed by the Land Use Subcommittee. The Subcommittee was generally supportive of the modifications proposed, including an amendment to the previous affordable housing requirement specified within the development agreement in exchange for reduced density, retail commercial acreage instead of office commercial, and prioritization of development of the commercial portion of the project.

J. On August 21, 2018, the Planning Commission held a public hearing to consider the project (which did not include a general plan map amendment or development agreement amendment at the time) and voted 3-1 to recommend approval of the proposed project.

K. On September 4, 2018, prior to a public hearing before the City Council, the

applicant requested the project be continued, in order to allow the developer to refine and bolster the environmental documentation.

L. Following that meeting, the applicant modified their planning application to include a general plan amendment to ensure the general plan land use designations matched the proposed zoning, and a minor amendment to the existing DA was drafted to require provision of a retail commercial area with an approximately 40,000 square foot grocery store. The proposed DA amendment would also require the developer "stub out" utilities for the commercial portion of the project and pay a penalty should the commercial portion of the property not be developed within five years.

M. Pursuant to PMC section 17.16.100, an applicant may request that two or more applications for separate discretionary approvals, including zoning amendments under Title 18 of this Code, requested or required in conjunction with a project be consolidated.

N. Under Government Code section 65358, the legislative body of a local government agency may amend its general plan, in whole or in part, if it finds that the amendment would be in the public interest. No more than four general plan amendments to each required element may be adopted within one calendar year. For the 2019 calendar year, the City Council has not adopted any amendments to the General Plan Land Use Element to date.

O. The California Government Code and PMC identify the Planning Commission as the advisory body to the City Council on amendments to the general plan. Government Code section 65353(a) requires that the Commission conduct at least one public hearing prior to making its recommendation on a proposed general plan amendment.

P. PMC section 18.16.020 identifies the Planning Commission as the advisory body to the City Council on proposed zoning changes, and requires that the Commission determine, prior to making its recommendation, that:

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

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

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

Q. Pursuant to City Council Resolution No. 96-8371, the Planning Commission must make a recommendation on a development agreement prior to City Council consideration. The City Council may adopt the ordinance approving a

development agreement if it finds that:

1. the development agreement is consistent with the General Plan and any applicable specific plan; and

2. the development agreement will promote the public health, safety, and general welfare.

R. PMC section 17.12.010 identifies the Planning Commission as the advisory body to the City Council on proposed tentative maps when consolidated with one or more applications for other approvals which are subject to final approval by the City Council. In order to recommend City Council approval of a vesting tentative map, the Commission must determine, in accordance with PMC section 17.20.060(c), that:

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

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

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

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

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

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

S. Pursuant to PMC section 18.36.230, the Planning Commission shall discuss the application for design review approval and integrate it with the land use approval process applicable to the project. In order to recommend design review approval (pursuant to the direction of PMC 18.36.230), the Commission must determine, in accordance with PMC section 18.36.220.B, that:

1. the structure conforms with good taste, good design and in general contributes to the character and image of the City as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality;

2. the structure will be protected against exterior and interior noise, vibrations and other factors that may tend to make the environment less desirable;

3. the exterior design and appearance of the structure is not of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value;

4. the structure is in harmony with proposed developments on land in the general area; and

5. the application conforms with the criteria set forth in any applicable City adopted design guidelines.

T. The proposed project is subject to the California Environmental Quality Act (CEQA), and the State CEQA Guidelines (Public Resources Code section 21080). Pursuant to the provisions of the State CEQA Guidelines, and specifically, Guidelines Section 15163 the City may choose to prepare a supplement to an EIR rather than a subsequent EIR if any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, but only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation. Section 15163 further explains that:

1. The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.

2. A supplement to an EIR shall be given the same kind of notice and public review as is given to a draft EIR under Section 15087.

3. A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR.

4. When the agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the supplemental EIR. A finding under Section 15091 shall be made for each significant effect shown in the previous EIR as revised.

U. On or prior to May 4, 2019, in accordance with Government Code sections 65090 and 65091, and PMC section 18.14.020.A, B, C and D, a "Notice of Public Hearing," for the May 14, 2019, public hearing on this item was published in the East County Times; was posted at City Hall; was delivered for posting at the Pittsburg Library; and was mailed via first class or electronic mail to the applicant, to the property owner, to owners of property located within 300 feet of the proposed project site, to local service agencies whose services might be affected by this project, and to individuals who had previously filed written request for such notice. The notice was also posted on www.nextdoor.com (Nextdoor) and was sent directly to all subscribed residents in the surrounding Nextdoor neighborhoods including: 1) Toscana; 2) Vista Del Mar; 3) Oak Hills South; 4) San Marco; and 5) San Marco Villas.

V. On May 14, 2019, prior to opening the public hearing, the Planning Commission continued the public hearing to May 28, 2019.

W. On May 14, 2019, the Planning Commission held a public hearing on Planning Application No. AP-18-1315 (GP, RZ, VTM, DR, DA), at which time oral and/or written testimony was considered.

Section 2. Findings

A. Based on the Planning Commission staff report entitled, "Alves Ranch Project, AP-18-1315 (GP, RZ, VTM, DR, DA)," dated May 14, 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, and based on all written and oral testimony presented at the public hearing, the Planning Commission finds that:

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

2. Based on the Initial Study prepared for the 2018 Project, the City determined that a supplemental EIR (SEIR) was appropriate. The Draft SEIR supplements the analysis presented in the 2004 EIR in accordance with applicable laws and regulations, including a description of the proposed modifications of the 2018 Project, as well as addressing any changed circumstances, and an evaluation of the potential to generate significant impacts not disclosed in the 2004 EIR. As part of this recommendation, the Planning Commission has independently reviewed and considered the information contained therein.

General Plan:

3. The proposed amendments to the General Plan are in the public interest, in that the proposed land use change will facilitate quality residential development, promote the use of a long-standing vacant site, help facilitate commercial development west of Bailey Road, help the City maintain a compact urban form, and promote a diversity of housing types and densities near the Pittsburg/Bay Point BART Station. The development will also enhance the visual quality of the area and increase the number of residents within the area that naturally monitor the streetscape and one another, enhancing community safety.

Rezoning:

4. The proposed rezoning is consistent with the objectives, policies, general land uses, and programs specified in the General Plan, in that:

a. The project will be developed on an infill site, thereby helping the City maintain a compact urban form (Goal 2-G-1).

b. The project will provide higher-density single-family residential units in an area near public transit (Goal 2-G-4). The project site is within a half-mile distance of the Pittsburg/Bay Point BART Station and directly adjacent to two bus stops located near the intersection of Alves Ranch Road and West Leland Road.

c. The project will expand Pittsburg's housing diversity by providing higher-density single-family development on smaller lots ranging from approximately 1,686 to 4,645 square feet, with a variety of traditional detached units, alley-loaded detached units, and attached "duet-style" units (Goal 2-G-5 and Housing Goal G-1).

d. The project will utilize a Planned Development (PD) zoning, in part, to achieve a high-quality design outcome (Policy 2-P-5).

e. The project will provide an 34,848-square-foot recreation area, complete with a bocce court, basketball court, BBQs, and seating areas as a community amenity within the planned development (Policy 2-P-6). A condition of approval will require the developer also install a covered seating area and waste receptacles.

f. The project will pay its share of the costs for the construction of facilities needed to serve the development (Policy 3-P-1, 3-P-13, and 7-P-2). It will comply with conditions of approval requiring payment of the Facilities Reserve Charge, Local Traffic Mitigation Fee (LTMF), and Regional Transportation Development Impact Mitigation Fee (RTDIM) in accordance with the PMC.

g. The project will be built in an area where public facilities and infrastructure are already available (Policy 3-P-1).

h. The existing transportation system has adequate capacity to accommodate the proposed development (Policy 3-P-2). Residents of the proposed development will have multiple transportation options available to them as the site is located near BART, Tri-Delta Transit, and bicycle lanes.

i. A traffic impact study was prepared as part of the project. An updated Trip Generation Analysis and revised Site Access and Circulation Assessment was prepared as part of the proposed project to ensure the proposed project is consistent with the previously prepared traffic impact study (Policy 3-P-5).

j. The project will provide safe and contiguous routes for pedestrians and bicyclists (Policy 3-P-17, 7-P-34, and 7-P-40). While a Class II bicycle facility exists along the project frontage, as part of the proposed project, the developer has proposed a combination of a Class I bicycle facility and temporary path along the southern boundary of the project site, connecting to existing sidewalks on either side. In addition, a condition of approval will require the developer provide a separate Class I trail at a point along the eastern boundary of the site, which will potentially connect to a future Class I trail across the vacant parcel to the east.

k. The project will encourage walking as a regular means of transportation due to the site's proximity to various amenities (Goal 7-G-15). The project site is within a half-mile distance of BART, existing commercial opportunities along Bailey Road and San Marco Boulevard, Ray Giacommelli Park, and a future Mt. Diablo Unified School District school site. In addition, the project will designate an approximately 12-acre commercial parcel, which, when developed, will allow for additional commercial opportunities within walking distance of the proposed development, but also existing developments in the area, further encouraging walking as a means of transportation in the area.

l. The project will provide an approximately 0.8-acre recreation area that is centrally located and within reasonable walking distance of all homes in the subdivision (Policy 8-P-2).

m. The project will equitably share the costs associated with providing water and wastewater services to the subdivision through payment of the Pittsburg Facilities Reserve Charge (Policy 11-P-7 and 11-P-18).

n. The project will provide sound walls adjacent to all homes along the northern perimeter of the site to help ensure interior noise levels do not exceed 45 dB CNEL (Policy 12-P-6).

o. The project site being rezoned is vacant, underutilized, and deemed appropriate for residential use given its proximity to parks, transit, and commercial amenities (Housing Element Policy P-1.1 B).

p. The project will provide market-rate housing and increase demand for economic activity in nearby shopping centers (Housing Policy P-1.2).

q. The project will provide at least ten single-family homes with accessory dwelling units that will allow extended families to live near each other, increase the affordable and rental housing stock, and provide income assistance to homeowners (Housing Policy P-1.5).

r. The project will help attain the City's Regional Housing Needs Allocation for moderate and above-moderate income households (Policy P-1.6).

s. The project will comply with conditions of approval requiring construction of quality home designs to ensure future residents will enjoy an attractive living environment (Housing Goal G-5 and Policy P-5.1).

5. There is a community need for the proposed zoning change, in that the amendment will facilitate occupancy of a long-standing vacant site in accordance with the City's housing goals calling for development of a variety of housing types, densities, and prices to balance the City's housing stock and to meet Pittsburg's regional fair share housing needs for people of all income levels. Providing 346 small-lot, market-rate and above residential units along with multiple accessory units which are determined to be affordable by design at the site will provide diverse housing options for residents and create an opportunity for more residents to utilize the Pittsburg/Bay Point BART Station and other public transit opportunities.

6. The proposed zoning amendment will be in conformity with public convenience, general welfare, and good zoning practice, in that the amendment will facilitate development of a long-standing vacant site, which could help to eradicate existing problems that come with vacant sites, such as illegal dumping and loitering. Additionally, the proposed project will add additional residents to the area who may frequent the established and potential commercial uses envisioned in the area. In addition, the site's proximity to both the Pittsburg/Bay Point BART Station and two existing bus routes presents an opportunity for more residents to utilize public transit opportunities.

Subdivision:

7. The proposed vesting tentative subdivision map is consistent with the proposed General Plan land use designations of Community Commercial and Medium Density Residential.

8. The project site is physically suitable for the type of development proposed in that the site is relatively flat, vacant, and surrounded by

existing infrastructure, minimizing the amount of work and investment needed to extend utilities and services to the site.

9. The project site is physically suitable for the proposed density of development, in that the site is flat, vacant, and surrounded by existing, established development. Further, the site is located within one-half mile of the Pittsburg/Bay Point BART Station and adjacent to two existing bus routes, making it an appropriate location for a medium-density residential development, as defined by the City's General Plan.

10. The design of the proposed subdivision and accompanying improvements will not cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat, in that the project will comply with the applicable mitigation measures identified in the 2004 Vista Del Mar EIR (SCH # 2004012097) and the Draft Supplemental EIR.

11. The design of the subdivision and type of improvements proposed will not cause serious public health problems. Site improvements have been, or shall be required to be, designed to meet City standards, as detailed in the conditions of approval. The residential project does not involve heavy manufacturing or other industrial uses that might generate high levels of pollution emissions, and the site is not located in close proximity to any stationary source polluters. Additionally, a mitigation measure requiring the developer implement an alternative form of ventilation for all proposed residential units within 200 feet of the centerline of West Leland Road, and within 400 feet of the centerline of SR-4, has been made a condition of approval have been added to address potential mobile source polluters.

12. The design of the subdivision and type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision, in that there are no existing public access easements on the site. The proposed map does include a new public street that will connect the development to existing public roadways, and the new street will be of sufficient width to accommodate automobile and emergency vehicle access into and around the site.

Design Review:

13. The proposed project conforms with good taste, good design and in general contributes to the character and image of the City as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality, in that the proposed house models feature an attractive architectural design characterized by a mixture of hipped and gable-end roofs with high-quality, composite shingle roofing material; stucco siding with horizontal trim, corbels, and simulated stone veneer; and articulated

front porch entryways. The proposed project will also provide an attractive outdoor environment for residents. The developer will install a variety of colorful, drought-tolerant landscaping within common areas and outside of homes, and a condition of approval will require a decorative, masonry sound wall with wall caps designed to mimic the existing sound wall along the south side of West Leland Road, adjacent to the Vista Del Mar project. Residential front yards will feature drought-tolerant plants and blooming street trees that will provide seasonal color throughout the subdivision.

14. The proposed project will be protected against exterior and interior noise, vibrations and other factors which may tend to make the environment less desirable, in that the project will be built to standard building codes that dictate maximum noise levels for the interiors of residential units. The developer will also be required to install a sound wall along the northern or southern property lines of residential lots nearest West Leland Road or State Route 4, as applicable.

15. The exterior design of the proposed project is not of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value. Rather, the proposed project will enhance the neighborhood's appearance and value, in that it will result in a highly attractive environment utilizing a variety of compatible house and front yard landscape designs. The Alves Ranch Project will add value to the community by attracting additional residential and commercial investment in the area.

16. The proposed project is in harmony with proposed developments on land in the general area, in that the home designs are intended to complement the existing Vista Del Mar project to the south.

17. The proposed project will substantially conform to the applicable Development Review Design Guidelines (DRDG, Planning Commission Resolution No. 9864) for single-family development if conditions are added requiring the developer to: a) provide split face block walls with pilasters at intervals of 25 feet or less along West Leland Road; b) provide screening for utility boxes, transformers, backflow preventers, meters, and junction boxes; c) provide, as part of the options package for homebuyers, solar panels or an option offering pre-wiring for solar panels; d) proposed landscaping be required to meet the standards set forth in PMC Section 18.84.310; and e) provide cool roofs for reduction of heat island effect or installation of solar panels, consistent with DRDG sections 1.c, 2.b through 2.d, 2h, and 6.A.1 through 6.A.2, 6.A.4, and 6.A.6.

Development Agreement:

18. The proposed development agreement amendment is consistent with the

General Plan, specifically Housing Element Policy P-1.5, in that it will require the construction of ten accessory dwelling units which will allow extended families to live near each other, increase the City's affordable housing stock, and provide opportunities for homeowners to generate additional income, and General Plan policies 8-P-1, 8-P-2, 8-P-11, in that it requires payment of fees to help the City meet its park and recreation facility standards.

19. The proposed development agreement will promote the public health, safety, and general welfare in that it requires the developer to pay a requisite fees in place at the time the original Development Agreement was executed.

B. The Staff Report entitled, ""Alves Ranch Project, AP-18.1315 (GP, RZ, VTM, DR, DA)," dated May 14, 2019, is referenced hereto as additional support for findings.

Section 3. Decision

Based on the findings and the authority set forth above, the Planning Commission hereby recommends that the City Council adopt an ordinance and resolution to:

A. Amend General Plan Figure 2-2 (Land Use Diagram) to change the land use designation of the properties described in section 1.A above, from a combination of 'Business Commercial' and 'High Density Residential,' to 'Community Commercial' and 'Medium Density Residential' as substantially presented in Exhibit A of this resolution, as well as modify other Land Use Element tables and charts as necessary to reflect the change in land use acreages and maintain internal consistency with the General Plan document;

B. Amend the Zoning Map, as referenced in Pittsburg Municipal Code, Title 18 (Zoning Ordinance) section 18.04.020, to change the zoning of the properties described in section 1.A above, from a combination of 'CO-P' and 'RH-P' Districts, to 'CC' and 'PD' District as substantially presented in Exhibit B of this resolution;

C. Adopt a PD Plan with specific land use and development regulations, as substantially presented in Exhibit C of this resolution.

D. Approve a development agreement amendment as substantially presented in Exhibit D of this resolution;

E. Approve Vesting Tentative Map 9325 subdividing the properties described in section 1.A above into 346 lots for single-family homes, a 12-acre commercial parcel, as well as other incidental parcels, subject to the conditions as substantially presented below; and

F. Approve design review of the accompanying architectural and landscape plans, subject to the conditions as substantially presented below.

General Conditions:

1. The project shall be constructed in substantial conformity with the Vesting Tentative Map and Project Plans, date stamped July 23, 2018, except as hereinafter may be modified. Any major changes to the project plans shall be subject to review and approval by the Planning Commission at the City Planner's discretion.

2. Final plot plans shall be consistent with the approved PD Plan and in substantial conformity with the approved project plans. Minor plot plan rearrangements may be made subject to review and approval by the Planning Division. Final plot plans shall not result in two side by side lots having the same plan, elevations, and color adjacent to each other. Developer plans reflect that there are:

    1. Three plan types, three elevation styles for each plan and 12 color schemes for Neighborhood C;
    2. Three plan types, three elevation styles for each plan and 12 color schemes for Neighborhood D1 & D2; and
    3. Two plan types, three elevation styles for each plan and 12 color schemes for Neighborhood A1 & A2.

3. Prior to issuance of a building permit, the developer shall record the 2018 Amendment to the Development Agreement, which has been placed in an escrow account.

4. To the extent that the terms of any development agreement approved by the City Council are in conflict with the conditions of this Vesting Tentative Map approval, the provisions of the Development Agreement shall prevail.

5. Developer shall provide all new home buyers in the Alves Ranch development with a prepaid transit card (e.g. Clipper Card) preloaded with at least twenty dollars ($20.00) (one card per home), as well as a welcome packet containing information on BART commuter tax benefits and 511 Contra Costa County Ride Matching Assistance, carpool/vanpool incentives. In the event these programs are discontinued at any point, developer shall work with the City to identify other resources and incentives and provide information to home buyers.

2004 EIR Mitigation Measures: The developer shall comply with all applicable Mitigation Measures (MM) identified within the Environmental Impact Report (EIR) certified by the City Council on October 18, 2004, including but not limited to the following:

6. Mitigation 5-1: To minimize the degree of project-specific adverse impact on the

visual character and quality of the project site, the project shall include an overall layout and grading plan, and associated set of design standards and controls for grading, creekway and landform protection, individual site and architectural design (including individual custom lot architectural design), common and private landscaping, public and private roadways, and light and glare (including outdoor lighting), which to the satisfaction of the Pittsburg Planning Commission, as determined through the City's design review process, will sufficiently minimize the degree of adverse impact on the general visual character of the project site. Based upon related land use and urban design goals and policies set forth in the City of Pittsburg General Plan and General Plan EIR, these project design refinements should include some combination of the following:

- Incorporate natural creeks and open space amenities into the design of project residential neighborhoods (in keeping with GP goals and policies 2-P-26, 2-P-89, 4-G-4, 4-P-9).
- Plant trees and other vegetation along West Leland Road and other project collector and arterial roadways in order to maintain the sense of "rural" open space at the City's southern boundary (in keeping with GP policy 4-P-6).
- Use irregular planting on graded slopes to achieve a natural appearance (in keeping with GP policy 4-P-27).
- Incorporate a selected combination of the above design refinements into the final design and title provisions for the project that, to the satisfaction of the Planning Commission as determined through the City's normal design review and approval process, will sufficiently reduce the adverse visual impacts of the project.

7. Mitigation 5-2: In addition to those listed under Mitigation 5-1, at later phases of the project (when detailed, design level applications are submitted for areas north of West Leland Road), incorporate the following design refinements into the project to the satisfaction of the Planning Commission:

- Ensure that proposed residential development in the project-designated High-Density Residential area is oriented with the lowest building heights adjacent to Highway 4, and set back from the edge of Highway 4 sufficiently to mitigate visual impacts (in keeping with GP goal 2-P-87).
- As part of the subsequent development review process, limit building heights and massing in the designated Business Commercial area and/or maintain visual separations within the area, sufficient to preserve through views of the hills from Highway 4 and the Bay Point community north of Highway 4 (in keeping with GP policy 4-P-3).
- Emphasize beautification of the Highway 4 corridor in project landscape plans through a sensitive combination of highway edge landscaping and significant view corridor preservation (in keeping with GP Goal 4-G-12).
- Ensure that adequate landscaping is placed along the outer edge (northern side) of the SR 4 sound wall (2008 Addendum).

8. Mitigation 8-1: As required by State SB 221, prior to City approval of a final map for the proposed project, the City of Pittsburg Community Development Department shall undertake a subsequent water supply analysis, which shall describe the citywide water supply situation at that future time (including valid water rights, infrastructure financing, permits, and approvals), including the status of (i.e., City progress on) current City studies and plans for expanding its reclaimed water program and conservation efforts and finding opportunities for future short-term water purchases. As required by SB 221, no final map shall be approved for the project until the City concludes, based on a written verification prepared in compliance with SB 221 and on the availability of other water supplies, as demonstrated by substantial evidence in the record, that sufficient water will be available to serve the proposed project needs, in addition to existing and planned future uses, during normal, single dry, and multiple dry years within a 20-year projection.

   The project applicant shall also be required to comply with all applicable current and future City of Pittsburg water demand performance standards, including standards included in the City of Pittsburg Urban Water Management Plan, the City's reclaimed water project, and the City's water conservation program.

9. Mitigation 8-3: As a condition of Tentative Subdivision Map approval, the applicant shall: (1) comply with applicable per-unit conveyance system fees levied by DDSD, and (2) demonstrate to the satisfaction of the DDSD and the City Engineer that DDSD sewage treatment capacity will be adequate to serve the development. This requirement shall be met through preparation of a sewage treatment adequacy evaluation in coordination with and to the satisfaction of the City Engineer. No project development requiring sewage treatment service beyond the 1,218-ERU total anticipated by the DDSD shall be allowed until adequate sewage treatment capacity is demonstrated as required by this mitigation measure.

10. Mitigation 8-4: Implement Mitigation 8-3 above.

11. Mitigation 9-1: Provide an onsite storm water detention facility and maintenance program sufficient to permanently reduce peak rates of runoff into the east highway culvert, in accordance with adopted design and maintenance criteria (see details below), and subject to the approval of Caltrans, the CCCFCWCD, and the City Engineer. The project east highway culvert detention basin and all discharge structures shall be dedicated to a maintenance assessment district, in which future project property owners would be responsible for the facility's long-term maintenance.

12. Mitigation 9-2: The developer would be responsible for design and construction of all improvements within the appropriate any modifications required to also increase the volume of onsite detention storage), as may be identified by

CCCFCWCD, based on their review of the hydrology report.

The applicant shall also pay all applicable drainage fees, as determined by the CCCFCWCD (see details below). The project's Area 48B drainage fees would be used to fund construction of the proposed downstream drainage improvements. If the fees are not sufficient to cover the cost of these improvements, all additional costs would be paid by the applicant under the terms of a development agreement with the CCCFCWCD. This agreement would provide for repayment of these extra costs as additional fees are collected on future development projects, under the terms of the Flood Control District's reimbursement policy.

13. Mitigation 8-5: Implement mitigation measures identified in chapter 7, Traffic and Circulation, of this EIR to reduce the impacts on project-related traffic on West Leland Road and other local roads. In addition, require Police Department review and approval of project-proposed emergency access provisions prior to Tentative Subdivision Map approval. Implementation of these measures would reduce project impacts on emergency response and evacuation to a less-than-significant level.

14. Mitigation 8-6: As a condition of Tentative Subdivision Map approval, require (a) CCCFPD review and approval of the proposed Tentative Subdivision Map, (b) demonstration by the applicant that the project complies with all applicable City and CCCFPD road design and emergency access standards, and (c) installation of necessary access roads for each project phase, as determined by the CCCFPD, prior to building construction. Implementation of these measures would reduce this impact to a less-than-significant level.

15. Mitigation 8-8: To the satisfaction of the City, require the project applicant to comply with the park dedication requirements of chapter 17.32 of the City's Municipal Code.

16. Mitigation 9-1: Provide an onsite storm water detention facility and maintenance program sufficient to permanently reduce peak rates of runoff into the east highway culvert, in accordance with adopted design and maintenance criteria (see details below), and subject to the approval of Caltrans, the CCCFCWCD, and the City Engineer. The project east highway culvert detention basin and all discharge structures shall be dedicated to a maintenance assessment district, in which future project property owners would be responsible for the facility's long-term maintenance.

17. Mitigation 9-2: The developer would then be responsible for design and construction of all improvements within the appropriate sections of Drainage Area 48B, Lines B and B 1 (as well as for any modifications required to also increase the volume of onsite detention storage), as may be identified by CCCFCWCD, based on their review of the hydrology report.

The applicant shall also pay all applicable drainage fees, as determined by the CCCFCWCD (see details below). The project's Area 48B drainage fees would be used to fund construction of the proposed downstream drainage improvements. If the fees are not sufficient to cover the cost of these improvements, all additional costs would be paid by the applicant under the terms of a development agreement with the CCCFCWCD. This agreement would provide for repayment of these extra costs as additional fees are collected on future development projects, under the terms of the Flood Control District's reimbursement policy.

18. Mitigation 9-3: In accordance with National Pollution Discharge Elimination System (NPDES) regulations, prepare a Storm Water Pollution Prevention Plan (SWPPP) consistent with State and RWQCB design standards, for implementation throughout project construction to control erosion on the project site, subject to the approval of the City Engineer.

19. Mitigation 9-4: To help reduce the long-term accumulation of non-point source pollutants from the project within downstream surface waters, incorporate long-term source control and pre-discharge treatment measures into the Storm Water Pollution Prevention Plan (SWPPP) described in Mitigation 9-3 above, in accordance with Municipal Regional Stormwater Permit Order No. R2-2015-0049 NPDES No. CAS612008, subject to the approval by the City Engineering Division.

20. Mitigation 10-1: The project geotechnical engineer shall prepare a final design-level project geotechnical study subject to review and approval by an independent engineering geologist retained by the City at applicant expense. The review shall evaluate if the study and all of its conclusions are consistent with generally accepted geotechnical engineering practice and in agreement with the approved site development plan. Relevant provisions of the geotechnical study shall be incorporated into project grading and site preparation plans. All earthwork and site preparation shall be performed under the direct supervision of a State-certified geotechnical engineer or these measures to the satisfaction of the independent engineering geologist and the City Engineer would reduce this potential impact to a less-than-significant level.

21. Mitigation 10-4: The City and its independent engineering geologist shall closely evaluate all project proposals for the construction of slopes in particular cut slopes steeper than three-to-one, to prevent future slope failures that could damage existing homes/project improvements or require slope repairs at the expense of the West Pittsburg GHAD. If the stability of these proposed slopes can be independently confirmed, implement the construction measures recommended in the project geotechnical study. If the slopes stability cannot be confirmed redesign the slopes to achieve a flatter more sustainable gradient. Implementation of this measure to the satisfaction of the City-retained

independent engineering geologist and City Engineer would reduce this potential impact to a less-than-significant level.

22. Mitigation 10-6: Specification for site development shall include mandatory phasing for construction of site improvements as recommended by the project geotechnical engineer if settlement monitoring indicates that long-term settlement within individual fill areas could eventually exceed allowable amounts and damage or otherwise limit the usefulness of buildings or other improvements. Implementation of this measure to the satisfaction of the City retained engineering geologist and City Engineer would reduce this potential impact to a less than significant level.

23. Mitigation 10-7: In addition to the observation of all cut and fill slope construction the project geotechnical engineer shall inspect and certify that any expansive soils underlying individual building pads and all roadway subgrades have been either removed or amended in accordance with City-approved construction specifications. If expansive soils are not fully remediated on each lot and in the area of all public and private improvements at the time of site development the project geotechnical engineer shall make site-specific recommendations for grading, drainage, installation of foundation design, the addition of soil amendments and or the use of imported non-expansive fill materials as may be required to fully mitigate the effects of weak or expansive soils and prevent future damage to project improvements. Following review and approval by the City-retained independent engineering geologist and City Engineer (see Mitigation 10-1) these recommendations shall be incorporated into a report to be included with each building permit application and with the plans for all public and common-area improvements.

24. Mitigation 10-8: Specification for site development shall include a protocol for verifying that adequate protection has been provided for all foundations and underground utilities that could be damaged by corrosive soils. The project civil engineer shall be responsible for implementation of this protocol with final approval by the City Engineer. Implementation of this measure would reduce this potential impact to a less-than-significant level.

25. Mitigation 10-9: Prepare an erosion control plan subject to City approval and implement the plan during construction. The plan shall provide for long-term stabilization of all exposed soils upon the completion of project development. Implementation of this measure would reduce this potential impact to a less than significant level.

26. Mitigation 10-10: Educational materials that discourage overwatering in landscaped areas shall be furnished to all future lot owners at the time of purchase and periodically thereafter (perhaps by inclusion with water or tax bills), as part of an effort to control groundwater seepage.

27. Mitigation 10-12: Require project annexation to the West Pittsburg Geologic

Hazard Abatement District (GHAD) in order to adequately address the special circumstances and long-term geotechnical maintenance needs associated with development in areas of potential geologic instability. The existence of and the responsibilities attached to project inclusion in the GHAD shall be clearly disclosed to all purchasers of property within the project site. In addition, all risks and liabilities associated with the ownership of project land in the vicinity of potentially unstable slopes shall be fully explained to potential buyers at the time of purchase. Implementation of these measures to the satisfaction of the City-retained engineering geologist and City Engineer would this potential impact to a less than significant level.

28. Mitigation 12-1: Require that a qualified archaeologist be retained at applicant expense to monitor project-related onsite excavation. In the event that subsurface cultural resources are uncovered during approved ground-disturbing activities, work in the immediate vicinity shall be halted immediately and the retained archaeologist shall evaluate the finds and make a determination in regard to the cultural value of the discovery and warranted mitigation measures. Such preliminary field inspection may demonstrate the need for some form of additional subsurface testing (e.g., excavation by auger, shovel, or backhoe unit). The discovery or disturbance of any significant cultural resources should be reported to the California Historical Resources Information System (CHRIS). The discovery of any Native American cultural resources shall also be reported to the Native American Heritage Commission. If a significant archaeological resource is identified through this field inspection process, the City and project proponent shall seek to avoid damaging effects to the resource. Preservation is the preferred manner of mitigating impacts to an archaeological site. When in-place mitigation is determined by the City to be infeasible, a mitigation program, including measures set forth in sections 15064.4 and 15126.4 of the CEQA Guidelines, shall be implemented. Specifically, a data recovery plan, which makes provisions for adequate recovery of the scientifically consequential information about the site, shall be prepared prior to any additional excavation being undertaken. The plan shall be submitted to the California Historical Resources Regional Information Center (i.e., the NWIC at Sonoma State University). If Native American artifacts are indicated, the plan shall also be submitted to the Native American Heritage Commission (NHAC). Identified cultural resources should be recorded on State Department of Parks and Recreation form DPR 422 (archaeological sites). The data recovery plan should be finalized as necessary to incorporate any mitigation additions or revisions recommended by these two groups and/or required by the City. If human remains are found, special rules set forth in State Health and Safety Code section 7050.5 and CEQA Guidelines section 15126.4(b) shall apply. The identified mitigations shall be undertaken to City satisfaction, if necessary, prior to resumption of grading activities.

A data recovery plan and data recovery shall not be required if the City determines that testing or studies already completed have adequately recovered

the necessary data, provided that the data are available for review at the California Historical Resource Regional Information Center [CEQA Guidelines section 15126.4(b)].

2019 SEIR Mitigation Measures: The developer shall comply with all applicable Mitigation Measures (MM) identified within the Supplemental Environmental Impact Report (SEIR) certified by the City Council on _____, including but not limited to those specified below. In the event there is a conflict between the final Mitigation Monitoring and Reporting Program (MMRP), and the mitigation measure shown below, the more preventive requirements shall apply.

29. MM AIR-1: *Implement BAAQMD Best Management Practices During Construction.* The following text is a refinement of MM 15-1 from the 2004 Final EIR. The text is updated to reflect current BAAQMD best practices. The following Best Management Practices (BMPs), as recommended by BAAQMD, shall be included in the project design and implemented during construction:

- All active construction areas shall be watered at least three times per day.
- All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least three times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of CCR). Clear signage regarding idling restrictions shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The City of Pittsburg and the construction contractor shall take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations.

30. MM AIR-2: *Use Construction Equipment That Meets Tier 3 Off-road Emission Standards.* During construction activities, all off-road equipment with engines greater than 50 horsepower shall meet either EPA or ARB Tier 3 Final off-road emission standards. The construction contractor shall maintain records concerning its efforts to comply with this requirement, including equipment lists. Off-road equipment descriptions and information may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.

31. MM BIO-1a: *Burrowing Owl.* No more than 30 days prior to the first ground-disturbing activities, the project applicant shall retain a qualified biologist to conduct a preconstruction survey on the project site. The survey shall establish the presence or absence of western burrowing owl and/or burrows, and evaluate any use by owls in accordance with applicable CDFW survey guidelines.

On the portion of the project site where the ground disturbing activity is proposed, the biologist shall survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify whether any burrows and/or owls are present. Adjacent areas on the project site that are not being proposed for ground disturbance need not be surveyed. The survey shall take place near the sunrise or sunset in accordance with applicable CDFW guidelines. All burrows or burrowing owls (if any) shall be identified and mapped. During the breeding season (February 1–August 31), surveys shall document whether burrowing owls (if any) are nesting on or directly adjacent to disturbance areas. During the non-breeding season (September 1–January 31), surveys shall document whether burrowing owls (if any) are using habitat on or directly adjacent to any disturbance area. Survey results shall be valid only for the season during which the survey is conducted.

If burrowing owls are not discovered during the above-described preconstruction surveys, or if burrows are identified but are inactive, further mitigation is not required.

If burrowing owls are observed during the pre-construction surveys, the project applicant shall perform the following measures to limit the impact on the burrowing owls:

- Avoidance shall include establishment of a 160-foot non-disturbance buffer zone. Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation, or that the juveniles from the occupied burrows have fledged. During the non-breeding season (September 1-January 31), the project proponent shall avoid the owls and the burrows they are using, if possible. Avoidance shall include the establishment of a 160-foot non-disturbance buffer zone.

- If it is not possible to avoid occupied burrows, passive relocation shall be implemented. Owls shall be excluded from burrows in the immediate impact zone and within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors shall be in place for 48 hours prior to excavation. The project area shall be monitored daily for 1 week to confirm that the owl has abandoned the burrow. Whenever possible, burrows should be excavated using hand tools and refilled to prevent re-occupation. Plastic tubing or a similar structure shall be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow.

32. MM BIO-1b: *Swainson's Hawk.* Prior to any ground disturbance that occurs during the nesting season for Swainson's hawk (March 15 to September 15), a qualified biologist shall conduct a preconstruction survey no more than 30 days prior to construction to establish whether there are any Swainson's hawk nests within 1,000 feet of the project site, and if so, whether they are occupied. If potentially occupied nests within 1,000 feet are located adjacent to but not on the project site, then their occupancy shall be determined by observation from public roads or other publicly accessible observation areas of Swainson's hawk activity (e.g., foraging) near the project site. If Swainson's Hawks are not discovered during the above-described preconstruction surveys, or if a nest is identified but is inactive, further mitigation is not required.

33. If nests are located and determined to be occupied, minimization measures and construction monitoring are required as follows:

    In order to mitigate for the loss of Swainson's hawk foraging habitat to a less than significant level, the Project applicant shall acquire conservation easements or other instruments to preserve suitable foraging habitat for Swainson's hawk, as determined by the California Department of Fish and Game. The location of mitigation parcels as well as the conservation instruments protecting them shall be acceptable to the City and to the California Department of Fish and Game. The amount of land preserved shall be governed by a 1:1 mitigation ratio for each acre developed at the Project site. In deciding whether to approve the land proposed for preservation by the Project applicant, the City shall consider the benefits of preserving lands in proximity to other protected lands. The preservation of land shall be done prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first. In addition, the City shall impose the following minimum conservation easement content standards:

    - The land to be preserved shall be deemed suitable Swainson's hawk foraging habitat by the California Department of Fish and Wildlife.
    - All owners of the mitigation land shall execute the document encumbering the land.
    - The document shall be recordable and contain an accurate legal

description of the mitigation land.

- The document shall prohibit any activity which substantially impairs or diminishes the land's capacity as suitable Swainson's hawk foraging habitat.
- If the land's suitability as foraging habitat is related to existing agricultural uses on the land, the document shall protect any existing water rights necessary to maintain such agricultural uses on the land covered by the document, and retain such water rights for ongoing use on the mitigation land.
- The applicant shall pay to the City a mitigation monitoring fee to cover the costs of administering, monitoring and enforcing the document in an amount determined by the receiving entity, not to exceed 10% of the easement price paid by the applicant, or a different amount approved by the City Council, not to exceed 15% of the easement price paid by the applicant.
- Interests in mitigation land shall be held in trust by an entity acceptable to the City and/or the City in perpetuity. The entity shall not sell, lease, or convey any interest in mitigation land which it shall acquire without the prior written approval of the City.
- The City shall be named a beneficiary under any document conveying the interest in the mitigation land to an entity acceptable to the City.
- If any qualifying entity owning an interest in mitigation land ceases to exist, the duty to hold, administer, monitor and enforce the interest shall be transferred to another entity acceptable to the City or to the City.

Before committing to the preservation of any particular land pursuant to this measure, the Project proponent shall obtain the City's approval of the land proposed for preservation. This mitigation measure may be fulfilled in combination with a mitigation measure imposed on the project requiring the preservation of agricultural land as long as the agricultural land is determined by the Department of Fish and Wildlife to be suitable Swainson's hawk habitat.

34. MM BIO-1c: *Migratory and Nesting Birds.* Prior to the start of construction, the implementation of the following avoidance and minimization measures would avoid or minimize potential effects to migratory birds and habitat in and adjacent to the project site. These measures shall be required to be implemented for construction work that occurs during the nesting season (February 15 through August 31). No mitigation measures shall be required during the non-nesting season (September 1 through February 14)

    - If construction or tree removal is proposed during the nesting season for migratory birds (February 15 through August 31), a qualified biologist shall conduct pre-construction surveys for ground nesting birds and migratory species, such as the northern harrier, within the construction area, including a 300-foot survey buffer, no more than 3 days prior to the start of ground disturbing activities in the construction area.

- If an active nest of any of the above-identified migratory birds is located during pre-construction surveys, then the project applicant shall adhere to notification requirements to USFWS and/or CDFW (as appropriate) regarding the status of the nest as may be required under applicable laws and regulations. Furthermore, construction activities shall be restricted as necessary within any identified buffer area (as determined by the qualified biologist) to avoid disturbance of the nest until it is abandoned or a qualified biologist deems disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 300 feet around an active raptor nest and 50-foot radius around an active migratory bird nest) or alteration of the construction schedule.
- A qualified biologist shall: determine the size of the appropriate buffer and delineate the identified buffer using nest buffer signs, ESA fencing, pin flags, and or flagging tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently, at which time no further mitigation shall be required.

35. MM GHG-1: *Implement Measures to Reduce GHG Emissions.* Prior to the issuance of the first certificate of occupancy for the relevant portion of the 2018 Project (i.e., residential or commercial), or building final as appropriate, the residential or commercial applicant (as relevant) shall provide documentation to the City of Pittsburg that the following measures have been achieved:

    Residential Measures:

    - Provide 100 percent renewable energy through either one or a combination of (1) Installation of solar photovoltaic systems consistent with the 2019 Building Energy Efficiency Standards and/or (2) Purchase 100 percent renewable energy for electricity consumption on the project site. For the purchase of renewable energy, prior to the issuance of the first certificate of occupancy for the residential portion of the 2018 Project, the Project applicant shall record Conditions, Covenants and Restrictions (CCRs) that require each homeowner to enroll into and maintain enrollment on an ongoing basis in the Marin Clean Energy's "Deep Green" or "Local Sol" program, or similar program offered at the time of project occupancy, to purchase 100 percent renewable energy for electricity consumption on the project site.
    - Provide electrical outlets on the outside of the homes or outlets within the garages to encourage the use of electrical landscaping equipment.
    - Install on-demand electric or solar water heaters.
    - Use water efficient landscapes and native/drought-tolerant vegetation.
    - Install smart meters and programmable thermostats.

    Commercial Measures:

- Install on-site charging units for electric vehicles consistent with parking requirements in California Green Building Standards Code Section 5.106.5.2.
- Dedicate on-site parking for shared vehicles.
- Install on demand electric water heating instead of natural gas water heating for some or all of the project's hot water needs, to the extent such technology is then readily available and commercially practicable.
- Provide adequate, safe, convenient, and secure on-site bicycle parking and storage in the commercial portion of the project.

36. MM NOI-1: To reduce potential traffic noise impacts, the following multipart mitigation measure shall be implemented for the 2018 Project:

a) The 2018 Project shall construct a soundwall (or equivalent) to protect residential units bordering West Leland Road. The soundwall (or equivalent) shall be a minimum 8-foot high above the finished grade of the residential units. Notwithstanding the foregoing, the 2018 Project applicant may propose an equivalent measure so long as the 2018 Project applicant can demonstrate, via an updated acoustical analysis prepared by a qualified noise consultant and approved by the City Engineer, that the applicable performance standards will be achieved with implication of this equivalent measure. The soundwall (or equivalent) shall effectively block the line of sight to West Leland Road for proposed outdoor active use areas (i.e., backyards or side yards) of all residential units within 100 feet of the edge of the southern project property line. The soundwall (or equivalent) shall be of solid construction, with no vertical or horizontal gaps, and shall have a minimum surface weight of 4 pounds per square foot. The acceptability of the proposed combination of soundwall (or equivalent) mitigation shall be confirmed by the City Engineer, as part of the final plans and permitting process, to ensure compliance with the applicable performance standards.

b) The 2018 Project shall implement an alternative form of ventilation for all proposed residential units within 200 feet of the centerline of West Leland Road, and within 400 feet of the centerline of SR-4. This alternative form of ventilation would give an occupant the option of controlling noise by keeping the windows shut in order to reduce potential traffic noise impacts to a less than significant level. A standard central air conditioning system or a central heating system equipped with a 'summer switch,' which allows the fan to circulate air without furnace operation requiring mechanical ventilation, will provide a habitable interior environment and meet the airflow provisions under building code requirements.

c) The 2018 Project shall construct a soundwall (or equivalent) to protect residential units bordering SR-4. The soundwall (or equivalent) shall be a minimum 10-foot high above the finished grade of the residential units.

Notwithstanding the foregoing, the 2018 Project applicant may propose an equivalent measure so long as the 2018 Project applicant can demonstrate, via an updated acoustical analysis prepared by a professional acoustical consultant and approved by the City Engineer, that the applicable performance standards will be achieved with implication of this equivalent measure. The soundwall (or equivalent) shall effectively block the line of sight to SR-4 for all first floor units and proposed outdoor active use areas (i.e., backyards) of all residential units within 400 feet of the centerline of SR-4. The soundwall shall be of solid construction, with no vertical or horizontal gaps, and shall have a minimum surface weight of 4 pounds per square foot. The acceptability of the proposed mitigation shall be confirmed by the City Engineer, as part of the final plans and permitting process, to ensure compliance with the applicable performance standards.

d) The 2018 Project shall provide upgraded wall and window assemblies for all second story residential units in Neighborhoods A-1 and A-2 that would have a direct line of sight to SR-4 and the BART rail line. The combined wall and window assembly shall have a minimum Standard Transmission Class (STC) rating of 32-STC. This will provide sufficient noise reduction, with an adequate margin of safety, to ensure the 45 dBA Ldn interior noise level standard is maintained (74 dBA–32 dBA = 42 dBA). Prior to issuance of building permits, the applicant shall have a professional acoustic consultant review the final design plans to confirm with the City Engineer that the design would provide the required STC rating.

37. MM NOI-2: To reduce potential impacts related to construction noise, the Project shall restrict construction-related activities to normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday. The Project shall also implement the following construction period noise abatement measures and best practices:

- The construction contractor shall ensure that all internal combustion engine-driven equipment is equipped with mufflers that are in good condition and appropriate for the equipment.
- The construction contractor shall select quiet construction equipment, particularly air compressors, whenever feasible
- The construction contractor shall locate stationary noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area. In addition, the project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site, whenever feasible.
- The construction contractor shall prohibit unnecessary idling of internal combustion engines.
- The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas so as to maximize the distance between

construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.

- Designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and institute reasonable measures, consistent with this Improvement Measure, warranted to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site.
- Route all construction traffic to and from the project site via designated truck routes where practical. Prohibit construction-related heavy truck traffic in residential areas where feasible.
- The construction contractor shall limit noise producing construction activity to the daytime hours between 8:00 a.m. and 5:00 p.m.

38. MM TRANS-1a: Prior to issuance of building permits, the 2018 Project applicant shall pay applicable Local Traffic Mitigation Fee to the City of Pittsburg, which could be used to construct intersection improvements that would result in acceptable operations, which could include widening the northbound San Marco Boulevard north of West Leland Road to allow the westbound right movement to operate as a free tuning movement.

39. MM TRANS-3a: Prior to issuance of building permits, the 2018 Project applicant shall pay to the City of Pittsburg its pro rata fair share of the cost to restripe the northbound approach of the West Leland Road at Oak Hills Drive intersection to provide separate left and right-turn lanes. Provided, however, that should BART development not occur, this improvement would not be necessary, and the 2018 Project applicant would not be required to pay the fees identified in this Mitigation Measure TRANS-3a. Development considered in the Pittsburg/Bay Point BART Specific Plan included 1,168 dwelling units and 146,362 square feet of nonresidential uses in conjunction with site access and circulation improvements and parking.

40. MM TRANS-3b: Prior to issuance of building permits, the 2018 Project applicant shall pay to the City of Pittsburg its pro rata fair share of the cost to construct a second eastbound left-turn lane. However, there is insufficient right-of-way available to construct this improvement. As it is uncertain if improvements could be constructed and identified improvements would not result in acceptable LOS E operations, this impact would remain significant and unavoidable. The project applicant previously paid transportation impact fees for improvements at this intersection associated with development of the entitled project.

41. MM TRANS-3c: Prior to issuance of building permits, the 2018 Project applicant shall pay to the City of Concord its pro rata fair share of the costs to improve the intersection of Bailey Road/Myrtle Drive if and to the extent the City of Concord has, at the time of building permit issuance, lawfully established an impact fee to

fund the foregoing improvements. The improvements shall consist of signalization of this intersection in conjunction with the construction of a southbound left-turn lane. Provided, however, this mitigation measure shall not apply if there is not a legal mechanism by which for the 2018 Applicant to provide fees to the City of Concord or if the City of Concord does not support the improvements, as reflected by the City of Concord's lawful establishment of an impact fee to fund said improvements.

42. MM TRANS-3d: Prior to issuance of building permits, the 2018 Project applicant shall pay to the City of Concord its pro rata fair share of the costs to improve the intersection of Bailey Road/Concord Boulevard if and to the extent the City of Concord has, at the time of building permit issuance, lawfully established an impact fee to fund the foregoing improvements. The improvements shall consist of installation of southbound right-turn overlap phase and retiming the traffic signal to allow such a movement. Provided, however, this mitigation measure shall not apply if there is not a legal mechanism by which for the applicant to provide fees to the City of Concord or if the City of Concord does not support the improvements, as reflected by the City of Concord's lawful establishment of an impact fee to fund said improvements.

43. MM TRANS-4: Prior to issuance of building permits, the 2018 Project applicant shall pay all adopted applicable regional transportation related impact fees in accordance with the latest fee schedule, including the ECCRFFA.

44. MM TRANS-5a: Prior to issuance of the first building permit, the applicant shall demonstrate that the Alves Ranch Road extension into the project site is designed to Collector Street standards, and all other streets are designed to Local Street standards.

45. MM TRANS-5b: Prior to the issuance of the first grading permit, the applicant shall demonstrate (as shown on the final improvement plans) provide a refuse collection plan to that each home has a clear refuse collection staging area that considers the need for some on-street parking to be provided on refuse collection days.

46. MM TRANS-7a: Prior to issuance of building permits for the potential future commercial uses, the commercial project applicant shall prepare and submit plans to the City of Pittsburg demonstrating that a community kiosk is provided in a centrally located public space. The kiosk shall provide information about alternative modes of transportation including bicycling, walking, transit, and carpool programs or facilities.

47. MM TRANS-7b: Prior to issuance of building permits for the potential future commercial uses, the commercial project applicant shall prepare and submit plans to the City of Pittsburg demonstrating that bicycle racks and lockers or secure room bicycle parking is provided based on the requirements outlined in

Section 18.78.045 of the Pittsburg Municipal Code. Approximately 20 percent of the required bicycle parking shall be long-term parking for employee use.

48. MM TRANS-7c: Prior to issuance of building permits for the 2018 Project, the residential project applicant shall demonstrate (as shown on final improvement plans) that it will either install signage and barricades prohibiting pedestrian crossing movements of West Leland Road at the new project roadway/Tomales Bay Drive on both the east and west legs of the intersection, or install a high visibility crosswalk with a pedestrian actuated flashing beacons or pedestrian hybrid signal across the west leg of the intersection and prohibit pedestrian crossings of the east leg through signage and barricades.

Site Access and Circulation Assessment Recommendations:

49. Prior to approval of the final map, the developer shall submit a final refuse pickup plan to be reviewed by the City and refuse collection company, which shall include, at a minimum:

    1. a map showing the general location where all trash bins shall be placed on pickup days, in substantial conformance with the draft refuse plan maps dated June 1, 2018;
    2. a copy of a disclosure to all residents detailing the trash pickup plan and homeowner responsibilities;
    3. a copy of language to be recorded within the Conditions, Covenants and Restrictions (CCRs) detailing the refuse plan requirements and homeowner responsibilities;
    4. a signage plan identifying trash receptacle placement areas at curbs; and
    5. any other materials deemed necessary by the City Engineer.

50. The developer shall install signage and barricades prohibiting pedestrian crossing movements on West Leland Road at the intersection of the new project roadway and Tomales Bay Drive on both the east and west legs of the intersection. The final design and location of the signage and barricades shall be subject to review and approval by the City Engineer.

51. The developer shall provide information on all available public transit opportunities to prospective and new residents to encourage transit use to and from the site.

52. The developer shall include within the CC&Rs language requiring garages be reserved for vehicle storage.

Design Review:

53. The proposed dog park on Lot K shall be modified to allow for a 12-foot wide

Class I trail starting from the eastern terminus of Street B to the eastern edge of the project area. The easement shall be improved to provide a 12-foot wide Class I trail.

54. The proposed Class I trail on either side of Lot H shall be continued across Lot H with a temporary 8-foot wide asphalt concrete pedestrian path to allow for a connection between Neighborhoods "C" and "D." A permanent trail connection may be conditioned upon the future commercial development.

55. Decorative crosswalks shall be installed at the following locations:

    1. Across Street A, immediately north of West Leland Road;
    2. Across Street A, immediately south of Street B
    3. Across Street B, to the west and east of Street A; and
    4. Across Street E, immediately north of West Leland Road.

    Crosswalks described above shall be maintained by the City. Final design and locations of the decorative sidewalk shall be subject to approval by the City Planner and City Engineer.

56. Developer shall install of solar photovoltaic panels on each home in conjunction with other Title 24 energy components to meet current code.

57. Developer shall install prewiring for electric vehicle (EV) charging within each residential unit's garage.

58. The developer shall provide estimated water use calculations with the Final Landscape Plans to ensure compliance with the City's water efficient landscape ordinance (PMC 18.84.310).

59. Prior to occupancy of the residential units, the developer shall complete installation of landscaping and automatic irrigation systems in street landscape areas and all front, side and rear yards that are to be maintained by the project Home Owners Association (HOA), in accordance with Article VII (Landscaping, Irrigation and Hydroseeding) of PMC Chapter 18.84, or other applicable water efficient landscape ordinance, subject to approval by the Community Development Department. The developer shall provide the irrigation system controller map, programming table, and annual maintenance schedules to the HOA. If required landscaping is not completed prior to final inspection and occupancy, the developer shall post a bond to assure that the work is completed and turned over to the HOA to the satisfaction of the City.

60. The developer shall include in the project Conditions, Covenants, and Restrictions (CC&Rs) and homebuyer disclosures information about integrated pest management and the principles of water-efficient landscapes, including but not limited to those principles that are described in PMC chapter 18.84, article

VII.

61. Prior to issuance of a building permit, the developer shall provide a photometric plan to identify the appropriate street light spacing. In general, the lighting requirements used shall be as described in the Illuminating Engineering Society of North America (IESNA) standards. With the exception of Streets "A" and "B," the developer may opt to utilize lighting mounted to exterior house walls to provide street/alley and pathway lighting upon approval by the City Engineer. All light fixtures intended to provide lighting for streets/alleys and pathways shall be placed on a timer and shall automatically turn on at dusk and stay on until sunrise. The final design and location of the lighting fixtures shall be subject to approval by the Planning and Engineering Divisions.

62. The developer shall enter into an affordable housing agreement, subject to City Council approval, prior to the approval of a final map. The agreement shall comply with all applicable sections of the Vista Del Mar Development Agreement, previously adopted by the City Council through Ordinance No. 04-1231and/or as amended in subsequent Development Agreements.

63. The developer shall provide a seating area between the basketball and bocce courts. The seating area shall include a charcoal bbq and shall be covered by a pergola or other cover. The developer shall also install trash and recycling bins. The final design and locations are subject to review and approval by the Planning Division prior to installation.

64. The mid-block bulb-out projecting into Street A shall be removed.

65. The developer shall install a landscape visual barrier along the east side of Lot C. Though intended to be a visual barrier, plantings shall still allow for visual permeability to the adjacent areas and shall allow light and air to travel freely between. As this is not intended to be a physical barrier, the density of the planting shall not impede a person's movement through the subject area. Landscape material shall include plants with a mature height of a minimum of six feet. The final design and location of the landscaping shall be subject to approval by the Planning Division.

66. Lot C shall reserve for a future walkway connection to the commercial site, to be determined with the commercial site development application, to provide for a pedestrian connection between Neighborhood D1 & D2 and the commercial site.

67. All side yard fencing along property lines adjacent to Streets E, F, G, and H within Neighborhood D shall not extend beyond 5 feet from the side of the building.

68. Roof vents shall be painted the same color as roofing material to which they are adjacent. Downspouts, side vents, attached utility boxes, and hose bibs shall be

painted the same color or colors as the surface or surfaces to which they are adjacent.

69. All garage doors within residential neighborhoods shall be equipped with automatic openers.

70. For residential units exposed to exterior decibel levels of 60 dB or higher, as shown on the noise contour map in Appendix E of the Draft SEIR, all exposed windows shall be acoustically strengthened to reduce interior noise levels to a maximum of 45 decibels.

71. In addition to the areas shown on the proposed vesting tentative map and project plans, and as required in accordance with MM 14-1, the developer shall install a masonry wall or wood fencing in the following locations:

    1. Six-foot high wood fencing along the eastern boundary of Lots 66, 68, 70, 72, 74, and 76;
    2. Minimum six-foot high masonry wall along the eastern boundary of Lots 325, 330, 335, 340, and 346; and
    3. Minimum 4-foot-high protective fencing, where there is no other fencing or wall, along the top of the slope of the stormwater basin on Parcel J and Parcel I.

72. The final design and colors of all masonry sound walls fronting West Leland Road shall be a Proto II or equal, split face block wall system in a tan color with a decorative wall cap and pilasters placed a maximum interval of 25 feet, similar to the existing wall design and color on the south side of the street. All masonry walls constructed as a part of this development shall be maintained by the applicable Homeowners' Association. The final design of the all masonry boundary walls shall be reviewed and approved by the Planning Division prior to issuance of a building permit.

73. Signage for the commercial site is not approved at this time. No signs shall be installed on-site until plans have been reviewed and approved by the City under a separate sign permit application.

74. The applicant shall install minimum four-inch-high, die cut, block style numbers on all residential units for address identification. The numbers shall be in a color that is contrasting to the background surface to which they are attached. Units in Neighborhoods A-1, A-2, and C shall be installed within 10 feet of each unit's main entry door and may also be installed on facades with garage doors, if different. Units in Neighborhood D shall be installed within 10 feet of each unit' entry door.

75. All air conditioning units, transformer boxes, and utility meters placed above-ground shall be substantially screened from public view by way of unit location,

permanent wood screening fences, or landscape planting, subject to review and approval by the Planning Division.

76. The developer shall install two wall-mounted bicycle racks within each garage.

77. All garages shall provide for a minimum of two 10-foot by 20-foot parking spaces. Garages for units within neighborhoods A-1 and A-2 shall provide an additional eight (8) square feet for trash bin storage.

78. In order to ensure the perpetual maintenance of landscape improvements along West Leland Road, landscape, trail and perimeter wall maintenance within parcels D, E, F, G and lot P shall be performed by the Homeowner's Association. In addition, the developer shall enter into an Operations and Maintenance Agreement with the City for the landscaping and irrigation improvements. This agreement shall run with the land and allow the City to access and maintain these areas if the City deems the landscaping and /or irrigation improvements are not maintained appropriately. The agreement shall specify that the cost of any required maintenance performed by the City shall be solely borne by the Homeowners' Association and shall be executed prior to final approval by the Building Division of any home.

Engineering Fees and Deposits:

79. Major Subdivision Map Processing Fee. The developer shall pay the fee according to the following amounts as applicable to the project:

1st - 3rd Final Map Check		4th Final Map Check
5-50 lots	$2,300	$2,300 + $800/ea. additional map check
51-150 lots	$3,000	$3,000 + $1,500/ea. additional map check
151 or more	$3,365	$3,365 + $1,330/ea. additional map check

This fee shall be paid in full to the Engineering Division prior to the City Council's approval of the Final Map.

80. Improvement Plan Review Fee. The Plan Review Fee is based on the engineer's estimate, which shall be included with the first set of plans submitted for review. The current Improvement Plan Review Fee is 3.5% of the engineer's cost estimate for improvements.

81. Improvement Plan Review Deposit. The developer shall provide a deposit of 50% of the total Improvement Plan Review Fee with the initial submittal of improvement plans. This initial deposit will also be applied towards the total fees due for the project. The remaining balance of Improvement Plan Review fees shall be due payable prior to the issuance of an Engineering Site Development Permit.

82. Improvement Inspection Fee. The developer shall pay an Improvement

Inspection Fee according to the following rates as applicable to the project:

Percent of engineer's estimate	Total estimated costs
6.5%	≥ $500,000
4%	$500,001 - $5 million
3.6%	< $5 million

The improvement Inspection fee shall be due payable prior to the issuance of an Engineering Site Development Permit.

83. Grading Plan Review Fee. The Grading Plan Review Fee is based on the engineer's estimate for the cost of grading, or if cubic yard quantities are available, per the Grading Fee Table approved by City Council. The current Grading Plan Review Fee is 2.5% of the engineer's estimate for the cost of grading.

84. Grading Plan Review Deposit. The developer shall provide a deposit of 50% of the total Grading Plan Review Fee with the initial submittal of grading plans. This initial deposit will also be applied towards the total fees due for the project. The remaining balance of Grading Plan Review Fees are due payable prior to the issuance of the Grading Permit.

85. Grading Inspection Fee. The Grading Inspection Fee is based on the engineer's estimate for the cost of grading, or if cubic yard quantities are available, per the Grading Fee Table approved by City Council. The current Grading Inspection Fee is 3% of the engineer's estimate for the cost of grading. The fee shall be due payable prior to the issuance of a Grading Permit.

86. In Lieu Parkland Dedication Fee. The developer shall pay an In-Lieu Parkland Dedication Fee equivalent to providing 5 acres of park area per one thousand persons residing within the new development and shall be based on the fair market value of developed parkland, or as established with separate agreement as approved by the City Engineer.

87. Facility Reserve Charge. The applicant shall pay the City of Pittsburg Facilities Reserve Charge (PMC Chapters 13.08, 13.12 and 13.24) (the "FRC") to the Engineering 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.

88. Local Traffic Mitigation Fee. The developer shall pay the Local Traffic Mitigation Fee in accordance with PMC Chapter 15.90 to the Engineering Department prior to issuance of a building permit. The developer understands that the LTMF is

reviewed and adjusted annually to the current Construction Cost Index (CCI) and may be increased at the City Council's discretion based on revised cost estimates for roadway and transit facilities and other factors that demonstrate an increase is needed to offset traffic impacts caused by new development.

89. Regional Transportation Development Impact Fee. The Developer shall pay the Regional Transportation Development Impact (RTDIM) Fee in accordance with PMC Chapter 15.103 to the Engineering Department prior to issuance of a building permit. The RTDIM will be automatically increased or decreased on January 1 of each year based on the percent change in the Engineering News-Record Construction Costs Index – San Francisco Bay Area between September 1 and September 1 of the preceding two calendar years.

90. Final Map Deposit. The developer shall provide a deposit of $500 prior to City Council's approval of the final map. The deposit shall be returned to developer once the City is in receipt of a full-size vellum copy of the recorded final map.

91. Record Drawing Deposit. The developer shall provide a $500 deposit prior to City Council's approval of the final map. The deposit shall be returned to developer once the City is in receipt of the Record Drawing AutoCAD and PDF file, and full sized vellum copy of Improvement Plans, that were signed by the City Engineer prior to Engineering Site Development Permit issuance.

92. Sanitary Sewer Inspection Deposit. The developer shall provide a sanitary sewer inspection deposit prior to the issuance of the Engineering Site Development Permit issuance. The current deposit amount is $1,000 for the first 1,000 linear feet of sewer main plus $1.10/linear foot of additional sewer pipe.

93. Storm Drain Inspection Deposit. The developer shall provide a storm drain inspection deposit prior to the issuance of the Engineering Site Development Permit issuance. The current deposit amount is $1,000 for the first 1,000 linear feet of storm drain main plus $1.10/linear foot of additional storm drain pipe.

94. Geographical Information System Fee. The current Geographical Information System (GIS) Fee is $0.05/sf of building for non-residential projects, and $100/dwelling unit for all residential projects. The GIS fee is due payable prior to the issuance of an Engineering Site Development Permit.

95. NPDES Plan Review Fee. The developer shall pay an NPDES plan review fee for review of stormwater control plans and processing of closeout agreements and / or review of Storm Water Pollution Prevention Plans (SWPPP). The current fee is:

- $3,000 for the first 10,000 sf up to 1st acre (projects with Risk Factor 1)
- Add additional $136/acre for projects greater than 1 acre, up to the first 5 acres (projects with Risk Factors 2 or 3)

- Add additional $31/acre for projects greater than 5 acres

96. NPDES Site Inspection Deposit. The developer shall pay an NPDES inspection deposit for City staff's inspection of C.3 compliant facilities constructed, and /or inspection of construction site for compliance with Best Management Practices in accordance with the City's Municipal Regional Stormwater NPDES Permit. The current rate is:

- $12,000 for the first 10,000 sf up to 1st acre (projects with Risk Factor 1)
- $24,000 for projects greater than 1 acre (projects with Risk Factor 2 or 3)

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

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

Submittals to the Engineering Division:

98. Final Map. The developer shall submit three (3), full size, hard copies of the Final Map with closure calculations, prior to City Council's approval of each final map, improvement, or grading plans.

99. Improvement Plans. The developer shall submit seven (7) full size, hard copies of Improvement Plans. The Improvement Plans shall include, but not be limited to, the following:

- Site Plan
- Grading and Drainage Plan
- Utilities Plan which identifies ownership and maintenance responsibilities of both wet and dry utilities;
- Landscaping and Irrigation Plan
- Joint Trench Plan
- Offsite Improvements Due to Project Impacts

100. All CCRs recorded as part of the project shall identify the long-term maintenance responsibilities of the City and the Homeowners' Association, as shown in the Improvement Plans.

101. The developer shall submit two (2) copies of the Storm Water Pollution Prevention Plan (SWPPP) to the Engineering Department for review and

comment prior to the issuance of a Grading Permit. The SWPPP shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. The SWPPP measures shall also include erosion control measures to prevent soil, dirt, and debris from entering the storm drain system. The developer shall provide the project WDID number as evidence of having obtained a construction permit from the Regional Water Quality Control Board. If a WDID number has not yet been issued, a copy of the Notice of Intent that was sent to the Regional Water Quality Control Board shall be submitted with the grading permit application.

102. The developer shall submit three (3) complete sets of plans and specifications of the project, including any of the following required built-in fire protection systems, to the Fire District for review and approval prior to construction to ensure compliance with minimum requirements related to fire and life safety. Plan review fees for the Fire District will be assessed at that time.

    a. Private underground service water mains
    b. Building construction plans
    c. Fire Sprinklers
    d. Site improvement Plans

103. The developer shall submit a current geotechnical report to the Engineering Department prior to approval of any civil plans and issuance of an engineering permit.

104. The developer shall submit a complete area study specific to the Alves ranch project site only, for storm water (10-year storm design) capabilities, prior to the approval of the final map, and mitigate additional storm runoff demands anticipated under build out conditions. The study shall include a review of the impact of the site grading on the 10-year flood level in accordance with the Federal Emergency Management Agency (FEMA) guidelines. If additional mitigation measures are required then the study and measures shall be submitted to the City Council for its review and approval.

105. The developer shall submit grading and improvement plans to retrofit the existing detention basin, to accommodate stormwater runoff from the residential improvements of the Alves Ranch project and the Vista Del Mar subdivisions. These revisions are required to enable the detention basin to function both as a Stormwater Treatment, and Stormwater Detention Facility to meet the criteria for both provision C.3 of the Clean Water Program's Regional Permit, and Flood Control criteria, respectively. Improvement plans detailing modifications to the outlet and dewatering structures are to be submitted to the City and County Flood Control District for review and approval by the City prior to the issuance of any grading permits for the project. In addition, all such improvements to the basin must include adequate access for maintenance vehicles and equipment.

106. Prior to the City's acceptance of the Detention Basin, the developer shall submit

an Operations and Maintenance Control Plan (O&M Plan) for the maintenance of the basin by the GHAD. Proper maintenance of the basin is essential for maintaining the functionality of the basin. The O&M Plan shall address maintenance of the spillway and standpipe and provide recommended intervals for silt removal. Developer understands that acceptance of the detention basin by the GHAD shall occur when all streets within the development are completed, and Street A has been accepted for continuous maintenance by the City.

107. Developer understands that all streets within the project, with the exception of Street A will be privately maintained by the HOA. However, upon City Council's acceptance of the public improvements for continuous maintenance, the Pittsburg Police Department is authorized to enforce all provisions of the State Vehicle Code on all private streets of the Alves Ranch Development. Enforcement of the Vehicle Code shall consist of but not be limited to enforcement of the following: Speed Limits, Off Street Parking, and Vehicle Codes on the common private streets within the subdivision. Developer further understands all appropriate signage and striping are to be installed and completed prior to commencement of enforcement by the Pittsburg Police Department.

108. Developer understands that the establishment of a perpetual conservation easement, specifying management of the land to be for "Waters of the United States" and state California red-legged frog, and California tiger salamander values, is yet to be completed. This conservation easement was a mitigation measure to address the impacted wetland areas, of the previously approved overall project site. Recordation of this conservation easement shall occur prior to the recordation of the last final map for the residential subdivision, as outlined in the Development Agreement between The City of Pittsburg, Alves Ranch LLC, and William Lyon Homes, section 3.06a. Alternatively, Developer may post a bond in a form and in an amount, and with a surety acceptable to the City and the City shall not object to the recordation of the last final map.

109. Annexation Documentation for CFD 2005-1. Community Facilities District 2005-1 is for Public Safety Services, the fee will provide funding for an increase of police coverage in the area. The rate of the CFD 2005-1 fee is subject to City Council Resolution No. 05-10342. The developer shall deliver written approval in a manner acceptable to the City Finance Director, that the owner of the parcel is electing to annex the subject property into the 2005-1 Community Facilities District (CFD 2005-1) for Public Safety Services, prior to the recordation of the first Final Map.

110. Annexation Documentation for CFD 2007-1. Community Facilities District 2007-1 is for Park Maintenance. The rate of the CFD 2007-1 fee is subject to City Council Resolution No. 07-10698. The developer shall deliver written approval in a manner acceptable to the City Finance Director, that the owner of the parcel is electing to annex the subject property into the 2007-01 Park Maintenance Community Facilities District (CFD 2007-1), prior to the recordation of the first Final Map.

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

112. Street A shall be designed to meet City Standard Specifications within the 78-foot street right-of-way. Final design of Street A shall be subject to review and approval by the City Engineer.

113. Grading and/or building permit plans (including structural, mechanical, architectural, grading, drainage, site, landscape, and other drawings) shall show the details and methods of construction for site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs, permanent stormwater control BMPs, and other features that control stormwater flow and potential for stormwater pollutants.

114. The developer shall evaluate the existing, receiving storm, sewer, and water facilities for adequate capacity and provide the results to the City to identify any service or supply problems. The cost for installation of additional facilities or retrofit of existing facilities shall be borne by the developer.

115. The developer shall provide appropriate sanitary sewer, sized to adequately accommodate the project's wastewater demand.

116. The developer shall underground all new utility distribution facilities fronting the property. The location of all existing above ground utility distribution facilities to remain as-is and will be screened, to the best of the developer's ability, by landscape plantings.

117. The developer shall install all utility boxes underground and all wires and cables must be installed in conduits. Compliance with this condition shall be at the discretion of the City Engineer.

118. The developer shall incorporate and/ or adhere to all applicable provisions of the Development Agreement, between the City, Alves Ranch, LLC, and William Lyon Homes, recorded February 25, 2005, and subsequent amendments to the Development Agreement between the City of Pittsburg, Alves Ranch LLC, and William Lyon Homes. Provisions of this agreement shall be reviewed prior to the approval any final map. The City reserves the right to require the applicant to perform any of the applicant's obligations under the development agreement before recordation of the final map to the extent deemed necessary by the City

Engineer.

119. The developer shall ensure that proposed revisions to the basin are in conformance with prior acceptance by the Division of Safety of Dams (DSOD). If changes to the basin are proposed, by the developer, these changes shall be subject to review and approval by the City Engineer.

120. The developer shall submit to the Flood Control District for review a drainage study, with an updated hydrology map, that analyzes the feasibility of increasing the onsite basin's water treatment volumes and the impacts these proposed modifications will have on the basin's Flood Control storage capacity. Developer to obtain approval by the City for these improvements prior to the issuance of a Grading Permit.

121. The developer shall pay all fees associated with Drainage Area 48B (DA 48B) to the Flood Control District prior to issuance of the first final map. The Flood Control District entered into a reimbursement Agreement (dated September 27, 2011) with the Vista Del Mar developer, William Lyon Homes, for the construction of planned drainage lines "B" and "B-1" in DA 48B. Per the Reimbursement Agreement, the Alves ranch Development was afforded a credit of $449,231 in DA 48B fees for construction of certain planned drainage facilities. Per the Agreement, "In the event there are changes in the land use, density, or impervious surfaces on the Alves property, Alves or its successor(s) in interest shall be responsible for paying the Flood Control District additional drainage fees based on the drainage fee ordinance applicable at that time." Should changes to the original site plan incur additional DA 48B fees, they are due payable to the Flood Control District prior to recordation of the first final map.

122. The developer shall maintain a minimum of fifteen (15') feet setback from top of detention basin, as recommended in Feb. 2008 - Preliminary Geotechnical Investigation prepared by BGC, or any design exception recommendations specifically noted by Geotechnical engineer in a supplemental report and approved by City Engineer.

123. The developer shall preserve the existing maintenance access road to the detention basin & overflow structure and provide an access point to the road. The final design of this access point shall be reviewed and approved by the City Engineer.

124. The developer shall provide an eight- foot (8') temporary asphalt concrete pathway fronting Lot H, the future commercial development. A permanent pathway may be conditioned to be constructed as part of the approvals for the commercial development.

125. The developer shall relinquish the abutter's rights for all corner lots.

126. The developer shall provide 6-foot wide sidewalks throughout the subdivision.

127. The developer shall construct walls made from concrete block, gravity concrete, or similar material when walls are required between lots.

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

129. The developer shall provide a water sampling station as directed by the City Public Works Department.

130. The developer shall provide an adequate and reliable water supply for fire protection with a minimum fire flow of 2,000 gallons per minute (GPM). Required flow shall be delivered from not more than two hydrants flowing simultaneously for the duration of 120 minutes while maintaining 20 pounds residual pressure in the main.

131. The developer shall install fire hydrants of the East Bay type. Hydrant locations shall be determined by the Contra Costa Fire Protection District upon submittal of three (3) copies of complete site improvement plans or utility plans. Hydrants shall be installed, in service, and inspected by the Fire District prior to construction.

132. The developer shall submit three (3) copies of a 300-foot scale parcel map indicating approved fire hydrant locations, street names, and addresses tot eh Fire District for mapping purposes. These maps are required prior to Fire District approval of final improvement plans.

133. The developer shall create and dedicate utility parcels to the City or provide adequate utility easement areas for City's maintenance and access.

134. The developer shall provide estimated water use calculations to show compliance with the City's water efficient landscape ordinance.

135. The developer shall provide access to the satisfaction of the Contra Costa County Fire Protection District (CCCFPD) prior to issuance of the first building permit for any unit east of Street "A".

136. The developer shall paint 'No Parking' markings where no parking stalls are shown, and "Fire Lane" markings shall be painted where appropriate.

137. The developer shall provide traffic signal pre-emption systems (Opticom) on any new traffic signals installed in conjunction with this development.

138. The developer shall provide a Central Irrigation System, for portions of the site landscaping to be maintained by the City, that is compatible with Rainmaster DX 2 Evolution, with a remote controller included with the package. The installation of this system shall be certified by a John Deere Landscapes United Greentech representative prior to the City's acceptance of the installation.

139. The developer shall design the landscaping within the areas of public right of way in accordance with the provisions of Section 18.84.320 of the Pittsburg Municipal Code, and current standard details.

140. The developer shall incorporate long-term best management practices (BMP's) for the reduction or elimination of storm water pollutants. The project design shall incorporate wherever feasible, the following long-term BMP's in accordance with the Contra Costa Clean Water Program for the site's storm water drainage:

- Use pavers for walkways and other appropriate hardscape surfaces as an option to buyers to minimize impervious areas.
- Minimize the amount of directly connected impervious surface area.
- Delineate all storm drains with "No Dumping, Drains to Delta" permanent markings
- Construct concrete driveway weakened plane joins at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Distribute public information items regarding proper use of pesticides to buyers.

Standard Conditions:

141. The Standards Conditions of Development as adopted by the Pittsburg Planning Commission by Resolution No. 8931 shall apply as conditions of approval of this project, as determined applicable by the Planning Division. Where there is a conflict between Resolution No. 8931 and the specific conditions identified in this resolution, the specific conditions of this resolution shall govern.

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

143. The design and construction of storm drain, water, and sewer facilities shall be in accordance with Section 17.28.020 of the Pittsburg Municipal Code.

144. The developer shall comply with all the requirements of the Community Development Department, including the Planning Division, Engineering Division, and Building Division, the Contra Costa Department of Environmental Health, the

Contra Costa County Fire Protection District, the Contra Costa County Flood Control & Water Conservation District, the California Regional Water Quality Control Board, and all other applicable local, state and federal agencies. It is the responsibility of the applicant to check with each agency for requirements that may pertain to the project.

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

146. The conditional design review approval of architectural plans and elevations will expire 36 months after the adoption of this resolution, unless a building permit or grading permit has been issued or a written request for extension is filed with the Planning Division prior to the expiration date and subsequently approved by the Planning Commission. The approval shall be valid for no more than six months from the date of building or grading permit issuance unless work is commenced and diligently pursued prior to the expiration of the building or grading permit.

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner Moreno, seconded by Commissioner Fields, the foregoing resolution was passed and adopted the 28th day of May, 2019, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES: Coniglio, Fields, Foster, Moreno, Nguyen

NAYES: None

ABSTAIN: None

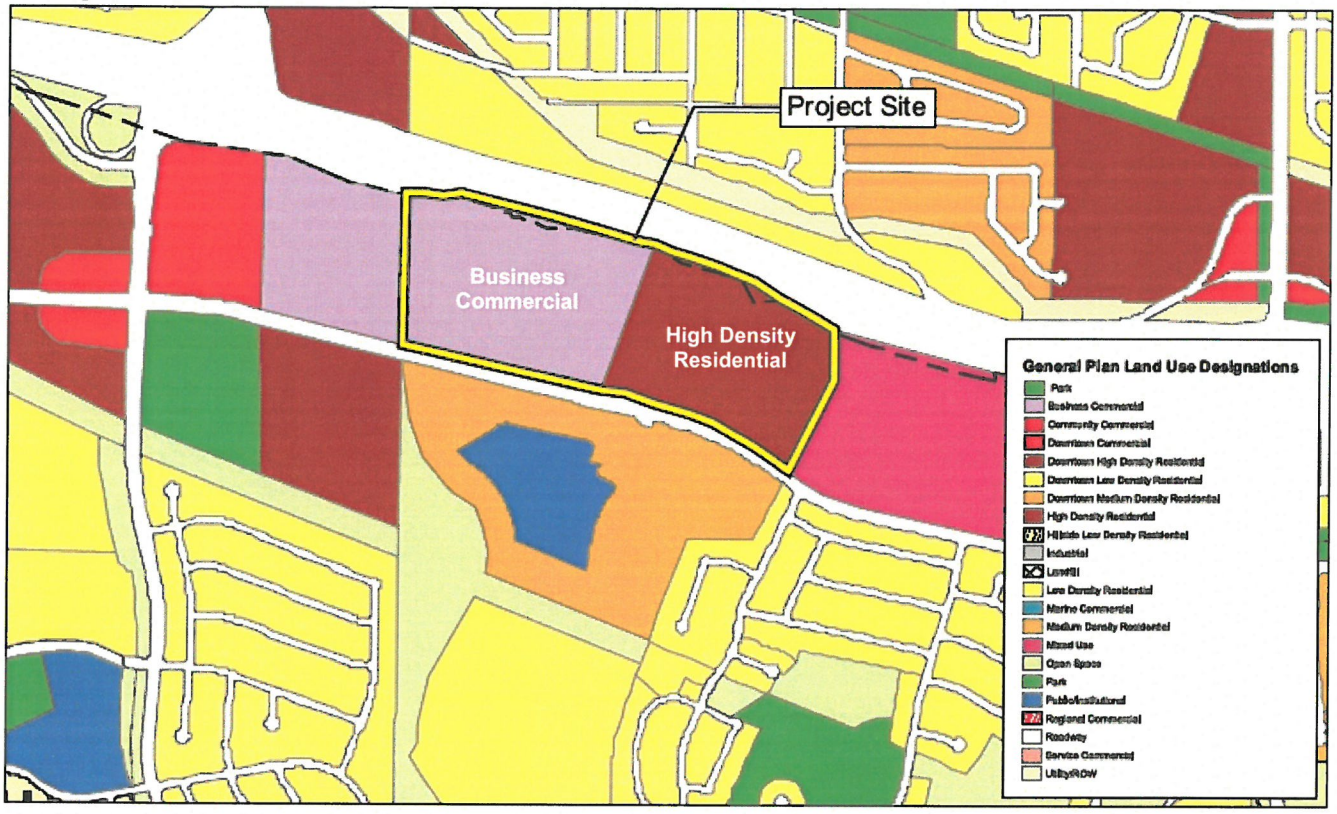
ABSENT: Caliguire, Robinson

I hereby certify that the above Resolution No. 10121 was adopted by the Planning Commission of the City of Pittsburg on May 28, 2018.

KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

Exhibit A of Resolution No. 10121
General Plan Map Amendment

Existing General Plan Land Use



Proposed General Plan Land Use

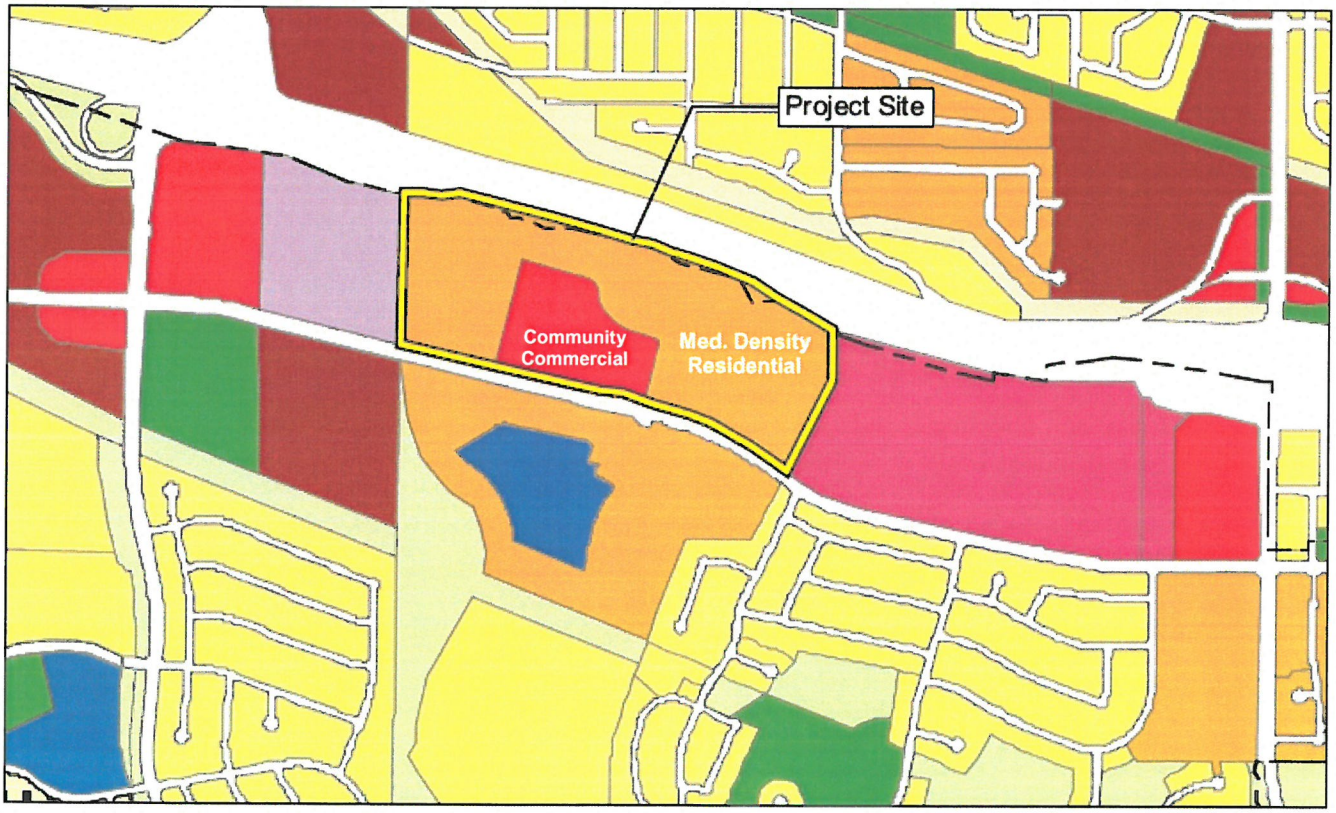
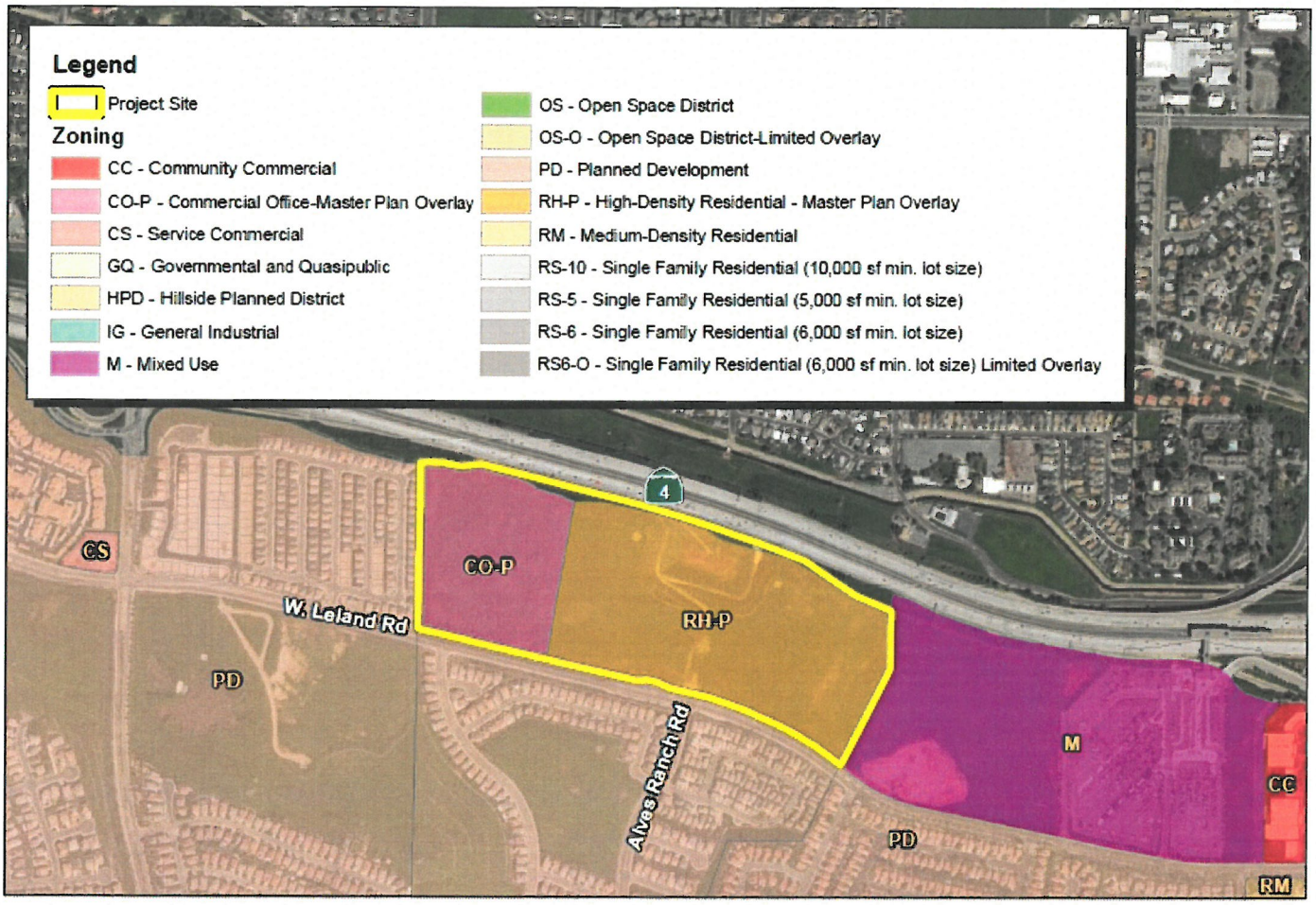
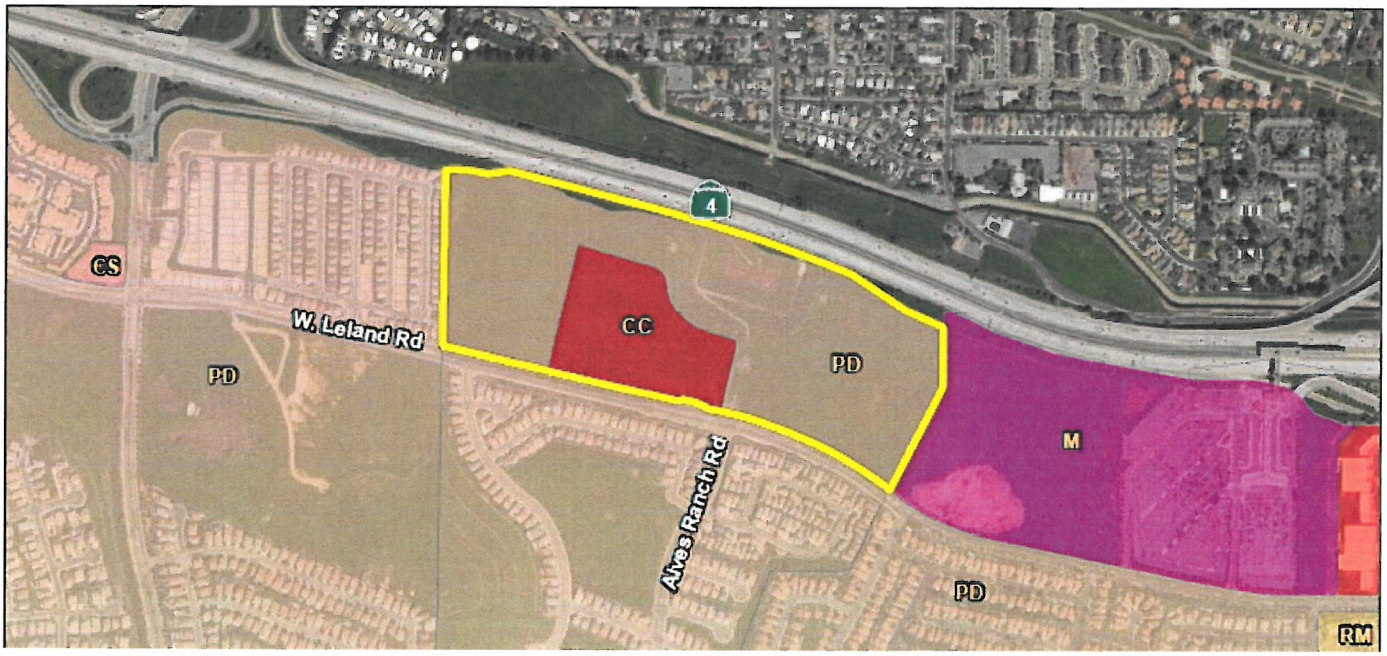


Exhibit B of Resolution No. 10121
Zoning Map Amendment

Existing Zoning



Proposed Zoning



Land Use Regulations

A. The land uses allowed within Lots 1-346 as shown on Vesting Tentative Map (VTM) 9235 shall be the same as those allowed in the RS-4 (Single-Family Residential) District (Pittsburg Municipal Code [PMC] Chapter 18.50).

B. The land uses allowed on Lots A-Q (with the exception of 'Lot H' and 'Lot M') as shown on VTM 9235 shall be limited to those uses identified on VTM 9235 and the approved project plans. All parcels identified as either 'Streets' or 'Alleys' on VTM 9235 shall be limited to use as a public or private street, alley, or driveway, as defined within the PMC.

C. The land uses allowed within the area identified as 'Lot M' on VTM 9235 shall be the same as those allowed in the RS-4 (Single-Family Residential) District (Pittsburg Municipal Code [PMC] Chapter 18.50). Lot M shall also allow for construction of an electronic billboard, in accordance with the Development Agreement, pending approval by all regulatory agencies.

Development Regulations.

A. Except as indicated below or expressly indicated within the approved development plan, all development regulations of the residential portions of the PD District shall be the same as those of the RM (Medium Density Residential) District. Use and development of the property shall also comply with Article 3 (Performance Standards) and Article 5 (Home Occupations) of PMC Chapter 18.50, and with the off-street parking requirements of PMC Chapter 18.78. The development regulations below shall not apply to non-residential parcels.

Residential Neighborhood A-1 and A-2 (Duets)	
Minimum Lot Area	1,600 square feet
Minimum Lot Width	27 feet
Minimum Front Yard Setback (fronting private "street")*	10 feet
Minimum Front Yard Porch Setback*	6 feet
Minimum Front Building-to-Building Separation (Paseo)	15 feet
Minimum Side Yard Setback (unattached side)	5 feet
Minimum Corner Side Yard Setback	8 feet
Minimum Rear Yard Setback (at garage elevation)	4 feet
Maximum Lot Coverage	Per approved development plan
Maximum Building Height	30 feet
Minimum Private Storage Area	--
Minimum Private Open Space	----

* Front yard setbacks shall be measured form the lot line directly adjacent to the main entry of the primary dwelling unit. Permitted building projections into yards pursuant to PMC section 18.80.010.

Residential Neighborhood C (Single Family)	
Minimum Lot Area	2,000 square feet
Minimum Lot Width	30 feet
Minimum Front Yard Setback (fronting private "street")*	10 feet
Minimum Front Yard Porch Setback*	6 feet
Minimum Front Building-to-Building Separation (Paseo)	20 feet
Minimum Side Yard Setback	4 feet
Minimum Corner Side Yard Setback	8 feet
Minimum Corner Street Return Setback	4 feet
Minimum Rear Yard Setback (at garage elevation)	4 feet
Maximum Lot Coverage	Per approved development plan
Maximum Building Height	30 feet

* Front yard setbacks shall be measured form the lot line directly adjacent to the main entry of the primary dwelling unit. Permitted building projections into yards pursuant to PMC section 18.80.010.

Residential Neighborhood D-1 and D-2 (Single Family)	
Minimum Lot Area	2,000 square feet
Minimum Lot Width	30 feet
Minimum Front Yard Setback*	5 feet
Minimum Front Yard Porch Setback*	4 feet
Minimum Side Yard Setback	4 feet
Minimum Corner Side Yard Setback	5 feet
Minimum Rear Yard Setback	5 feet
Minimum Setback at Garage Elevation	5 feet
Maximum Lot Coverage	Per approved development plan
Maximum Building Height	30 feet

* Front yard setbacks shall be measured form the lot line directly adjacent to the main entry of the primary dwelling unit. Permitted building projections into yards pursuant to PMC section 18.80.010.

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565
Attention: City Clerk

(SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY)

FOURTH AMENDMENT TO
DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF PITTSBURG, CALIFORNIA
AND
ALVES RANCH, LLC
AND
WILLIAM LYON HOMES, INC.

DRAFT

FOURTH AMENDMENT TO
DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF PITTSBURG, CALIFORNIA
AND
ALVES RANCH, LLC
AND
WILLIAM LYON HOMES, INC.

THIS FOURTH AMENDMENT TO DEVELOPMENT AGREEMENT (this **"Fourth Amendment"**) is entered into as of March ___, 2018, between ALVES RANCH, LLC, a California limited liability company **("Alves Ranch")**, WILLIAM LYON HOMES, INC., a California corporation **("Lyon") (Alves Ranch and Lyon are herein collectively referred to as "Developer")**, and the CITY OF PITTSBURG, a California municipal corporation **("City")**, pursuant to California Government Code § 65864 *et seq.*

RECITALS

A. Effective January 5, 2005, Developer and City entered into that certain Development Agreement (recorded 2-25-05, instrument #2005-65303) for the Project; subsequently entered into that certain First Amendment to Development Agreement for the Project, which First Amendment was signed by the parties on May 13, 2005 and recorded in the Official Records of Contra Costa County on June 14, 2005 (recorded 6-14-05, instrument #2005-213402); subsequently entered into that certain Second Amendment to Development Agreement for the Project, which Second Amendment was signed by the parties on June 26, 2006 and recorded in the Official Records of Contra Costa County on August 10, 2006 (recorded 8-10-06, instrument #2006-253453); and subsequently entered into that certain Third Amendment to Development Agreement for the Project, which Third Amendment was signed by the parties on September 8, 2010 and recorded in the Official Records of Contra Costa County on two occasions – once on September 21, 2010 (recorded 9/21/10, instrument # 2010-199994) and again on October 8, 2010 (recorded 10/08/10, instrument # 2010-218997) (collectively, the **"Development Agreement")**, pursuant to which City granted Developer a vested right to develop the Project Site.

B. On January 20, 2009, the Pittsburg City Council adopted Ordinance No. 08-1312 approving the Master Plan for the Alves Ranch Development, including neighborhoods A-1, A-2, B, C, D, and E (the "Alves Ranch Master Plan").

C. The purpose of this Fourth Amendment is to reflect certain minor changes to the Development Agreement relating to changing Recital I.3 to allow a change in the zoning classification from Commercial Office to Community Commercial, which Developer wishes to pursue consistent with applicable law; Recital J.3 to specify the Developer's commitment to include a minimum of ten (10) affordable housing units; and Section 3.13 to modify the number of affordable housing units to be constructed, as well as to provide further specificity of the units' sizes and amenities.

D. The Developer desires to change the zoning classification to provide the opportunity for potential development of a grocery store and other commercial projects.

E. Section 3.13(e) of the Development Agreement currently requires Alves Ranch to enter into an affordable housing agreement, subject to City Council approval, prior to approval of the first final map on the Alves Ranch Property or issuance of the first building permit on the Alves Ranch Property, whichever occurs first.

F. The parties desire to amend the Development Agreement to modify the obligations related to the number of affordable units to be included, due to changes in the affordable housing market and the parties' intent to ensure a viable housing product for the Pittsburg community.

G. This Fourth Amendment only involves minor changes which will not "substantially affect" the Project and is properly processed as an Administrative Agreement Amendment pursuant to and in compliance with Section 7.02(a) of the Development Agreement which authorizes the use of Administrative Agreement Amendments.

H. The City further finds that this Fourth Amendment is consistent with the provisions of State law and Resolution No. 89-7466 governing development agreements and that this Fourth Amendment will not be detrimental to the public health, safety, or general welfare of the community.

NOW, THEREFORE, in consideration of the promises, covenants, and provisions set forth herein, the receipt and adequacy of which consideration is hereby acknowledged, the parties agree as follows:

AGREEMENT

1. Recitals. The foregoing recitals are true and correct and hereby incorporated herein.

2. Defined Terms. All capitalized terms not defined herein shall have the meanings ascribed to them in the Development Agreement.

3. Recital I. Recital I.3 of the Development Agreement is amended to add the following: "Notwithstanding the above, Developer may seek amendment of the applicable zoning to change the existing zoning of CO-P (Commercial Office-Master Plan Overlay) to CC (Community Commercial)."

4. **Recital J.** Recital J.3 of the Development Agreement is amended to delete the existing sentence in its entirety and replace it with "Developer's commitment that the Project will include a minimum of ten (10) affordable housing units, as more particularly set forth in Section 3.13 of this Agreement."

5. **Section 3.13.** Section 3.13 of the Development Agreement is amended to delete Sections 3.13 (a), (b), and (c) in their entirety and replace with the following:

"(a) Alves Ranch Property. To satisfy its affordable housing obligation for the Project, Alves Ranch shall provide a minimum of ten (10) affordable accessory dwelling units ("ADUs"). Location of all required ADU's shall be finalized prior to the City's approval of the first final subdivision map for the Alves Ranch Property. Each ADU shall be at least four hundred (400) square feet in size and contain a fully functional kitchen (including cabinets with countertop, one (1) refrigerator, one (1) four burner range with oven, one (1) sink with garbage disposal and electrical receptacles for small appliances), as well as at least two hundred (200) cubic feet of private storage space and a separate closet for the bedroom area. Upon City's written request, Alves Ranch agrees to record restrictive covenants on these units on terms and conditions, subject to the written approval of the City Manager or his or her designee, running for up to 55 years.

(b) Intentionally omitted.

(c) Intentionally omitted."

6. **Effect of this Fourth Amendment.** Except as expressly modified by this Fourth Amendment, the Development Agreement shall continue in full force and effect according to its terms, and Developer and City hereby ratify and affirm all their respective rights and obligations under the Development Agreement, including but not limited to Developer's indemnification obligations as set forth in Section 9.01 of the Development Agreement. In the event of any conflict between this Fourth Amendment and the Development Agreement, the provisions of this Fourth Amendment shall govern.

7. **Binding Agreement.** This Fourth Amendment shall be binding upon and inure to the benefit of the heirs, administrators, executors, successors in interest, and assigns of each of the parties hereto. Any reference in this Fourth Amendment to a specifically named party shall be deemed to apply to any successor, administrator, executor, or assign of such party who has acquired an interest in compliance with the terms of this Fourth Amendment or under law.

8. **Counterparts.** This Fourth Amendment may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, when taken together, shall constitute the same document.

9. **California Law.** This Fourth Amendment shall be governed by and interpreted in accordance with the laws of the State of California.

10. **Invalidity.** Any provision of this Fourth Amendment that is determined by a court of competent jurisdiction to be invalid or unenforceable shall be deemed severed from this

Fourth Amendment, and the remaining provisions shall remain in full force and effect as if the invalid or unenforceable provision had not been a part hereof.

11. **Headings.** The headings used in this Fourth Amendment are for convenience only and shall be disregarded in interpreting the substantive provisions of this Fourth Amendment.

IN WITNESS WHEREOF, this Fourth Agreement has been entered into by and between Developer and City as of the date and year first above written.

CITY:

CITY OF PITTSBURG,
a California municipal corporation

By: _____
Name: Garrett Evans
Title: City Manager

ATTEST:

By: _____
Name: Alice Evenson
Title: City Clerk

APPROVED AS TO FORM:

By:_____
Name: Donna Mooney
Title: City Attorney

DEVELOPER:

ALVES RANCH, LLC,
a California limited liability company

By: _____
Name: Gerald Alves
Title: Manager

WILLIAM LYON HOMES, Inc.,
a California corporation

By: _____
Name:
Title:

2938617.3

CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
May 28, 2019

ITEM: Alves Ranch Project, AP-18-1348 (GP, RZ, VTM, DR, DA)

ORIGINATED BY: Mandy Leung, on behalf of William Lyon Homes, Inc., 2603 Camino Ramon, Ste. 450, San Ramon, CA 94583

SUBJECT: This is a continued public hearing on a request by William Lyon Homes, Inc., for a recommendation to City Council for approval of: 1) a General Plan map amendment to change the 57.81-acre site's land use designation to 'Medium Density Residential' (approx. 46 acres) and 'Community Commercial' (approx. 12 acres); 2) a zoning map amendment to rezone the site to PD (Planned Development) District and CC (Community Commercial) District; 3) an amended vesting tentative map to facilitate the construction of 346 single family dwelling units (along with 10 accessory dwelling units), the 12-acre commercial site, and ancillary features; 4) design review of landscape and architectural plans for the residential portion; and 5) a development agreement. The project site is located along the north side of West Leland Road, south of State Route 4, at the intersection of Alves Ranch Road. Assessor's Parcel Nos. 093-460-001; 093-460-002; and 093-460-005.

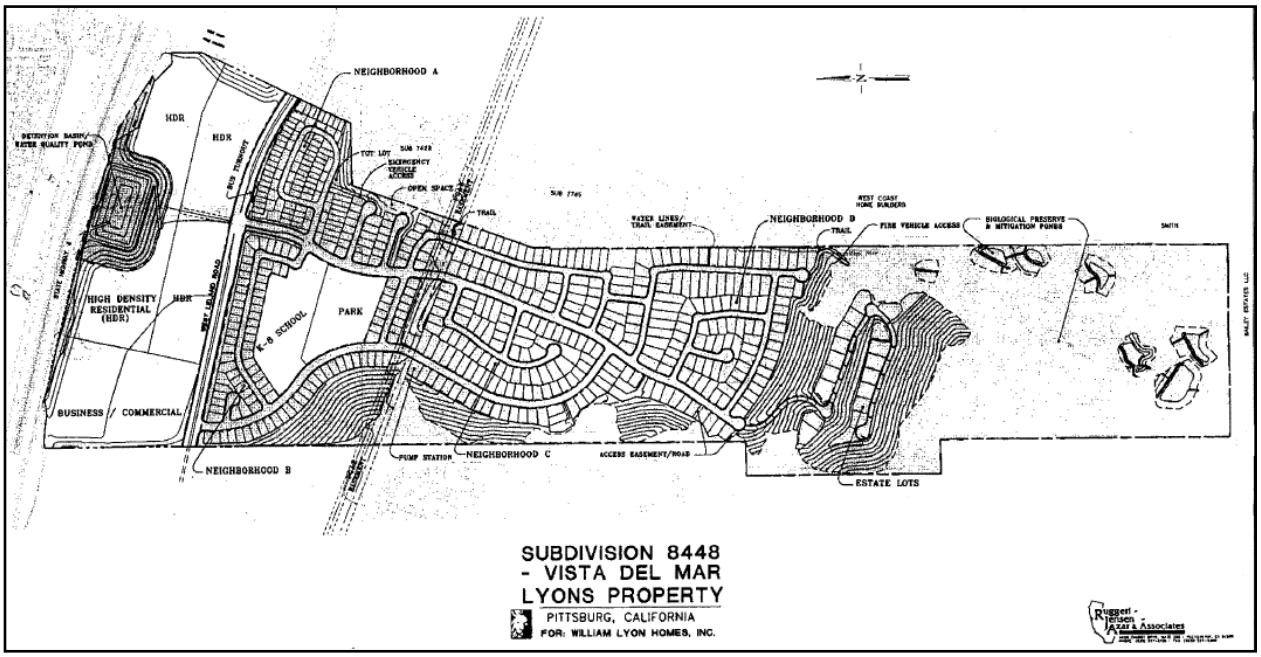
RECOMMENDATION:

Staff recommends that the Commission adopt Resolution No. 10121, recommending City Council approval of: 1) a general plan amendment; 2) a zoning map amendment; 3) a vesting tentative map; 4) design review; and 5) a development agreement amendment for the Alves Ranch Project, Planning Application No. 18-1348, subject to conditions.

BACKGROUND:

In 2004, William Lyon Homes, Inc. and Alves Ranch, LLC, submitted a plan to develop approximately 293-acres as a residential and commercial subdivision, known as the Vista Del Mar development. The 2004 Vista Del Mar project anticipated approximately 1,100 housing units (spanning the north and south sides of West Leland Road), approximately 257,500 square feet of commercial floor space, an approximately 11.33-acre school/park site, approximately 117.68 acres of permanent hillside open space, associated landscaped buffers, public and private roadways, a detention basin, a water tank site, and a water pump station site (see Figure 1 below).

Figure 1. 2004 Vista Del Mar Development Plan



On December 6, 2004, the City Council adopted an Ordinance (No. 04-1230) rezoning the portion of the project located north of West Leland Road (see Figure 2. Alves Ranch Site) to CO-P (Commercial Office with a Master Plan Overlay) and RH-P (High Density Residential with a Master Plan Overlay) Districts; however, no specific master plan/development plan was adopted at that time. On the same night, the Council also approved a Development Agreement ("DA," Ordinance No. 04-1231) for the project site allowing development for up to 540 medium and high-density residential units, and no more than 20 acres of business commercial development.

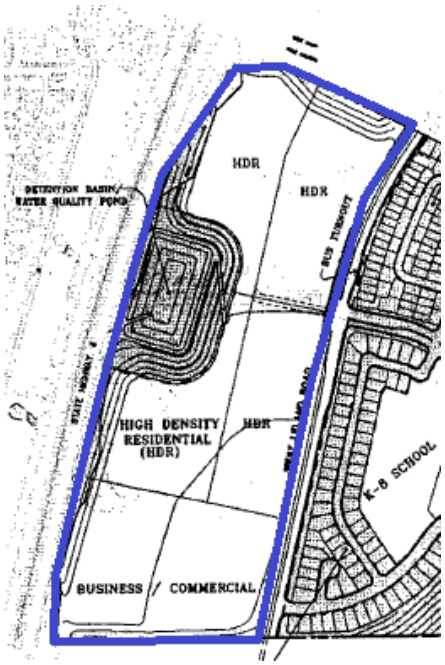


Figure 2. Alves Ranch Site

In August 2008, a development plan for the Alves Ranch site was proposed. On January 20, 2009, the City Council approved a master plan for the site (Ordinance No. 08-1312), which allowed up to 560 housing units, a 0.6-acre recreational facility, and 221,500 square feet of commercial floor area on approximately 14 acres.

Since adoption of the Alves Ranch Master Plan, the project proposal for the site has been further refined based on current market conditions, as well as the desire of residents for additional retail commercial opportunities within the area of the City west of Bailey Road. On November 7, 2017, the proposed project was discussed by the Land

Use Subcommittee. The Subcommittee was generally supportive of the modifications proposed, including an amendment to the previous affordable housing requirement specified within the DA in exchange for reduced density, retail commercial acreage instead of office commercial, and prioritization of development of the commercial portion of the project.

On June 18, 2018, the applicant filed a formal application with the Planning Division requesting approval for rezoning of the site, a new vesting tentative map, and modified design review.

On August 21, 2018, the Planning Commission held a public hearing to consider the project (which did not include a general plan map amendment or development agreement amendment at the time) and voted 3-1 to recommend approval of the proposed project. On September 4, 2018, prior to a public hearing before the City Council, the applicant requested the project be continued, in order to allow the developer to refine and bolster the environmental documentation.

Following that meeting, the applicant modified their planning application to include a general plan amendment to ensure the general plan land use designations matched the proposed zoning, and a minor amendment to the existing DA was drafted to require provision of a retail commercial area with an approximately 40,000 square foot grocery store. The proposed DA amendment would also require the developer "stub out" utilities for the commercial portion of the project and pay a penalty should the commercial portion of the property not be developed within five years.

On May 14, 2019, at the request of the applicant, the Planning Commission continued the public hearing to May 28, 2019.

PROJECT DESCRIPTION:

Existing Conditions: The proposed project covers approximately 57.81 acres and is located north of West Leland Road, south of State Route (SR) 4, and approximately one-half mile west of the Pittsburg/Bay Point BART Station. The site proposed for development has been previously graded, so it is relatively flat, with the exception of a dirt mound that exists along the eastern project boundary and straddles the property line between the Alves Ranch site and the West Coast Home Builders owned property to the east, and a large detention basin located along the northern property boundary. The project site is also located at a higher elevation than the adjacent SR 4, so there are large graded slopes along the northern project boundary line that slope down to the adjacent freeway. The elevation difference from the freeway and the areas proposed for residential development is approximately 35 to 40 feet. The rest of the project site is currently vacant and undeveloped and there is no infrastructure (water, sewer, etc.) built on the site yet, with the exception of the intersection signal improvements at West Leland Road and Alves Ranch Road. This intersection will serve as the main entrance to the new development.

Surrounding Land Uses: See Attachment 9, "Project Location Map and Existing

Conditions," for an overview of surrounding uses.

Proposed Project: The applicant proposes to construct 346 single-family residential units. The residential portion of the project is broken up into three sub-neighborhoods: Neighborhood A (comprised of sections A-1 and A-2), which includes 136 single-family attached units ("duets"); Neighborhood C, which includes 110 alley-loaded detached units; and Neighborhood D (comprised of sections D-1 and D-2) which includes 100 small lot, traditional single family detached homes. Ten of the homes within Neighborhood D would also include attached accessory dwelling units, which would be income restricted.

General Plan Land Use Map Amendment

Multiple approvals are requested for this project; the first is for a General Plan Land Use Map amendment which would change the land use designation of the site from 'Business Commercial' and 'High-Density Residential,' to 'Community Commercial' and 'Medium Density Residential.'

Zoning Map Amendment

In order to maintain consistency with the proposed General Plan Land Use Map amendment, the second approval would entail a zoning map amendment that would eliminate the existing master plan and rezone the site from CO-P (Office Commercial with a Master Plan Overlay) and RH-P (High Density Residential with a Master Plan Overlay) Districts, to CC (Community Commercial) and PD (Planned Development) Districts. The PD District would allow for flexible, small lot development within the residential areas, while the CC District would facilitate the future development of a commercial shopping center. As shown in the PD Plan (Attachment 4), the proposed development regulations and lot sizes for the residential portion of the project, as well as for the recreation area, streets, alleyways, and other features, would be the same as those shown within the vesting tentative map and project plans.

Vesting Tentative Map

The third approval requested is for an amended vesting tentative map (Attachment 7) that would subdivide the 57.81-acre site into 346 residential lots ranging in size from approximately 1,686 to 4,645 square feet (yielding a residential density of approximately 14 dwelling unit per acre); a 12-acre commercial parcel; a 0.8-acre recreation area; a 9.11-acre stormwater detention area to be dedicated to the Southwest Geological Hazard Abatement District (GHAD); and various smaller open spaces, streets, and alleyways. Access to the residential portions of the development would be provided at two separate access points, one leading directly into Neighborhood D, and another between the commercial parcel and residential Neighborhood C.

All homes within Neighborhood A would be served by private, 20-foot wide driveways which would allow for automobile access to each unit's garage. Access to each Neighborhood A unit's front door would be via a pedestrian pathway between each four-

or eight-unit bunch. Homes within Neighborhood C would be served by private streets or alleyways which would provide garage access. Similar to Neighborhood A, the front of each home would be accessed via a private paseo. Units in Neighborhood C would each have a private yard approximately 9-feet wide, which would be placed between houses. Lots 75-76, as well as 177-186 would be oriented so that the front façade faces West Leland Road, helping to create an active streetscape that encourages non-automobile travel.

Neighborhood D would have a more traditional layout, with each home maintaining a rear yard and two side yards. Seventy-six of the proposed units in Neighborhood D would be accessed via private driveways, similar to recent development approved within the City, such as the Waterstone and Liberty Subdivisions; the remaining 24 units would be accessed via private streets. Parking would be prohibited along alleys/motor-courts; however, approximately 163 marked, on-street spaces would be available for guest parking.

Six-foot sidewalks would be installed along all streets and within paseos as necessary to provide a safe pedestrian pathway to all homes. In addition, the developer has proposed a Class I bike/pedestrian facility along the frontage of Neighborhoods C and D. This facility would include an eight-foot wide pathway, as well as two-foot wide shoulders on either side, allowing for a comfortable pedestrian or biking experience.

Design Review

The fourth approval requested is for design review of architectural and landscape plans (see Attachment 6). The architectural plans contain numerous house models, including two plans and three architectural styles for Neighborhood A, and three different plans and distinct architectural styles for Neighborhood C and D. In addition, the applicant has proposed over a dozen different color schemes and a plotting plan which shows no two adjacent homes would be alike.

Each unit within the subdivision would be two-story. The house model designs are characterized by a mixture of hipped and gable-end roofs with composite tile roofing material, stucco siding and simulated stone veneer or horizontal lap siding, and windows with wrought iron railings. The proposed house models range from 1,375 to 1,934 square feet in total living area. Homes in Neighborhoods A and C would include three bedrooms and two and one-half baths, while homes in Neighborhood D would include up to five bedrooms and two and one-half baths. Ten of the homes in Neighborhood D would be designed with a 452 square foot, two-story, one bedroom/one bathroom accessory dwelling unit (ADU) to meet the City's affordable housing requirements. These ADUs would maintain a separate entrance from the main home.

The landscape plans include fencing, planting, and irrigation details. Along West Leland Road, the proposed landscape improvements include wide landscaped areas with the aforementioned 12-foot wide Class I pathway and upwards of 80 street trees. Although the vesting tentative map and landscape plans show otherwise, the applicant has

agreed to construct decorative masonry walls along all side and rear residential yards adjacent to West Leland Road. The applicant also proposes a recreation area complete with bocce courts, a basketball half-court, an asphalt track, and benches, picnic tables, and a generous amount of open turf space, along with decorative plantings.

Development Agreement Amendment

The fifth and final approval requested would entail adoption of the fourth amendment to the Vista Del Mar DA. This amendment would make minor changes to two existing portions of the 'Recitals' section of the DA, and would also amend the Developer's affordable housing obligation be specifying the developer, as part of the project, shall provide a minimum of ten (10) affordable accessory dwelling units ("ADUs"). Location of all required ADU's shall be finalized prior to the City's approval of the first final subdivision map for the Alves Ranch Property. Each ADU shall be at least four hundred (400) square feet in size and contain a fully functional kitchen (including cabinets with countertop, one (1) refrigerator, one (1) four burner range with oven, one (1) sink with garbage disposal and electrical receptacles for small appliances), as well as at least two hundred (200) cubic feet of private storage space and a separate closet for the bedroom area.

GENERAL PLAN/CODE COMPLIANCE:

General Plan: The project site is located within the 'Southwest Hills' subarea of the General Plan. Currently, the approximate western half of the site is designated 'Business Commercial', while the approximate eastern half is designated 'High Density Residential.' As part of the proposed project, the developer is seeking a General Plan Land Use Map amendment which would designate approximately 12 acres of the site as 'Community Commercial', and the remaining portions 'Medium Density Residential.'

The 'Community Commercial' land use designation is intended to provide sites for retail shopping areas (primarily in shopping centers) containing a wide variety of businesses, including retail stores, eating and drinking establishments, commercial recreation, service stations, automobile sales and repair services, financial, business and personal services, motels, educational and social services. The 'Medium Density Residential' land use designation is intended for housing at densities from 7 to 14 units per gross acre, and dwelling types may include one- or two-story garden apartments, townhouses, and attached or detached single-family residences.

The residential portion of the proposed master plan includes a total of 346 residential units, as well as 10 ADUs, on approximately 25.2 acres, yielding an overall gross project density of 14 dwelling units per acre. The project density would be within the allowable density range identified by the General Plan for the 'Medium Density Residential' designation. The uses proposed are consistent with the accompanying General Plan land use designation and the provisions of the Vista Del Mar Development Agreement.

In addition, General Plan policy 2-P-88 is directly applicable to the project site, and it

generally states that development shall be allowed on the site east of the proposed West Leland Road/San Marco Boulevard intersection (Alves Ranch) with a maximum of 560 medium- and high-density residential units and a maximum of 20 acres of 'Business Commercial' land between West Leland Road and SR 4. The current project proposal is consistent with policy 2-P-88 and the overall intent of the General Plan in that there would be approximately 12 net acres of commercial development and 356 residential units proposed, which is within the maximum allowable development program.

Finally, the project is also consistent with General Plan Policy 2-P-11, as it has been determined that adequate sites are available elsewhere to meet the City's office and business development objectives, as additional land near the Pittsburg Center BART Station has been designated for these types of uses, and the City's focus for office and business development has shifted to this area. The land currently designated as 'Business Commercial' has stood undeveloped for nearly 20 years, with almost no interest in its development as an office park or similar type of use and point to the availability for these opportunities elsewhere.

Zoning: In similar fashion to the land use designations mentioned above, the western third of the site is zoned CO-P (Office Commercial with a Master Plan Overlay) District, while the eastern two-thirds is zoned and RH-P (High Density Residential with a Master Plan Overlay) District. These zoning districts were established as part of the 2009 Alves Ranch Master Plan, which was never developed. The requested zoning map amendment would eliminate the master plan component and change the zoning designation for the project site as follows: 1) the 12-acre commercial portion generally located near the center of the site would be rezoned to CC District; and 2) the remaining portions of the site would be rezoned to PD District.

Pursuant to PMC section 18.62.010(D), PD Districts can be utilized in order to provide for flexibility, consistent with the general plan, from the rigid land use and development regulations found in base districts in order to take advantage of unique land use or site characteristics. The proposed PD District is consistent with the PMC section, in that it includes reduced setback and lot size requirements, and increased lot coverage allowances, in order to construct a unique development pattern on a relatively-large infill site with a variety of housing types which have successfully been implemented in other areas of the City, as well as a retail commercial area. The development pattern was not contemplated by the existing base districts and would likely not be possible using the City's established standard residential development regulations. Pursuant to PMC section 18.48.030, the Planning Commission shall include written findings to support any recommendation it makes to the City Council to amend the Zoning Ordinance.

In contrast to the previous master plan, which identified more general design and development regulations for the majority of the residential areas, the proposed PD Plan provides a more detailed development program, and the developer proposes to entitle and construct all units in succession.

Design Guidelines: The proposed project is subject to the City's Development Review Design Guidelines (DRDG), adopted by the Planning Commission through Resolution

No. 9864. As shown in Attachment 11, the project is substantially consistent with the City's DRDGs.

Required Finding – General Plan Map Amendment: The California Government Code and PMC identify the Commission as the advisory body to the City Council on amendments to the general plan. In order to recommend City Council adoption of a general plan amendment, the Commission must determine, in accordance with Government Code section 65358, that the amendment would be in the public interest.

Required Findings – Zoning Map Amendment: PMC section 18.16.020 identifies the Commission as the advisory body to the City Council on proposed zoning changes, and requires that the Commission determine, prior to making its recommendation, that:

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

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

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

Required Findings – Tentative Map: PMC section 17.12.010 identifies the Commission as the advisory body to the City Council on proposed tentative maps when consolidated with one or more applications for other approvals which are subject to final approval by the City Council. In order to recommend City Council approval of a vesting tentative map, the Commission must determine, in accordance with PMC section 17.20.060(c), that:

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

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

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

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

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

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

Required Findings – Design Review: In order to recommend design review approval to

the City Council (pursuant to the direction of PMC 18.36.230), the Commission must determine, in accordance with PMC section 18.36.220.B, that:

A. the structure conforms with good taste, good design and in general contributes to the character and image of the City as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality;

B. the structure would be protected against exterior and interior noise, vibrations and other factors that may tend to make the environment less desirable;

C. the exterior design and appearance of the structure is not of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value;

D. the structure is in harmony with proposed developments on land in the general area; and

E. the application conforms with the criteria set forth in any applicable City adopted Design Guidelines.

Required Findings – Development Agreement: Pursuant to City Council Resolution No. 96-8371, the Commission must make a recommendation on a development agreement prior to City Council consideration. The City Council may adopt the ordinance approving a development agreement if it finds that:

A. the development agreement is consistent with the General Plan and any applicable specific plan; and

B. the development agreement would promote the public health, safety, and general welfare.

Environmental Review: While the Planning Commission is not being asked to take action on the environmental document at this time, the following is provided as background information on the environmental documentation previously completed and currently being prepared. Staff recommends the Planning Commission consult the Draft SEIR while reviewing the project.

On October 18, 2004, the City Council adopted Resolution No. 04-10168 certifying that the Final Environmental Impact Report (FEIR) for the Vista Del Mar project (SCH # 2004012097) was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. On November 29, 2004, after having reviewed and considered the environmental documentation prepared for the Vista Del Mar project, the Council adopted Resolution No. 04-10191 approving CEQA findings, adopting a Statement of Overriding Considerations, and a Mitigation and Monitoring and Reporting Program (MMRP) for the Vista Del Mar project.

The original 2004 EIR addressed the environmental implications of a proposed

comprehensive mixed-use development project occupying an approximately 293-acre site (2004 EIR project site) located south of State Highway 4 between the Oak Hills and San Marco subdivisions (both north and south of West Leland Road) in the City's Southwest Hills planning subarea. The development project addressed in the 2004 EIR consisted of a residential and commercial subdivision including a maximum of 1,100 housing units (537 single-family lots and courtyard houses south of West Leland Road, and 563 multi-family units north of West Leland Road), approximately 257,500 square feet of commercial floor space (also north of West Leland Road), an 11.3-acre school/park site, approximately 117.7 acres of permanent hillside open space, and associated landscaped buffers, public and private roadways (including an extension of West Leland Road through the site), detention basin site, water tank site, and water pump station site.

CEQA includes a presumption against requiring any further environmental review once an EIR has been prepared and certified for a project. Section 21166 of the Public Resources Code provides that "no subsequent or supplemental environmental impact report shall be required by the lead agency or any responsible agency" unless one of three circumstances apply: 1) Substantial changes to the approved project will require major revisions to the certified EIR; 2) substantial changes occur with respect to the circumstances under which the approved project is being undertaken will require major revisions to the certified EIR, or 3) new information, that was not known and could not have been known at the time the EIR for the approved project was certified becomes available.

The factors used to evaluate whether a subsequent or a supplemental EIR should be prepared are set forth in CEQA Guidelines 15162 and 15163 and relate to whether "substantial changes" to the EIR are required. As identified in CEQA Guidelines Section 15162, substantial changes to the EIR are those that are required: 1) due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; 2) where mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or 3) where mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15163 of the CEQA Guidelines provides that the City may choose to prepare a supplement to an EIR rather than a subsequent EIR if any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, but only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation. Section 15163 further explains that:

1. The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.

2. A supplement to an EIR shall be given the same kind of notice and public review as is given to a draft EIR under Section 15087.

3. A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR.

4. When the agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the supplemental EIR. A finding under Section 15091 shall be made for each significant effect shown in the previous EIR as revised.

Based on the Initial Study prepared for the 2018 Project, the City determined that a supplemental EIR (SEIR) was appropriate. The Draft SEIR supplements the analysis presented in the 2004 EIR in accordance with applicable laws and regulations, including a description of the proposed modifications of the 2018 Project, as well as addressing any changed circumstances, and an evaluation of the potential to generate significant impacts not disclosed in the 2004 EIR. It contains sufficient information necessary to make the 2004 EIR adequate for the 2018 Project as revised.

An Initial Study was prepared to determine the issues that would require further study in the Draft SEIR and identify individual topical areas that were determined not to be significant and not warranting further review. The Initial Study found that the following topical areas may contain potentially significant environmental issues that were further analyzed in the Draft SEIR. These sections are as follows: Air Quality; Biological Resources; Greenhouse Gas Emissions; Noise; and Transportation.

Staff is currently preparing the Final SEIR, which will be provided to the Planning Commission for consideration as a separate document upon its public release.

Public Notice: On or prior to May 4, 2019, in accordance with Government Code sections 65090 and 65091, and PMC section 18.14.020.A, B, C and D, a “Notice of Public Hearing,” for the May 14, 2019, public hearing on this item was published in the East County Times; was posted at City Hall; was delivered for posting at the Pittsburg Library; and was mailed via first class or electronic mail to the applicant, to the property owner, to owners of property located within 300 feet of the proposed project site, to local service agencies whose services might be affected by this project, and to individuals who had previously filed written request for such notice. The notice was also posted on www.nextdoor.com (Nextdoor) and was sent directly to all subscribed residents in the surrounding Nextdoor neighborhoods including: 1) Toscana; 2) Vista Del Mar; 3) Oak Hills South; 4) San Marco; and 5) San Marco Villas. On May 14, 2019, at the request of the applicant, the Planning Commission continued the public hearing to May 28, 2019.

ANALYSIS:

Staff believes that the Commission can make the required findings to recommend City Council approval of the proposed project. In particular, staff believes the proposed project would promote a diversity of housing types and densities near the Pittsburg/Bay

Point BART station. The development would also enhance the visual quality of the area by developing a long-standing vacant site. In addition, the proposed development would potentially kick-start a new, large retail commercial development in the area, which residents west of Bailey Road have been requesting for several years.

The proposed rezoning would be consistent with the objectives, goals, and policies in the General Plan in that, among other reasons provided as part of the resolution, the project would: a) provide a variety of types of single-family residential units in an area accessible to transit and services; b) expand Pittsburg's housing diversity by providing higher-density single-family development on smaller lots; c) promote the development and intensification of the area near the Pittsburg/Bay Point BART Station as a neighborhood retail center by increasing the demand for retail and other amenities, while providing utility stub-outs to streamline future commercial development; d) encourage walking as a regular means of transportation due to the site's proximity to various amenities; e) provide a recreation area that is centrally located and within reasonable walking distance of all homes in the subdivision; f) provide sound walls along the northern site perimeter; and g) provide ten single-family homes with ADUs that would allow extended families to live near each other, increase the affordable and rental housing stock, and provide income assistance to homeowners.

The proposed project would conform with good taste, good design and in general contributes to the character and image of the City as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality, in that the proposed house models would feature an attractive architectural design characterized by a mixture of hipped and gable-end roofs with high-quality, composite tile roofing material; stucco siding with horizontal trim, and simulated stone veneer and/or horizontal lap siding; and windows with decorative wrought iron railings. The proposed project would also provide an attractive outdoor environment for residents. A variety of colorful, drought-tolerant landscaping would be provided, and a decorative, masonry sound wall with wall caps would be installed. Residential front yards would feature drought-tolerant plants and blooming street trees that would provide seasonal color throughout the subdivision.

Lastly, the proposed project would substantially conform to the applicable DRDGs for single-family development, particularly if conditions are added requiring the developer to: a) provide split face block walls with pilasters at intervals of 25 feet or less along West Leland Road; b) provide screening for utility boxes, transformers, backflow preventers, meters, and junction boxes; c) provide, as part of the options package for homebuyers, solar panels or an option offering pre-wiring for solar panels; d) proposed landscaping be required to meet the standards set forth in PMC Section 18.84.310; and e) provide cool roofs for reduction of heat island effect or installation of solar panels, consistent with DRDG sections 1.c, 2.b through 2.d, 2h, and 6.A.1 through 6.A.2, 6.A.4, and 6.A.6.

ACTION REQUIRED:

Move to adopt Resolution No. 10121, recommending City Council approval of a general plan amendment, zoning map amendment, vesting tentative map, design review, and

development agreement for the Alves Ranch Project, Planning Application No. 18-1348, subject to conditions.

ATTACHMENTS:

1. Proposed Resolution No. 10121
2. Exhibit A to Proposed Resolution – General Plan Land Use Map Amendment
3. Exhibit B to Proposed Resolution – Zoning Map Amendment
4. Exhibit C to Proposed Resolution – PD Plan
5. Exhibit D to Proposed Resolution – Fourth Amendment to DA
6. Vesting Tentative Map 9325
7. Project Plans
8. Preliminary Trash Pickup Plan
9. Project Location Map and Existing Conditions
10. Applicable General Plan Goals and Policies
11. Development Review Design Guidelines
12. Public Hearing Notice
13. Public Comments Received via email

The 2004 EIR, and the 2018 Draft SEIR can be downloaded at www.ci.pittsburg.ca.us/alvesranch. The Final SEIR will also be available at this link upon its public release.

Prepared by: Jordan Davis, Project Planner

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: **July 1, 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 Resolution Certifying a Final Supplemental EIR and Approving CEQA Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program, and Approving a General Plan Amendment; Introduction and Waive First Reading of an Ordinance Approving a Zoning Map Amendment and Development Agreement Amendment; and Adoption of a Resolution Approving an Amended Vesting Tentative Map and Design Review for the Alves Ranch Project, AP-18-1348 (GP, RZ, VTM, DR, DA)

This is a public hearing on a request by William Lyon Homes, Inc., for certification of a Final Supplementation Environmental Impact Report (SEIR) and adoption of associated California Environmental Quality Act (CEQA) findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program (MMRP) and approval of: 1) a General Plan map amendment to change the 57.81-acre site's land use designation from a combination of High Density Residential and Business Commercial, to Medium Density Residential and Community Commercial; 2) a zoning map amendment to rezone the site to PD (Planned Development) District and CC (Community Commercial) District; 3) an amendment to an existing development agreement; 4) an amended vesting tentative map to facilitate the construction of 346 single family dwelling units (along with 10 accessory dwelling units), the 12-acre commercial site, and ancillary features; and 5) design review of landscape and architectural plans for the residential portion of the site. The project site is located along the north side of West Leland Road, south of State Route 4, at the intersection of Alves Ranch Road. Assessor's Parcel Nos. 093-460-001; 093-460-002; and 093-460-005. On May 28, 2019, the Planning Commission adopted Resolution No. 10121, recommending approval of the proposal in its entirety.

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

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

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

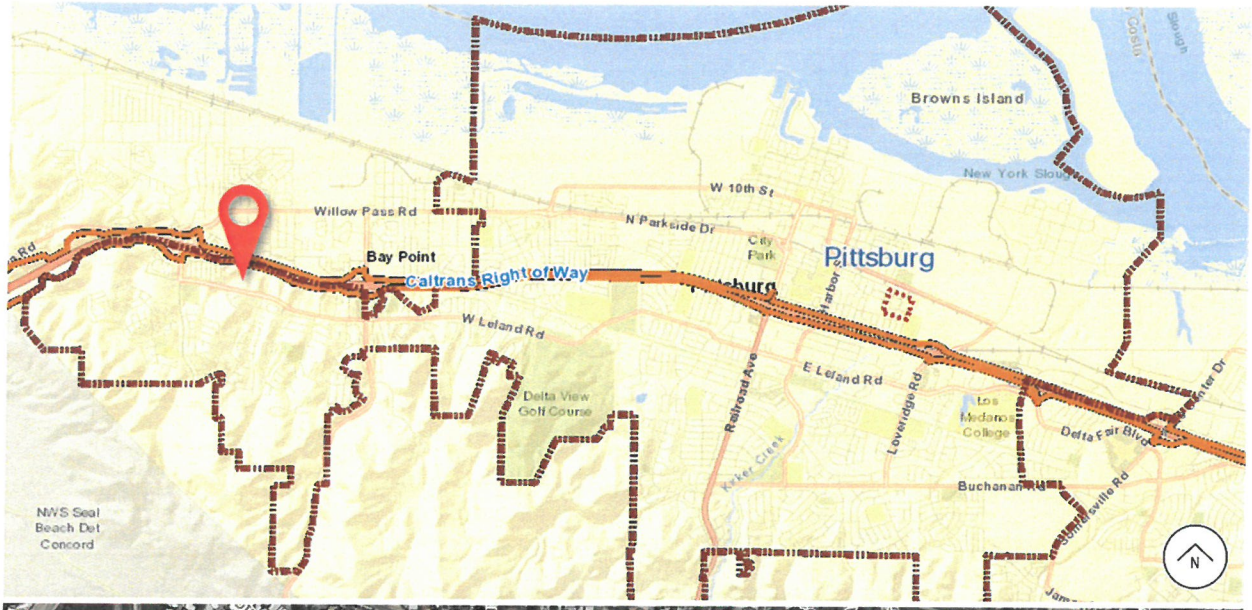
What can I do if I have comments on the project?
Comments or objections to the project can be made by writing or through oral testimony during the public hearing. Written comments citing the project name may be emailed to the project planner listed above, or may be mailed or delivered to: Pittsburg Planning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

Pursuant to Section 65009 of the California Government Code, if you challenge this matter in court, you may be limited to those issues you or someone else raised at the public hearing described in this notice, or in written correspondence on the matter delivered to this agency at, or prior to the public hearing. Any written correspondence delivered to the Planning Division before the hearing body's action on the matter will become a part of the administrative record.

Alice E. Evenson

ALICE E. EVENSON
CITY CLERK

Project Title: Alves Ranch Project, AP-18-1348 (GP, RZ, VTM, DR, DA)
Location: North side of West Leland Road, south of State Route 4.
APNs: 093-460-001; 093-460-002; and 093-460-005.



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

NOTICE OF PUBLIC HEARING

FIRSTCARBONSOLUTIONS™

DRAFT
Supplemental Environmental Impact Report
2018 Alves Ranch Project
City of Pittsburg, Contra Costa County, California

Prepared for:
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565
925.252.4920

Contact: Kristin Pollot, Planning Manager

Prepared by:
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Contact: Mary Bean, Project Director
Grant Gruber, Project Manager

Date: March 27, 2019

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ACRONYMS AND ABBREVIATIONS

°C	degrees Celsius (Centigrade)
°F	degrees Fahrenheit
µg/m^3	micrograms per cubic meter
af	acre-foot
AFY	acre-feet per year
AAQS	Ambient Air Quality Standards
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACHP	Advisory Council on Historic Preservation
ACM	asbestos-containing material
ACP	Alternative Compliance Plan
ADT	average daily traffic
ADA	Americans with Disabilities Act
AIA	Airport Influence Area
AIC	Archaeological Information Center
AICUZ	Air Installation Compatibility Use Zone
ALUC	Airport Land Use Commission
APCD	Air Pollution Control District
APE	Area of Potential Effect
APN	Assessor's Parcel Number
AQMD	Air Quality Management
ARB	California Air Resources Board
AST	aboveground storage tank
ATCM	Airborne Toxic Control Measures
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
BMP	Best Management Practices
BVOC	biogenic volatile organic compound
CAAQS	California Ambient Air Quality Standards
Cal/OSHA	California Occupational Health and Safety Administration
Cal/EPA	California Environmental Protection Agency
CAL FIRE	California Department of Forestry and Fire Protection
Caltrans	California Department of Transportation
CAP	Clean Air Plan
CCR	California Code of Regulations

CCTA	Contra Costa Transportation Agency
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFC	chlorofluorocarbon
CFR	Code of Federal Regulations
CH_4	methane
CHL	California Historical Landmarks
CMA	congestion management agency
CMP	Congestion Management Plan
CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	carbon monoxide
CO_2e	carbon dioxide equivalent
CPHI	California Points of Historical Interest
CPUC	California Public Utilities Code
CRHR	California Register of Historical Resources
CUPA	Certified Unified Program Agency
dB	decibel
DOT	United States Department of Transportation
DPM	diesel particulate matter
DTSC	California Department of Toxic Substances Control
ECCRFFA	East Contra Costa Regional Fee and Financing Authority
EIR	Environmental Impact Report
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
FAR	floor area ratio
FCS	FirstCarbon Solutions
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
GPS	Global Positioning System
GWh/y	gigawatt-hours per year
GWP	global warming potential
HCM	Highway Capacity Manual
HFC	hydrofluorocarbon
HOV/HOT	High Occupancy Vehicle/High Occupancy Toll

HRA	Health Risk Assessment
HRI	Historic Resources Inventory
HVAC	heating, ventilation, and air conditioning
ICM	Integrated Corridor Management
L_{dn}	day/night average sound level
LED	light emitting diode
L_{eq}	equivalent sound level
LOS	Level of Service
MBTA	Migratory Bird Treaty Act
mgd	million gallons per day
MMI	Modified Mercalli Intensity
mph	miles per hour
MTS	Metropolitan Transportation System
MTSO	Multimodal Transportation Service Objective
MXD	mixed-use development
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NHPA	National Historic Preservation Act
NO_2	nitrogen dioxide
NOC	Notice of Completion
NOP	Notice of Preparation
NO_x	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
O_3	ozone
OEHHA	California Office of Environmental Health Hazard Assessment
PCB	polychlorinated biphenyl
pCi/L	picocuries per liter
PeMS	Performance Measurement System
PFC	perfluorocarbon
Phase I ESA	Phase I Environmental Site Assessment
PM_x	particulate matter
ppb	parts per billion
ppm	parts per million
PPV	peak particle velocity
PVC	polyvinyl chloride

RMP	Risk Management Plan
ROG	reactive organic gases
RWQCB	Regional Water Quality Control Board
SF_6	sulfur hexafluoride
SFPUC	San Francisco Public Utilities Commission
SO_2	sulfur dioxide
SR	State Route
SWPPP	Storm Water Pollution Prevention Plan
State Water Board	State Water Resources Control Board
TAC	toxic air contaminants
TCM	transportation control measures
TDM	Transportation Demand Management
TDS	total dissolved solids
Tg	teragram
therms/y	therms per year
TMA	Transportation Management Association
TMDL	Total Maximum Daily Load
TOD	Transit Oriented Development
TSM	Transportation Systems Management
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
UST	underground storage tank
UWMP	Urban Water Management Plan
V/C	volume to capacity ratio
WDR	Waste Discharge Requirements

EXECUTIVE SUMMARY

Purpose

This Draft Supplemental Environmental Impact Report (Draft SEIR) is prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with the implementation of the Alves Ranch Project (State Clearinghouse No. 2004012097). This document is prepared in conformance with CEQA (California Public Resources Code [PRC], § 21000, et seq.) and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, § 15000, et seq.).

The purpose of this Draft SEIR is to inform decision makers, representatives of affected and responsible agencies, the public, and other interested parties of the potential environmental effects that may result from implementation of the proposed project. This Draft SEIR describes potential impacts relating to a wide variety of environmental issues and methods by which these impacts can be mitigated or avoided.

Project Summary

Project Location

The project site is located in the City of Pittsburg, Contra Costa County, California. The 57.81-acre project site is bounded by a single-family residential neighborhood (Toscana at San Marco) (west), State Route 4 (SR-4) (north), undeveloped land (east), and West Leland Road (south).

Project Description

The 2018 Alves Ranch Project ("2018 Project") consists of the development of 346 single-family dwelling units and 10 accessory dwelling units on approximately 25.93 acres, and the rezoning of approximately 12 acres of the project site for up to 140,000-square-feet of neighborhood- and community-serving commercial uses. The 2018 Project also proposes to relocate the commercial uses to the center of the project site, with residential uses to be located on the northern, eastern, and western edges. Vehicular access would be taken from two points off West Leland Road. Approximately 1.28 acres of recreation and/or landscaped open space and an approximately 0.9-acre Class I bicycle and pedestrian facility would be provided. Refer to Section 2, Project Description, for further detail.

Project Objectives

The objectives of the proposed project are to:

1. Contribute to the local economy through new capital investment, expansion of the tax base, and creation of new jobs and housing opportunities.
2. Promote infill growth within the existing City limits that is consistent with the City of Pittsburg General Plan.

3. Develop new housing, employment, and shopping opportunities within walking distance of the Pittsburg/Bay Point Bay Area Rapid Transit (BART) station.
4. Add more inventory to the local and regional housing supply.
5. Provide flexibility with the 12 acres reserved for future commercial use in order to be responsive to market conditions.
6. Provide new recreational opportunities including trails and active recreation areas.
7. Complete the buildout of the Southwest Hills General Plan Amendment and Vista Del Mar Projects.
8. Improve utilization of an existing storm drainage basin by increasing the outfall height as opposed to constructing a new basin or expanding an existing basin.
9. Close a gap in the pedestrian/bicycle network by constructing a Class I multi-use path along the project frontage with West Leland Road.

Significant Unavoidable Adverse Impacts

The proposed project would result in the following significant unavoidable impacts:

- **Near-Term Traffic Conditions:** The proposed project would contribute new vehicle trips to intersections that would operate at deficient levels of service under Near-Term conditions. Mitigation is proposed to improve operations to acceptable levels; however, because implementation of improvements requires the cooperation of third party agencies, the residual significance of this impact is significant unavoidable.
- **Cumulative Traffic Conditions:** The proposed project would contribute new vehicle trips to intersections that would operate at deficient levels of service under cumulative conditions. Mitigation is proposed to improve operations to acceptable levels; however, because implementation of improvements requires the cooperation of third party agencies, the residual significance of this impact is significant unavoidable.
- **Congestion Management Plan Facilities:** The proposed project would contribute new vehicle trips to SR-4 mainline segments and ramps that would operate at deficient levels of service. Mitigation is proposed to improve operations to acceptable levels; however, because implementation of improvements requires the cooperation of third party agencies, the residual significance of this impact is significant unavoidable.
- **Greenhouse gas emission**s: Annual operational greenhouse gas (GHG) emissions for the year 2021 and 2030 would exceed the applicable Bay Area Air Quality Management District (BAAQMD) service population threshold. The impact would be reduced with implementation of Mitigation Measure GHG-1, but the impact would remain significant and avoidable.

Summary of Project Alternatives

In Accordance with CEQA Section 15126.6 (a), the 2004 Final EIR identified five alternatives that could avoid or substantially lessen the impacts of the 2004 project, three of which would also feasibly attain most of the basic project objectives.

CEQA Guidelines Section 15163 establishes that Supplemental EIRs "need only contain the information necessary to make the previous EIR adequate for the project as revised." In this case, the 2004 Final EIR considered a no project alternative and four development alternatives that provided a reasonable range of potentially feasible scenarios that could reduce or avoid the identified impacts. One of the Alternatives (the Reconfigured Layout Alternative), primarily involved changes to land uses south of West Leland Road and outside the 2018 Project site. Accordingly, this Alternative is no longer applicable to the analysis of the 2018 Project.

As described more fully in Section 2.0, Project Description, the 2018 Project is similar in nature than the project evaluated in the 2004 Final EIR, as are the identified significant impacts (as discussed above and throughout this Draft SEIR). The 2004 Final EIR assumed a total of 563 residential units north of West Leland Road, while the 2018 Project proposes 356 residential units. The 2004 Final EIR assumed a total of 206,000 square feet of office uses and 51,500 square feet of retail uses north of West Leland Road, while the 2018 Project proposes up to 140,000 square feet of commercial, including a 40,000-square-foot grocery store.

The alternatives studied in the 2004 Final EIR included a reasonable range of residential uses (225 units, 332 units, and 449 units), as well as consideration of commercial and office uses, for purposes of providing a thoughtful comparative assessment, which remain valid for the purposes of evaluating the 2018 Project.

Areas of Controversy

Pursuant to CEQA Guidelines Section 15123(b), a summary section must address areas of controversy known to the lead agency, including issues raised by agencies and the public, and it must also address issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects.

A Notice of Preparation (NOP) for the proposed project was issued on December 18, 2018. The NOP describing the original concept for the project and issues to be addressed in the EIR was distributed to the State Clearinghouse, responsible agencies, and other interested parties for a 30-day public review period extending from December 18, 2018, through January 16, 2019. The NOP identified the potential for significant impacts on the environment related to the following topical areas:

- Air Quality
- Biological Resources
- Greenhouse Gas Emissions
- Noise
- Transportation

Disagreement Among Experts

This Draft SEIR contains substantial evidence to support all the conclusions presented herein. It is possible that there will be disagreement among various parties regarding these conclusions, although the City of Pittsburg is not aware of any disputed conclusions at the time of this writing. Both the CEQA Guidelines and case law clearly provide the standards for treating disagreement among experts. Where evidence and opinions conflict on an issue concerning the environment, and the lead agency knows of these controversies in advance, the EIR must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information to allow the public and decision makers to make an informed judgment about the environmental consequences of the proposed project.

Potentially Controversial Issues

Below is a list of potentially controversial issues that may be raised during the public review and hearing process of this Draft SEIR:

- Air Quality
- Biological Resources
- Greenhouse Gas Emissions
- Noise
- Transportation

It is also possible that evidence will be presented during the 45-day, statutory Draft EIR public review period that may create disagreement. Decision makers would consider this evidence during the public hearing process.

In rendering a decision on a project where there is disagreement among experts, the decision makers are not obligated to select the most environmentally preferable viewpoint. Decision makers are vested with the ability to choose whatever viewpoint is preferable and need not resolve a dispute among experts. In their proceedings, decision makers must consider comments received concerning the adequacy of the Draft EIR and address any objections raised in these comments. However, decision makers are not obligated to follow any directives, recommendations, or suggestions presented in comments on the Draft EIR, and can certify the Final EIR without needing to resolve disagreements among experts.

Public Review of the Draft SEIR

Upon completion of the Draft SEIR, the City of Pittsburg filed a Notice of Completion (NOC) with the State Office of Planning and Research to begin the public review period (PRC § 21161). Concurrent with the NOC, this Draft SEIR has been distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as all parties requesting a copy of the Draft SEIR in accordance with Public Resources Code 21092(b)(3). During the public review period, the Draft SEIR, including the technical appendices, is available for review at the City of Pittsburg offices and the Pittsburg Library. The address for each location is provided below:

City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565
Hours:
Monday–Friday: 8:00 a.m. to 12:00 p.m.; 1:00 p.m. to 4:30 p.m.

Pittsburg Library
80 Power Avenue
Pittsburg, CA 94565
Hours:
Tuesday: 12:00 p.m. to 8:00 p.m.
Wednesday: 10:00 a.m. to 6:00 p.m.
Thursday: 1:00 p.m. to 8:00 p.m.
Friday and Saturday: 11:00 a.m. to 5:00 p.m.

Agencies, organizations, and interested parties have the opportunity to comment on the Draft SEIR during the 45-day public review period. Written comments on this Draft SEIR should be addressed to:

Jordan Davis, Senior Planner
65 Civic Avenue
Pittsburg, CA 94565
Phone: 925.252.4015
Fax: 925.252.4814
Email: jdavis@ci.pittsburg.ca.us

Submittal of electronic comments in Microsoft Word or Adobe PDF format is encouraged. Upon completion of the public review period, written responses to all significant environmental issues raised will be prepared and made available for review by the commenting agencies at least 10 days prior to the public hearing before the City of Pittsburg on the project, at which the certification of the Final EIR will be considered. Comments received and the responses to comments will be included as part of the record for consideration by decision makers for the project.

Executive Summary Matrix

Table ES-1 below summarizes the impacts, mitigation measures, and resulting level of significance after mitigation for the relevant environmental issue areas evaluated for the proposed project. The table is intended to provide an overview; narrative discussions for the issue areas are included in the corresponding section of this Draft SEIR. Table ES-1 is included in the Draft SEIR as required by CEQA Guidelines Section 15123(b)(1).

Table ES-1: Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
Section 3.1—Air Quality		
Impact AIR-1: The 2018 Project would not conflict with or obstruct implementation of the applicable air quality plan.	No mitigation is necessary.	Less than significant impact.
Impact AIR-2: The 2018 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.	None.	Less than significant impact.
Impact AIR-3: The 2018 Project would expose sensitive receptors to substantial pollutant concentrations.	**MM AIR-1: Implement BAAQMD Best Management Practices During Construction** The following text is a refinement of MM 15-1 from the 2004 Final EIR. The text is updated to reflect current BAAQMD best practices. The following Best Management Practices (BMPs), as recommended by BAAQMD, shall be included in the project design and implemented during construction: • All active construction areas shall be watered at least three times per day. • All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least three times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required	Less than significant after mitigation.

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
	by the California airborne toxics control measure Title 13, Section 2485 of CCR). Clear signage regarding idling restrictions shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The City of Napa and the construction contractor shall take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations **MM AIR-2: Use Construction Equipment That Meets Tier 3 Off-road Emission Standards** During construction activities, all off-road equipment with engines greater than 50 horsepower shall meet either EPA or ARB Tier 3 Final off-road emission standards. The construction contractor shall maintain records concerning its efforts to comply with this requirement, including equipment lists. Off-road equipment descriptions and information may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.	
Section 3.2—Biological Resources		
Impact BIO-1: The 2018 Project may have a substantial adverse impact on special-status plant and wildlife species.	**MM BIO-1a: Burrowing Owl** No more than 30 days prior to the first ground-disturbing activities, the project applicant shall retain a qualified biologist to conduct a preconstruction survey on the project site. The survey shall establish the presence or absence of western burrowing owl and/or burrows, and evaluate any use by owls in accordance with applicable CDFW survey guidelines. On the portion of the project site where the ground disturbing activity is proposed, the biologist shall survey the proposed disturbance footprint and	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
	a 500-foot radius from the perimeter of the proposed footprint to identify whether any burrows and/or owls are present. Adjacent areas on the project site that are not being proposed for ground disturbance need not be surveyed. The survey shall take place near the sunrise or sunset in accordance with applicable CDFW guidelines. All burrows or burrowing owls (if any) shall be identified and mapped. During the breeding season (February 1–August 31), surveys shall document whether burrowing owls (if any) are nesting on or directly adjacent to disturbance areas. During the non-breeding season (September 1–January 31), surveys shall document whether burrowing owls (if any) are using habitat on or directly adjacent to any disturbance area. Survey results shall be valid only for the season during which the survey is conducted. If burrowing owls are not discovered during the above-described pre-construction surveys, or if burrows are identified but are inactive, further mitigation is not required. If burrowing owls are observed during the pre-construction surveys, the project applicant shall perform the following measures to limit the impact on the burrowing owls: • Avoidance shall include establishment of a 160-foot non-disturbance buffer zone. Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation, or that the juveniles from the occupied burrows have fledged. During the non-breeding season (September 1-January 31), the project proponent shall avoid the owls and the burrows they are using, if possible. Avoidance shall include the establishment of a 160-foot non-disturbance buffer zone. • If it is not possible to avoid occupied burrows, passive relocation shall be implemented. Owls shall be excluded from burrows in the immediate impact zone and within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors shall be in place for 48 hours prior to excavation. The project area shall be monitored daily for 1 week to confirm that the owl has abandoned the burrow. Whenever possible, burrows	

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
	should be excavated using hand tools and refilled to prevent re-occupation. Plastic tubing or a similar structure shall be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow. **MM BIO-1b: Swainson's Hawk** Prior to any ground disturbance that occurs during the nesting season for Swainson's hawk (March 15 to September 15), a qualified biologist shall conduct a preconstruction survey no more than 30 days prior to construction to establish whether there are any Swainson's hawk nests within 1,000 feet of the project site, and if so, whether they are occupied. If potentially occupied nests within 1,000 feet are located adjacent to but not on the project site, then their occupancy shall be determined by observation from public roads or other publicly accessible observation areas of Swainson's hawk activity (e.g., foraging) near the project site. If Swainson's Hawks are not discovered during the above-described pre-construction surveys, or if a nest is identified but is inactive, further mitigation is not required. If nests are located and determined to be occupied, minimization measures and construction monitoring are required as follows: • In order to mitigate for the loss of Swainson's hawk foraging habitat to a less than significant level, the Project applicant shall acquire conservation easements or other instruments to preserve suitable foraging habitat for Swainson's hawk, as determined by the California Department of Fish and Game. The location of mitigation parcels as well as the conservation instruments protecting them shall be acceptable to the City and to the California Department of Fish and Game. The amount of land preserved shall be governed by a 1:1 mitigation ratio for each acre developed at the Project site. In deciding whether to approve the land proposed for preservation by the Project applicant, the City shall consider the benefits of preserving lands in proximity to other protected lands. The preservation of land shall be done prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first. In addition, the City shall impose the following minimum conservation easement content standards:	

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
	• The land to be preserved shall be deemed suitable Swainson's hawk foraging habitat by the California Department of Fish and Wildlife. • All owners of the mitigation land shall execute the document encumbering the land. • The document shall be recordable and contain an accurate legal description of the mitigation land. • The document shall prohibit any activity which substantially impairs or diminishes the land's capacity as suitable Swainson's hawk foraging habitat. • If the land's suitability as foraging habitat is related to existing agricultural uses on the land, the document shall protect any existing water rights necessary to maintain such agricultural uses on the land covered by the document, and retain such water rights for ongoing use on the mitigation land. • The applicant shall pay to the City a mitigation monitoring fee to cover the costs of administering, monitoring and enforcing the document in an amount determined by the receiving entity, not to exceed 10% of the easement price paid by the applicant, or a different amount approved by the City Council, not to exceed 15% of the easement price paid by the applicant. • Interests in mitigation land shall be held in trust by an entity acceptable to the City and/or the City in perpetuity. The entity shall not sell, lease, or convey any interest in mitigation land which it shall acquire without the prior written approval of the City. • The City shall be named a beneficiary under any document conveying the interest in the mitigation land to an entity acceptable to the City. • If any qualifying entity owning an interest in mitigation land ceases to exist, the duty to hold, administer, monitor and enforce the interest shall be transferred to another entity acceptable to the City or to the City. Before committing to the preservation of any particular land pursuant to this measure, the Project proponent shall obtain the City's approval of the land proposed for preservation. This mitigation measure may be fulfilled in combination with a mitigation measure imposed on the project requiring	

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
	the preservation of agricultural land as long as the agricultural land is determined by the Department of Fish and Wildlife to be suitable Swainson's hawk habitat. **MM BIO-1c: Migratory and Nesting Birds** Prior to the start of construction, the implementation of the following avoidance and minimization measures would avoid or minimize potential effects to migratory birds and habitat in and adjacent to the project site. These measures shall be required to be implemented for construction work that occurs during the nesting season (February 15 through August 31). No mitigation measures shall be required during the non-nesting season (September 1 through February 14) • If construction or tree removal is proposed during the nesting season for migratory birds (February 15 through August 31), a qualified biologist shall conduct pre-construction surveys for ground nesting birds and migratory species, such as the northern harrier, within the construction area, including a 300-foot survey buffer, no more than 3 days prior to the start of ground disturbing activities in the construction area. • If an active nest of any of the above-identified migratory birds is located during pre-construction surveys, then the project applicant shall adhere to notification requirements to USFWS and/or CDFW (as appropriate) regarding the status of the nest as may be required under applicable laws and regulations. Furthermore, construction activities shall be restricted as necessary within any identified buffer area (as determined by the qualified biologist) to avoid disturbance of the nest until it is abandoned or a qualified biologist deems disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 300 feet around an active raptor nest and 50-foot radius around an active migratory bird nest) or alteration of the construction schedule. • A qualified biologist shall: determine the size of the appropriate buffer and delineate the identified buffer using nest buffer signs, ESA fencing, pin flags, and or flagging tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently, at	

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
	which time no further mitigation shall be required.	
Impact BIO-2: The 2018 Project would not have adverse impacts on sensitive natural communities or riparian habitat.	No mitigation is necessary.	Less than significant impact.
Impact BIO-3: The 2018 Project would not have a substantial adverse effect on wetlands or jurisdictional features.	No mitigation is necessary.	No impact.
Impact BIO-4: The 2018 Project would not have substantial adverse impacts on fish or wildlife movement.	No mitigation is necessary.	Less than significant impact.
Section 3.3—Greenhouse Gas Emissions		
Impact GHG-1: Implementation of the 2018 Project would generate direct and indirect greenhouse gas emissions that could result in a significant impact on the environment.	**MM GHG-1: Implement Measures to Reduce GHG Emissions** Prior to the issuance of the first certificate of occupancy for the relevant portion of the 2018 Project (i.e., residential or commercial), or building final as appropriate, the residential or commercial applicant (as relevant) shall provide documentation to the City of Pittsburg that the following measures have been achieved: **Residential Measures** • Provide 100 percent renewable energy through either one or a combination of (1) Installation of solar photovoltaic systems consistent with the 2019 Building Energy Efficiency Standards and/or (2) Purchase 100 percent renewable energy for electricity consumption on the project site. For the purchase of renewable energy, prior to the issuance of the first certificate of occupancy for the residential portion of the 2018 Project, the Project applicant shall record Conditions, Covenants and Restrictions (CCRs) that require each homeowner to enroll into and maintain enrollment on an ongoing basis in the Marin Clean Energy's "Deep Green" or "Local Sol" program, or similar program offered at the time of project occupancy, to purchase 100 percent renewable energy for electricity consumption on the project site. • Provide electrical outlets on the outside of the homes or outlets within	Significant and unavoidable.

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
	the garages to encourage the use of electrical landscaping equipment. • Install on-demand electric or solar water heaters. • Use water efficient landscapes and native/drought-tolerant vegetation. • Install smart meters and programmable thermostats. **Commercial Measures** • Install on-site charging units for electric vehicles consistent with parking requirements in California Green Building Standards Code Section 5.106.5.2. • Dedicate on-site parking for shared vehicles. • Install on demand electric water heating instead of natural gas water heating for some or all of the project's hot water needs, to the extent such technology is then readily available and commercially practicable. • Provide adequate, safe, convenient, and secure on-site bicycle parking and storage in the commercial portion of the project.	
Impact GHG-2: Implementation of the 2018 Project would not conflict with the applicable plan, policy, or regulation of an agency adopted to reduce the emissions of greenhouse gases.	No mitigation is necessary.	Less than significant impact.
Section 3.4—Noise		
Impact NOI-1: The 2018 Project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.	**MM NOI-1:** To reduce potential traffic noise impacts, the following multi-part mitigation measure shall be implemented for the 2018 Project: a) The 2018 Project shall construct a soundwall (or equivalent) to protect residential units bordering West Leland Road. The soundwall (or equivalent) shall be a minimum 8-foot high above the finished grade of the residential units. Notwithstanding the foregoing, the 2018 Project applicant may propose an equivalent measure so long as the 2018 Project applicant can demonstrate, via an updated acoustical analysis prepared by a qualified noise consultant and approved by the City Engineer, that the applicable performance standards will be achieved with implication of this equivalent measure. The soundwall (or equivalent) shall effectively block the line of sight to West Leland Road for proposed outdoor active use areas (i.e.,	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
	backyards or side yards) of all residential units within 100 feet of the edge of the southern project property line. The soundwall (or equivalent) shall be of solid construction, with no vertical or horizontal gaps, and shall have a minimum surface weight of 4 pounds per square foot. The acceptability of the proposed combination of soundwall (or equivalent) mitigation shall be confirmed by the City Engineer, as part of the final plans and permitting process, to ensure compliance with the applicable performance standards. b) The 2018 Project shall implement an alternative form of ventilation for all proposed residential units within 200 feet of the centerline of West Leland Road, and within 400 feet of the centerline of SR-4. This alternative form of ventilation would give an occupant the option of controlling noise by keeping the windows shut in order to reduce potential traffic noise impacts to a less than significant level. A standard central air conditioning system or a central heating system equipped with a 'summer switch,' which allows the fan to circulate air without furnace operation requiring mechanical ventilation, will provide a habitable interior environment and meet the airflow provisions under building code requirements. c) The 2018 Project shall construct a soundwall (or equivalent) to protect residential units bordering SR-4. The soundwall (or equivalent) shall be a minimum 10-foot high above the finished grade of the residential units. Notwithstanding the foregoing, the 2018 Project applicant may propose an equivalent measure so long as the 2018 Project applicant can demonstrate, via an updated acoustical analysis prepared by a professional acoustical consultant and approved by the City Engineer, that the applicable performance standards will be achieved with implication of this equivalent measure. The soundwall (or equivalent) shall effectively block the line of sight to SR-4 for all first floor units and proposed outdoor active use areas (i.e., backyards) of all residential units within 400 feet of the centerline of SR-4. The soundwall shall be of solid construction, with no vertical or horizontal gaps, and shall have a minimum surface weight of 4 pounds per square foot. The acceptability of the proposed mitigation shall be confirmed by the City Engineer, as part of the final plans and permitting process, to ensure compliance with the applicable performance standards.	

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
	d) The 2018 Project shall provide upgraded wall and window assemblies for all second story residential units in Neighborhoods A-1 and A-2 that would have a direct line of sight to SR-4 and the BART rail line. The combined wall and window assembly shall have a minimum Standard Transmission Class (STC) rating of 32-STC. This will provide sufficient noise reduction, with an adequate margin of safety, to ensure the 45 dBA L_{dn} interior noise level standard is maintained (74 dBA–32 dBA = 42 dBA). Prior to issuance of building permits, the applicant shall have a professional acoustic consultant review the final design plans to confirm with the City Engineer that the design would provide the required STC rating.	
Impact NOI-2: The 2018 Project would 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.	**MM NOI-2:** To reduce potential impacts related to construction noise, the Project shall restrict construction-related activities to normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday. The Project shall also implement the following construction period noise abatement measures and best practices: • The construction contractor shall ensure that all internal combustion engine-driven equipment is equipped with mufflers that are in good condition and appropriate for the equipment. • The construction contractor shall select quiet construction equipment, particularly air compressors, whenever feasible • The construction contractor shall locate stationary noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area. In addition, the project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site, whenever feasible. • The construction contractor shall prohibit unnecessary idling of internal combustion engines. • The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. • Designate a “noise disturbance coordinator” who would be responsible	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
	for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g. starting too early, bad muffler, etc.) and institute reasonable measures, consistent with this Improvement Measure, warranted to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site. • Route all construction traffic to and from the project site via designated truck routes where practical. Prohibit construction-related heavy truck traffic in residential areas where feasible. • The construction contractor shall limit noise producing construction activity to the daytime hours between 8:00 a.m. and 5:00 p.m.	
Section 3.5—Transportation		
Impact TRANS-1: The 2018 Project may contribute to unacceptable intersection operations under Existing Plus Project Conditions.	Implement Mitigation Measure TRANS-1a and Mitigation Measure TRANS-4. **MM TRANS-1a:** Prior to issuance of building permits, the 2018 Project applicant shall pay applicable Local Traffic Mitigation Fee to the City of Pittsburg, which could be used to construct intersection improvements that would result in acceptable operations, which could include widening the northbound San Marco Boulevard north of West Leland Road to allow the westbound right movement to operate as a free tuning movement.	Significant unavoidable impact.
Impact TRANS-2: The 2018 Project may contribute to unacceptable intersection operations under Near-Term Conditions.	Implement Mitigation Measure TRANS-1a and Mitigation Measure TRANS-4.	Significant unavoidable impact.
Impact TRANS-3: The 2018 Project may contribute to unacceptable intersection operations under Cumulative Conditions.	**MM TRANS-3a:** Prior to issuance of building permits, the 2018 Project applicant shall pay to the City of Pittsburg its pro rata fair share of the cost to restripe the northbound approach of the West Leland Road at Oak Hills Drive intersection to provide separate left and right-turn lanes. Provided, however, that should BART development not occur, this improvement would not be necessary, and the 2018 Project applicant would not be required to pay the fees identified in this Mitigation Measure TRANS-3a. Development considered in the Pittsburg/Bay Point BART Specific Plan included 1,168 dwelling units and 146,362 square feet of nonresidential	Significant unavoidable impact.

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
	uses in conjunction with site access and circulation improvements and parking. **MM TRANS-3b:** Prior to issuance of building permits, the 2018 Project applicant shall pay to the City of Pittsburg its pro rata fair share of the cost to construct a second eastbound left-turn lane. However, there is insufficient right-of-way available to construct this improvement. As it is uncertain if improvements could be constructed and identified improvements would not result in acceptable LOS E operations, this impact would remain ***significant and unavoidable***. The project applicant previously paid transportation impact fees for improvements at this intersection associated with development of the entitled project. **MM TRANS-3c:** Prior to issuance of building permits, the 2018 Project applicant shall pay to the City of Concord its pro rata fair share of the costs to improve the intersection of Bailey Road/Myrtle Drive if and to the extent the City of Concord has, at the time of building permit issuance, lawfully established an impact fee to fund the foregoing improvements. The improvements shall consist of signalization of this intersection in conjunction with the construction of a southbound left-turn lane. Provided, however, this mitigation measure shall not apply if there is not a legal mechanism by which for the 2018 Applicant to provide fees to the City of Concord or if the City of Concord does not support the improvements, as reflected by the City of Concord's lawful establishment of an impact fee to fund said improvements. **MM TRANS-3d:** Prior to issuance of building permits, the 2018 Project applicant shall pay to the City of Concord its pro rata fair share of the costs to improve the intersection of Bailey Road/Concord Boulevard if and to the extent the City of Concord has, at the time of building permit issuance, lawfully established an impact fee to fund the foregoing improvements. The improvements shall consist of installation of southbound right-turn overlap phase and retiming the traffic signal to allow such a movement. Provided, however, this mitigation measure shall not apply if there is not a	

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
	legal mechanism by which for the applicant to provide fees to the City of Concord or if the City of Concord does not support the improvements, as reflected by the City of Concord's lawful establishment of an impact fee to fund said improvements.	
Impact TRANS-4: The 2018 Project may conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.	**MM TRANS-4:** Prior to issuance of building permits, the 2018 Project applicant shall pay all adopted applicable regional transportation related impact fees in accordance with the latest fee schedule, including the ECCRFFA.	Significant unavoidable impact.
Impact TRANS-5: The 2018 Project may substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	**MM TRANS-5a:** Prior to issuance of the first building permit, the applicant shall demonstrate that the Alves Ranch Road extension into the project site is designed to Collector Street standards, and all other streets are designed to Local Street standards. **MM TRANS-5b:** Prior to the issuance of the first grading permit, the applicant shall demonstrate (as shown on the final improvement plans) provide a refuse collection plan to that each home has a clear refuse collection staging area that considers the need for some on-street parking to be provided on refuse collection days.	Less than significant impact.
Impact TRANS-6: The 2018 Project would not result in inadequate emergency access.	No mitigation is necessary.	Less than significant impact.
Impact TRANS-7: The 2018 Project may conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	**MM TRANS-7a:** Prior to issuance of building permits for the potential future commercial uses, the commercial project applicant shall prepare and submit plans to the City of Pittsburg demonstrating that a community kiosk is provided in a centrally located public space. The kiosk shall provide information about alternative modes of transportation including bicycling, walking, transit, and carpool programs or facilities. **MM TRANS-7b:** Prior to issuance of building permits for the potential future commercial uses, the commercial project applicant shall prepare and submit plans to the City of Pittsburg demonstrating that bicycle racks and	Less than significant impact.

Table ES-1 (cont.): Executive Summary Matrix

Impacts	Mitigation Measures	Level of Significance After Mitigation
	lockers or secure room bicycle parking is provided based on the requirements outlined in Section 18.78.045 of the Pittsburg Municipal Code. Approximately 20 percent of the required bicycle parking shall be long-term parking for employee use. **MM TRANS-7c:** Prior to issuance of building permits for the 2018 Project, the residential project applicant shall demonstrate (as shown on final improvement plans) that it will either install signage and barricades prohibiting pedestrian crossing movements of West Leland Road at the new project roadway/Tomales Bay Drive on both the east and west legs of the intersection, or install a high visibility crosswalk with a pedestrian actuated flashing beacons or pedestrian hybrid signal across the west leg of the intersection and prohibit pedestrian crossings of the east leg through signage and barricades.	

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SECTION 1: INTRODUCTION

1.1 - Overview of the CEQA Process

This Draft Supplemental Environmental Impact Report (Draft SEIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines to evaluate the minor changes to the Alves Ranch Project originally analyzed in the Vista Del Mar EIR, State Clearinghouse No. 2004012097, certified on October 18, 2004. The original EIR consists of the following documents: the Draft EIR; the Response to Comments/Final EIR; and Resolution 04-10168, which certified the original EIR, made the required findings, approved the original Mitigation Monitoring and Reporting Program (MMRP) and approved and authorized the original Alves Ranch Project as part of the larger Vista Del Mar development. This original EIR consisting of the foregoing documents, collectively, is referred to herein as the "2004 EIR." This supplemental document has been prepared in conformance with CEQA (California Public Resources Code [PRC] § 21000, *et seq*.) and the CEQA Guidelines (California Code of Regulations [CCR] Title 14, § 15000, *et seq*.). This Draft SEIR is intended to serve as an informational document for the public agency decision makers and the public regarding the 2018 Alves Ranch Project (2018 Project).

The proposed 2018 Project consists of the development of 346 dwelling units (as well as 10 accessory dwelling units) and the rezoning of approximately 12 acres of the project site for up to 140,000-square-feet of potential future neighborhood- and community-serving commercial uses on the approximately 57.81-acre project site. Section 2, Project Description, provides a complete description of the 2018 Project.

1.1.1 - Purpose and Authority

This Draft SEIR provides a project-level analysis of the environmental effects of the 2018 Alves Ranch Project. The environmental impacts of the 2018 Project are analyzed in the SEIR to the degree of specificity appropriate, in accordance with CEQA Guidelines Section 15146. In accordance with CEQA Guidelines Section 15163, this document addresses whether: (1) changes to the Alves Ranch Project; (2) a change in circumstances under which the original Alves Ranch Project was undertaken; or (3) new information of substantial importance exists, which would result in any new significant impacts or an increase in severity of previously identified significant impacts. It also identifies appropriate and feasible mitigation measures that, if adopted, may significantly reduce or avoid certain of these impacts.

CEQA requires that an EIR contain, at a minimum, certain specific elements. These elements are contained in this Draft SEIR and include:

- Table of Contents
- Introduction
- Executive Summary
- Project Description
- Environmental Setting, Significant Environmental Impacts, and Mitigation Measures
- Cumulative Impacts

- Significant Unavoidable Adverse Impacts
- Alternatives (reaffirming the validity of the Alternatives studied in the 2004 Final EIR)
- Growth-Inducing Impacts
- Effects Found not to be Significant
- Areas of Known Controversy

1.1.2 - Lead Agency Determination

The City of Pittsburg is designated as the lead agency for the 2018 Project. CEQA Guidelines Section 15367 defines the lead agency as ". . . the public agency, which has the principal responsibility for carrying out or approving a project." Other public agencies may use this Draft SEIR in the decision-making or permit process and consider the information in this Draft SEIR along with other information that may be presented during the CEQA process.

This Draft SEIR was prepared by FirstCarbon Solutions (FCS), an environmental consultant at the lead agency's direction. Prior to public review, it was extensively reviewed and evaluated by the City of Pittsburg. This Draft SEIR reflects the independent judgment and analysis of the City of Pittsburg as required by CEQA. Lists of organizations and persons consulted and the report preparation personnel is provided in Section 8 of this Draft SEIR.

1.2 - Scope of the EIR

The Alves Ranch Project was originally analyzed and approved in 2004 pursuant to the certified 2004 EIR. The certified 2004 EIR identified the following potentially significant and unavoidable impacts:

- Cumulative visual effects associated with an existing PG&E transmission line and associated towers;
- Cumulative transportation-related impacts to local intersections, including Bailey Road/West Leland Road, Bailey Road/Concord Boulevard, and Bailey Road/Myrtle Drive;
- Cumulative impacts to State Highway 4;
- Cumulative impacts related to BART parking;
- Cumulative impacts related to municipal water service demand;
- Impacts related to possible demolition of historic resources;
- Project construction noise;
- Cumulative impacts on regional air emissions.

The City adopted a Statement of Overriding Considerations prior to approving the original Alves Ranch Project. When a lead agency decides to approve a project that will cause one or more significant environmental effects, the lead agency prepares a statement of overriding considerations that reflects the ultimate balancing of competing public objectives (including environmental, legal, technical, social, and economic factors).

CEQA includes a presumption against requiring any further environmental review once an EIR has been prepared and certified for a project. Section 21166 of the Public Resources Code provides that "no subsequent or supplemental environmental impact report shall be required by the lead agency or any responsible agency" unless one of three circumstances apply:

(1) Substantial changes to the approved project will require major revisions to the certified EIR,

(2) substantial changes occur with respect to the circumstances under which the approved project is being undertaken will require major revisions to the certified EIR, or

(3) new information, that was not known and could not have been known at the time the EIR for the approved project was certified becomes available.[1]

The factors used to evaluate whether a subsequent or a supplemental EIR should be prepared are set forth in CEQA Guidelines 15162 and 15163 and relate to whether "substantial changes" to the EIR are required. As identified in CEQA Guidelines Section 15162, substantial changes to the EIR are those that are required:

1. Due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Where mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative, or
3. Where mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15163 of the CEQA Guidelines provides that the City may choose to prepare a supplement to an EIR rather than a subsequent EIR if any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, but only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.[2] Section 15163 further explains that:

1. The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.
2. A supplement to an EIR shall be given the same kind of notice and public review as is given to a draft EIR under Section 15087.

[1] The California Supreme Court has noted that the foregoing "…limitations are designed to balance CEQA's central purpose of promoting consideration of the environmental consequences of public decisions with interests in finality and efficiency." *Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist.*, 1 Cal 5th 937.949 (2016).

[2] An agency's discretionary decision to prepare a supplemental EIR rather than a subsequent EIR is subject to a reasonableness standard, with the focus on the "substance of the EIR, not its nominal title." *City of Irvine v. County of Orange*, 238 Cal. App. 4th 526, 540 (2015).

3. A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR.
4. When the agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the supplemental EIR. A finding under Section 15091 shall be made for each significant effect shown in the previous EIR as revised.

In evaluating whether changes to the 2018 Project as currently proposed would result in new significant environmental impacts or an increase in severity of previously identified significant impacts, this Draft SEIR considers the incremental difference between the previously approved project as evaluated in the 2004 SEIR and the proposed 2018 Project.[3] In accordance with Section 15163 of the CEQA Guidelines, this Draft SEIR:

- Incorporates the certified 2004 EIR, and the entire administrative record related thereto, by reference.
- Contains information necessary to make the 2004 EIR adequate for the 2018 Project.
- Evaluates the potential environmental impacts of the changes to the 2018 Project.
- Updates, where necessary, information relating to the resources in the vicinity of the project site that may be affected by the 2018 Project.

The proposed changes are summarized in the Project Description of this Draft SEIR. Based on the Initial Study prepared for the 2018 Project, the City determined that a supplemental EIR was appropriate. This Draft SEIR supplements the analysis presented in the 2004 EIR in accordance with applicable laws and regulations, including a description of the proposed modifications of the 2018 Project, as well as addressing any changed circumstances, and an evaluation of the potential to generate significant impacts not disclosed in the 2004 EIR. It contains sufficient information necessary to make the 2004 EIR adequate for the 2018 Project as revised. The 2004 EIR, which includes the findings and the MMRP adopted in connection with the 2004 EIR, is also available for reference at City of Pittsburg, Planning Division, 65 Civic Avenue, Pittsburg, CA 94565. The analysis in this Draft SEIR confirms that the certified 2004 EIR is adequate for the 2018 Project for purposes of CEQA, with the updated information contained herein.

The City of Pittsburg issued a Notice of Preparation (NOP) for the proposed 2018 Project on December 18, 2018, which circulated between December 18, 2018 and January 17, 2019, for the statutory 30-day public review period. The scope of this Draft SEIR includes the potential environmental impacts identified in the NOP and issues raised by agencies and the public in response to the NOP as determined appropriate by the City. The NOP is contained in Appendix A of this Draft SEIR.

[3] The CEQA Guidelines state that a supplement to an EIR need only contain the information necessary to make the previous EIR adequate for the project as revised. CEQA Guidelines § 15163(b).

Seven comment letters were received in response to the NOP, as well as one person who provided verbal comments at the scoping meeting. They are listed in Table 1-1 and provided in Appendix A of this Draft SEIR.

Table 1-1: NOP Comment Letters

Agency/Organization	Author	Date
Public Agencies		
Contra Costa Water District	Christine Schneider	January 9, 2019
California Department of Oil and Gas	Charlene L. Wardlow	January 14, 2019
California Governor's Office of Planning and Research (OPR)	Scott Morgan	December 20, 2018
Native American Heritage Commission (NAHC)	Sharaya Souza	December 27, 2018
California Dept. of Transportation (Caltrans)	Patricia Maurice	January 17, 2019
Contra Costa County Fire Protection District	Toss Schiess	January 4, 2019
Individuals		
—	Bruce "Ole" Ohlson	January 9, 2019
Letters received outside of the comment period		
Hanson Bridgett LLP	Kristina Lawson	January 18, 2019
Contra Costa County Public Works	Jorge Hernandez	January 22, 2019
California Department of Fish and Wildlife	Greg Erickson	January 23, 2019
Federal Emergency Management Agency (FEMA)	Gregor Blackburn	January 31, 2019
Source: City of Pittsburg 2019		

1.2.1 - Scoping Meeting

Pursuant to CEQA Guidelines Section 15082(c)(1), the City of Pittsburg held a public scoping meeting for the proposed 2018 Project on Wednesday, January 9, 2019, in the Pittsburg Council Chambers, Pittsburg City Hall, 65 Civic Avenue, Pittsburg, CA 94565. One person, Bruce Ohlson, attended and provided verbal comments.

1.2.2 - Environmental Issues Determined not to be Significant

An Initial Study was prepared to determine the issues that would require further study in the Draft SEIR and identify individual topical areas that were determined not to be significant and not warranting further review. The Initial Study is provided in Appendix A. Based on the analysis provided in the Initial Study and as further supported by the administrative record, the following specific issues are not further analyzed in this Draft SEIR:

- Aesthetics
- Agriculture and Forestry Resources

- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Public Services
- Recreation
- Utilities

1.2.3 - Potentially Significant Environmental Issues

The NOP found that the following topical areas may contain potentially significant environmental issues that will be further analyzed in the Draft SEIR. These sections are as follows:

- Air Quality
- Biological Resources
- Greenhouse Gas Emissions
- Noise
- Transportation

1.3 - Organization of the SEIR

This Draft SEIR is organized into the following main sections:

- **Section ES: Executive Summary.** This section includes a summary of the proposed 2018 Project and alternatives that are evaluated in the Draft SEIR. A brief description of any areas of controversy and issues to be resolved, and an overview of the updated MMRP, in addition to a table that summarizes the impacts, mitigation measures, and level of significance after mitigation, are also included in this section.
- **Section 1: Introduction.** This section provides an introduction and overview describing the purpose of this Draft SEIR, its scope and components, and its review and certification process.
- **Section 2: Project Description.** This section includes a detailed description of the proposed 2018 Project, including its location, site, and project characteristics. A discussion of the project objectives, intended uses of the Draft SEIR, responsible and trustee agencies, and discretionary approvals that are needed for the proposed 2018 Project are also provided.
- **Section 3: Environmental Impact Analysis.** This section analyzes the environmental impacts of the proposed 2018 Project. Impacts are organized into major topic areas. Each topic area includes a description of the environmental setting, methodology, significance criteria, impacts, mitigation measures, and significance after mitigation. The specific environmental topics that are addressed within Section 3 are summarized as follows:

- **Section 3.1—Air Quality:** Addresses the potential air quality impacts associated with project implementation, as well as consistency with the Bay Area Air Quality Management District Clean Air Plan.
- **Section 3.2—Biological Resources:** Addresses the 2018 Project's potential impacts on habitat, vegetation, and wildlife; the potential degradation or elimination of important habitat; and impacts on listed, proposed, and candidate threatened and endangered species.
- **Section 3.3—Greenhouse Gas Emissions:** Addresses and evaluates project emissions of greenhouse gases.
- **Section 3.4—Noise:** Addresses the potential noise impacts during construction and at project buildout from mobile and stationary sources. The section also addresses the impact of noise generation on neighboring uses.
- **Section 3.5—Transportation and Traffic:** Addresses the impacts on the local and regional roadway system, public transportation, bicycle, and pedestrian access.

- **Section 4: Cumulative Effects.** This section discusses the cumulative impacts associated with the proposed 2018 Project, including the impacts of past, present, and probable future projects.
- **Section 5: Alternatives to the Proposed Project.** This section evaluates whether changes to the 2018 Project (and/or changes in the circumstances surrounding the 2018 Project) would require additional evaluation, either in terms of the alternatives considered and/or the comparative assessment between the identified alternatives and the 2018 Project, with the focus being on the incremental difference between what was previously studied in the 2004 Final EIR and the proposed 2018 Project.
- **Section 6: Other CEQA Considerations.** This section provides a summary of significant environmental impacts, including unavoidable and growth-inducing impacts. This section discusses the cumulative impacts associated with the proposed 2018 Project, including the impacts of past, present, and probable future projects. In addition, the proposed 2018 Project's energy demand is discussed.
- **Section 7: Persons and Organizations Consulted/List of Preparers.** This section also contains a list of persons and organizations that were consulted during the preparation of this Draft SEIR. This section also contains a list of the authors who assisted in the preparation of the Draft SEIR, by name and affiliation.
- **Section 8: References.** This section contains a list of references that were used in the preparation of this Draft SEIR.
- **Appendices.** This section includes all notices and other procedural documents pertinent to the Draft SEIR, as well as relevant technical material prepared to support the analysis.

1.4 - Documents Incorporated by Reference

As permitted by CEQA Guidelines Section 15150, this Draft SEIR has referenced numerous technical studies, analyses, and previously certified environmental documentation. Information from these documents, which have been incorporated by reference, has been briefly summarized in the appropriate section(s). The relationship between the incorporated part of the referenced document

and the Draft SEIR has also been described. The documents and other sources that have been used in the preparation of this Draft SEIR include but are not limited to:

- 2004 EIR and entire administrative record
- City of Pittsburg General Plan
- Pittsburg Municipal Code

These documents are specifically identified in Section 9, References, of this Draft SEIR. In accordance with CEQA Guidelines Section 15150(b), the General Plan, Municipal Code, and the 2004 EIR and related administrative record used in the preparation of the Draft SEIR are available for review at the City of Pittsburg City Hall at the address shown in Section 1.6 below.

1.5 - Documents Prepared for the Project

The following technical studies and analyses were prepared in connection with the Draft SEIR for the proposed 2018 Project to supplement the 2004 EIR:

- Air Quality Analysis, prepared by FCS (analysis is wholly contained in Section 3.1, Air Quality); Modeling output provided in Appendix B.
- Biological Resources, prepared by FCS (analysis is wholly contained in Section 3.2, Biological Resources); Supporting information provided in Appendix C.
- Greenhouse Gas Emissions Analysis, prepared by FCS (analysis is wholly contained in Section 3.3, Greenhouse Gas Emissions); Modeling output provided in Appendix B.
- Noise Analysis, prepared by FCS (analysis is wholly contained in Section 3.4, Noise); Modeling output provided in Appendix D.
- Transportation Impact Assessment, prepared by Fehr & Peers. The report is provided in Appendix E.

1.6 - Review of the Draft SEIR

Upon completion of the Draft SEIR, the City of Pittsburg filed a Notice of Completion (NOC) with the State Office of Planning and Research to begin the public review period (PRC § 21161). Concurrent with the NOC, this Draft SEIR has been distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and interested parties, as well as all parties requesting a copy of the Draft SEIR in accordance with Public Resources Code 21092(b)(3). During the public review period, the Draft SEIR, including the technical appendices, is available for review at the City of Pittsburg. The address for each location is provided below:

City of Pittsburg
Community Development Department
65 Civic Avenue
Pittsburg, CA 94565

Pittsburg Library
80 Power Avenue
Pittsburg, CA 94565

Hours:
Tuesday: 12:00 p.m. to 8:00 p.m.
Wednesday: 10:00 a.m. to 6:00 p.m.
Thursday: 1:00 p.m. to 8:00 p.m.
Friday/Saturday: 11:00 a.m. to 5:00 p.m.

Agencies, organizations, and interested parties have the opportunity to comment on the Draft SEIR during the 45-day public review period. Written comments on this Draft SEIR should be addressed to:

Jordan Davis, Senior Planner
City of Pittsburg
Community Development Department
65 Civic Avenue
Pittsburg, CA 94565
Phone: 925.252.4015
Email: jdavis@ci.pittsburg.ca.us

Submittal of electronic comments in Microsoft Word or Adobe PDF format is encouraged. Upon completion of the public review period, written responses to all significant environmental issues raised will be prepared and made available for review by the commenting agencies and the public at least 10 days prior to the public hearing before the City Council on the 2018 Project, at which the certification of the Final SEIR will be considered. Comments received and the responses to comments will be included as part of the record for consideration by decision makers for the 2018 Project.

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SECTION 2: PROJECT DESCRIPTION

This Draft Supplemental Environmental Impact Report (Draft SEIR) analyzes the potential environmental effects of the 2018 Alves Ranch Project (2018 Project) in the City of Pittsburg.

2.1 - Project Location and Setting

2.1.1 - Location

The project site is located in the City of Pittsburg, in Contra Costa County, California; refer to Exhibit 2-1. The approximately 57.81-acre project site is bounded by a single-family residential neighborhood (Toscana at San Marco) (west), State Route 4 (SR-4)(north), undeveloped land (east), and West Leland Road (south); refer to Exhibit 2-2. The project site is located approximately 2 miles south of the Honker Bay, California United States Geological Survey 7.5-Minute Topographical Quadrangle Township 2 North, Range 1 West, Section 15 (Latitude 38° 1' 10: North; Longitude 121° 57' 29" West).

2.1.2 - Existing Conditions

The project site contains flat relief and is undeveloped. The project site was utilized for agricultural uses in the past and has been disturbed by grading in connection with the previously approved tentative subdivision map (which was approved in 2004 as part of the larger Vista Del Mar development) and is routinely disked for weed abatement purposes. An old plow sits near the intersection of West Leland Road/Alves Ranch Road.

The project site sits on a raised "shelf" approximately 20 feet above SR-4 to the north. A stormwater basin is located in the northeastern corner of the project site adjacent to SR-4. This basin is at a lower elevation that the shelf. An unpaved access road provides vehicular access to the basin from the project site.

Exhibit 2-3 provides photographs of the project site.

2.1.3 - Surrounding Land Uses

West

The Toscana at San Marco neighborhood is located west of the project site. This neighborhood consists of single-family residences constructed in the mid-2010s. A block wall separates the Toscana neighborhood from the project site. There is a greater grade differential existing at the southwest corner of the project site where a 6-foot tall wooden fence above an approximately 10-foot retaining wall separates the two projects. The recently completed Ray Giacommelli Community Park is also located approximately 900 feet west of the project site, on the south side of West Leland Road.

North

SR-4, a multi-lane freeway that spans Contra Costa County from east to west, forms the northern boundary of the project site. Within the center median of SR-4 is the San Francisco Bay Area Rapid

Transit (BART) rail line, which consists of two parallel tracks. Beyond SR-4 is the unincorporated community of Bay Point as well as the Bay Point Regional Shoreline, and Suisun Bay.

East

East of the project site is approximately 23.4 acres of undeveloped land separated from the project site by a large soil pile that straddles the boundary shared by the project site and this adjacent land. Beyond this adjacent area is the Pittsburg/Bay Point BART Station, parking lot, and more vacant land owned by BART. This area is part of the Pittsburg/Bay Point BART Master Plan, adopted in 2011, which calls for a mixture of medium- and high-density residential development, as well as commercial and open space development. In addition, the Keller Canyon Landfill is located approximately 1.5 miles to the southeast of the project site.

The Oak Hills Shopping Center, which represents the nearest existing commercial shopping opportunity, is located nearly 0.5 mile from the project site.

South

West Leland Road, a four-lane divided arterial that spans nearly the entire City from east to west, forms the southern boundary of the project site. South of West Leland Road is the Vista Del Mar single-family neighborhood, constructed within the last decade, which includes an approximately 11-acre site for development of a future school operated by the Mount Diablo Unified School District (MDUSD). In addition, a Pacific Gas & Electric (PG&E) transmission line easement is located approximately 1,200 feet to the south of the project site.

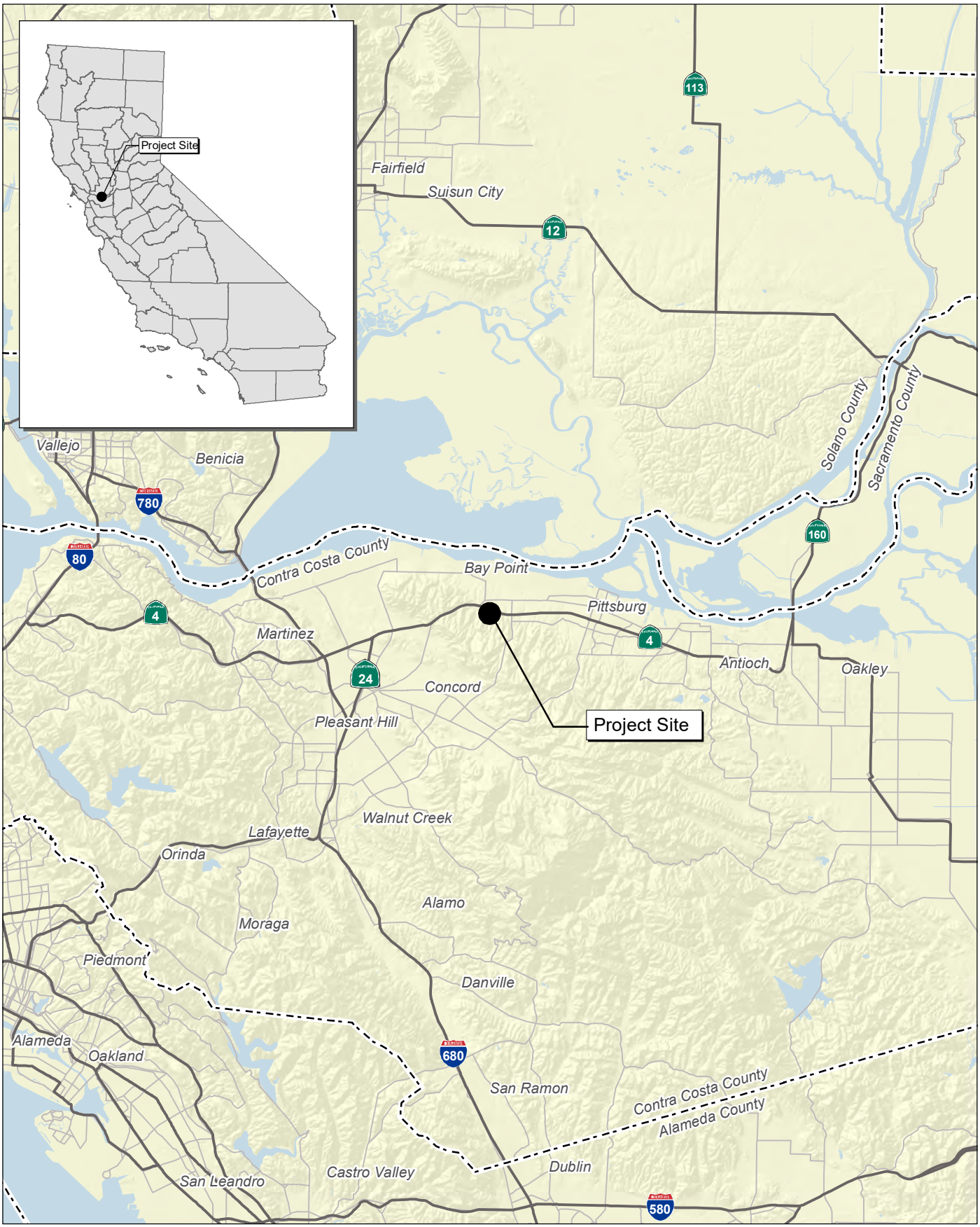
2.1.4 - Land Use Designations and Zoning

In 2001, the City of Pittsburg adopted a comprehensive General Plan Update designating the project site for future development with a mix of open space, residential, and commercial uses. Specifically, the 2001 General Plan and its accompanying certified EIR anticipated development in Alves Ranch as follows (General Plan Policy 2-P-89):

- Up to 306 Hillside Low- and Low-Density units, and 794 Medium and High-Density residential units; and,
- Up to 20 acres of Business Commercial between West Leland Road and SR-4.

As such, the western half of the project site has a current General Plan Land Use designation of, “Business Commercial,” while the eastern half is designated, “High Density Residential” (Exhibit 2-6).

The western third of the project site is zoned CO-P District (Office Commercial with a Master Plan Overlay, Ordinance No. 04-1230), and the remaining two-thirds of the project site is zoned RH-P District (High-Density Residential with a Master Plan Overlay, Ordinance No. 04-1230) (Exhibit 2-7).



Source: Census 2000 Data, The CaSIL.

FIRSTCARBON SOLUTIONS™

5 2.5 0 5 Miles

Exhibit 2-1
Regional Location Map

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Source: ESRI Aerial Imagery.

FIRSTCARBON SOLUTIONS™

1,000 500 0 1,000
Feet

Exhibit 2-2
Local Vicinity Map
Aerial Base

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Photograph 1: View of project site from W. Leland Road / Future West Access Road.

Photograph 2: View of project site from W. Leland Road / Alves Ranch Road.

Source: FirstCarbon Solutions, 2018.

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Exhibit 2-3
Photographs

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2.2 - Project History

The project site was originally part of a larger property purchased in 1917 by Virginia Alves for use as a cattle ranch and grazing land. The larger property served many purposes over the years, including manufacturing, commercial, and ranching endeavors.

The project site (along with other adjacent land) has long been planned for urbanization and development with residential, commercial, and open space uses, and therefore has been through several rounds of entitlements and environmental review dating back to the late 1980s. Each round is summarized as follows:

2.2.1 - Southwest Hills General Plan Amendment and Boundary Reorganization (1987–1990)

On August 3, 1987, the Pittsburg City Council certified an EIR for the Southwest Hills General Plan Amendment and Boundary Reorganization (Resolution 87-7209). The acreage included in the reorganization area encompassed approximately 2,570 acres (including the project site) located south of SR-4 and west of Bailey Road, just outside of the then Pittsburg City limits. The City Council approved submittal of applications for the property-owner initiated reorganization (which included inclusion into the City's sphere of influence and municipal boundary, as well as the boundaries of the Contra Costa Water District and Delta Diablo Sanitation District) with adoption of Resolutions 87-7204 and 87-7205 on August 7, 1987.

On September 6, 1988, the City Council adopted Resolution 88-7357 comprehensively updating the City's General Plan. With the exception of a shopping center located on the southwest quadrant of SR-4 and Bailey Road, all of the acreage within the Southwest Hills Boundary Reorganization Area was designated with residential or open space land use designations on the General Plan land use diagram.

On April 3, 1990, the City Council adopted Ordinance 90-990, thereby adopting a Negative Declaration and authorizing execution of the Southwest Development Agreement (DA). The Southwest DA allowed construction of 2,938 residential units on 639 acres within the previously referenced Southwest Hills Boundary Reorganization Area west of the project site.

2.2.2 - Vista Del Mar Project (2004)

In 2004, William Lyon Homes, Inc., and Alves Ranch, LLC, submitted a plan to develop approximately 293 acres of the Alves property as a residential and commercial subdivision, known as the Vista Del Mar development. The 2004 Vista Del Mar project's development program anticipated approximately 1,100 housing units, 257,500-square-feet of commercial floor space, an 11.33-acre school/park site, 117.68 acres of permanent hillside open space, associated landscaped buffers, public and private roadways, a detention basin, a water tank site, and a water pump station site. The City prepared an EIR (2004 EIR; State Clearinghouse Number [SCN] 2004012097) to analyze the potential environmental impacts associated with the Vista Del Mar development.

As part of the overall development program analyzed as part of the Vista Del Mar project, the 2004 EIR contemplated high density residential and business commercial land uses, as well as a regional stormwater basin, on the approximately 57.81-acre portion of the Alves property north of West Leland Road (i.e., the "project site"). The 2004 EIR assumed that this northern portion of the Vista Del Mar development would include 563 housing units on 32.1 acres and 257,500 square feet of commercial building space on 14.78 acres, along with the aforementioned 7-acre stormwater basin site.

On October 18, 2004, the City Council adopted Resolution No. 04-10168, certifying the 2004 Final EIR for the Vista Del Mar development. On November 29, 2004, the City adopted Resolution No. 04-10191, approving CEQA findings and adopting a Statement of Overriding Considerations and a Mitigation, Monitoring and Reporting Program, as well as Resolution No. 04-10192, amending the General Plan land use map and Policy 2-P-88 to change the distribution of residential densities within the Vista Del Mar development area. On December 6, 2004, the City Council adopted Ordinance No. 04-1230, authorizing execution of a development agreement for the Vista Del Mar project area, as well as rezoning the portion of the Vista Del Mar site south of West Leland Road to PD (Planned Development) District and the Alves property north of West Leland Road to a combination of CO-P and RH-P Districts.

2.2.3 - First Amendment to Development Agreement (2005)

On May 13, 2005, William Lyon Homes, Inc., Alves Ranch, LLC, and the City executed an amendment to the previously approved Development Agreement, related to the manner in which the Developer would be required to fully satisfy its parkland dedication or improvement obligations. While the Developer had initially requested that the City consider a joint use park within the Project Site, the arrangement was determined to be infeasible, and the City and Developer agreed that requiring the Developer to pay in lieu parkland dedication fees would provide greater overall park and recreational benefits to the City's residents. This First Amendment to the Development Agreement was processed as an Administrative Agreement Amendment pursuant to and in compliance with Section 7.02(a) of the Development Agreement, which authorized the use of Administrative Agreement Amendments where minor changes to the Agreement did not substantially affect specified items.

2.2.4 - Second Amendment to Development Agreement (2006)

On June 26, 2006, William Lyon Homes, Inc., Alves Ranch, LLC, and the City executed a Second Amendment to the previously approved Development Agreement, related to minor changes to Sections 3.10, 3.02(b), 3.02(d), 4.09, 5.06, and 6.11 of the Development Agreement, related to costs of the Southwest Hills Water Improvements, William Lyon Homes Inc.'s parkland dedication fee obligations, and the manner in which Developer would be required to fully satisfy its obligations with respect to the Vista Del Mar project's participation in certain lighting and landscaping districts established by the City. This Second Amendment to the Development Agreement was processed as an Administrative Agreement Amendment pursuant to and in compliance with Section 7.02(a) of the Development Agreement, which authorized the use of Administrative Agreement Amendments where minor changes to the Agreement did not substantially affect specified items.

2.2.5 - Alves Ranch Addendum No. 1 and 2009 Revised Project (2008–2009)

In August 2008, a revised development plan was proposed for the approximately 57.81-acre portion of the 2004 Vista Del Mar development located north of West Leland Road (i.e., the "project site"). These changes contemplated development of up to 478 total residential units, comprised of 308 multi-family units (including 93 affordable housing units), and 170 single-family detached units on 31.7 acres. The plan also contemplated 221,500-square-feet of commercial floor space on approximately 14 acres. The 2008 development plan required the approval of: (1) a rezoning to establish a Master Plan Overlay District; (2) a vesting tentative subdivision map; and (3) design review. An Addendum to the previously certified 2004 EIR ("2008 Addendum") was prepared to analyze whether the proposed changes were adequately addressed in the 2004 EIR. The 2008 Addendum concluded that the revised development plan would contribute to eight of the nine significant unavoidable impacts identified in the 2004 EIR; however, none of the significant unavoidable impacts involved a new significant impact or a more severe significant impact than those previously identified and addressed in the statement of overriding considerations accompanying the 2004 EIR.

The City and the applicant continued to refine the revised development plan, making minor changes to the site plan and project design. On January 20, 2009, the City Council adopted Ordinance No. 08-1312, adopting an EIR Addendum and approving a master plan for the project site. The approved Master Plan ultimately anticipated the development of up to 560 housing units (more than originally anticipated in the 2008 revised plan, but a slight decrease from the 563 units analyzed in the 2004 FEIR), a 0.6-acre recreational facility, and 221,500-square-feet of commercial floor area (a slight decrease from the originally approved 257,000-square-feet analyzed in the 2004 EIR) ("2009 Project").

2.2.6 - Third Amendment to Development Agreement (2010)

On September 8, 2010, William Lyon Homes, Inc., Alves Ranch, LLC, and the City executed a Second Amendment to the previously approved Development Agreement, related to minor changes related to the timing for Alves Ranch LLC to enter into the required affordable housing agreement. The Third Amendment to the Development Agreement did not alter the obligations of the Developer related to the location or number of affordable units required, nor the timing of the development. This Third Amendment to the Development Agreement was processed as an Administrative Agreement Amendment pursuant to and in compliance with Section 7.02(a) of the Development Agreement, which authorized the use of Administrative Agreement Amendments where minor changes to the Agreement did not substantially affect specified items.

2.2.7 - Vista Del Mar Addendum No. 2 and 2012 Vista Del Mar Project (2012)

In 2012, the City adopted a second addendum to the 2004 EIR that analyzed a request to amend the General Plan designations of approximately 20.4 acres of land within the Vista Del Mar development, south of West Leland Road from "Low Density Residential," and "Hillside Low Density Residential," to "Open Space," and also amended the adopted PD Plan (PD 04-1230) to reflect the changes of the two locations from "Single Family Residential" and "Estate Lots" to "Open Space." These land use changes, however, did not involve any portion of the project site.

These areas were subsequently included in the Geological Hazard Abatement District (GHAD) established to address and appropriately mitigate the identified geotechnical hazards within the Vista Del Mar development area. The City prepared a second addendum ("2012 Addendum") in accordance with CEQA for the foregoing revisions to the Vista Del Mar development.

2.3 - Project Characteristics

2.3.1 - Proposed Project

The 2018 Alves Ranch Project (2018 Project) consists of the development of 346 single-family dwelling units and 10 accessory dwelling units on approximately 25.93 acres and the rezoning of approximately 12 acres of the project site for up to 140,000-square-feet of future neighborhood- and community-serving commercial uses. The 2018 Project also proposes to relocate the commercial uses to the center of the project site, with residential uses to be located on the northern, eastern, and western edges. Table 2-1 summarizes the 2018 Project. Exhibit 2-4 depicts the site plan, and Exhibit 2-5 depicts the conceptual landscaping plan, and Exhibit 2-6 and Exhibit 2-7 depict the existing and proposed General Plan land use designations and zoning.

Table 2-1: 2018 Alves Ranch Project Summary

Use	Acres (approx.)	Characteristics
Residential	25.93	346 single-family attached and detached units; 10 accessory units (356 total dwelling units)
Commercial	12.00	Assumed 140,000-square-feet of future commercial development
Open Space and Trails	2.18	0.9-acre Class I bicycle and pedestrian facility; 1.28 acres of recreation and/or landscaped open space
Storm Drainage	7.00	Existing outfall would be raised by 2 feet to yield 6.2 acre-feet of storage capacity
Undeveloped Areas	10.70	Comprised primarily of sloped areas not suitable for development
Source: William Lyon Homes 2018.		

Residential

Residential uses would consist of single-family detached and attached units, with an overall density of approximately 14 units per acre. Exhibit 2-8a through Exhibit 2-8c depicts typical elevations for the proposed residential units. Units would be broken down into three distinct neighborhoods:

- Neighborhoods A-1 and A-2 would be located along the northern and eastern sides of the development, and would consist of 136 "duet" units. Each duet would be designed to mimic one single-family detached home but would provide two separate units with a shared wall. Entrances to the individual units would be placed on differing facades accessed by pedestrian-only walkways between each unit, and would be provided two separate two-car garages accessible via a shared driveway;

- Neighborhood C would provide 110 alley-loaded detached units. Each unit in Neighborhood C would include a two-car garage accessible from an alley, street, or driveway, and a front door on the opposing façade, accessible via a pedestrian-only walkway. Each unit would also include an expanded side yard area for private open space;
- Neighborhood D would provide the largest homes and would provide 100 traditional detached dwelling units with two-car garages. Ten of the proposed units in Neighborhood D would include income-restricted accessory dwelling units.

Overall, the 2018 Project includes a total of 214 fewer housing units and a lower overall residential density compared to the 2009 approval. The location of residential uses would be adjusted, as compared to the location identified in the 2004 EIR and the 2009 approval. This change would improve circulation, site accessibility, and compatibility with neighboring residential uses.

Commercial

Similar to the 2009 Project, the 2018 Project involves the rezoning of approximately 12 acres of the project site for up to 140,000-square-feet of potential future neighborhood- and community-serving commercial uses, including various retail, restaurant, and other neighborhood-serving commercial uses. The commercial use zoning would be relocated from the western side to the center of the project site, with roads, driveways, and other circulation details and locations modified to accommodate this revision.

Based on an analysis of existing shopping centers in the region, the anticipated type of development on the parcel, and off-street parking and loading space requirements for the City of Pittsburg, the developer has approximated that in a potential development scenario, a maximum total of 140,000-square-feet of commercial floor area could be developed on the 12-acre parcel. Pursuant to a memorandum of agreement executed by the developer, property owner, and City, these uses would be required to include an approximately 40,000-square-foot grocery store, or otherwise pay a penalty to the City.

Open Space

The 2018 Project would include approximately 1.28 acres of recreation and/or landscaped open space.

Trails

The 2018 Project would include an approximately 0.9-acre Class I bicycle and pedestrian facility, consisting of a 12-foot wide paved path along the West Leland Road frontage.

Wet Utilities

The City of Pittsburg would provide potable water service to the 2018 Project. Delta Diablo Sanitation District would provide wastewater collection and treatment to the 2018 Project.

Dry Utilities

Marin Clean Energy would provide electricity service to the proposed 2018 Project. PG&E would provide transmission of electricity.

PG&E would provide natural gas service to the 2018 Project.

Storm Drainage

The 2018 Project would install a storm drainage and conveyance system consisting of inlets and underground piping that would convey runoff to the existing regional stormwater basin located within the northern portion of the project site.

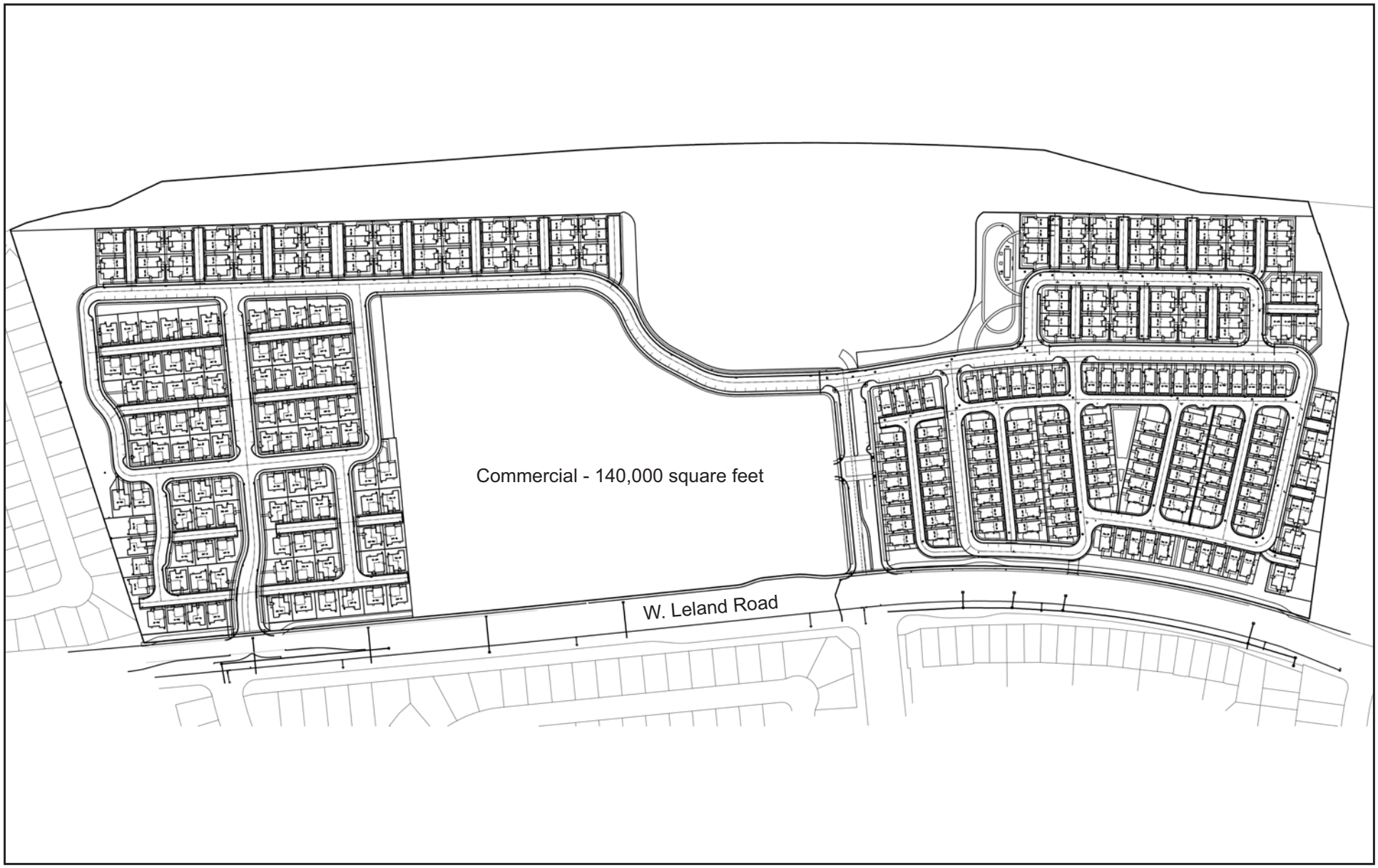
The City of Pittsburg is a "Permittee" under the California Regional Water Quality Control Board for the San Francisco Bay Region's National Pollutant Discharge Elimination System (NPDES) Municipal Regional Stormwater Permit (MRP) (NPDES Permit No. CAS612008), implemented through the Contra Costa Clean Water Program (CCCWP). The California Regional Water Quality Control Board for the San Francisco Bay Region issued the first MRP in 2009; the MRP was reissued in November 2015.

Provision C.3 in the 2015 MRP requires site designs for new developments and redevelopments to minimize the area of new roofs and paving and treat runoff, and in some cases, control the rates and durations of site runoff.

Pursuant to MRP Order No. R2-2015-0049, "Attachment A: Fact Sheet," issued November 19, 2015, Provision C.3.b ("Regulated Projects"), regulated projects with previously approved non-low impact development (LID) stormwater treatment measures that comply with the hydraulic sizing criteria of Provision C.3.d that have begun construction will continue to be "grandfathered," or only required to comply with the Provision C.3 requirements in place at the time the project was originally approved (MSR, Attachment A, page A-34). Further, this provision allows exemptions for some of these previously approved projects in situations where the Permittees lack legal authority to retroactively change their previous approval.

The 2004 Project included a C.3 plan with non-LID stormwater treatment measures that was previously approved, in compliance with the MRP in effect at the time of project approval and the hydraulic sizing criteria of Provision C.3.d(1) of the Stormwater C.3 Guidebook, and construction was initiated as part of the Vista Del Mar single-family residential subdivision to the south. Additionally, the City has previously entered into a Development Agreement with William Lyon Homes and Alves Ranch, LLC, which vested the developers' right to construct the "project," inclusive of modifications and necessary subsequent approvals.

In order to treat the additional post-development runoff, and in compliance with the hydraulic sizing design criteria that the stormwater treatment systems installed for regulated projects identified within MRP Order No. R2-2015-0049, "Attachment A: Fact Sheet," Provision C.3.d, the 2018 Project as well as the existing runoff from the Vista Del Mar project, the existing water quality storage volume of the basin is proposed to be increased from 5-acre-feet to 6.2 acre-feet.



Source: WHA Architects, Planners, Designers.

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Exhibit 2-4
Site Plan

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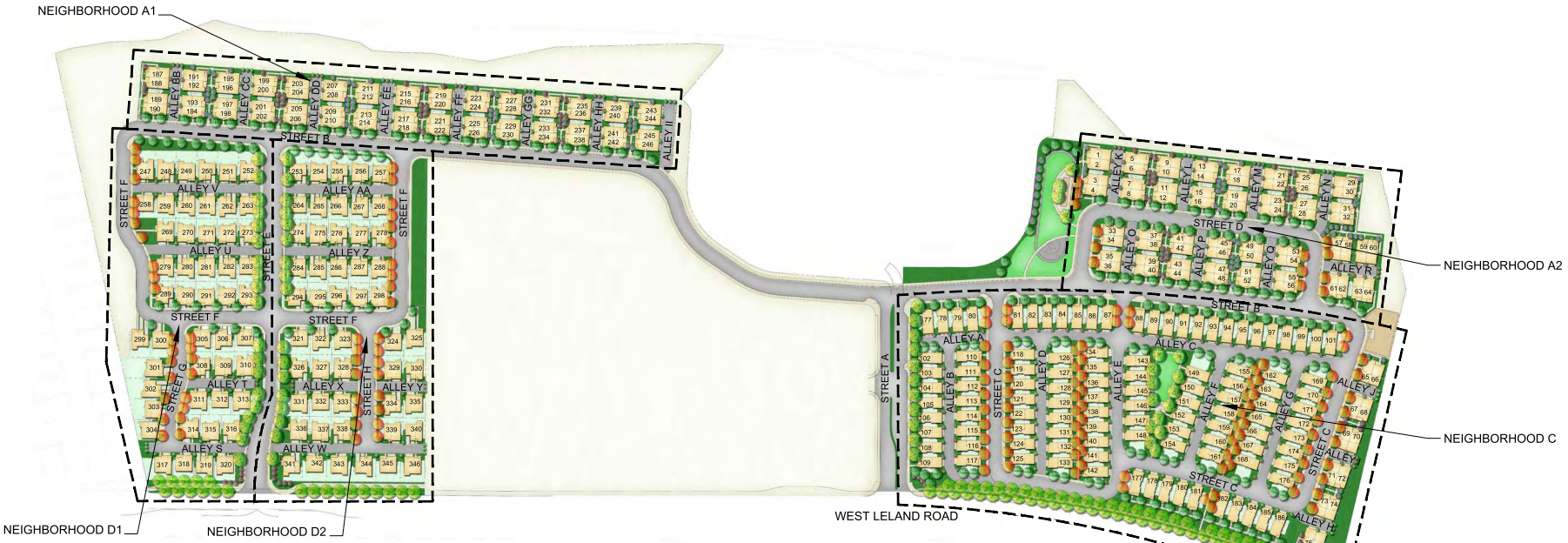

PROPOSED TREE PALETTE

BOTANICAL NAME	COMMON NAME	MIN. SIZE	WUCOLS*
TREES			
ACER RUBRUM `RED SUNSET`	RED SUNSET MAPLE	15 GAL	M
CELTIS AUSTRALIS	EUROPEAN HACKBERRY	15 GAL	L
DODONAEA VISCOSA `PURPUREA`	PURPLE LEAFED HOPSEED BUSH	15 GAL	L
LAGERSTROEMIA INDICA	CRAPE MYRTLE	15 GAL	L
LIRIODENDRON TULIPIFERA	TULIP TREE	15 GAL	M
PISTACIA CHINENSIS `KEITH DAVEY`	KEITH DAVEY CHINESE PISTACHE	15 GAL	L
PRUNUS CERASIFERA `KRAUTER VESUVIUS`	PURPLE LEAF PLUM	15 GAL	L
RHAPHIOLEPIS INDICA `MAJESTIC BEAUTY` TM	MAJESTIC BEAUTY HAWTHORN	15 GAL	L

* WATER NEEDS BASED ON THE WATER USE CLASSIFICATION OF LANDSCAPE SPECIES (WUCOLS) BY THE UNIVERSITY OF CALIFORNIA COOPERATIVE EXTENSION.

Source: VanderToolen Associates, June 15, 2018.

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Exhibit 2-5
Conceptual Landscape Plan

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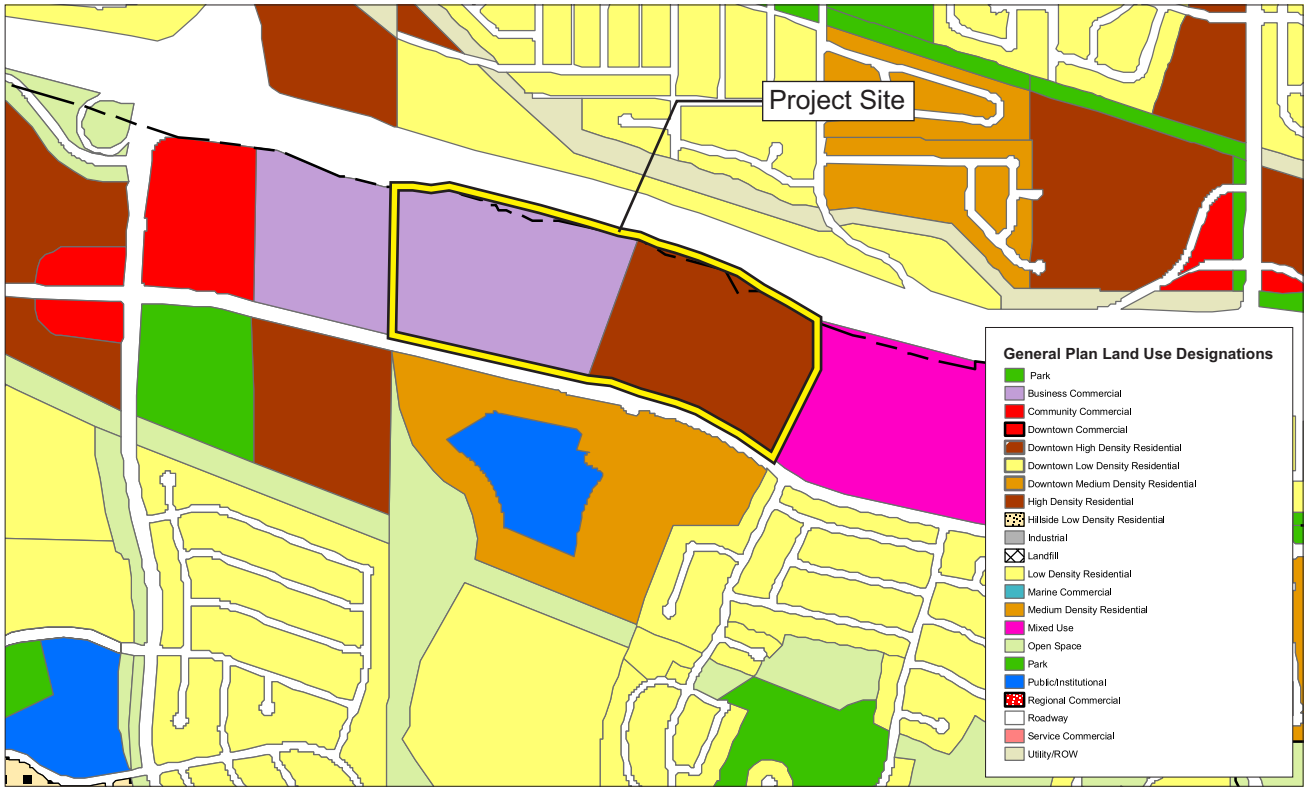
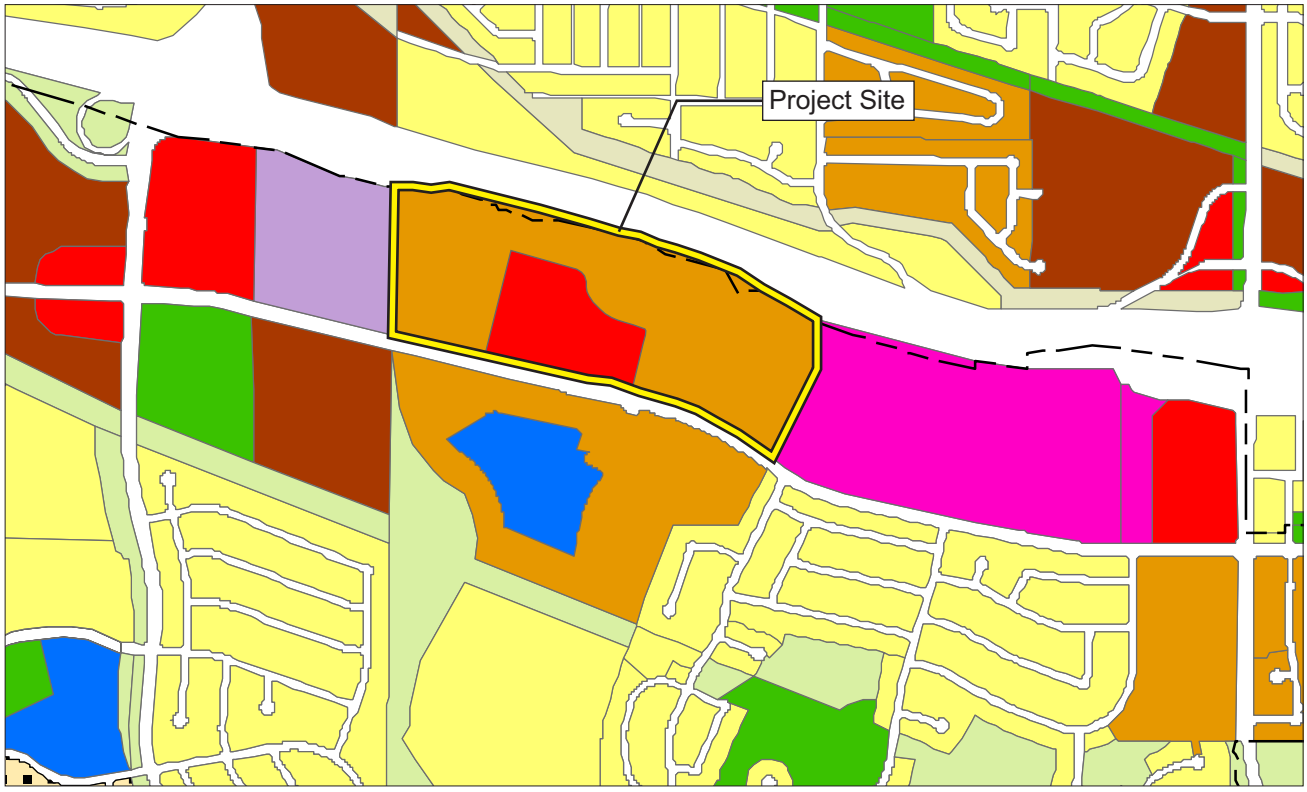
Existing General Plan Land Use



Proposed General Plan Land Use



Source: City of Pittsburg General Plan Land Use Map.

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Exhibit 2-6
Existing and Proposed General Plan Land Use Designations

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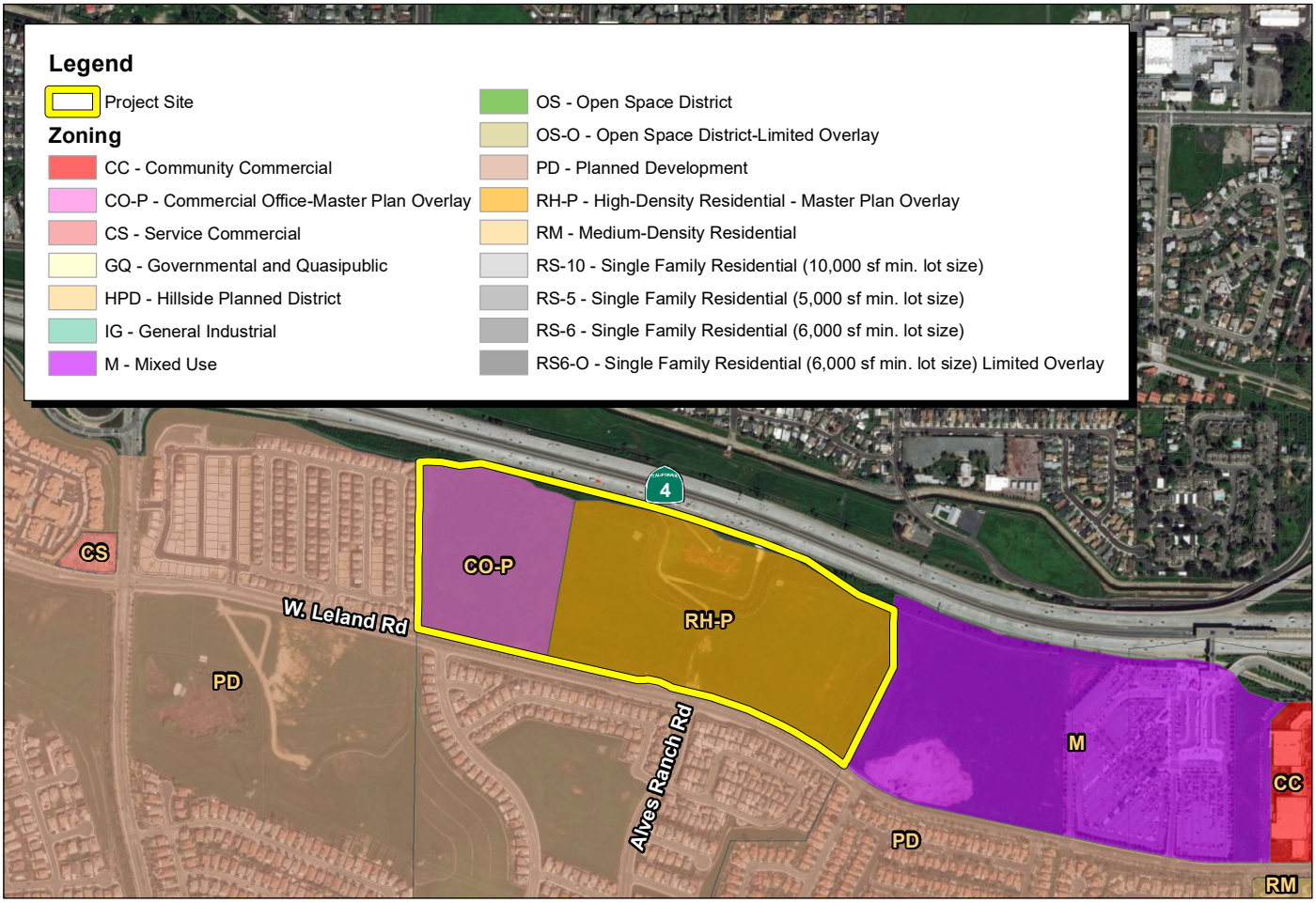
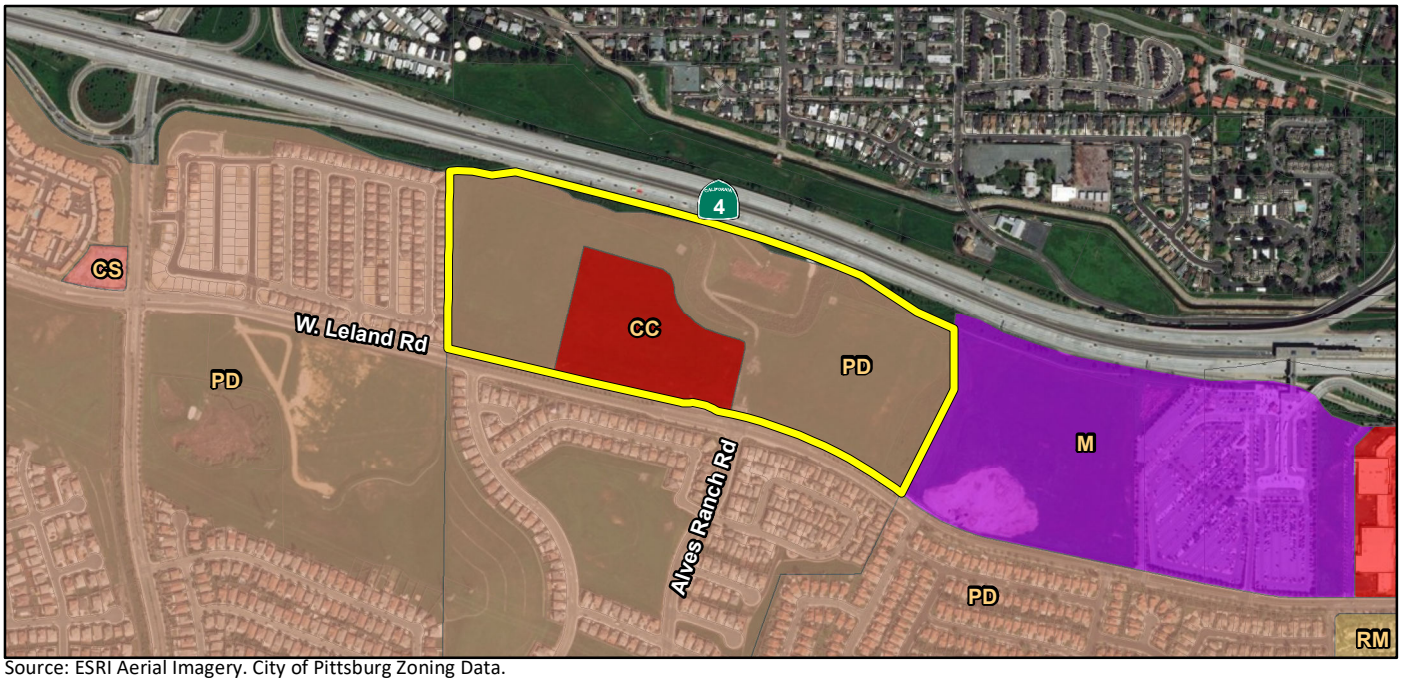
Existing Zoning



Proposed Zoning



Source: ESRI Aerial Imagery. City of Pittsburg Zoning Data.

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1,000 500 0 1,000 Feet

Exhibit 2-7
Existing and Proposed Zoning

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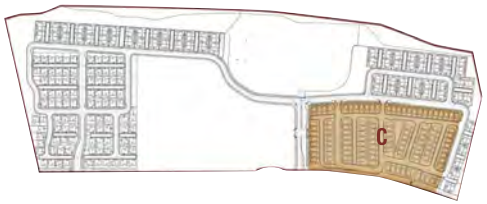

KEY MAP

Source: WHA Architects, Planners, Designers, July 10, 2018.

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Exhibit 2-8a
Typical Elevations

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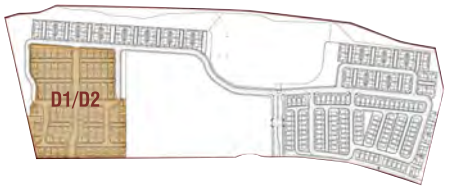
PLAN 2ZA
TRADITIONAL
CORNER LOT CONDITION

PLAN 2XC
COTTAGE
CORNER LOT CONDITION



KEY MAP

Source: WHA Architects, Planners, Designers, July 10, 2018.

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Exhibit 2-8b
Typical Elevations

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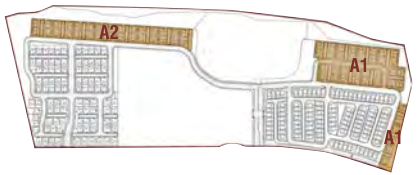

Source: WHA Architects, Planners, Designers, July 10, 2018.

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Exhibit 2-8c
Typical Elevations

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Vehicular Circulation

Vehicular access to the residential portion would be taken from two points off West Leland Road, as shown in Exhibit 2-4. Alves Ranch Road would be extended north into the site between the commercial area and Neighborhood C in what is generally the center of the 2018 Project's frontage along West Leland Road, and would form the fourth leg of an existing signalized intersection. A full access unsignalized intersection is also proposed off West Leland Road, west of Alves Ranch Road adjacent to Neighborhood D. This unsignalized intersection would be off-set from Tomales Bay Drive, which would remain a right-in/right-out side-street stop-controlled intersection. A separate entrance to the commercial portion of the 2018 Project off West Leland Road would also be constructed later in connection with development of the proposed commercial uses. An additional emergency vehicle access location would be provided on the eastern portion of the site south of Neighborhood C, approximately 750 feet east of Alves Ranch Road.

2.4 - Project Objectives

The objectives of the 2018 Project are to:

1. Contribute to the local economy in an economically viable manner through new capital investment, expansion of the tax base, and creation of new jobs and housing opportunities.
2. Promote infill growth within the existing City limits that is consistent with the City of Pittsburg General Plan and related prior planning and entitlement actions for the project site and adjacent areas.
3. Develop new housing, and provide potential employment and shopping opportunities within walking distance of the Pittsburg/Bay Point BART station.
4. Add more inventory to the local and regional housing supply.
5. Provide flexibility with the 12 acres reserved for future commercial use in order to be responsive to market conditions.
6. Provide new recreational opportunities including trails and active recreation areas.
7. Complete the buildout of project site consistent with the overall planning vision set forth in the Southwest Hills General Plan Amendment and the related Vista Del Mar Project.
8. Improve utilization of an existing storm drainage basin by increasing the outfall height as opposed to constructing a new basin or expanding an existing basin.
9. Close a gap in the pedestrian/bicycle network by constructing a 12-foot-wide multi-use path along the project frontage with West Leland Road.

2.5 - Intended Uses of This Draft SEIR

This Draft SEIR is being prepared by the City of Pittsburg to assess the potential environmental impacts that may arise in connection with actions related to implementation of the 2018 Project.

Pursuant to CEQA Guidelines Section 15367, the City of Pittsburg is the lead agency for the 2018 Project and has discretionary authority over the 2018 Project and Project approvals. The Draft SEIR is intended to address all public infrastructure improvements and all phases of development (both residential and commercial) that are within the parameters of the 2018 Project as described in this Section 2, Project Description.

2.5.1 - Discretionary and Ministerial Actions

Discretionary approvals and permits are required by the City of Pittsburg for implementation of the 2018 Project. The project application would require the following discretionary approvals and actions from the City, including:

- Certification of the Supplemental Environmental Impact Report.
- Adoption of an Amendment to the existing Development Agreement, to specify the Developer's commitment to include a minimum of 10 affordable housing units and to modify the number of affordable housing units to be constructed, as well as to provide further specificity of the units' sizes and amenities.
- Adoption of General Plan Amendment.
- Approval of a Zoning Map Amendment.
- Approval of a Vesting Tentative Subdivision Map.
- Design Review Approval of Architecture and Landscape Plans.

Further discretionary approvals would be required for development of the commercially-zoned parcel, which could include design review approval of architecture and landscaping plans. Ministerial actions by the City would also be required for the implementation of the 2018 Project, such as issuance of grading and building permits subsequent to the discretionary approvals noted above.

2.5.2 - Responsible and Trustee Agencies

A number of other agencies in addition to the City of Pittsburg will serve as Responsible and Trustee Agencies, pursuant to CEQA Guidelines Section 15381 and Section 15386, respectively. This Draft SEIR will provide environmental information to these agencies and other public agencies, which may be required to grant approvals or coordinate with other agencies, as part of project implementation. These agencies may include, but are not limited to, the following:

- United States Army Corps of Engineers
- United States Fish and Wildlife Service
- California Department of Fish and Wildlife
- California Department of Transportation
- San Francisco Bay Regional Water Quality Control Board
- Bay Area Air Quality Management District
- Contra Costa Water District
- Delta Diablo Sanitation District

Actions that are necessary to implement the 2018 Project that must be taken by other agencies include:

- Obtain coverage under the General Permit (RWQCB).
- Issuance of Encroachment Permits (Caltrans)

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SECTION 3: ENVIRONMENTAL IMPACT ANALYSIS

Organization of Issue Areas

This Draft Supplemental Environmental Impact Report (Draft SEIR) provides analysis of impacts for those environmental topics where it was determined by the City, based on substantial evidence in the record including, among others, as documented in the Notice of Preparation (NOP) (and as further explained in the Initial Study attached to the NOP), and/or through subsequent analysis that the proposed 2018 Alves Ranch Project (2018 Project) would result in "potentially significant impacts." Sections 3.1 through 3.5 discuss the environmental impacts that may result with approval and implementation of the proposed 2018 Project based on an analysis conducted in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15163.

Issues Addressed in this Draft SEIR

The following environmental issues are addressed in Section 3:

- Air Quality
- Biological Resources
- Greenhouse Gas Emissions
- Noise
- Transportation

Level of Significance

Determining the severity of project impacts is fundamental to achieving the objectives of CEQA. CEQA Guidelines Section 15091 requires that decision makers mitigate, as completely as is feasible, the significant impacts identified in the Final EIR. If the EIR identifies any significant unmitigated impacts, CEQA Guidelines Section 15093 requires decision makers in approving a project to adopt a statement of overriding considerations that explains why the benefits of the project outweigh the adverse environmental consequences identified in the EIR.

The level of significance for each impact examined in this Draft SEIR was determined by considering the predicted magnitude of the impact against the applicable threshold. Thresholds were developed using criteria from the CEQA Guidelines and checklist; State, federal, and local regulatory schemes; local/regional plans and ordinances; accepted practice; consultation with recognized experts; and other professional opinions. In evaluating whether changes to the 2018 Project as currently proposed would result in new significant environmental impacts or an increase in severity of previously identified significant impacts, this Draft SEIR considers the incremental difference between the previously approved project and the proposed 2018 Project.

This Draft SEIR has been prepared in accordance with CEQA to evaluate the changes to the Alves Ranch Project originally analyzed in the 2004 Vista Del Mar EIR, State Clearinghouse No. 2004012097, certified on October 18, 2004. The original EIR consists of the following

documents: the Draft EIR; the Response to Comments/Final EIR; and Resolution 04-10168, which certified the original EIR, made the required findings, approved the original Mitigation Monitoring and Reporting Program and approved and authorized the original Alves Ranch Project as part of the larger Vista Del Mar development. This original EIR, consisting of the foregoing documents collectively, is referred to herein as the "2004 EIR." This supplemental document has been prepared in conformance with CEQA (California Public Resources Code [PRC] § 21000, *et seq*.) and the CEQA Guidelines (California Code of Regulations [CCR] Title 14 § 15000, *et seq*.). This Draft SEIR is intended to serve as an informational document for the public agency decision makers and the public regarding the 2018 Alves Ranch Project (2018 Project).

This Draft SEIR provides a project-level analysis of the environmental effects of the 2018 Project. The environmental impacts of the 2018 Project are analyzed in the SEIR to the degree of specificity appropriate, in accordance with CEQA Guidelines Section 15146. In accordance with CEQA Guidelines Section 15163, this document addresses whether: (1) changes to the Alves Ranch Project; (2) a change in circumstances under which the original Alves Ranch Project was undertaken; or (3) new information of substantial importance exists, which would result in any new significant impacts or an increase in severity of previously identified significant impacts. It also identifies appropriate and feasible mitigation measures and a reasonable range of alternatives that, if adopted, could significantly reduce or avoid certain of these impacts.

Section 21166 of the Public Resources Code provides that "no subsequent or supplemental environmental impact report shall be required by the lead agency or any responsible agency" unless one of three circumstances apply:

(1) Substantial changes to the approved project will require major revisions to the certified EIR;

(2) substantial changes occur with respect to the circumstances under which the approved project is being undertaken will require major revisions to the certified EIR; or

(3) new information, that was not known and could not have been known at the time the EIR for the approved project was certified becomes available.

The factors used to evaluate whether a subsequent or a supplemental EIR should be prepared are set forth in CEQA Guidelines Sections 15162 and 15163 and relate to whether "substantial changes" to the EIR are required. As identified in CEQA Guidelines Section 15162, substantial changes to the EIR are those that are required:

1. Due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Where mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

3. Where mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on

the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15163 of the CEQA Guidelines provides that the City may choose to prepare a supplement to an EIR rather than a subsequent EIR if any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, but only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation. Section 15163 further explains that:

1. The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.
2. A supplement to an EIR shall be given the same kind of notice and public review as is given to a draft EIR under Section 15087.
3. A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR.
4. When the agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the supplemental EIR. A finding under Section 15091 shall be made for each significant effect shown in the previous EIR as revised.

Impact Analysis and Mitigation Measure Format

The format adopted in this Draft SEIR to present the evaluation of impacts is described and illustrated below.

Summary Heading of Impact

Impact AIR-1:	**An impact summary heading appears immediately preceding the impact description (Summary Heading of Impact in this example). The impact number identifies the section of the report (AIR for Air Quality in this example) and the sequential order of the impact (1 in this example) within that section. To the right of the impact number is the impact statement, which identifies the potential impact.**

Impact Analysis

A narrative analysis follows the impact statement.

Level of Significance Before Mitigation

This section identifies the level of significance of the impact before any mitigation is proposed.

Mitigation Measures

In some cases, following the impact discussion, reference is made to State and federal laws, regulations and agency policies that would fully or partially mitigate the impact. In addition,

policies and programs from applicable local land use plans that partially or fully mitigate the impact may be cited.

Project-specific mitigation measures, beyond those contained in other documents, are set off with a summary heading and described using the format presented below:

MM AIR-1 Project-specific mitigation is identified that would reduce the impact to the lowest degree feasible. The mitigation number links the particular mitigation to the impact it is associated with (Mitigation Measure [MM] AIR-1 in this example); mitigation measures are numbered sequentially.

Level of Significance After Mitigation

This section identifies the resulting level of significance of the impact following mitigation.

Abbreviations used in the mitigation measure numbering are:

Code	Environmental Issue
AIR	Air Quality
BIO	Biological Resources
GHG	Greenhouse Gas Emissions
NOI	Noise
TRANS	Transportation

3.1 - Air Quality

3.1.1 - Introduction

This section describes existing air quality conditions regionally and locally as well as the relevant regulatory framework. This section also evaluates the potential new impacts related to air quality that could result from implementation of the 2018 Project, as compared to those impacts evaluated in the 2004 Environmental Impact Report (EIR), in order to determine whether additional analysis is necessary to ensure the 2004 Final EIR is adequate for purposes of evaluating the 2018 Project. Information included in this section is based, in part, on project-specific air quality modeling results utilizing California Emissions Estimator Model (CalEEMod) version 2016.3.2 and the American Meteorological Society/United States Environmental Protection Agency (EPA) AERMOD air dispersion model (Version 18081). Complete modeling output is provided in Appendix C.

As explained more fully in this air quality section, the 2004 Final EIR concluded that implementation of the original Alves Ranch project would result in a significant (but mitigatable) impact related to construction emissions, and a significant and unavoidable impact related to cumulative impacts on regional air emissions. The 2004 Final EIR included mitigation that required the implementation of best management practices for dust control during construction would reduce the identified construction-related impact to less than significant. The 2004 Final EIR required implementation of strategies to reduce operational emissions through incentives for alternative transportation for future residents and employees; however, the 2004 Final EIR concluded that this cumulative operation-related impact would remain significant and unavoidable because the strategies would not be able to reduce emissions sufficiently (i.e., by 33 percent).

This air quality section includes updated environmental setting information to characterize the existing environment in order to appropriately reflect any changed circumstances since the 2004 Final EIR was certified, and includes additional analysis and refinements to mitigation measures, where needed, to ensure that the analysis provided by the 2004 Final EIR, as revised herein, is adequate to evaluate the 2018 Project as currently proposed.

3.1.2 - Environmental Setting

Air Basin

The project site is located in the City of Pittsburg in Contra Costa County and is within the San Francisco Bay Area Air Basin (SFBAAB or Air Basin). The SFBAAB consists of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties; the western portion of Solano County; and the southern portion of Sonoma County. Regional and local air quality is impacted by dominant airflows, topography, atmospheric inversions, location, season, and time of day. These characteristics are discussed in relation to the SFBAAB.

Air Basin Local Climate

The San Francisco Bay Area has a Mediterranean climate characterized by mild, dry summers and mild, moderately wet winters, as well as moderate daytime onshore breezes, and moderate humidity.

A semi-permanent, high-pressure area centered over the northeastern Pacific Ocean dominates the summer climate of the West Coast. Because this high-pressure cell is quite persistent, storms rarely affect the California coast during the summer. Thus, the conditions that persist along the coast of California during summer are a northwest airflow and negligible precipitation. A thermal low-pressure area from the Sonoran-Mojave Desert also causes air to flow onshore over the San Francisco Bay Area much of the summer.

The steady northwesterly flow around the eastern edge of the Pacific High (a high-pressure cell) exerts stress on the ocean surface along the west coast. This induces upwelling of cold water from below. Upwelling produces a band of cold water off San Francisco that is approximately 80 miles wide. During July, the surface waters off San Francisco are 3 degrees Fahrenheit (°F) cooler than those off Vancouver, British Columbia, more than 900 miles to the north. Air approaching the California coast, already cool and moisture-laden from its long trajectory over the Pacific, is further cooled as it flows across this cold bank of water near the coast, thus accentuating the temperature contrast across the coastline. This cooling is often sufficient to produce condensation—a high incidence of fog and stratus clouds along the Northern California coast in summer.

In summer, the northwest winds to the west of the Pacific coastline are drawn into the interior through the gap in the western Coast Ranges, known as the Golden Gate, and over the lower portions of the San Francisco Peninsula. Immediately to the south of Mount Tamalpais, the northwesterly winds accelerate considerably and come more nearly from the west as they stream through the Golden Gate. This channeling of the flow through the Golden Gate[1] produces a jet that sweeps eastward but widens downstream, producing southwest winds at Berkeley and northwest winds at San José; a branch curves eastward through the Carquinez Straits and into the Central Valley. Wind speeds may be locally strong in regions where air is channeled through a narrow opening such as the Golden Gate, the Carquinez Strait, or San Bruno Gap. For example, the average wind speed at San Francisco International Airport from 3:00 a.m. to 4:00 p.m. in July is about 20 miles per hour (mph), compared with only about 8 mph at San José and less than 7 mph at the Farallon Islands.

The sea breeze between the coast and the Central Valley[2] commences near the surface along the coast in late morning or early afternoon; it may first be observed only through the Golden Gate. Later in the day, the layer deepens and intensifies while spreading inland. As the breeze intensifies and deepens, it flows over the lower hills farther south along the peninsula. This process frequently can be observed as a bank of stratus clouds "rolling over" the coastal hills on the west side of the bay. The depth of the sea breeze depends in large part upon the height and strength of the inversion. The generally low elevation of this stable layer of air prevents marine air from flowing over the coastal hills. It is unusual for the summer sea breeze to flow over terrain exceeding 2,000 feet in elevation.

In winter, the SFBAAB experiences periods of storminess, moderate-to-strong winds, and periods of stagnation with very light winds. Winter stagnation episodes are characterized by outflow from the

[1] A strait on the west coast of North America that connects the San Francisco Bay to the Pacific Ocean.
[2] A flat valley that dominates the geographical center of California stretching 450 miles from north-northwest to south-southeast, inland from and parallel to the Pacific Ocean coast. It is bounded by the Sierra Nevada to the east and the Coast Ranges to the west.

Central Valley, nighttime drainage flows in coastal valleys, weak onshore flows in the afternoon, and otherwise light and variable winds.

A primary factor in air quality is the mixing depth (the vertical air column available for dilution of contaminant sources). Generally, the temperature of air decreases with height, creating a gradient from warmer air near the ground to cooler air at elevation. This is caused by most of the sun's energy being converted to sensible heat at the ground, which in turn warms the air at the surface. The warm air rises in the atmosphere, where it expands and cools. Sometimes, however, the temperature of air actually increases with height. This condition is known as temperature inversion, because the temperature profile of the atmosphere is "inverted" from its usual state. Over the SFBAAB, the frequent occurrence of temperature inversions limits mixing depth and, consequently, limits the availability of air for dilution.

Air Pollutant Types, Sources, and Effects

Criteria Air Pollutants

Air pollutants are termed criteria air pollutants if they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. Table 3.1-1 provides a summary of the types, sources, and effects of criteria air pollutants.

Table 3.1-1: Description of Criteria Pollutants of National and California Concern

Criteria Pollutant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
Ozone	Ozone is a photochemical pollutant as it is not emitted directly into the atmosphere, but is formed by a complex series of chemical reactions between volatile organic compounds (VOC), nitrous oxides (NO_X), and sunlight. Ozone is a regional pollutant that is generated over a large area and is transported and spread by the wind.	Ozone is a secondary pollutant; thus, it is not emitted directly into the lower level of the atmosphere. The primary sources of ozone precursors (VOC and NO_X) are mobile sources (on-road and off-road vehicle exhaust).	Irritate respiratory system; reduce lung function; breathing pattern changes; reduction of breathing capacity; inflame and damage cells that line the lungs; make lungs more susceptible to infection; aggravate asthma; aggravate other chronic lung diseases; cause permanent lung damage; some immunological changes; increased mortality risk; vegetation and property damage.
Particulate matter (PM_{10}) Particulate matter ($PM_{2.5}$)	Suspended particulate matter is a mixture of small particles that consist of dry solid fragments, droplets of water, or solid cores with liquid coatings. The particles vary in shape, size, and composition. PM_{10} refers to particulate matter that is between 2.5 and 10 microns in diameter, (one micron is one-millionth of a meter). $PM_{2.5}$ refers to	Stationary sources include fuel or wood combustion for electrical utilities, residential space heating, and industrial processes; construction and demolition; metals, minerals, and petrochemicals; wood products processing; mills and elevators used in agriculture; erosion from tilled lands; waste disposal, and recycling. Mobile or transportation related	• Short-term exposure (hours/days): irritation of the eyes, nose, throat; coughing; phlegm; chest tightness; shortness of breath; aggravate existing lung disease, causing asthma attacks and acute bronchitis; those with heart disease can suffer heart attacks and arrhythmias. • Long-term exposure: reduced lung function;

Table 3.1-1 (cont.): Description of Criteria Pollutants of National and California Concern

Criteria Pollutant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
	particulate matter that is 2.5 microns or less in diameter, about one-thirtieth the size of the average human hair.	sources are from vehicle exhaust and road dust. Secondary particles form from reactions in the atmosphere.	chronic bronchitis; changes in lung morphology; death.
Nitrogen dioxide (NO_2)	During combustion of fossil fuels, oxygen reacts with nitrogen to produce nitrogen oxides—NO_X (NO, NO_2, NO_3, N_2O, N_2O_3, N_2O_4, and N_2O_5). NO_X is a precursor to ozone, PM_{10}, and $PM_{2.5}$ formation. NO_X can react with compounds to form nitric acid and related small particles and result in PM related health effects.	NO_X is produced in motor vehicle internal combustion engines and fossil fuel-fired electric utility and industrial boilers. Nitrogen dioxide forms quickly from NO_X emissions. NO_2 concentrations near major roads can be 30 to 100 percent higher than those at monitoring stations.	Potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups; risk to public health implied by pulmonary and extra-pulmonary biochemical and cellular changes and pulmonary structural changes; contributions to atmospheric discoloration; increased visits to hospital for respiratory illnesses.
Carbon monoxide (CO)	CO is a colorless, odorless, toxic gas. CO is somewhat soluble in water; therefore, rainfall and fog can suppress CO conditions. CO enters the body through the lungs, dissolves in the blood, replaces oxygen as an attachment to hemoglobin, and reduces available oxygen in the blood.	CO is produced by incomplete combustion of carbon-containing fuels (e.g., gasoline, diesel fuel, and biomass). Sources include motor vehicle exhaust, industrial processes (metals processing and chemical manufacturing), residential wood burning, and natural sources.	Ranges depending on exposure: slight headaches; nausea; aggravation of angina pectoris (chest pain) and other aspects of coronary heart disease; decreased exercise tolerance in persons with peripheral vascular disease and lung disease; impairment of central nervous system functions; possible increased risk to fetuses; death.
Sulfur dioxide (SO_2)	Sulfur dioxide is a colorless, pungent gas. At levels greater than 0.5 parts per million (ppm), the gas has a strong odor, similar to rotten eggs. Sulfur oxides (SO_X) include sulfur dioxide and sulfur trioxide. Sulfuric acid is formed from sulfur dioxide, which can lead to acid deposition and can harm natural resources and materials. Although sulfur dioxide concentrations have been reduced to levels well below state and federal standards, further reductions are desirable because sulfur dioxide is a precursor to sulfate and PM_{10}.	Human caused sources include fossil-fuel combustion, mineral ore processing, and chemical manufacturing. Volcanic emissions are a natural source of sulfur dioxide. The gas can also be produced in the air by dimethyl sulfide and hydrogen sulfide. Sulfur dioxide is removed from the air by dissolution in water, chemical reactions, and transfer to soils and ice caps. The sulfur dioxide levels in the State are well below the maximum standards.	Bronchoconstriction accompanied by symptoms which may include wheezing, shortness of breath and chest tightness, during exercise or physical activity in persons with asthma. Some population-based studies indicate that the mortality and morbidity effects associated with fine particles show a similar association with ambient sulfur dioxide levels. It is not clear whether the two pollutants act synergistically or one pollutant alone is the predominant factor.

Table 3.1-1 (cont.): Description of Criteria Pollutants of National and California Concern

Criteria Pollutant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
Lead (Pb)	Lead is a solid heavy metal that can exist in air pollution as an aerosol particle component. Leaded gasoline was used in motor vehicles until around 1970. Lead concentrations have not exceeded state or federal standards at any monitoring station since 1982.	Lead ore crushing, lead-ore smelting, and battery manufacturing are currently the largest sources of lead in the atmosphere in the United States. Other sources include dust from soils contaminated with lead-based paint, solid waste disposal, and crustal physical weathering.	Lead accumulates in bones, soft tissue, and blood and can affect the kidneys, liver, and nervous system. It can cause impairment of blood formation and nerve conduction, behavior disorders, mental retardation, neurological impairment, learning deficiencies, and low IQs.
Source: South Coast Air Quality Management District (SCAQMD) 2007a; California Environmental Protection Agency (Cal/EPA) 2002; California Air Resources Board (ARB) 2009; United States Environmental Protection Agency (EPA) 2003, 2009a, 2009b, 2010, 2011a, and 2012; National Toxicology Program 2011a and 2011b			

Toxic Air Contaminants

Concentrations of toxic air contaminants (TACs) are also used as indicators of air quality conditions. Air pollutant human exposure standards are identified for many TACs, including the following common TACs relevant to development projects: particulate matter, fugitive dust, lead, and asbestos. These air pollutants are called TACs because they are air pollutants that may cause or contribute to an increase in mortality or serious illness, or may otherwise pose a hazard to human health. TACs can cause long-term health effects (such as cancer, birth defects, neurological damage, asthma, bronchitis, or genetic damage) or short-term acute effects (such as eye watering, respiratory irritation, runny nose, throat pain, or headaches). TACs are usually present in minute quantities in the ambient air; however, their high toxicity or health impacts may pose a threat to public health even at low concentrations.

TACs are separated into carcinogens and noncarcinogens based on the nature of the physiological effects associated with exposure to a particular TAC. Carcinogens are assumed to have no safe threshold, below which health impacts would not occur. For noncarcinogenic substances, there is generally assumed to be a safe level of exposure below which no negative health impact is believed to occur. These levels may vary depending on the specific pollutant. Acute and chronic exposure to noncarcinogens is expressed as a hazard index (HI), which is the ratio of expected exposure levels to an acceptable reference exposure levels (RELs). Cancer risk is typically expressed as excess cancer cases per million exposed individuals, typically over a lifetime exposure or other prolonged duration. Table 3.1-2 provides a summary of the types, sources, and effects of TACs.

Table 3.1-2: Description of Toxic Air Contaminants of National and California Concern

Toxic Air Contaminant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
Diesel Particulate Matter (DPM)	DPM is a source of $PM_{2.5}$—diesel particles are typically 2.5 microns and smaller. Diesel exhaust is a complex mixture of thousands of particles and gases that is produced when an engine burns diesel fuel. Organic compounds account for 80 percent of the total particulate matter mass, which consists of compounds such as hydrocarbons and their derivatives, and polycyclic aromatic hydrocarbons and their derivatives. Fifteen polycyclic aromatic hydrocarbons are confirmed carcinogens, a number of which are found in diesel exhaust.	Diesel exhaust is a major source of ambient particulate matter pollution in urban environments. Typically, the main source of DPM is from combustion of diesel fuel in diesel-powered engines. Such engines are in on-road vehicles such as diesel trucks, off-road construction vehicles, diesel electrical generators, and various pieces of stationary construction equipment.	Some short-term (acute) effects of DPM exposure include eye, nose, throat, and lung irritation, coughs, headaches, light-headedness, and nausea. Studies have linked elevated particle levels in the air to increased hospital admissions, emergency room visits, asthma attacks, and premature deaths among those suffering from respiratory problems. Human studies on the carcinogenicity of DPM demonstrate an increased risk of lung cancer, although the increased risk cannot be clearly attributed to diesel exhaust exposure.
VOCs	Reactive organic gases (ROGs), or VOCs, are defined as any compound of carbon—excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate—that participates in atmospheric photochemical reactions. Although there are slight differences in the definition of ROGs and VOCs, the two terms are often used interchangeably.	Indoor sources of VOCs include paints, solvents, aerosol sprays, cleansers, tobacco smoke, etc. Outdoor sources of VOCs are from combustion and fuel evaporation. A reduction in VOC emissions reduces certain chemical reactions that contribute to the formulation of ozone. VOCs are transformed into organic aerosols in the atmosphere, which contribute to higher PM_{10} and lower visibility.	Although health-based standards have not been established for VOCs, health effects can occur from exposures to high concentrations because of interference with oxygen uptake. In general, concentrations of VOCs are suspected to cause eye, nose, and throat irritation; headaches; loss of coordination; nausea; and damage to the liver, the kidneys, and the central nervous system. Many VOCs have been classified as toxic air contaminants.
Benzene	Benzene is a VOC. It is a clear or colorless light-yellow, volatile, highly flammable liquid with a gasoline-like odor. The EPA has classified benzene as a "Group A" carcinogen.	Benzene is emitted into the air from fuel evaporation, motor vehicle exhaust, tobacco smoke, and from burning oil and coal. Benzene is used as a solvent for paints, inks, oils, waxes, plastic, and rubber. Benzene occurs	Short-term (acute) exposure of high doses from inhalation of benzene may cause dizziness, drowsiness, headaches, eye irritation, skin irritation, and respiratory tract irritation, and at higher levels, loss of consciousness

Table 3.1-2 (cont.): Description of Toxic Air Contaminants of National and California Concern

Toxic Air Contaminant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
		naturally in gasoline at one to two percent by volume. The primary route of human exposure is through inhalation.	can occur. Long-term (chronic) occupational exposure of high doses has caused blood disorders, leukemia, and lymphatic cancer.
Asbestos	Asbestos is the name given to a number of naturally occurring fibrous silicate minerals that have been mined for their useful properties such as thermal insulation, chemical and thermal stability, and high tensile strength. The three most common types of asbestos are chrysotile, amosite, and crocidolite.	Chrysotile, also known as white asbestos, is the most common type of asbestos found in buildings. Chrysotile makes up approximately 90 to 95 percent of all asbestos contained in buildings in the United States.	Exposure to asbestos is a health threat; exposure to asbestos fibers may result in health issues such as lung cancer, mesothelioma (a rare cancer of the thin membranes lining the lungs, chest, and abdominal cavity), and asbestosis (a non-cancerous lung disease that causes scarring of the lungs). Exposure to asbestos can occur during demolition or remodeling of buildings that were constructed prior to the 1977 ban on asbestos for use in buildings. Exposure to naturally occurring asbestos can occur during soil-disturbing activities in areas with deposits present.
Hydrogen Sulfide	Hydrogen sulfide (H_2S) is a flammable, colorless, poisonous gas that smells like rotten eggs.	Manure, storage tanks, ponds, anaerobic lagoons, and land application sites are the primary sources of hydrogen sulfide. Anthropogenic sources include the combustion of sulfur containing fuels (oil and coal).	High levels of hydrogen sulfide can cause immediate respiratory arrest. It can irritate the eyes and respiratory tract and cause headache, nausea, vomiting, and cough. Long exposure can cause pulmonary edema.
Sulfates	Sulfates occur in combination with metal and/or hydrogen ions. Many sulfates are soluble in water.	Sulfates are particulates formed through the photochemical oxidation of sulfur dioxide. In California, the main source of sulfur compounds is combustion of gasoline and diesel fuel.	(a) Decrease in ventilatory function; (b) aggravation of asthmatic symptoms; (c) aggravation of cardio-pulmonary disease; (d) vegetation damage; (e) degradation of visibility; (f) property damage.

Table 3.1-2 (cont.): Description of Toxic Air Contaminants of National and California Concern

Toxic Air Contaminant	Physical Description and Properties	Sources	Most Relevant Effects from Pollutant Exposure
Visibility Reducing Particles	Suspended particulate matter is a mixture of small particles that consist of dry solid fragments, droplets of water, or solid cores with liquid coatings. The particles vary in shape, size, and composition. PM_{10} refers to particulate matter that is between 2.5 and 10 microns in diameter (1 micron is one-millionth of a meter). $PM_{2.5}$ refers to particulate matter that is 2.5 microns or less in diameter, about one-thirtieth the size of the average human hair.	Stationary sources include fuel or wood combustion for electrical utilities, residential space heating, and industrial processes; construction and demolition; metals, minerals, and petrochemicals; wood products processing; mills and elevators used in agriculture; erosion from tilled lands; waste disposal; and recycling. Mobile or transportation-related sources are from vehicle exhaust and road dust. Secondary particles form from reactions in the atmosphere.	• Short-term exposure (hours/days): irritation of the eyes, nose, throat; coughing; phlegm; chest tightness; shortness of breath; aggravates existing lung disease, causing asthma attacks and acute bronchitis; those with heart disease can suffer heart attacks and arrhythmias. • Long-term exposure: reduced lung function; chronic bronchitis; changes in lung morphology; death.
Vinyl Chloride	Vinyl chloride, or chloroethene, is a chlorinated hydrocarbon and a colorless gas with a mild, sweet odor. In 1990, the California Air Resources Board (ARB) identified vinyl chloride as a toxic air contaminant and estimated a cancer unit risk factor.	Most vinyl chloride is used to make polyvinyl chloride plastic and vinyl products, including pipes, wire and cable coatings, and packaging materials. It can be formed when plastics containing these substances are left to decompose in solid waste landfills. Vinyl chloride has been detected near landfills, sewage plants, and hazardous waste sites.	Short-term exposure to high levels of vinyl chloride in the air causes central nervous system effects, such as dizziness, drowsiness, and headaches. Epidemiological studies of occupationally exposed workers have linked vinyl chloride exposure to development of a rare cancer, liver angiosarcoma, and have suggested a relationship between exposure and lung and brain cancers.
Lead (Pb)	Lead is a solid heavy metal that can exist in air pollution as an aerosol particle component. Leaded gasoline was used in motor vehicles until around 1970. Lead concentrations have not exceeded state or federal standards at any monitoring station since 1982.	Lead ore crushing, lead-ore smelting, and battery manufacturing are currently the largest sources of lead in the atmosphere in the United States. Other sources include dust from soils contaminated with lead-based paint, solid waste disposal, and crustal physical weathering.	Lead accumulates in bones, soft tissue, and blood and can affect the kidneys, liver, and nervous system. It can cause impairment of blood formation and nerve conduction, behavior disorders, mental retardation, neurological impairment, learning deficiencies, and low IQs.
Source: South Coast Air Quality Management District (SCAQMD) 2007a; California Environmental Protection Agency (Cal/EPA) 2002; California Air Resources Board (ARB) 2009; United States Environmental Protection Agency (EPA) 2003, 2009a, 2009b, 2010, 2011a, and 2012; National Toxicology Program 2011a and 2011b			

Air Quality

Regional

Air quality is a function of both the rate and location of pollutant emissions under the influence of meteorological conditions and topographic features. Atmospheric conditions such as wind speed, wind direction, and air temperature inversions interact with the physical features of the landscape to determine the movement and dispersal of air pollutant emissions and, consequently, their effect on air quality.

The project site is within the jurisdiction of Bay Area Air Quality Management District (BAAQMD). BAAQMD is the regional agency with jurisdiction for regulating air quality within the nine-county SFBAAB.

Air Pollutant Standards and Attainment Designations

Air pollutant standards have been identified by the EPA and the California Air Resources Board (ARB) for the following six criteria air pollutants that affect ambient air quality: ozone, carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), lead, and particulate matter (PM), which is subdivided into two classes based on particle size: PM equal to or less than 10 microns in diameter (PM_{10}), and PM equal to or less than 2.5 microns in diameter ($PM_{2.5}$). These air pollutants are called "criteria air pollutants" because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. California has also established standards for sulfates, visibility-reducing particles, hydrogen sulfide, and vinyl chloride. Table 3.1-3 presents the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS).

Table 3.1-3: Federal and State Air Quality Standards

Air Pollutant	Averaging Time	California Standard (CAAQS)	Federal Standard[a] (NAAQS)
Ozone	1 Hour	0.09 ppm	—
	8 Hour	0.070 ppm	0.070 ppm[f]
Carbon monoxide (CO)	1 Hour	20 ppm	35 ppm
	8 Hour	9.0 ppm	9 ppm
Nitrogen dioxide[b] (NO_2)	1 Hour	0.18 ppm	0.100 ppm
	Annual	0.030 ppm	0.053 ppm
Sulfur dioxide[c] (SO_2)	1 Hour	0.25 ppm	0.075 ppm
	3 Hour	—	0.5 ppm
	24 Hour	0.04 ppm	0.14 (for certain areas)
	Annual	—	0.030 ppm (for certain areas)
Particulate matter (PM_{10})	24 hour	50 µg/m^3	150 µg/m^3
	Mean	20 µg/m^3	—

Table 3.1-3 (cont.): Federal and State Air Quality Standards

Air Pollutant	Averaging Time	California Standard (CAAQS)	Federal Standard[a] (NAAQS)
Particulate matter ($PM_{2.5}$)	24 Hour	—	35 µg/m^3
	Annual	12 µg/m^3	12.0 µg/m^3
Visibility reducing particles	8 Hour	See note below[d]	
Sulfates	24 Hour	25 µg/m^3	—
Lead[e]	30-day	1.5 µg/m^3	—
	Quarter	—	1.5 µg/m^3
	Rolling 3-month average	—	0.15 µg/m^3
Vinyl chloride[e]	24 Hour	0.01 ppm	—
Hydrogen sulfide	1 Hour	0.03 ppm	—

Notes:
ppm = parts per million (concentration) µg/m^3 = micrograms per cubic meter Annual = Annual Arithmetic Mean
30-day = 30-day average Quarter = Calendar quarter

[a] Federal standard refers to the primary national ambient air quality standard, or the levels of air quality necessary, with an adequate margin of safety to protect the public health. All standards listed are primary standards except for 3-Hour SO_2, which is a secondary standard. A secondary standard is the level of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

[b] To attain the 1-hour nitrogen dioxide national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 parts per billion (0.100 ppm).

[c] On June 2, 2010, a new 1-hour SO_2 standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 parts per billion (ppb). The 1971 SO_2 national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.

[d] Visibility reducing particles: In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the Statewide and Lake Tahoe Air Basin standards, respectively.

[e] ARB has identified lead and vinyl chloride as "toxic air contaminants" with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.

[f] The EPA Administrator approved a revised 8-hour ozone standard of 0.07 ppb on October 1, 2015. The new standard went into effect 60 days after publication of the Final Rule in the Federal Register. The Final Rule was published in the Federal Register on October 26, 2015 and became effective on December 28, 2015.

Source of effects, properties, and sources: South Coast Air Quality Management District (SCAQMD) 2007a; California Environmental Protection Agency (EPA) 2002; California Air Resources Board (ARB) 2009; United States Environmental Protection Agency (EPA) 2003, 2009a, 2009b, 2010, 2011a, and 2012; National Toxicology Program 2011a and 2011b.
Source of standards: California Air Resources Board (ARB) 2013c.

Ambient air pollutant concentrations in the SFBAAB are measured at air quality monitoring stations operated by the ARB and BAAQMD. In general, the SFBAAB experiences low concentrations of most pollutants compared to federal or State standards.

Both the EPA and ARB use ambient air quality monitoring data to designate areas according to their attainment status for criteria air pollutants. The purpose of these designations is to identify the

areas with air quality problems and initiate planning efforts for improvement. The three basic designation categories are: attainment, nonattainment, and unclassified. "Attainment" status refers to those regions that are meeting federal and/or State standards for a specified criteria pollutant. "Nonattainment" refers to regions that do not meet federal and/or State standards for a specified criteria pollutant. "Unclassified" refers to regions where there is not enough data to determine the region's attainment status for a specified criteria air pollutant. Each standard has a different definition, or "form" of what constitutes attainment, based on specific air quality statistics. For example, the federal 8-hour CO standard is not to be exceeded more than once per year; therefore, an area is in attainment of the CO standard if no more than one 8-hour ambient air monitoring values exceeds the threshold per year. In contrast, the federal annual $PM_{2.5}$ standard is met if the three-year average of the annual average $PM_{2.5}$ concentration is less than or equal to the standard.

The current attainment designations for SFBAAB are shown in Table 3.1-4. The SFBAAB is designated as nonattainment for the State ozone, PM_{10}, and $PM_{2.5}$, standards and nonattainment for the national ozone and $PM_{2.5}$ standard.

Table 3.1-4: San Francisco Bay Area Air Basin Attainment Status

Pollutant	State Status	National Status
Ozone	Nonattainment	Nonattainment
Carbon monoxide	Attainment	Attainment
Nitrogen dioxide	Attainment	Attainment
Sulfur dioxide	Attainment	Attainment
PM_{10}	Nonattainment	Unclassified
$PM_{2.5}$	Nonattainment	Nonattainment
Sulfates	Attainment	N/A
Hydrogen Sulfates	Unclassified	N/A
Visibility-reducing Particles	Unclassified	N/A
Lead	N/A	Attainment

Source: Bay Area Air Quality Management District (BAAQMD), 2017. Air Quality Standards and Attainment Status. January. Website: http://www.baaqmd.gov/research-and-data/air-quality-standards-and-attainment-status. Accessed February 8, 2019.

Air Quality Index

The health impacts of the various air pollutants of concern can be presented in a number of ways. The clearest comparison is to the State and federal ozone standards. If concentrations are below the standard, it is safe to say that no health impact would occur to anyone. When concentrations exceed the standard, impacts will vary based on the amount by which the standard is exceeded. The EPA developed the Air Quality Index (AQI) as an easy-to-understand measure of health impacts compared with concentrations in the air. Table 3.1-5 provides a general description of the health impacts of ozone at different concentrations.

Table 3.1-5: Air Quality Index and Health Effects from Ozone

Air Quality Index/ 8-hour Ozone Concentration	Health Effects Description
AQI—51–100—Moderate Concentration 55–70 ppb	**Sensitive Groups**: Children and people with asthma are the groups most at risk.
	Health Effects Statements: Unusually sensitive individuals may experience respiratory symptoms.
	Cautionary Statements: Unusually sensitive people should consider limiting prolonged outdoor exertion.
AQI—101–150—Unhealthy for Sensitive Groups Concentration 71–85 ppb	**Sensitive Groups**: Children and people with asthma are the groups most at risk.
	Health Effects Statements: Increasing likelihood of respiratory symptoms and breathing discomfort in active children and adults and people with respiratory disease, such as asthma.
	Cautionary Statements: Active children and adults, and people with respiratory disease, such as asthma, should limit prolonged outdoor exertion.
AQI—151–200—Unhealthy Concentration 86–105 ppb	**Sensitive Groups**: Children and people with asthma are the groups most at risk.
	Health Effects Statements: Greater likelihood of respiratory symptoms and breathing difficulty in active children and adults and people with respiratory disease, such as asthma; possible respiratory effects in general population.
	Cautionary Statements: Active children and adults, and people with respiratory disease, such as asthma, should avoid prolonged outdoor exertion; everyone else, especially children, should limit prolonged outdoor exertion.
AQI—201–300—Very Unhealthy Concentration 106–200 ppb	**Sensitive Groups**: Children and people with asthma are the groups most at risk.
	Health Effects Statements: Increasingly severe symptoms and impaired breathing likely in active children and adults and people with respiratory disease, such as asthma; increasing likelihood of respiratory effects in general population.
	Cautionary Statements: Active children and adults, and people with respiratory disease, such as asthma, should avoid all outdoor exertion; everyone else, especially children, should limit outdoor exertion.
Source: Air Now. 2015. AQI Calculator: AQI to Concentration. Website: http://www.airnow.gov/index.cfm?action=resources.aqi_conc_calc. Accessed September 2, 2017.	

Local Air Quality

The local air quality can be evaluated by reviewing relevant air pollution concentrations near the project area. Table 3.1-6 presents a summary of the highest annual concentrations of criteria air pollutants collected at the nearest air quality monitoring stations with available information for the most recent three-year period available. The table displays data from the Concord Monitoring Station, which is located approximately 7 miles southwest of the Project site at 2956-A Treat

Boulevard, Concord. The recorded data show an exceedance of the federal standards for $PM_{2.5}$ (24-hour) on at least one occasion from 2015 through 2017. The data in the table reflect the concentration of the pollutants in the air, measured using air monitoring equipment. This differs from emissions, which are calculations of a pollutant being emitted over a certain period from an emission source. No exceedances of either the state or national standards were recorded for nitrogen dioxide (NO_2), carbon monoxide (CO), sulfur dioxide (SO_2), and PM_{10}. No recent monitoring data for Contra Costa County, or the SFBAAB was available for CO or SO_2. Generally, monitoring is not conducted for pollutants that are no longer likely to exceed ambient air quality standards.

Table 3.1-6: Summary of Concord Station Criteria Pollutants Monitoring Data (2015–2017)

Air Pollutant	Averaging Time	Item	2015	2016	2017
Ozone	1 Hour	Max 1 Hour (ppm)	0.088	**0.095**	0.082
		Days > State Standard (0.09 ppm)	0	1	0
	8 Hour	Max 8 Hour (ppm)	**0.074**	**0.075**	0.070
		Days > State Standard (0.070 ppm)	4	2	0
		Days > National Standard (0.070 ppm)	2	2	0
Carbon monoxide	8 Hour	Max 8 Hour (ppm)	ND	ND	ND
		Days > State Standard (9.0 ppm)	ND	ND	ND
		Days > National Standard (9 ppm)	ND	ND	ND
Nitrogen dioxide	Annual	Annual Average (ppm)	0.007	0.006	0.006
	1 Hour	Max 1 Hour (ppm)	0.033	0.034	0.041
		Days > State Standard (0.18 ppm)	0	0	0
Sulfur dioxide	Annual	Annual Average (ppm)	ND	ND	ND
	24 Hour	Max 24 Hour (ppm)	ND	ND	ND
		Days > State Standard (0.04 ppm)	ND	ND	ND
Inhalable coarse particles (PM_{10})	Annual	Annual Average ($\mu g/m^3$)	13.1	11.5	ID
	24 hour	24 Hour ($\mu g/m^3$)	22.5	18.7	41.2
		Days > State Standard (50 $\mu g/m^3$)	0	0	ID
		Days > National Standard (150 $\mu g/m^3$)	0	0	ID
Fine particulate matter ($PM_{2.5}$)	Annual	Annual Average ($\mu g/m^3$)	8.8	5.9	12.0
	24 Hour	24 Hour ($\mu g/m^3$)	31.0	20.7	**89.4**
		Days > National Standard (35 $\mu g/m^3$)	0	0	6

Notes:
> = exceed ppm = parts per million $\mu g/m^3$ = micrograms per cubic meter
ID = insufficient data ND = no data max = maximum
Bold = exceedance
State Standard = California Ambient Air Quality Standard
National Standard = National Ambient Air Quality Standard
Source: California Air Resources Board (ARB) 2017. iADAM: Air Quality Data Statistics for Concord-2956-A Treat Boulevard Air Monitoring Station. Website: https://www.arb.ca.gov/adam/. Accessed November 21, 2018.

Based on the AQI scale for the 8-hour ozone standard (Table 3.1-5), the project area experienced no days in the most recent three-year reporting period that would be categorized as very unhealthy (AQI 201-250). The highest reading was 95 parts per billion (ppb) in 2015, which would fall in the range for unhealthy (AQI 151-200).

Sensitive Receptors

Air pollution does not affect every individual in the population in the same way; some groups are more sensitive to adverse health effects than others. Land uses such as residences, schools, day care centers, hospitals, and nursing and convalescent homes are considered to be the most sensitive to poor air quality because the population groups associated with these uses have increased susceptibility to respiratory distress or, as in the case of residential receptors, their exposure time to air pollutants is greater than that for other land uses. Therefore, these groups are referred to as sensitive receptors. Exposure assessment guidance typically assumes that residences would be exposed to air pollution 24 hours per day, 350 days per year, for 70 years. The BAAQMD defines sensitive receptors as children, adults, and seniors occupying or residing in residential dwellings, schools, day care centers, hospitals, and senior-care facilities.

Project Vicinity

Adjacent neighborhoods to the west and south contain a mix of low- and medium-density residential land uses. State Route 4 (SR-4) is located just to the north of the project site. Existing residential uses are air-quality-sensitive receptors. The closest existing off-site sensitive receptors are the existing residential communities located adjacent to the west of the project site and to the south across West Leland Road, with the closest being located less than 15 feet from the boundary of the project site.

Project Site

The project site is currently vacant. As such, there are no sensitive receptors or emission sources on-site.

Existing Emission Sources

The primary sources of air pollutants in the project vicinity are the motor-related vehicle trips from the local residential communities and from SR-4. Other sources of emissions include space and water heating, landscape maintenance, and consumer products from nearby residential uses.

3.1.3 - Regulatory Framework

Federal

Clean Air Act

Congress established much of the basic structure of the Clean Air Act (CAA) in 1970, and made major revisions in 1977 and 1990. Six common air pollutants (also known as criteria pollutants) are addressed in the CAA. These are: particulate matter; ground-level ozone; CO; sulfur oxides; nitrogen oxides; and lead. The EPA calls these pollutants criteria air pollutants because it regulates them by developing human health-based and/or environmentally based criteria (science-based guidelines) for setting permissible levels. The set of limits based on human health are called primary standards.

Another set of limits intended to prevent environmental and property damage are called secondary standards (EPA 2014)[3]. The federal standards are called NAAQS. The air quality standards provide benchmarks for determining whether air quality is healthy at specific locations and whether development activities will cause or contribute to a violation of the standards.

The federal standards were established to protect public health, including that of sensitive individuals; thus, the EPA is tasked with updating the standards as more medical research is available regarding the health effects of the criteria pollutants. Primary federal standards are the levels of air quality necessary, with an adequate margin of safety, to protect the public health.

The CAA also requires each state to prepare an air quality control plan referred to as a State Implementation Plan (SIP). The federal CAA Amendments of 1990 added requirements for states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. The SIP is periodically modified to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins, as reported by their jurisdictional agencies.

EPA Emission Standards for New Off-Road Equipment

Before 1994, there were no standards to limit the amount of emissions from off-road equipment. In 1994, the EPA established emission standards for hydrocarbons, NO_X, CO, and PM to regulate new pieces of off-road equipment. These emission standards came to be known as Tier 1. Since that time, increasingly more stringent Tier 2, Tier 3, and Tier 4 (interim and final) standards were adopted by the EPA, as well as by the ARB. Each adopted emission standard was phased in over time. New engines built in and after 2015 across all horsepower sizes must meet Tier 4 final emission standards.

State

California Air Quality Control Plan (State Implementation Plan)

An SIP is a document prepared by each state describing existing air quality conditions and measures that will be followed to attain and maintain federal standards. The SIP for the State of California is administered by the ARB, which has overall responsibility for Statewide air quality maintenance and air pollution prevention. California's SIP incorporates individual federal attainment plans for regional air districts—an air district prepares their federal attainment plan, which is sent to the ARB to be approved and incorporated into the California SIP. Federal attainment plans include the technical foundation for understanding air quality (e.g., emission inventories and air quality monitoring), control measures and strategies, and enforcement mechanisms for attaining and maintaining air quality standards.

Areas designated nonattainment must develop air quality plans and regulations to achieve standards by specified dates, depending on the severity of the exceedances. For much of the country, implementation of federal motor vehicle standards and compliance with federal permitting requirements for industrial sources are adequate to attain air quality standards on schedule. For many areas of California, however, additional State and local regulation is required to achieve the standards.

[3] United States Environmental Protection Agency (EPA). 2014. Clean Air Act Requirements and History. Website: https://www.epa.gov/clean-air-act-overview/clean-air-act-requirements-and-history. Accessed April 25, 2016.

California Clean Air Act

The California Legislature enacted the California Clean Air Act (CCAA) in 1988 to address air quality issues of concern not adequately addressed by the federal CAA at the time. The ARB administers the CAAQS for the 10 air pollutants designated in the CCAA. The 10 State air pollutants include the six federal pollutants listed above, as well as visibility-reducing particulates, hydrogen sulfide, sulfates, and vinyl chloride. The EPA authorized California to adopt its own regulations for motor vehicles and other sources that are more stringent than similar federal regulations implementing the CAA. Generally, the planning requirements of the CCAA are more stringent than the federal CAA; therefore, consistency with the CCAA will also demonstrate consistency with the CAA.

Other ARB responsibilities include but are not limited to: overseeing local air district compliance with California and federal laws; approving local air quality plans; submitting SIPs to the EPA; monitoring air quality; determining and updating area designations and maps; conducting basic research aimed at providing a better understanding between emissions and public well-being; and setting emissions standards for new mobile sources, consumer products, small utility engines, off-road vehicles, and fuels.

California Health and Safety Code Section 39655 and California Code of Regulations Title 17 Section 93000 (Substances Identified as Toxic Air Contaminants)

The ARB identifies TACs as those defined in Health and Safety Code Section 39655, and listed in Title 17, Section 93000 of the California Code of Regulations, "Substances Identified As Toxic Air Contaminants." A TAC is defined as an air pollutant that may cause or contribute to an increase in mortality or serious illness, or that may pose a hazard to human health. TACs are usually present in minute quantities in the ambient air; however, their high toxicity or health risk may pose a threat to public health even at low concentrations. In general, for those TACs that may cause cancer, there are thresholds set by regulatory agencies below which adverse health impacts are not expected to occur. This contrasts with the criteria pollutants for which acceptable levels of exposure can be determined and for which the state and federal governments have set ambient air quality standards. According to the *California Almanac of Emissions and Air Quality*, the majority of the estimated health risk from TACs for the State of California can be attributed to relatively few compounds, the most important of which is diesel particulate matter (DPM) from diesel-fueled engines.

California Low-Emission Vehicle Program

The ARB first adopted Low-Emission Vehicle (LEV) program standards in 1990. These initial LEV standards ran from 1994 through 2003. As the State's passenger vehicle fleet continued to grow and more sport utility vehicles and pickup trucks began to be used as passenger cars rather than work vehicles, the more stringent LEV II standards were adopted to provide reductions necessary for California to meet federally mandated clean air goals outlined in the 1994 SIP. In 2012, the ARB adopted the LEV III amendments. These amendments, also known as the Advanced Clean Car Program include more stringent emission standards for model years 2017 through 2025 for both criteria pollutants and greenhouse gas (GHG) emissions for new passenger vehicles (ARB 2013).[4]

[4] California Air Resources Board (ARB). 2013. Clean Car Standards—Pavley, Assembly Bill 1493. Website: http://www.arb.ca.gov/cc/ccms/ccms.htm. Accessed February 14, 2017.

California On-Road Heavy-Duty Vehicle Program

The ARB has adopted standards for emissions from various types of new on-road heavy-duty vehicles. California Code of Regulations Section 1956.8, Title 13, contains California's emission standards for on-road heavy-duty engines and vehicles, and test procedures. The ARB has also adopted programs to reduce emissions from in-use heavy-duty vehicles including the Heavy-Duty Diesel Vehicle Idling Reduction Program, the Heavy-Duty Diesel In-Use Compliance Program, the Public Bus Fleet Rule and Engine Standards, and the School Bus Program and others (ARB 2013b).[5]

California In-Use Off-Road Diesel Vehicle Regulation

On July 26, 2007, the ARB adopted a regulation to reduce DPM and NO_X emissions from in-use (existing) off-road heavy-duty diesel vehicles in California. Such vehicles are used in construction, mining, and industrial operations. The regulation limits idling to no more than five consecutive minutes, requires reporting and labeling, and requires disclosure of the regulation upon vehicle sale. Performance requirements of the In-Use Off-Road Diesel Vehicle regulation are based on a fleet's average NO_X emissions, which can be met by replacing older vehicles with newer, cleaner vehicles or by applying exhaust retrofits. The regulation was amended in 2010 to delay the original timeline of the performance requirements, making the first compliance deadline January 1, 2014, for large fleets (over 5,000 horsepower), 2017 for medium fleets (2,501-5,000 horsepower), and 2019 for small fleets (2,500 horsepower or less).

The latest amendments to the Truck and Bus regulation became effective on December 31, 2014. The amended regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Newer heavier trucks and buses must meet PM filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent.

The regulation applies to nearly all privately and federally owned diesel-fueled trucks and buses and to privately and publicly owned school buses with a gross vehicle weight rating greater than 14,000 pounds. The regulation provides a variety of flexibility options tailored to fleets operating low use vehicles, fleets operating in selected vocations like agriculture and construction, and small fleets of three or fewer trucks (ARB 2015b).[6]

California Airborne Toxic Control Measures for Asbestos

The ARB has adopted Airborne Toxic Control Measures (ATCM) for sources that emit a particular TAC. If there is a safe threshold for a substance at which there is no toxic effect, the control measure must reduce exposure below that threshold. If there is no safe threshold, the measure must incorporate Best Available Control Technology to minimize emissions.

In July 2001, the ARB approved an ATCM for construction, grading, quarrying, and surface mining operations to minimize emissions of naturally occurring asbestos. The regulation requires

[5] California Air Resources Board (ARB). 2013b. The California Almanac of Air Quality and Emissions—2013 Edition. Website: http://www.arb.ca.gov/aqd/almanac/almanac13/almanac13.htm. Accessed February 14, 2017.

[6] California Air Resources Board (ARB). 2015b. On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation. Website: http://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm. Accessed September 22, 2017.

application of best management practices (BMPs) to control fugitive dust in areas known to have naturally occurring asbestos and requires notification to the local air district prior to commencement of ground-disturbing activities. The measure establishes specific testing, notification and engineering controls prior to grading, quarrying, or surface mining in construction zones where naturally occurring asbestos is located on projects of any size. There are additional notification and engineering controls at work sites larger than one acre in size. These projects require the submittal of a "Dust Mitigation Plan" and approval by the air district prior to the start of a project.

Construction sometimes requires the demolition of existing buildings where construction occurs. Asbestos is also found in a natural state, known as naturally occurring asbestos. Exposure and disturbance of rock and soil that naturally contain asbestos can result in the release of fibers into the air and consequent exposure to the public. Asbestos most commonly occurs in ultramafic rock that has undergone partial or complete alteration to serpentine rock (serpentinite) and often contains chrysotile asbestos. In addition, another form of asbestos, tremolite, can be found associated with ultramafic rock, particularly near faults. Sources of asbestos emissions include unpaved roads or driveways surfaced with ultramafic rock, construction activities in ultramafic rock deposits, or rock quarrying activities where ultramafic rock is present.

The ARB has an ATCM for construction, grading, quarrying, and surface mining operations, requiring the implementation of mitigation measures to minimize emissions of asbestos-laden dust. The measure applies to road construction and maintenance, construction and grading operations, and quarries and surface mines when the activity occurs in an area where naturally occurring asbestos is likely to be found. Areas are subject to the regulation if they are identified on maps published by the Department of Conservation as ultramafic rock units or if the Air Pollution Control Officer or owner/operator has knowledge of the presence of ultramafic rock, serpentine, or naturally occurring asbestos on the site. The measure also applies if ultramafic rock, serpentine, or asbestos is discovered during any operation or activity. Review of the Department of Conservation maps indicates that no ultramafic rock has been found near or in the City of Pittsburg.

Verified Diesel Emission Control Strategies

The EPA and ARB tiered off-road emission standards only apply to new engines and off-road equipment can last several years. The ARB has developed Verified Diesel Emission Control Strategies (VDECS), which are devices, systems, or strategies used to achieve the highest level of pollution control from existing off-road vehicles, to help reduce emissions from existing engines. VDECS are designed primarily for the reduction of DPM emissions and have been verified by the ARB. There are three levels of VDECS, the most effective of which is the Level 3 VDECS. Tier 4 engines are not required to install VDECS because they already meet the emissions standards for lower tiered equipment with installed controls.

California Diesel Risk Reduction Plan

The ARB Diesel Risk Reduction Plan has led to the adoption of new state regulatory standards for all new on-road, off-road, and stationary diesel-fueled engines and vehicles to reduce DPM emissions in 2020 by about 90 percent overall from year 2000 levels. The projected emission benefits associated

with the full implementation of this plan, including federal measures, are reductions in DPM emissions and associated cancer risks of 75 percent by 2010, and 85 percent by 2020 (ARB 2000).[7]

Tanner Air Toxics Act and Air Toxics Hot Spots Information and Assessment Act

TACs in California are primarily regulated through the *Tanner Air Toxics Act* (Assembly Bill [AB] 1807) and the *Air Toxics Hot Spots Information and Assessment Act of 1987* (AB 2588), also known as the "Hot Spots Act." To date, the ARB has identified more than 21 TACs, and has adopted the EPA list of Hazardous Air Pollutants (HAPs) as TACs.

Carl Moyer Memorial Air Quality Standards Attainment Program

The *Carl Moyer Memorial Air Quality Standards Attainment Program* ("Carl Moyer Program"), a partnership between the ARB and local air districts, issues grants to replace or retrofit older engines and equipment with engines and equipment that exceed current regulatory requirements to reduce air pollution. Money collected through the Carl Moyer Program complements California's regulatory program by providing incentives to effect early or extra emission reductions, especially from emission sources in environmental justice communities and areas disproportionately affected by air pollution. The program has established guidelines and criteria for the funding of emissions reduction projects. Within the SFBAAB, the BAAQMD administers the Carl Moyer Program. The program establishes cost-effectiveness criteria for funding emission reductions projects, which under the final 2017 Carl Moyer Program Guidelines are $30,000 per weighted ton of NO_X, ROG, and PM (ARB 2017).[8]

Regional

BAAQMD CEQA Air Quality Guidelines

The BAAQMD is the primary agency responsible for ensuring that air quality standards (NAAQS and CAAQS) are attained and maintained in the SFBAAB through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The BAAQMD prepares plans to attain ambient air quality standards in the SFBAAB. The BAAQMD prepares ozone attainment plans for the national ozone standard, Clean Air Plans for the California standard, and PM plans to fulfill federal air quality planning requirements. The BAAQMD also inspects stationary sources of air pollution; responds to citizen complaints; monitors ambient air quality and meteorological conditions; and implements programs and regulations required by the *Clean Air Act*, the *Clean Air Act Amendments of 1990*, and the *California Clean Air Act*.

BAAQMD developed quantitative thresholds of significance for its *California Environmental Quality Act (CEQA) Guidelines* in 2010, which were also included in its updated 2011 guidelines (BAAQMD, 2010, 2011). BAAQMD's adoption of the 2010 thresholds of significance was later challenged in court. In an opinion issued on December 17, 2015, related to the BAAQMD *CEQA Guidelines*, the California Supreme Court held that CEQA does not generally require an analysis of the impacts of locating development in areas subject to environmental hazards unless the project would exacerbate

[7] California Air Resources Board (ARB). 2000. Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-fueled Engines and Vehicles. Website: http://www.arb.ca.gov/diesel/documents/rrpfinal.pdf. Accessed September 22, 2017.

[8] California Air Resources Board (ARB). 2017. 2017 Carl Moyer Program Guidelines. Website: https://www.arb.ca.gov/msprog/moyer/guidelines/current.htm. Accessed June 2, 2018.

existing environmental hazards. The California Supreme Court also found that CEQA requires the analysis of exposing people to environmental hazards in limited specific circumstances, including the location of development near airports, schools near sources of toxic contamination, and certain exemptions for infill and workforce housing. The California Supreme Court also held that public agencies remain free to voluntarily conduct this analysis not required by CEQA for their own public projects (*CBIA v. BAAQMD* [2016] 2 Cal. App. 5th 1067, 1083).

In view of the California Supreme Court's opinion, BAAQMD published a new version of its CEQA guidelines in May 2017. BAAQMD's *2017 CEQA Guidelines* state that local agencies may rely on thresholds designed to reflect the impact of locating development near areas of toxic air contamination where such an analysis is required by CEQA or where the agency has determined that such an analysis would assist in making a decision about the project. However, the thresholds are not mandatory and agencies should apply them only after determining that they reflect an appropriate measure of a project's impacts. BAAQMD's guidelines for implementation of the thresholds are for informational purposes only, to assist local agencies.

BAAQMD Particulate Matter Plan

To fulfill federal air quality planning requirements, BAAQMD adopted a $PM_{2.5}$ emissions inventory for year 2010 at a public hearing on November 7, 2012. *The Bay Area Clean Air Plan* also included several measures for reducing PM emissions from stationary sources and wood burning. On January 9, 2013, the EPA issued a final rule determining that the Bay Area has attained the 24-hour $PM_{2.5}$ NAAQS, suspending federal SIP planning requirements for the SFBAAB (EPA 2013).[9] Despite this EPA action, the SFBAAB will continue to be designated as nonattainment for the national 24-hour $PM_{2.5}$ standard until BAAQMD submits a redesignation request and a maintenance plan to the EPA, and the EPA approves the proposed redesignation.

On January 9, 2013, the EPA issued a final rule determining that the Bay Area is attaining the 2006 24-hour $PM_{2.5}$ NAAQS, suspending key SIP requirements as long as monitoring data continues to show that the Bay Area attains the $PM_{2.5}$ standard.[10]

BAAQMD 2017 Bay Area Clean Air Plan

BAAQMD adopted the *Bay Area Clean Air Plan: Spare the Air, Cool the Climate* ("Bay Area Clean Air Plan") on April 19, 2017, to provide a regional strategy to improve Bay Area air quality and meet public health goals (BAAQMD 2017d).[11] The control strategy described in the Bay Area Clean Air Plan includes a wide range of control measures designed to reduce emissions and lower ambient concentrations of harmful pollutants, safeguard public health by reducing exposure to air pollutants that pose the greatest health risk, and reduce GHG emissions to protect the climate.

[9] United States Environmental Protection Agency (EPA). 2013. Federal Register. Determination of Attainment for the San Francisco Bay Area Nonattainment Area for the 2006 Fine Particle Standard; California; Determination Regarding Applicability of Clean Air Act Requirements. Website: https://www.federalregister.gov/documents/2013/01/09/2013-00170/determination-of-attainment-for-the-san-francisco-bay-area-nonattainment-area-for-the-2006-fine. Accessed June 5, 2018.

[10] Bay Area Air Quality Management District (BAAQMD). 2017 Air Monitoring Network Plan. Website: http://www.baaqmd.gov/~/media/files/technical-services/2017_network_plan_20180701-pdf.pdf. Accessed: December 20, 2018.

[11] Bay Area Air Quality Management District (BAAQMD). 2017. Final 2017 Clean Air Plan. Website: http://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en. Accessed April 24, 2018.

The Bay Area Clean Air Plan addresses four categories of pollutants: ground-level ozone and its key precursors, ROG and NO_X; PM, primarily $PM_{2.5}$, and precursors to secondary $PM_{2.5}$; air toxics; and GHGs. The control measures are categorized based on the economic sector framework including stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, and water measures (BAAQMD 2017d).[12]

BAAQMD Regulation 2, Rule 5 (New Source Review Permitting)

BAAQMD regulates backup emergency generators, fire pumps, and other sources of TACs through its "New Source Review" (Regulation 2, Rule 5) permitting process (BAAQMD, 2016a). Although emergency generators are intended to be used only during periods of power outages, monthly testing of each generator is required; however, BAAQMD limits testing to no more than 50 hours per year. Each emergency generator installed is assumed to meet a minimum of Tier 2 emission standards (before control measures). As part of the permitting process, BAAQMD limits the excess cancer risk from any facility to no more than 10 per 1 million population for any permits that are applied for within a 2-year period and would require any source that would result in an excess cancer risk greater than 1 per 1 million to install Best Available Control Technology for Toxics.

BAAQMD Regulation 8, Rule 3 (Architectural Coatings)

This rule governs the VOC content in architectural coatings supplied, sold, offered for sale, applied, solicited for application, or manufactured for use within the BAAQMD jurisdiction. The VOC content of paints, paint solvents and other coatings used during project construction and operation would be limited by this rule.

BAAQMD Regulation 8, Rule 15 (Emulsified and Liquid Asphalts)

The regulation limits the VOC content of asphalt available for sale and use in the region. Therefore, emulsified and liquid asphalts, if used during construction and operations, would comply with this rule.

BAAQMD Regulations Pertaining to Odorous Emissions

BAAQMD is responsible for investigating and controlling odor complaints within the District. The agency enforces odor control by helping the public to document a public nuisance; upon receipt of a complaint, BAAQMD sends an investigator to interview the complainant and to locate the odor source if possible. BAAQMD typically brings a public nuisance court action when there are a substantial number of confirmed odor events within a 24-hour period. An odor source with five or more confirmed complaints per year averaged over 3 years is considered to have a substantial effect on receptors.[13]

Several BAAQMD regulations and rules apply to odorous emissions. Regulation 1, Rule 301 is the nuisance provision that states that sources cannot emit air contaminants that cause nuisance to a

[12] Bay Area Air Quality Management District (BAAQMD). 2017. Final 2017 Clean Air Plan. Website: http://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en. Accessed April 24, 2018.

[13] Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act Air Quality Guidelines. May. Website: http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed February 8, 2019.

considerable number of persons. Regulation 7 specifies limits for the discharge of odorous substances where BAAQMD receives complaints from 10 or more complainants within a 90-day period. Among other things, Regulation 7 precludes discharge of an odorous substance that causes the ambient air at or beyond the property line to be odorous after dilution with four parts of odor-free air, and specifies maximum limits on the emission of certain odorous compounds.

Association of Bay Area Governments and Metropolitan Transportation Commission "Plan Bay Area"

On July 18, 2013, the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) approved *Plan Bay Area*, which includes integrated land use and transportation strategies for the region and was developed through OneBayArea, a joint initiative between ABAG, BAAQMD, MTC, and the San Francisco Bay Conservation and Development Commission (BCDC). The plan's transportation policies focus on maintaining the extensive existing transportation network and utilizing these systems more efficiently to handle density in Bay Area transportation cores (ABAG and MTC 2013). Assumptions for land use development used are taken from local and regional planning documents. Emission forecasts in the previously discussed *Bay Area Clean Air Plan* rely on projections of vehicle miles traveled, population, employment, and land use projections made by local jurisdictions during development of Plan Bay Area.

Local

Pittsburg General Plan

The *City of Pittsburg General Plan* was adopted in November 2001. The *City of Pittsburg General Plan* establishes the following applicable objectives and policies that are relevant to air quality emissions:

Transportation Element

- **Policy 7-G-10:** Study the feasibility of a comprehensive network of on- and off-road bike routes to encourage the use of bikes for commute, recreational and other trips.
- **Policy 7-P-5:** Apply for federal Congestion Mitigation Air Quality grant funding designed to improve air quality through roadway improvement projects.
- **Policy 7-P-31:** Work with Tri-Delta and County Connection to schedule signal timing for arterials with heavy bus traffic, where air quality benefits can be demonstrated.

Resource Conservation Element

- **Policy 9-G-9:** Work toward improving air quality and meeting all Federal and State ambient air quality standards by reducing the generation of air pollutants from stationary and mobile sources.
- **Policy 9-G-10:** Reduce the potential for human discomfort or illness due to local concentrations of toxic contaminants, odors and dust.
- **Policy 9-G-11:** Reduce the number of motor vehicle trips and emissions accounted to Pittsburg residents and encourage land use and transportation strategies that promote use of alternatives to the automobile for transportation, including bicycling, bus transit, and carpooling.
- **Policy 9-P-29:** Cooperate with the Bay Area Air Quality Management District to achieve emissions reductions for ozone and its precursor, PM_{10}.

- **Policy 9-P-30:** Cooperate with Bay Area Air Quality Management District to ensure compliance with dust abatement measures during construction.
  These measures would reduce particulate emissions from construction and grading activities.
- **Policy 9-P-32:** Minimize emissions and air pollution from City operations by using alternative-fuel vehicles, as feasible.
- **Policy 9-P-33:** Encourage new residential development and remodeled existing homes to install clean-burning fireplaces and wood stoves.
- **Policy 9-P-43:** During redevelopment and rehabilitation of older residential units, ensure that the development process complies with the lead testing requirements established by Bay Area Air Quality Management District, Contra Costa County Environmental Health District, and Housing and Urban Development.

3.1.4 - Impacts and Mitigation Measures

Significance Criteria

The updated CEQA Guidelines were adopted on December 28, 2018. As further explained in Section 1 of this Draft Supplemental EIR, CEQA includes a presumption against requiring any further environmental review once an EIR has been prepared and certified for a project, and does not generally require an analysis of revisions made to laws or regulations after certification of the EIR. Furthermore, this Draft Supplemental EIR meets the content requirements for purposes of CEQA in effect when it was set out for public review. Nevertheless, for purposes of a conservative analysis, the City of Pittsburg recognizes that the California Code of Regulations[14] were recently amended. Therefore, in the City's discretion as the lead agency, in an abundance of caution and to ensure full disclosure, this Draft Supplemental EIR includes consideration of potential air quality impacts utilizing the 2019 CEQA Guidelines Appendix G.

According to the 2019 *CEQA Guidelines* Appendix G, the following questions are analyzed and evaluated to determine whether impacts related to air quality are significant environmental effects. Would the proposed 2018 Project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

b) 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?

c) Expose sensitive receptors to substantial pollutant concentrations?

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

[14] Pursuant to CEQA Guidelines Section 15007(a), the Guidelines have recently been amended. Subpart (c) of Section 15007 provides: "If a document meets the content requirements in effect when the document is set out for public review, the document shall not need to be revised to conform to any new content requirements in guideline amendments taking effect before the document is finally approved." Pursuant to subpart (b) of Section 15007, "Amendments to the guidelines apply prospectively only. New requirements in amendments will apply to steps in the CEQA process not yet undertaken by the date when agencies must comply with the amendments." Pursuant to subpart (d) of Section 15007, public agencies must comply with guideline amendments beginning with the earlier of the following two dates: the effective date of the agency's procedures to conform to the new guideline amendments, or 120 days after the amended guidelines become effective.

Approach to Analysis

Addressing the CEQA Guidelines questions generally requires the estimation of air emissions from the construction and operation of a project. Emissions are estimated using emission factors and activity levels. Emission factors represent the emission rate of a pollutant over a given time or activity; for example, grams of NO_X per vehicle mile traveled (VMT) or grams of NO_X per horsepower hour of equipment operation. The ARB has published emission factors for on-road mobile vehicles/trucks in the EMFAC mobile source emissions model and emission factors for off-road equipment and vehicles in the OFFROAD emissions model. Activity levels are a measure of how active a piece of equipment is and can be represented as the amount of material processed, elapsed time that a piece of equipment is in operation, horsepower of a piece of equipment used, or VMT per day. An air emissions model combines the emission factors and the various levels of activity and outputs the emissions for the various pieces of equipment and land uses.

For purposes of this Draft Supplemental EIR, the California Emissions Estimator Model (CalEEMod) version 2016.3.2 was developed in collaboration with the South Coast Air Quality Management District and other air districts throughout the State as the preferred methodology for estimation emissions. The CalEEMod model is designed as a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant emissions associated with construction and operation from a variety of land uses.

The modeling analysis that follows employs the BAAQMD guidance where applicable from its *CEQA Air Quality Guidelines*. The models used in this analysis are summarized as follows:

- Construction criteria pollutant and precursor emissions: CalEEMod, version 2016.3.2
- Operational criteria pollutant and precursor emissions: CalEEMod, version 2016.3.2
- Construction TAC emission air dispersion assessment: EPA AERMOD dispersion model, version 18081

The following criteria air pollutants and precursors are assessed in this analysis:

- Reactive organic gases (ROG)
- Nitrogen oxides (NO_X)
- Carbon monoxide (CO)
- Particulate matter less than 10 microns in diameter (PM_{10})
- Particulate matter less than 2.5 microns in diameter ($PM_{2.5}$)

Note that the 2018 Project would emit ozone precursors ROG and NO_X during construction and operation. However, the 2018 Project would not directly emit ozone, since it is formed in the atmosphere during the photochemical reactions of the ozone precursors.

In evaluating whether changes to the 2018 Project (and/or changes in the circumstances surrounding the 2018 Project) as currently proposed would result in new significant environmental air quality impacts or an increase in severity of previously identified significant air quality impacts,

this Draft Supplemental EIR considers the incremental difference between the previously approved project as evaluated in the 2004 Final EIR and the proposed 2018 Project.

Therefore, the criteria pollutant emissions for the 2018 Project were compared to the estimates in the 2004 Final EIR to evaluate the net change in emissions. However, the 2004 Final EIR did not provide quantitative estimates for all impacts, including construction-related emissions and health risks. In the event that the 2004 Final EIR did not include quantitative estimates, this Draft Supplemental EIR evaluates the total increase in emissions associated with the 2018 Project.

Construction-related Criteria Pollutants

Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation, and prevailing weather conditions. Construction emissions result from both on-site and off-site activities. On-site emissions consist of exhaust emissions from the activity levels of heavy-duty construction equipment, motor vehicle operation, and fugitive dust (mainly PM_{10}) from disturbed soil. Additionally, paving operations and application of architectural coatings would release ROG emissions. Off-site emissions result from motor vehicle exhaust from delivery vehicles, worker traffic and road dust (PM_{10} and $PM_{2.5}$).

Schedule

The 2018 Project involves construction of single-family housing (along with 10 accessory dwelling units), as well as potential future commercial uses that may include retail, restaurants, and a grocery store,[15] coupled with related on- and off-site improvements, as described more fully in Section 2.0 (Project Description). Accordingly, in addition to the residential portion of the 2018 Project, the analysis conservatively analyzed the future buildout of the 12-acre commercial portion of the 2018 Project with up to 140,000 square feet of commercial space, as well as parking areas. Construction assumptions are consistent with reasonably obtainable information available when environmental review commenced. Construction was assumed to take place five days per week and 8 hours per day commencing in June 2019 and end in December 2021, for a total duration of 31 months. Construction activities would include site preparation, grading, building construction, paving, and architectural coating. CalEEMod defaults were used for the construction equipment for each construction activity. The full construction schedule is shown in Table 3.1-7.

Table 3.1-7: Construction Schedule

Construction Activity	Assumed Construction Schedule		Working Days
	Start Date	End Date	
Site Preparation	06/01/2019	07/12/2019	30
Grading	07/13/2019	10/25/2019	75
Building Construction	10/26/2019	03/26/2021	370
Paving	10/15/2021	12/30/2021	55

[15] To the extent these commercial uses would require additional land use entitlements, these would be considered by the City during a separate approval process. However, to ensure reasonable, good faith disclosure of all potential impacts relating to the 2018 Project, impacts relating to the potential future commercial component have been described and analyzed herein as required under CEQA.

Table 3.1-7 (cont.): Construction Schedule

Construction Activity	Assumed Construction Schedule		Working Days
	Start Date	End Date	
Architectural Coating	07/11/2020	12/30/2021	384

Source: FirstCarbon Solutions and CalEEMod, based on Project-specific information available when environmental review commenced.

Equipment Tiers and Emission Factors

Equipment tiers refer to a generation of emission standards established by the EPA and ARB that apply to diesel engines in off-road equipment. The "tier" of an engine depends on the model year and horsepower rating; generally, the newer a piece of equipment is, the greater the tier it is likely to have. Excluding engines greater than 750 horsepower, Tier 1 engines were manufactured generally between 1996 and 2003. Tier 2 engines were manufactured between 2001 and 2007. Tier 3 engines were manufactured between 2006 and 2011. Tier 4 engines are the newest, may incorporate hybrid electric technology, and were manufactured after 2007.

Construction emissions are generally calculated as the product of an activity factor and an emission factor. The activity factor for construction equipment is a measure of how active a piece of equipment is and can be represented as the amount of material processed, elapsed time that a piece of equipment is in operation, horsepower of a piece of equipment used, or the amount of fuel consumed in a given amount of time. The emission factor relates the process activity to the amount of pollutant emitted. Examples of emission factors include grams of emissions per miles traveled and grams of emissions per horsepower-hour. The operation of a piece of equipment is tempered by its load factor which is the average power of a given piece of equipment while in operation compared with its maximum rated horsepower. A load factor of 1.0 indicates that a piece of equipment continually operates at its maximum operating capacity. This analysis uses the CalEEMod default load factors for off-road equipment.

On-site Off-road Equipment

The CalEEMod contains built-in inventories of construction equipment for a variety of land use construction projects that incorporate estimates of the number of equipment, their age, their horsepower, and emission control equipment tier mix from which rates of emissions are developed. These inventories were developed based on construction surveys for several land use projects. Table 3.1-8 presents the construction equipment assumed to be used to construct the 2018 Project as derived from CalEEMod. The CalEEMod default emission control equipment tier mix was used in this analysis for the estimation of unmitigated emissions from on-site construction equipment.

Table 3.1-8: Project Construction Equipment Assumptions

Phase Name	Equipment	Number	Hours per Day	Horsepower	Load Factor
Site Preparation	Rubber Tired Dozers	3	8	247	0.40
	Tractors/Loaders/Backhoes	4	8	97	0.37
Grading	Excavators	2	8	158	0.38
	Graders	1	8	187	0.41
	Rubber Tired Dozers	1	8	247	0.40
	Scrapers	2	8	367	0.48
	Tractors/Loaders/Backhoes	2	8	97	0.37
Building Construction	Cranes	1	7	231	0.29
	Forklifts	3	8	89	0.20
	Generator Sets	1	8	84	0.74
	Tractors/Loaders/Backhoes	3	7	97	0.37
	Welders	1	8	46	0.45
	Pavers	2	8	132	0.42
	Paving Equipment	2	8	80	0.36
	Rollers	2	8	80	0.38
	Tractors/Loaders/Backhoes	1	8	97	0.37
Architectural Coating	Air Compressors	1	6	78	0.48
Source: CalEEMod and FirstCarbon Solutions, see Appendix C.					

Demolition, Site Preparation, and Grading

The project site is currently vacant and would not involve the demolition of any structures. Consistent with the 2004 Final EIR, the 2018 Project assumes that excavation and grading could occur on the project site. During grading activities, fugitive dust can be generated from the movement of dirt on the project site. CalEEMod estimates dust from dozers moving dirt around, dust from graders or scrapers leveling the land, and loading or unloading dirt into haul trucks. Each activity is calculated differently in CalEEMod, based on the number of acres traversed by the grading equipment.

Only some pieces of equipment are assumed to generate fugitive dust in CalEEMod. The CalEEMod model manual identifies various equipment and the acreage disturbed in an 8-hour day for each piece of equipment:

- Crawler tractors, graders, and rubber tired dozers: 0.5 acre per 8-hour day
- Scrapers: 1 acre per 8-hour day

Grading is expected to require the import of approximately 6,400 cubic yards of soil based on applicant-provided estimates. The haul trucks required to import this amount of soil were incorporated into the emission calculation.

Off-site On-road Vehicle Trips

The CalEEMod model defaults were used for vendor trips, trip length, and vehicle fleet (all heavy-heavy duty trucks). The CalEEMod model run used the default worker trip length of 10.8 miles, vendor trip length of 7.3, and the hauling trip length of 20 miles. A summary of the construction-related trips is shown in Table 3.1-9.

Table 3.1-9: Construction Off-site Trips

Activity	Construction Trips per Day		Total Construction Trips
	Worker	Vendor	Haul
Site Preparation	18	0	0
Grading	20	0	800
Building Construction	507	192	0
Paving	15	0	0
Architectural Coating	101	0	0
Source: FirstCarbon Solutions and CalEEMod, see Appendix C.			

Off-Gassing Materials

Asphalt paving and architectural coating materials used during construction would generate off-gas emissions of ROGs. The data collection process determined the acres of asphalt paving required, which CalEEMod uses to determine associated ROG emissions. CalEEMod contains assumptions for application of architectural coatings that are based on the land use type and square footage of the buildings to be constructed and were used to quantify emissions.

Operation-related Criteria Pollutants

As a conservative estimate, operational emissions were analyzed assuming full-buildout of the 2018 Project in 2021. The analysis assumes operation of the entire project at the earliest possible dates. If construction and operation of any project components were delayed to later years, operational emissions would decrease due to improvements in technology, fleet turnover, and more stringent regulatory requirements.

On-road Motor Vehicles

Motor vehicle emissions refer to exhaust and road dust emissions from the automobiles that would travel to and from the project site. The mobile source emissions from the 2018 Project depend on a number of factors including the number of trips a project would generate each day among other factors including trip distances and types of trips, and vehicle class (cars vs. trucks). The average daily trip generation rates for project operations were obtained from the project-specific traffic analysis performed consistent with Institute of Transportation Engineers (ITE) Manual, 10th Edition.

The CalEEMod trip purposes (e.g., primary, pass-by) and default round trip lengths for an urban setting for the San Francisco Air Basin portion of Contra Costa County were used in this analysis. Emission factors are assigned to the expected vehicle mix as a function of vehicle class, speed, and fuel use (gasoline and diesel-powered vehicles). The CalEEMod default vehicle fleet mix for Contra Costa County was used for this analysis.

Architectural Coatings

Paints release VOC/ROG emissions during application and drying. Given the nature of the proposed development, it is reasonable to assume that the buildings in the 2018 Project would be repainted on occasion. Based on CalEEMod defaults, it is assumed that the buildings would be recoated once every 10 years. While not directly applicable given the nature of the 2018 Project, compliance with BAAQMD Regulation 8, Rule 3, "Architectural Coatings—can be assumed to have occurred in connection with the architectural coatings that would be used." This rule governs the manufacture, distribution, and sale of architectural coatings and limits the VOC content in paints and paint solvents, and the 2018 Project would be required to utilize paints and paint solvents that adhere to this rule.

Consumer Products

Consumer products are various solvents used in non-industrial applications, which emit VOCs during their product use. "Consumer Product" means a chemically formulated product used by household and institutional consumers, including but not limited to: detergents; cleaning compounds; polishes; floor finishes; cosmetics; personal care products; home, lawn, and garden products; disinfectants; sanitizers; aerosol paints; and automotive specialty products. It does not include other paint products, furniture coatings, or architectural coatings.[16] The default emission factor for Consumer Products developed for CalEEMod was used.

Landscape Equipment

CalEEMod was used to estimate the landscaping equipment emissions using the default assumptions in the model.

Electricity

Electricity used by the 2018 Project (for lighting, etc.) would result in emissions from the power plants that would generate electricity distributed on the electrical power grid. Off-site electricity emissions estimates are used only for the analysis of GHG emissions. The 2019 Building Energy Efficiency Standards will go into effect on January 1, 2020 for building permit applications submitted on or after that date. For any residential permits submitted after that date, the 2018 Project would be required to include the installation of solar panels on residential units, consistent with the applicable 2019 Building Energy Efficiency Standards.

[16] California Air Resources Board (ARB). 2011. Regulation for Reducing Emissions from Consumer Products. Website: www.arb.ca.gov /consprod/regs/fro%20consumer%20products%20regulation.pdf. Accessed May 1, 2017.

Natural Gas

The 2018 Project would generate emissions from the combustion of natural gas for water heaters, heat, etc. CalEEMod has two categories for natural gas consumption: Title 24 and non-Title 24. Title 24 uses are defined as the major building envelope systems covered by the California Building Code Title 24 Part 6, such as space heating, space cooling, water heating, and ventilation. CalEEMod defaults were used in determining emissions in this category.

Toxic Air Contaminants

As explained above, TACs are air pollutants in miniscule amounts that, if a person is exposed to them, could increase the chances of experiencing health problems. Exposures to TAC emissions can have both chronic long-term (over a year or longer) and acute short-term (over a period of hours) health impacts. Construction-period TAC emissions could contribute to increased health risks to nearby residents or other sensitive receptors.

An assessment was made of the potential health impacts to surrounding sensitive receptors resulting from TAC emissions during project constructions. $PM_{2.5}$ health impacts are important; because their relatively small size, this particulate matter can be deposited deeply in the lungs causing respiratory effects. Compelling evidence suggests that $PM_{2.5}$ is by far the most harmful air pollutant in the SFBAAB in terms of the associated impact on public health. For purposes of this analysis, exhaust emissions of DPM, are represented as exhaust emissions of $PM_{2.5}$ consistent with BAAQMD recommendations. Although DPM is emitted by diesel-fueled, internal combustion engines, the composition of the emissions varies, depending on engine type, operating conditions, fuel composition, lubricating oil, and whether an emission control system is present.

In addition, due to the proposed locations of new residential sensitive receptors that would occur with implementation of the 2018 Project, an assessment was also made of the potential health impacts to the 2018 Project's future residents by quantifying the cumulative health impacts from existing sources of TAC emissions within a 1,000-foot zone of influence from the project site. CEQA does not require this analysis (since it focuses on the existing environment's impact on the project rather than the project's impact on the environment); however, it is being included herein for informational purposes only.

Odors

The initial study published as part of the Notice of Preparation for this Draft SEIR concluded that potential impacts related to odors would be less than significant and no further analysis would be required.

Specific Thresholds of Significance

As discussed above, BAAQMD adopted thresholds of significance to assist lead agencies in the review of projects under CEQA in June 2010. The BAAQMD thresholds used in this Draft Supplemental EIR are more stringent than those recommended by BAAQMD for the 2004 Final EIR. Therefore, this represents a conservative approach to the analysis.

Consistency with Air Quality Plan

The applicable air quality plan is BAAQMD's *2017 Bay Area Clean Air Plan*, which identifies measures to:

- Reduce emissions and reduce ambient concentrations of air pollutants; and
- Safeguard public health by reducing exposure to the air pollutants that pose the greatest health risk, with an emphasis on protecting the communities most heavily affected by air pollution.

The 2018 Project would be consistent with the *Bay Area Clean Air Plan* if it would support the plan's goals, include applicable control measures from the *Bay Area Clean Air Plan*, and would not disrupt or hinder implementation of any control measures from the plan. Consistency with this plan is the basis for determining whether the 2018 Project would conflict with or obstruct implementation of an applicable air quality plan.

Ambient Air Quality (Criteria Pollutants)

Where available, the significance thresholds established by the applicable air quality management or air pollution control district may be relied upon to make the significance determinations. While the final determination of whether or not a project is significant is within the purview of the lead agency pursuant to CEQA Guidelines Section 15064(b), BAAQMD recommends that its quantitative and qualitative air pollution thresholds be used to determine the significance of project-related emissions.

In June 2010, BAAQMD adopted thresholds of significance to assist lead agencies in the review of projects under CEQA. These thresholds (see Table 3.1-10) were designed to establish the level at which BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA and included in BAAQMD's current *CEQA Guidelines* (updated May 2017).[17]

Table 3.1-10: BAAQMD Thresholds of Significance

Pollutant	Construction Thresholds Average Daily Emissions	Operational Thresholds	
		Average Daily Emissions	Annual Average Emissions
Criteria Air Pollutants			
ROG	54 pounds/day	54 pounds/day	10 tons/year
NO_X	54 pounds/day	54 pounds/day	10 tons/year
PM_{10}	82 pounds/day	82 pounds/day	15 tons/year
$PM_{2.5}$	54 pounds/day	54 pounds/day	10 tons/year
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	

[17] Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act Air Quality Guidelines. May. Website: http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed September 22, 2018.

Table 3.1-10 (cont.): BAAQMD Thresholds of Significance

Pollutant	Construction Thresholds Average Daily Emissions	Operational Thresholds	
		Average Daily Emissions	Annual Average Emissions
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources			
Excess Cancer Risk	10 per one million	10 per one million	
Chronic or Acute Hazard Index	1.0	1.0	
Incremental annual average $PM_{2.5}$	0.3 µg/m^3	0.3 µg/m^3	
Health Risks and Hazards for Sensitive Receptors (Cumulative from All Sources within 1,000-Foot Zone of Influence) and Cumulative Thresholds for New Sources			
Excess Cancer Risk	100 per 1 million		
Chronic Hazard Index	10.0		
Annual Average $PM_{2.5}$	0.8 µg/m^3		

Notes:
ROG = reactive organic gases
NO_X = nitrogen oxides
PM_{10} = course particulate matter or particulates with an aerodynamic diameter of 10 µm or less
$PM_{2.5}$ = fine particulate matter or particulates with an aerodynamic diameter of 2.5 µm or less
Source: Bay Area Air Quality Management District (BAAQMD). 2017. CEQA Air Quality Guidelines. May. Website: http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may 2017-pdf.pdf?la=en. Accessed September 22, 2018.

In its discretion and based on substantial evidence in the record, the City has decided to utilize the BAAQMD thresholds for purposes of evaluating air quality impacts in this Draft SEIR.

Health Risk (Toxic Air Contaminants)

The air quality-related health risk significance thresholds utilized for this assessment were derived from the BAAQMD significance thresholds as project-specific thresholds, as the City has determined, in its discretion, these thresholds are appropriate for purposes of evaluating air quality impacts in this Draft SEIR. These thresholds are:

- Cancer Risk: 10 in one million
- Non-cancer Hazard Index: 1.0
- Annual $PM_{2.5}$: 0.3 µg/m^3

Impact Evaluation

Consistency with Air Quality Management Plan

Impact AIR-1: The 2018 Project would not conflict with or obstruct implementation of the applicable air quality plan.

Summary of 2004 Final EIR

When the 2004 Final EIR was approved, the Bay Area was a designated nonattainment area for State and national ozone ambient air quality standards and as a nonattainment area for the State standards for PM_{10}. The applicable plan at the time of the 2004 Final EIR was the 1997 Clean Air Plan. No State PM_{10} plan was prepared or required.

As explained in the 2004 Final EIR, projects that are consistent with the assumptions used in development of the 1997 Clean Air Plan are considered to not be in conflict with or otherwise obstruct the attainment of air quality levels identified in the relevant plan. Assumptions for emission estimates are based on population, employment, and land use projections taken from local and regional planning documents. As discussed in the 2004 Final EIR, the contemplated development of up to 563 housing units and 257,500 square feet of commercial building space was generally consistent with the 2001 City of Pittsburg General Plan land use designations and maximum development capacities. As a result, the City concluded that impacts would be less than significant.

Proposed 2018 Project Analysis and Conclusion

As explained in more detail above, the SFBAAB is designated as a nonattainment area for State standards for 1-hour and 8-hour ozone, 24-hour PM_{10}, annual PM_{10}, and annual $PM_{2.5}$.[18] To address regional air quality standards, BAAQMD has adopted several air quality policies and plans, and in April 2017, BAAQMD adopted their *2017 Clean Air Plan*,[19] which serves as the regional air quality plan (AQP) for the Air Basin for attaining federal ambient air quality standards. The *2017 Clean Air Plan* updates BAAQMD's *2010 Clean Air Plan*, pursuant to air quality planning requirements defined in the California Health & Safety Code. The primary goals of the *2017 Clean Air Plan* are to protect public health and protect the climate. The *2017 Clean Air Plan* acknowledges that BAAQMD's two stated goals of protection are closely related. As such, the *2017 Clean Air Plan* identifies a wide range of control measures intended to decrease both criteria pollutants[20] and GHGs[21].

The *2017 Clean Air Plan* also accounts for projections of population growth provided by ABAG and vehicle miles traveled (VMTs) provided by the MTC, and identifies strategies to bring regional

[18] Bay Area Air Quality Management District (BAAQMD). 2017. Air Quality Standards and Attainment Status. January. Website: http://www.baaqmd.gov/research-and-data/air-quality-standards-and-attainment-status. Accessed May 22, 2017.

[19] Bay Area Air Quality Management District (BAAQMD). 2017. Final 2017 Clean Air Plan. Website: http://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en. Accessed May 24, 2017.

[20] The EPA has established national ambient air quality standards (NAAQS) for six of the most common air pollutants—carbon monoxide, lead, ground-level ozone, particulate matter, nitrogen dioxide, and sulfur dioxide—known as "criteria" air pollutants (or simply "criteria pollutants").

[21] A greenhouse gas (GHG) is any gaseous compound in the atmosphere that is capable of absorbing infrared radiation, thereby trapping and holding heat in the atmosphere. By increasing the heat in the atmosphere, greenhouse gases are responsible for the greenhouse effect, which ultimately leads to global warming.

emissions into compliance with federal and State air quality standards. A project would be judged to conflict with or obstruct implementation of the *2017 Clean Air Plan* if it would result in substantial new regional emissions not foreseen in the air quality planning process.

BAAQMD does not provide a numerical threshold of significance for a project-level consistency analysis. Instead, BAAQMD recommends that the following criteria be used for determining a project's consistency with the Clean Air Plan.

- **Criterion 1:** Does the project support the primary goals of the *2017 Clean Air Plan*?
- **Criterion 2:** Does the project include applicable control measures from the *2017 Clean Air Plan*?
- **Criterion 3:** Does the project disrupt or hinder implementation of any *2017 Clean Air Plan* control measures?

Criterion 1

The primary goals of the *2017 Clean Air Plan* are to:

- Attain air quality standards;
- Reduce population exposure to unhealthy air and protecting public health in the Bay Area; and
- Reduce GHG emissions and protect the climate.

As discussed under Impact AIR-2, the 2018 Project would not create a violation of State or federal air quality standards during construction or operation. The proposed 2018 Project is, therefore, consistent with Criterion 1.

Criterion 2

The *2017 Clean Air Plan* contains 85 control measures aimed at reducing air pollutants at the local, regional, and global levels. Along with the traditional stationary, area, mobile source, and transportation control measures, the *2017 Clean Air Plan* contains a number of control measures designed to protect the climate and promote mixed use, compact development to reduce vehicle emissions and human exposure to pollutants from stationary and mobile sources.[22] The *2017 Clean Air Plan* also includes an account of the implementation status of control measures identified in the *2010 Clean Air Plan*.

Given the nature of the 2018 Project, none of the stationary source control measures contained in the *2017 Clean Air Plan* are directly applicable; moreover the 2018 Project would be required to comply with any applicable rules and regulations adopted at the time of project construction and operations (e.g., Regulation 8, Rule 9). In addition, none of the mobile source measures or land use and local impact measures contained in the *2017 Clean Air Plan* directly apply to the 2018 Project because they would be implemented by federal, state or local jurisdictions. However, the 2018 Project supports implementation of a number of these measures through, among others, the

[22] Bay Area Air Quality Management District (BAAQMD) 2017. Final 2017 Clean Air Plan. Website: http://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en. Accessed May 24, 2017.

location of the 2018 Project near public transit, the inclusion of sidewalks and other pedestrian/bicycle facilities, sufficient vehicular circulation within the project site, and efficient connection to existing roadways. Relative to the Energy and Climate measures contained in the *2017 Clean Air Plan*, the 2018 Project would be required to be consistent with all applicable measures, including:

- **Energy Efficiency:** The 2018 Project would be required to conform to the applicable energy efficiency requirements of the California Building Standards Code, also known as Title 24, as applied to residential land uses; at such time as the commercial component is constructed, it would also be subject to applicable then-current Title 24 requirements. Specifically, the 2018 Project must implement the requirements of the most recent Building Energy Efficiency Standards.
- **Renewable Energy.** Marin Clean Energy (MCE) would provide electricity service to the project site; however, the electricity is transmitted by Pacific Gas and Electric Company (PG&E). For the purposes of this analysis, PG&E is expected to provide natural gas service to the project site, and emission factors from PG&E are utilized. PG&E facilities include renewable, nuclear, natural gas, hydroelectric, and renewable facilities. PG&E's 2017 power mix consisted of nuclear generation (27.0 percent), large hydroelectric facilities (18.0 percent) and renewable resources (33.0 percent), such as wind, geothermal, biomass, and small hydro. The remaining portion came from natural gas (27.0 percent), and unspecified sources (21.0 percent).
- **Urban Heat Island Mitigation and Shade Tree Planting.** The 2018 Project would incorporate landscaping, including shade trees, throughout the developed portion of the project site. In addition, appropriate architectural and landscape treatment controls consistent with project approvals would be exercised to preserve the hillsides in their natural state.

The 2018 Project would not conflict with applicable measures under the *2017 Clean Air Plan* and is, therefore, consistent with Criterion 2.

Criterion 3

As discussed above with regard to Criterion 2, the 2018 Project would further the implementation of a number of control measures in the *2017 Clean Air Plan* and for those reasons, the 2018 Project characteristics would not create an impediment or disruption to implementation of any *2017 Clean Air Plan* control measures. The 2018 Project is, therefore, consistent with Criterion 3.

Overall Conclusion

Since the 2004 Final EIR, BAAQMD has adopted the 2017 Clean Air Plan: Spare the Air, Cool the Climate. The 2017 Clean Air Plan incorporates the level of development assumed in the 2001 City of Pittsburg General Plan, which is consistent with the level contemplated by the proposed 2018 Project. In fact, since the proposed 2018 Project contemplates the development of 346 housing units and 10 accessory dwelling units compared to 563 housing units under the 2004 Final EIR, the proposed 2018 Project would result in a decrease in development intensity compared to the 2004 Final EIR. Also, the proposed 2018 Project would result in a decrease in the total commercial floor

area from 257,000 square feet to approximately 140,000 square feet. Similar to the 2004 Final EIR, the proposed 2018 Project would result in a less than significant impact.

In reviewing the 2018 Project, which is consistent with but smaller than the original Vista Del Mar Project evaluated in the 2004 Final EIR, and utilizing the updated 2017 Clean Air Plan, this less than significant impact conclusion remains the same. Overall, the 2018 Project would be consistent with the three criteria for evaluating consistency with the *2017 Clean Air Plan*. Therefore, the 2018 Project would not conflict with or obstruct implementation of the applicable air quality plan. The 2018 Project's impacts would be less than significant, similar to the conclusions in the 2004 Final EIR, and therefore no mitigation would be necessary. The 2018 Project would not result in new significant environmental impacts or create more severe significant environmental impacts than those analyzed in the 2004 Final EIR.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

Less than significant impact.

Potential for Air Quality Standard Violation

Impact AIR-2:	**The 2018 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.**

Summary of 2004 Final EIR

The 2004 Final EIR did not include a quantitative evaluation of construction-related exhaust emissions. As stated in the 2004 Final EIR, the project construction could result in elevated levels of particulate matter downwind of the construction activity, creating a possible nuisance at nearby properties. The 2004 Final EIR found that this could represent a potentially significant impact. Although construction activities would also result in other pollutant emissions, such as ROG and NO_X emissions, those emissions were not expected to impede attainment or maintenance of the CO or ozone standards.

The 2004 Final EIR determined that long-term operational emissions from the Vista Del Mar development could violate an ambient air quality standard or contribute substantially to an existing violation (Impact 15-2). Using the current model at the time of the analysis (ARB Urban Emissions Model [URBEMIS] 2002), the 2004 Final EIR found that the Vista Del Mar development would generate 119 pounds per day of ROG emissions, 121 pounds per day of NO_X emissions, and 113 pounds per day of PM_{10} emissions. Those emissions exceeded the recommended threshold of 80 pounds per day. This would result in potentially significant impacts. The 2004 Final EIR Mitigation Measure 15-2 required the proposed on-site commercial components to implement strategies to reduce traditional vehicle

usage. However, even with implementation of 2004 Final EIR Mitigation Measure 15-2, the City concluded that impacts would be significant and unavoidable.

According to the 2004 Final EIR, BAAQMD guidance provides that projects that would individually have a significant regional air quality impact would also be considered to have a significant cumulative regional air quality impact. The development evaluated in the 2004 Final EIR exceeded the thresholds of significance, and therefore, the City concluded that there would be a significant and unavoidable impact.

Proposed 2018 Project Analysis and Conclusion

This analysis considers construction and operation period impacts separately, as described below.

Construction

Construction activities associated with the development contemplated by the 2018 Project would include site preparation, grading, paving, building construction, and painting. Construction activities would also temporarily create criteria pollutant emissions from equipment exhaust and other activities. Substantial air pollutant emissions would also include fugitive dust generated from site preparation and grading.

The 2018 Project is anticipated to begin in June of 2019 and last approximately 31 months. As discussed in the Project Description (Section 2.0), it is not clear when the commercial component will be constructed. However, the construction schedule used in the analysis (which assumes full buildout of all project components in 31 months) represents a reasonable "worst-case" analysis scenario since emission factors for construction equipment decrease as the analysis year increases, due to improvements in technology, equipment turnover, and more stringent regulatory requirements for new equipment. Therefore, construction emissions would decrease if the construction schedule moves to later years. The construction emissions modeling parameters and assumptions are provided in Appendix C. Table 3.1-11 summarizes the unmitigated annual and average daily emissions rates for construction of the 2018 Project.

Table 3.1-11: 2018 Project Construction Annual and Daily Average Emissions—Unmitigated

Construction Activity	Annual Emissions (tons/year)			
	ROG	NO_X	PM_{10} (exhaust)	$PM_{2.5}$ (exhaust)
Site Preparation—2019	0.07	0.68	0.04	0.03
Grading—2019	0.18	2.17	0.09	0.08
Building Construction—2019	0.12	1.10	0.04	0.02
Building Construction—2020	0.60	5.56	0.16	0.15
Building Construction—2021	0.13	1.17	0.03	0.03
Paving—2021	0.05	0.36	0.02	0.02
Architectural Coating—2020	1.70	0.12	<0.01	<0.01

Table 3.1-11 (cont.): 2018 Project Construction Annual and Daily Average Emissions—Unmitigated

Construction Activity	Annual Emissions (tons/year)			
	ROG	NO_X	PM_{10} (exhaust)	$PM_{2.5}$ (exhaust)
Architectural Coating—2021	3.36	0.21	0.01	0.01
Total Project Construction Emissions (tons)	*6.21*	*11.38*	*0.40*	*0.37*
Total Project Construction Emissions (lbs)	*12,420*	*22,750*	*800*	*740*
Average Daily Emissions (lbs/day)[1]	**18.4**	**33.7**	**1.2**	**1.1**
BAAQMD Average Daily Construction Emission Thresholds (lbs/day)	**54**	**54**	**82**	**54**
Exceeds thresholds?	***No***	***No***	***No***	***No***

Notes:
[1] The average daily construction emissions were estimated based on the total annual emissions divided by the number of working days (675 working days).
ROG = reactive organic gases; NO_X = oxides of nitrogen
PM_{10} = particulate matter 10 microns in diameter
$PM_{2.5}$ = particulate matter 2.5 microns in diameter
Totals may not appear to add exactly due to rounding.
Source: Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines 2017; CalEEMod Output (Appendix C).

As mentioned above, the 2004 Final EIR did not provide a quantitative estimate of construction emissions, but concluded that ROG, NO_X and CO emissions would not result in a significant impact. The 2018 Project is similar to the proposal studied in the 2004 Final EIR but smaller in size. Furthermore, updated air quality standards have been used to ensure a conservative analysis.

As shown in Table 3.1-11, the 2018 Project's maximum daily construction emissions would not exceed BAAQMD's recommended thresholds of significance.

Considering that the 2018 Project's short-term construction emissions would not exceed any significance thresholds, the 2018 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. This construction impact would be less than significant.

Operation

After construction of the 2018 Project is complete, operational emissions were assumed to begin in the year 2021. The trip generation rates for proposed and existing land uses are from the project-specific transportation impact study (found in Appendix F). As noted above, for purposes of a conservative analysis, the year 2021 was used as the operational year for the 2018 Project. All assumptions and parameters are detailed in Appendix C. Table 3.1-12 shows the unmitigated annual operational-related emissions for the 2018 Project. The average daily operational-related emissions for the 2018 Project are shown in Table 3.1-13.

Table 3.1-12: 2018 Project Operation Annual Emissions (Unmitigated)

Emission Source	Annual Emissions (tons/year)			
	ROG	NO_X	PM_{10}	$PM_{2.5}$
Area	3.43	0.07	0.02	0.02
Energy	0.06	0.52	0.04	0.04
Mobile	2.06	8.85	5.57	1.53
Total Project Operational Emissions	*5.56*	*9.43*	*5.63*	*1.59*
BAAQMD Maximum Annual Emission Threshold	**10**	**10**	**15**	**10**
Exceeds thresholds?	***No***	***No***	***No***	***No***

Notes:
ROG = reactive organic gases
NO_X = oxides of nitrogen
PM_{10} = particulate matter 10 microns in diameter
$PM_{2.5}$ = particulate matter 2.5 microns in diameter
Source of emissions: CalEEMod Output (Appendix CC).

Table 3.1-13: 2018 Project Operation Average Daily Emissions (Unmitigated)

Parameters	Average Daily Emissions (pounds/day)			
	ROG	NO_X	PM_{10}	$PM_{2.5}$
Annual Emissions[1] (tons/year)	5.56	9.43	5.63	1.59
Annual Emissions[2] (lbs/year)	11,120	18,860	11,260	3,180
Average Daily Emissions[3] (lbs/day)	**30.5**	**51.7**	**30.8**	**8.7**
2004 Final EIR Project	119	121	113	—
Net Change	**(89.5)**	**(69.3)**	**(82.2)**	—
BAAQMD Average Daily Emission Thresholds (lbs/day)	**54**	**54**	**82**	**54**
Exceeds thresholds?	***No***	***No***	***No***	***No***

Notes:
[1] The 2018 Project emissions are shown in Table 3.1-14.
[2] Pounds per year were calculated using the unrounded annual 2018 Project emissions.
[3] The average daily construction emissions for the 2018 Project were estimated based on the total annual emissions divided by the number of days in 2021 (365 days).
ROG = reactive organic gases
NO_X = oxides of nitrogen
PM_{10} = particulate matter 10 microns in diameter
$PM_{2.5}$ = particulate matter 2.5 microns in diameter
Source of emissions: CalEEMod Output (Appendix CC).

As shown in Table 3.1-13, the 2004 Final EIR found that the Vista Del Mar development would generate 119 pounds per day of ROG emissions, 121 pounds per day of NO_X emissions, and 113 pounds per day of PM_{10} emissions. The 2018 Project would generate 30.5 pounds per day of ROG emissions, 51.7 pounds per day of NO_X emissions, and 30.8 pounds per day of PM_{10} emissions. Therefore, the 2018 Project would result in a net decrease in emissions from the estimates included in the 2004 Final EIR. As shown in Table 3.1-12 and Table 3.1-13, the 2018 Project's annual and daily operational emissions would not exceed BAAQMD's thresholds of significance. Therefore, operation of the 2018 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. This operational impact would be less than significant.

Overall Conclusion

Both the construction and operational emissions for the 2018 Project would not exceed BAAQMD's thresholds of significance. Therefore, the 2018 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, and impacts would be less than significant. The 2004 Final EIR concluded that operational impacts would be significant and unavoidable, even after the implementation of 2004 Final EIR Mitigation Measure 15-2. Considering that the 2018 Project would result in a less than significant impact, the 2018 Project would not result in new significant environmental impacts or create more severe significant environmental impacts than those analyzed in the 2004 Final EIR.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

None.

Level of Significance After Mitigation

Less than significant impact.

Sensitive Receptors Exposure to Pollutant Concentrations

Impact AIR-3:	**The 2018 Project would expose sensitive receptors to substantial pollutant concentrations.**

Summary of 2004 Final EIR

The 2004 Final EIR discussed construction activities, such as excavation and grading operations, that would generate exhaust emissions and fugitive particulate matter emissions that could result in elevated levels of particulate matter, creating a possible nuisance at residential, school, and other nearby properties. This represents a potentially significant impact. The City concluded that implementation of the control measures included in 2004 Final EIR Mitigation Measure 15-1 would be expected to reduce this impact to a less-than-significant level.

The 2004 Final EIR found that construction diesel emissions were temporary, affecting an area for a period of weeks or months, and because of the duration of construction activities, health risks due to emissions of DPM from construction equipment would be less than significant.

Proposed 2018 Project Analysis and Conclusion

This impact evaluates the potential for the 2018 Project's construction and operational emissions to expose sensitive receptors to substantial pollutant concentrations of asbestos, CO, or other TACs of concern (including DPM).

Two scenarios have the potential for exposing sensitive receptors to TACs, although only one is technically the subject of CEQA review, except under very limited circumstances not relevant here. The first is when a project includes a new or modified source of TACs and would be located near an existing or proposed sensitive receptor; the second scenario involves a residential or other sensitive receptor development locating near an existing or planned source of TACs. BAAQMD defines sensitive receptors as children, adults, and seniors occupying or residing in residential dwellings, schools, day care centers, hospitals, and senior-care facilities.

As a proposed mixed-use development with a residential component, the residential uses that would occur with implementation of the 2018 Project itself would be considered a sensitive receptor land use. In addition, existing residences are located along the western boundary of the project site and across West Leland Road near to the south of the project site. In the following analysis, the 2018 Project's construction and operational emissions were evaluated as to potential impacts of the 2018 Project's emissions on the sensitive receptors surrounding the project site. In addition, although not required under CEQA, for informational purposes, the potential health impacts from surrounding existing sources of TAC emissions on the 2018 Project's sensitive receptors were also examined.

Construction

Construction Fugitive Dust

The 2004 Final EIR concluded that impacts related to construction fugitive dust would be potentially significant, and included MM 15-1, which required implementation of specific dust control measures that were found to reduce potential impacts to less than significant. This Draft SEIR refines the language of the 2004 measure to reflect current best practices as defined by the BAAQMD.

Construction activities associated with development activities contemplated by the 2018 Project would include site preparation, grading, building construction, paving, and architectural coating. Generally, the most substantial air pollutant emissions would be dust generated from site grading. If uncontrolled, these emissions could lead to both health and nuisance impacts. Construction activities would also temporarily create emissions of equipment exhaust and other air contaminants.

BAAQMD does not recommend a numerical threshold for fugitive dust-related particulate matter emissions. Instead, BAAQMD bases the determination of significance for fugitive dust on a consideration of the control measures to be implemented. If all appropriate emissions control measures recommended by BAAQMD are implemented for a project, then fugitive dust emissions during construction are not considered significant. The City, in its discretion and based on

substantial evidence in the record, has decided to adopt this approach for purposes of addressing these construction-related impacts.

Mitigation Measure (MM) AIR-1 reflects the updated best practices for fugitive dust control recommended by BAAQMD, thereby ensuring that this impact would remain less than significant with mitigation. The conclusions from the 2004 Final EIR remain unchanged.

Project-Specific Construction Toxic Air Pollutants

The 2004 Final EIR did not include a health risk assessment, but rather based the findings of health risk during construction on a qualitative analysis. The 2004 Final EIR concluded that construction diesel emissions were temporary, affecting an area for a period of weeks or months, and because of the duration of construction activities, health risks due to emissions of DPM from construction equipment would be less than significant.

The construction of the 2018 Project would result in the emissions of TACs principally from the operation of off-road construction equipment and on-road construction vehicle traffic. TACs are the air pollutants of most concern as it relates to sensitive receptors, as they have the greatest potential to pose a carcinogenic and non-carcinogenic (such as asthma and bronchitis) hazard to human health. The ARB has determined that DPM poses the greatest airborne health concern to the population of the State from all types of TACs.

The construction schedule of approximately 31 months for the 2018 Project is substantially shorter than the construction schedule of 6 to 15 years that was assumed in the 2004 EIR. However, rather than using a qualitative analysis to evaluate the 2018 Project's impacts, a health risk assessment (HRA) was prepared to assess the potential impact of the 2018 Project's TAC emissions to public health consistent with current recommended methodology, and to compare these findings with the impact conclusions in the 2004 Final EIR. A HRA is a guide that helps to determine whether current or future exposures to a chemical or substance in the environment could affect the health of a population. In general, risk depends on the following factors:

- Identity of the TACs that may be present in the air;
- Estimate of the amount of TACs released from all sources, or the source of particular concern, using air samples or emission models;
- Estimate of the concentrations of TACs in the air in the geographic area of concern by using dispersion models with information about emissions, source locations, weather, and other factors; and
- Estimate of the exposure levels and consequential health risks to the people exposed to different concentrations of TACs at different geographic locations.

BAAQMD has defined health risk significance thresholds as shown in Table 3.1-10, above. These thresholds identified "excess cancer risk" to the public and the non-cancerous "chronic hazard" from exposures to TACs. "Excess cancer" risk represents the probability (in terms of risk per million individuals) that an individual would contract cancer resulting from exposure to TACs continuously

over a period of several years. The City, in its discretion, has decided to utilize these thresholds in this analysis. "Chronic hazard" risk represents effects that may result from long-term exposure to a hazardous material and can include organ or systemic damage.

Estimation of Construction DPM Emissions

For construction, the principal TAC emission analyzed in this assessment was DPM from the operation of off-road equipment and diesel-powered delivery, as well as worker commute vehicles during construction. For purposes of this analysis, DPM is represented as exhaust emissions of $PM_{2.5}$ in accordance with guidance from BAAQMD.

Construction of the 2018 Project is assumed to last for approximately 31 months. In assessing construction impacts, the construction DPM emissions are assumed to be distributed over the entire project area affected by construction activity with a working schedule of 8 hours per day and 5 days per week.

Construction DPM emissions (as $PM_{2.5}$ exhaust) were estimated using CalEEMod (version 2016.3.2) and are summarized in Table 3.1-14 below.

Table 3.1-14: 2018 Project Construction DPM (as $PM_{2.5}$ Exhaust Emissions)

Year	On-site DPM (tons/year)	Off-site DPM[(1)] (tons/year)	Total DPM Emissions (tons/year)
2019	0.144	0.005	0.149
2020	0.144	0.018	0.162
2021	0.058	0.002	0.060

Note:
(1) Emissions along the route from SR-4, San Marco Boulevard, Bailey Road, and West Leland Road to the project site.
Source: CalEEMod and FCS; see Appendix C.

Estimation of Excess Cancer Risks

BAAQMD has developed a set of guidelines for estimating cancer risks that provide adjustment factors that emphasize the increased sensitivities and susceptibility of sensitive receptors, particularly young children, to exposures to TACs.[23] These adjustment factors include age-sensitivity weighting factors, age-specific daily breathing rates, and age-specific time-at-home factors. The recommended method for the estimation of cancer risk is shown in the equations below, with the cancer risk adjustment factors provided in Table 3.1-15 for several types of sensitive/residential receptors (infant, child, and adult). The City, in its discretion, has decided to utilize these thresholds in this analysis.

$$\text{Cancer Risk} = C_{DPM} \times \text{Inhalation Exposure Factor} \qquad \text{(EQ-1)}$$

[23] Bay Area Air Quality Management District (BAAQMD). 2016. Air Toxics NSR Program Health Risk Assessment (HRA) Guidelines. Website: http://www.baaqmd.gov/~/media/files/planning-and-research/rules-and-regs/workshops/2016/reg-2-5/hra-guidelines_clean_jan_2016-pdf.pdf?la=en.

Where:

Cancer Risk = Total individual excess cancer risk defined as the cancer risk a hypothetical individual faces if exposed to carcinogenic emissions from a particular source for specified exposure durations; this risk is defined as an excess risk because it is above and beyond the background cancer risk to the population; cancer risk is expressed in terms of risk per million exposed individuals.

C_{DPM} = Period average DPM air concentration calculated from the air dispersion model in $\mu g/m^3$

Inhalation is the most important exposure pathway to impact human health from DPM and the inhalation exposure factor is defined as follows:

$$\text{Inhalation Exposure Factor} = CPF \times EF \times ED \times DBR \times AAF/AT \qquad \text{(EQ-2)}$$

Where:

CPF = Inhalation cancer potency factor for the TAC: 1.1 $(mg/kg\text{-}day)^{-1}$ for DPM
EF = Exposure frequency (days/year)
ED = Exposure duration (years of construction)
AAF = set of age-specific adjustment factors that include age sensitivity factors (ASF), daily breathing rates (DBR), and time at home factors (TAH)—see Table 3.1-15
AT = Averaging time period over which exposure is averaged (days)

The California Office of Environmental Health Hazards Assessment (OEHHA) recommended values for the various cancer risk parameters shown in EQ 2, above, are provided in Table 3.1-15.

Table 3.1-15: Exposure Assumptions for Cancer Risk

Receptor Type	Exposure Frequency		Exposure Duration (years)[2]	Age Sensitivity Factors	Time at Home Factor (%)	Daily Breathing Rate[1] (l/kg-day)
	Hours/day	Days/year				
Sensitive/Residential—Infant						
3rd Trimester	24	350	0.25	10	85	361
0–2 years	24	350	2	10	85	1,090
Sensitive Receptor—Child						
3–16 years	24	350	3	3	72	572
Sensitive Receptor—Adult						
> 16 to 30 years	24	350	3	1	73	261

Notes:
(1) The daily breathing rates recommended by BAAQMD for sensitive/residential receptors assume the 95th percentile breathing rates for all individuals less than 2 years of age and 80th percentile breathing rates for all older individuals.
(2) The actual duration of the exposure is 31 months, the duration of the construction
(l/kg-day) = liters per kilogram body weight per day
Source: Bay Area Air Quality Management District (BAAQMD) 2016. Air Toxics NSR Program Health Risk Assessment (HRA) Guidelines. Website: http://www.baaqmd.gov/~/media/files/planning-and-research/rules-and-regs/workshops/2016/reg-2-5/hra-guidelines_clean_jan_2016-pdf.pdf?la=en

Estimation of Non-Cancerous Chronic Hazards

An evaluation of the potential non-cancer effects of chronic chemical exposures was also conducted. Adverse health effects are evaluated by comparing the annual receptor concentration of each chemical compound with the appropriate REL. Available RELs promulgated by the OEHHA were considered in the assessment.

Risk characterization for non-cancer health hazards from TACs is expressed as a hazard index (HI). The HI is a ratio of the predicted concentration of the 2018 Project's emissions to a concentration considered acceptable to public health professionals, termed the REL.

To quantify non-carcinogenic impacts, the HI approach was used.

$$HI = C_{ann}/REL \qquad \text{(EQ-3)}$$

Where:

HI = chronic hazard index
C_{ann} = annual average concentration of TAC as derived from the air dispersion model ($\mu g/m^3$)
REL = reference exposure level above which a significant impact is assumed to occur ($\mu g/m^3$)

The HI assumes that chronic exposures to TACs adversely affect a specific organ or organ system (toxicological endpoint) of the body. For each discrete chemical exposure, target organs presented in regulatory guidance were used. To calculate the HI, each chemical concentration or dose is divided by the appropriate toxicity REL. For compounds affecting the same toxicological endpoint, this ratio is summed. Where the total equals or exceeds 1, a health hazard is presumed to exist. For purposes of this assessment, the TAC of concern is DPM, for which the OEHHA has defined a REL for DPM of 5 $\mu g/m^3$. The principal toxicological endpoint assumed in this assessment was through inhalation.

Air Dispersion Modeling

An air dispersion model is a mathematical formulation used to estimate the air quality impacts at specific locations (receptors) surrounding a source of emissions given the rate of emissions and prevailing meteorological conditions. The air dispersion model applied in this assessment was the EPA AERMOD (version 1801) air dispersion model that is approved by BAAQMD for air dispersion assessments. Specifically, the AERMOD model was used to estimate levels of air emissions at sensitive receptor locations from the 2018 Project's construction $PM_{2.5}$ exhaust. The use of the AERMOD model provides a refined methodology for estimating construction impacts by utilizing long-term, measured representative meteorological data for the project site and a representative construction schedule.

Terrain elevations were obtained for the project site using the AERMAP model, the AERMOD terrain data pre-processor. The urban dispersion option was used to describe the air dispersion in the local vicinity of the project site. The air dispersion model assessment used meteorological data provided by BAAQMD for a meteorological station located at the PG&E facility in Pittsburg, which is

approximately 2.2 miles northeast of the project site. These meteorological data are considered representative of the meteorological conditions at the project site.

The modeling utilized two area sources to represent the on-site construction emissions, one for exhaust emissions and one for fugitive dust emissions. To represent the construction equipment exhaust emissions, an emission release height of 5 meters (16.4 feet) was used for the construction equipment area source. The elevated source height reflects the height of the equipment exhaust stacks plus an additional distance above the exhaust stacks to account for the additional plume rise of the hot exhaust gases. For modeling fugitive $PM_{2.5}$ emissions, a near-ground level release height of 1 meter (3.3 feet) was used for the area source. Emissions from the offroad construction haul trucks, vendor trucks, and worker vehicles were represented in the dispersion model as a line source that extended from SR-4 along San Marcos Boulevard, Bailey Road, and West Leland Road to the project site. Construction emissions were modeled as occurring daily between 7:00 a.m. to 3:00 p.m., when of construction activities could occur.

Receptors are locations where the impacts from the 2018 Project's emissions are calculated. The ARB has identified the following persons who are most likely to be affected by air pollution: (i.e. sensitive receptors) children under 16 years of age, the elderly over 65 years of age, athletes, and people with cardiovascular and chronic respiratory diseases. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools. The closest off-site sensitive receptors to the project site are residences located to the west and south of the project across West Leland Road, some of which are less than 15 feet from the boundary of the project site.

The estimated health and hazard impacts at the maximum impacted sensitive receptor (MIR) from the 2018 Project's construction emissions are provided in Table 3.1-16. The MIR was determined to be an existing residence located adjacent to the northwest corner of the project site.

Table 3.1-16: 2018 Project Construction Health Risks and Hazards (Unmitigated)

Health Impact Metric	Cancer Risk (risk per million)	Chronic Non-Cancer Hazard Index[2]	Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)
Risks and Hazards at the Maximum Impacted Sensitive Receptor (MIR): Infant[1]	15.9	0.01	0.13
Risks and Hazards at the MIR: Child[1]	2.0		
Risks and Hazards at the MIR: Adult[1]	0.3		
BAAQMD Significance Threshold	10.0	1.0	0.3
Exceeds Individual Source Threshold?	Yes	No	No

Notes:
1 The MIR is an existing residence located adjacent to the northwest corner of the project site.
2 Chronic non-cancer hazard index was estimated by dividing the annual DPM concentration (as $PM_{2.5}$ exhaust) by the REL of 5 $\mu g/m^3$.
Source: CalEEMod and FCS; see Appendix C.

As noted in Table 3.1-16, the DPM concentration during construction of the 2018 Project would exceed the cancer risk significance thresholds adopted for this assessment at the MIR for the infant exposure sensitive receptor group and, thus, would result in a potentially significant impact to nearby sensitive receptors prior to the application of mitigation measures during construction. Therefore, mitigation would be required to reduce the 2018 Project's health risk impacts during the construction phase of development. Specifically, mitigation measure (MM) AIR-2 is required to reduce impacts to the maximum extent feasible. MM AIR-2 requires Tier 3 engines for all on-site equipment greater than 50 horsepower to be used during construction of the 2018 Project. Table 3.1-17 shows the health risks and non-cancer hazard index for construction of the 2018 Project with implementation of Tier 3 construction equipment, as required by MM AIR-2. As noted in Table 3.1-17, the 2018 Project's construction impacts with mitigation would result in cancer risks that do not exceed the BAAQMD cancer risk significance threshold and, thus, would result in a less than significant impact.

Table 3.1-17: 2018 Project Construction Health Risks and Hazards (Mitigated)

Health Impact Metric	Cancer Risk (risk per million)
Risks and Hazards at the MIR: Infant(1)	8.3
BAAQMD Significance Threshold	10.0
Exceeds Individual Source Threshold?	No

Notes:
(1) The maximum impacted sensitive receptor (MIR) is an existing residence located adjacent to the project site on the west, north of West Leland Road.
Source: CalEEMod and FCS; see Appendix C.

Naturally Occurring Asbestos

This issue was not addressed in the 2004 Final EIR.

A review of the map containing areas more likely to have rock formations containing naturally occurring asbestos in California indicates that there are no areas likely containing naturally occurring asbestos in the immediate vicinity of the project site.[24] Therefore, it can be reasonably concluded that the 2018 Project would not expose sensitive receptors to naturally occurring asbestos during project construction. Impacts would be less than significant.

Operation

Project-Specific Operational Toxic Air Pollutants

The 2004 Final EIR did not include an analysis of operational TAC emissions.

[24] United States Geological Survey (USGS). 2011. Van Gosen, B.S., and Clinkenbeard, J.P. California Geological Survey Map Sheet 59. Reported Historic Asbestos Mines, Historic Asbestos Prospects, and Other Natural Occurrences of Asbestos in California. Open-File Report 2011-1188 Website: http://pubs.usgs.gov/of/2011/1188/. Accessed December 2017.

As shown in Impact AIR-2 (Table 3.1-12 and Table 3.1-13), the majority of emissions generated from long-term operations of the 2018 Project would be categorized as mobile-source emissions. The 2018 Project is estimated to generate a net 8,370 new daily trips, as provided by the project-specific transportation impact assessment (Appendix F). This is compared to the original Alves Ranch Project studied in the 2004 Final EIR, which would have generated 13,374 new daily trips. The majority of these trips would consist of residents, as well as commercial store employees and visitors traveling to and from the project site, predominately in passenger vehicles. Because most passenger vehicles are gasoline-combusted (approximately 99 percent of all passenger vehicles), the 2018 Project would not generate significant amount of DPM emissions during operation. Some DPM emissions would occur during the operation of the commercial component of the 2018 Project from delivery trucks. However, based on similar types of projects, the number of delivery truck trips would likely amount to 15 to 20 per week. Therefore, the 2018 Project would not result in significant health impacts on sensitive receptors during operations.

Carbon Monoxide Hot Spot Analysis

The 2004 Final EIR analyzed CO concentrations at the three worst intersections and found that the project would not result in significant impact for CO hotspots.

The 2018 Project's traffic study includes an analysis on impacted intersections. Localized high levels of CO (CO "hotspots") are associated with traffic congestion and idling or slow-moving vehicles. BAAQMD recommends a screening analysis to determine if a project has the potential to contribute to a CO hotspot. The screening criteria identify when site-specific CO dispersion modeling is not necessary. The 2018 Project would result in a less than significant impact to air quality for local CO if the following screening criteria are met:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans; or
- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; or
- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

The Contra Costa County Transportation Authority (CCTA) serves as the Congestion Management Agency (CMA) for Contra Costa County. CCTA is a joint powers agency that oversees Contra Costa County's short- and long-term regional transportation planning. As the Congestion Management Agency, CCTA must, under State law, prepare a Congestion Management Program (CMP) and update it every 2 years. The CMP is meant to outline the CCTA strategies for managing the performance of the regional transportation within the County. A CMP must contain several components: traffic level of service standards for State highways and principal arterials; multi-modal performance measures to evaluate current and future systems; a 7-year capital program of proposed projects to maintain or

improve the performance of the system or mitigate the regional impacts of land use proposed projects; a program to analyze the impacts of land use decisions; and a travel demand element that promotes transportation alternatives to the single-occupant vehicle. The county's first CMP was adopted in October 1991. The latest CMP, the *2017 Contra Costa CMP*, comprises the 13th biennial update.

According to the project-specific transportation impact assessment (see Appendix F), the applicable congestion management program facility is nearby SR-4. The inclusion of the additional traffic by the 2018 Project to existing freeway conditions would increase the level of current operational deficiencies during both the AM and PM peak-hour segments, as well as HOV lane segments. Caltrans plans to increase vehicle capacity along SR-4, which would extend the high occupancy vehicle lane and add an additional mixed-flow lane in each direction; the expected completion would occur in 2021/2022. Additionally, CCTA has developed the SR-4 Integrated Corridor Management (ICM) Plan that includes various strategies to reduce traffic congestion. The 2018 Project would implement MM TRANS-4, which would require the project applicant to pay all applicable adopted local and regional transportation impact fees at the time building permits are sought.

In addition, the 2018 Project would not increase traffic volumes at the affected project intersections to more than 44,000 vehicles per hour. Based on the traffic impact assessment prepared for the 2018 Project, the intersection of Bailey Road and West Leland Road would experience the highest cumulative peak-hour traffic volumes among the 2018 Project study intersections, with 6,534 vehicles per hour during the PM peak-hour; this would represent approximately one-seventh and one-fourth of the second and third screening criteria thresholds, respectively. As such, the anticipated vehicle volume at the highest volume intersection would be significantly less than BAAQMD's second and third screening criteria of 44,000 vehicles per hour and 24,000 vehicles per hour.

Additionally, since the background concentrations are so low compared to the ambient air quality standards, CO concentrations have not been monitored at any location in the project vicinity over the past 3 years, as indicated in Table 3.1-6. The 2004 Final EIR analyzed CO concentrations at the three worst intersections and found that the project would not result in significant impact for CO hotspots. Based on the traffic volumes at the intersections affected by the 2018 Project and the background concentrations as compared to the applicable screening criteria, the 2018 Project would not be anticipated to result in CO hotspots during project operations. Therefore, operational CO hotspot impacts would be less than significant. Considering that the 2018 Project would result in a less than significant impact, the 2018 Project would not result in new significant environmental impacts or create more severe significant environmental impacts than those analyzed in the 2004 Final EIR.

Cumulative Health Risk Impacts

The 2004 Final EIR did not include an analysis of cumulative health risks.

BAAQMD recommends assessing the potential cumulative impacts from sources of TACs within 1,000 feet of a project combined with the project. The City, in its discretion, has decided to utilize these thresholds in this analysis. Therefore, for the 2018 Project, the cumulative impact assessment quantified the cumulative impacts from TAC emission sources located within 1,000 feet of the project

site, combined with the 2018 Project TAC emissions. For the cumulative analysis, BAAQMD provides three tools for use in screening the potential impacts from sources of TACs. These tools are:

- **Surface Street Screening Tables.** BAAQMD pre-calculated potential cancer risks and $PM_{2.5}$ concentration increases for each county within their jurisdiction. The look-up tables are used for roadways that meet BAAQMD's "major roadway" criteria of 10,000 vehicles or 1,000 trucks per day. Risks are assessed by roadway volume, roadway direction, and distance to sensitive receptors. The most current traffic count data from the City of Pittsburg is from 2006 and shows a traffic volume of 9,034 vehicles per day along West Leland Road from Bailey Road west to the city limits. However, invariably, traffic volumes have increased along West Leland Road with increased development in the area. Therefore, for purposes of ensuring a conservative analysis, an approximate estimate of current daily traffic volumes was made using the traffic information contained in the 2018 Project's Traffic impact Assessment (see Appendix F). Using this information, the daily traffic volumes along West Leland Road were estimated to be approximately 18,000 vehicles per day. The potential health impacts from vehicle travel along West Leland Road were included in this analysis.
- **Freeway Screening Analysis Tool**. BAAQMD prepared a Google Earth file that contains pre-estimated cancer risk, hazard index, and $PM_{2.5}$ concentration increases for highways within the Bay Area. Risks are provided by roadway link and are estimated based on elevation and distance to the sensitive receptor. SR-4 is located adjacent to and north of the project site and its potential health impacts on the 2018 Project and at the MIR were analyzed.
- **Stationary Source Risk and Hazard Screening Tool**. BAAQMD prepared a Google Earth file that contains the locations of all stationary sources within the Bay Area that have BAAQMD permits. For each emissions source, BAAQMD provides conservative cancer risk and $PM_{2.5}$ concentration increase values. There are no stationary sources identified by this screening tool that are located within approximately 1,000 feet of the project site.

Table 3.1-18 identifies the TAC emission sources analyzed in this assessment. Note that there is a rail line that traverses along the middle of SR-4.

Table 3.1-18: Existing TAC Emission Sources Near the Project Site

Source	Type	Location
SR-4	Freeway	Adjacent to the northern project boundary
West Leland Road	Surface Street	Adjacent to the southern project boundary
Note: There is a rail line that traverses along the middle of SR-4; this is the Bay Area Rapid Transit (BART) Yellow Line that operates electric powered trains, and hence, is not considered a major generator of TAC emissions. Source: see Appendix C		

Construction

Table 3.1-19 lists the cumulative health impacts at the MIR estimated to occur during construction of the 2018 Project. As shown below, the cumulative health impacts to the 2018 Project's MIR from

existing TAC emission sources located within 1,000 feet of the project site and the 2018 Project's construction emissions would not exceed BAAQMD's cumulative health significance thresholds.

Table 3.1-19: Cumulative Construction Health Impacts at the MIR

Source	Source Type	Distance from MIR (feet)[1]	Cancer Risk (per million)	Chronic Non-Cancer HI	$PM_{2.5}$ Concentration ($\mu g/m^3$)
Project					
2018 Project	Construction DSL Vehicles	25	15.9	<0.01	0.13
Freeways					
SR-4	Vehicle Traffic	206	34.1	0.007	0.25
Local Road[4] (>10,000 AADT)					
West Leland Road	Local road	250	0.9	ND	0.02
Cumulative Health Risks from Project Construction and Existing TAC Sources					
Cumulative Total with 2018 Project Construction[1]			50.9	0.02	0.40
BAAQMD Cumulative Thresholds of Significance			100	10	0.8
Threshold Exceedance?			No	No	No

Notes:
[1] The MIR is a residence located along the northwest boundary of the project site, adjacent to the project site.
[2] Cancer risks reflect the 2010 BAAQMD cancer risk guidance and with mitigation
[3] The cancer risks screening analysis for stationary sources, roadways and highways sources updated in 2011 use the 2010 BAAQMD Health Risks Guidance. The cancer risks were corrected by a factor of 1.12 to incorporate the latest 2016 cancer risk guidance published by BAAQMD that includes the latest assumptions on estimation of cancer risks for a 30-year exposure duration. http://www.baaqmd.gov/~/media/files/planning-and-research/rules-and-regs/workshops/2016/reg-2-5/hra-guidelines_clean_jan_2016-pdf.pdf?la=en
MIR = maximum impacted sensitive receptor
NA = not available
ND = no data available
AADT = annual average daily traffic
Source: FCS, 2018; see Appendix C.

Operations

The 2004 Final EIR did not include an analysis of impacts to proposed sensitive receptors located on the project site.

The 2018 Project would locate new sensitive receptors (residents) that could be subject to existing sources of TACs at the project site. However, the California Supreme Court in *California Building Industry Association v. BAAQMD* concluded that agencies subject to CEQA are not required to analyze the impact of existing environmental conditions on a project's future users or residents except under limited circumstances that are not relevant here. Therefore, impacts from existing sources of TAC emissions on sensitive receptors on the project site are not subject to CEQA; however, impacts were analyzed for informational purposes only. Table 3.1-20 lists the cumulative

impacts of the sources of TAC emissions located within 1,000 feet of the project site on the 2018 Project's future residents using BAAQMD's screening tools for informational purposes only.

Table 3.1-20: Cumulative Impacts of TAC Sources on the 2018 Project's Future Residents

Source	Source Type	Distance from the Project (feet) [1]	Cancer Risk[2] (per million)	Chronic Non-Cancer HI	$PM_{2.5}$ Concentration ($\mu g/m^3$)
SR-4	Vehicle Traffic	150	48.7	0.034	0.31
West Leland Road	Vehicle Traffic	800	0.9	NA	0.18
Maximum Source-Specific Health Risk			48.7	0.034	0.31
Cumulative Health Risks from Nearby TAC Sources			49.6	0.034	0.48

Note:
[1] The cancer risks screening analysis for stationary sources, roadways and highways sources updated in 2011 use the 2010 BAAQMD Health Risks Guidance. The cancer risks were corrected by a factor of 1.12 to incorporate the latest 2016 cancer risk guidance published by BAAQMD that includes the latest assumptions on estimation of cancer risks for a 30-year exposure duration. http://www.baaqmd.gov/~/media/files/planning-and-research/rules-and-regs/workshops/2016/reg-2-5/hra-guidelines_clean_jan_2016-pdf.pdf?la=en
[2] The maximum cumulative health impacts to the 2018 Project receptors occurs at residences located within 250 feet from the closest lane of SR-4 eastbound
Source: see Appendix C

As noted from Table 3.1-19, the cancer risks attributable from SR-4 on the future residents of the 2018 Project would result in a cumulative health risk of 49.6 in a million. As discussed earlier, such an analysis is not required under CEQA and is presented for informational purposes only. Therefore, the analysis does not include significance findings or mitigation measures.

Overall Conclusion

Fugitive dust construction impacts of the 2018 Project would be similar to the analysis presented in the 2004 Final EIR. MM AIR-1, similar to 2004 Final EIR Mitigation Measure 15-1, would be required to reduce fugitive dust emissions and ensure impacts remain less than significant. The 2018 Project's construction health risks would be potentially significant, but mitigation measures would reduce cancer risks to below the BAAQMD significance thresholds. Therefore, with the implementation of MM AIR-2 (Tier III engines), construction TAC emissions would result in a less than significant impact. Therefore, with the implementation of mitigation as refined in this section, the 2018 Project would not result in new significant environmental impacts or create more severe significant environmental impacts than those analyzed in the 2004 Final EIR.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM AIR-1 Implement BAAQMD Best Management Practices During Construction

The following text is a refinement of MM 15-1 from the 2004 Final EIR. The text is updated to reflect current BAAQMD best practices.

The following Best Management Practices (BMPs), as recommended by BAAQMD, shall be included in the project design and implemented during construction:

- All active construction areas shall be watered at least three times per day.
- All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least three times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of CCR). Clear signage regarding idling restrictions shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The City of Napa and the construction contractor shall take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations

MM AIR-2 Use Construction Equipment That Meets Tier 3 Off-road Emission Standards

During construction activities, all off-road equipment with engines greater than 50 horsepower shall meet either EPA or ARB Tier 3 Final off-road emission standards. The construction contractor shall maintain records concerning its efforts to comply with this requirement, including equipment lists. Off-road equipment descriptions and information may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.

Level of Significance After Mitigation

Less than significant after mitigation.

3.2 - Biological Resources

3.2.1 - Introduction

This section describes the existing biological setting and the potential environmental effects from implementation of the 2018 Project on the project site and its surrounding area, as compared to those impacts evaluated in the 2004 EIR, and to determine whether additional analysis is necessary to ensure the 2004 Final EIR is adequate for purposes of evaluating the 2018 Project. Descriptions and analysis in this section are based, in part, on a field survey performed by FirstCarbon Solutions (FCS) Biologist, Joaquin Pacheco, on September 26, 2018, and a biological memorandum prepared by Ross A. Dobberteen of LSA, Inc. on June 27, 2018. The memorandum is provided in its entirety in Appendix D.

As explained more fully in this biological resources section, the 2004 Final EIR concluded that implementation of the original Alves Ranch Project would result in significant impacts related to certain species and habitats. The 2004 Final EIR included mitigation that requires the completion of biological surveys to ensure the project's consistency with federal, State, and local policies and regulations. With mitigation, the 2004 Final EIR concluded that all potentially significant impacts to biological resources would be mitigated to a level of less than significant.

The 2004 EIR covered a much larger project area, including substantial acreage south of West Leland Road, which has now been developed. Many of the mitigation measures from the 2004 EIR related to the acreage south of West Leland Road.

This biological resources section includes updated environmental setting information to characterize the existing environment, and includes additional analysis and refinements to mitigation measures, where needed, to ensure that the analysis provided by the 2004 Final EIR, as revised herein, is adequate to evaluate the project as currently proposed.

3.2.2 - Environmental Setting

The project site is comprised of approximately 57.81 acres, the majority of which is highly disturbed and no longer recognizable as a native or naturalized vegetation association. The ruderal (weedy) grassland area is level due to previous grading activities in 2004 and 2005 that occurred in connection with the approval of the Vista Del Mar development. The project site has been maintained since the original grading activities, with dominant vegetation consisting of invasive and non-native species. The level portions of the site display exposed soils with several large patches of gravel throughout the project site. There is a paved maintenance road that leads down to the stormwater basin system that was previously constructed. Additionally, constructed drainage ditches in the area lead to drop inlets that were dry at the time of the most recent survey (conducted in September 2018) and surrounded by invasive vegetation. The area containing the existing regional stormwater quality basin is dominated by a mix of facultative wetland species and invasive plant species.

The site is located within the boundaries of the East Contra Costa County Habitat Conservation Plan and Natural Community Conservation Plan (HCP/NCCP). The HCP was adopted in October 2007. Its

purpose is to allow for a streamlined development approval process, while enforcing environmental protection standards and providing for the acquisition and preservation of biological habitat.[1] In order to be so permitted, each jurisdiction (including the City) has passed an implementing ordinance approved by the Conservancy, which governs the application of the HCP to development projects within that jurisdiction's authority.

Accordingly, the City and project applicants are governed by the HCP under the auspices of the City's implementing ordinance, codified in Chapter 15.108 of the City's Municipal Code (Implementing Ordinance). The City's Implementing Ordinance requires the payment of fees (development fees, wetland mitigation fees, and administration fees), or the dedication or restoration of habitat area, for new development within the area covered by the HCP. However, it also expressly exempts projects with rights vested before the ordinance was passed on November 5, 2007. Accordingly, because the applicant for the 2018 Project continues to have rights vested under an approved development agreement, it is exempt from the HCP under the express terms of the City's Implementing Ordinance. As mentioned above, the dominant vegetation on the majority of the project site are invasive and non-native species. Species observed included: yellow star thistle (*Centaurea solstitialis*), wild oat (*Avena fatua*), common dandelion (*Taraxacum officinale*), wild mustard (*Brassica nigra*), and sticky weed (*Galium aparine*). Coyote brush (*Baccharis pilularis*) is dominant throughout the entire project site, specifically on the sloped hills leading down to the existing regional stormwater quality detention basin. The water quality detention basin contains abundant cattail species (*Typha* spp.), common reed (*Phragmites australis*), and nutsedge (*Cyperus* spp.).

Ruderal and Developed Land

The majority of the project site consists of previously disturbed land with various weedy species, which have since proliferated throughout the project site. Vegetation characteristic of ruderal vegetation includes non-native grasses and other weedy species such as London Bermuda grass (*Cynodon dactylon*), Russian thistle (*Salsola tragus*), slender wild oat (*Avena barbata*), and milkvetch (*Astragalus* spp.).

Stormwater Basin

The existing stormwater basin system displays both facultative wetland species and invasive species. It consists of two large trash grates and two large drainages. Some common species found in similar habitat settings include hyssop loosestrife (*Lythrum hyssopifolia*), cocklebur (*Xanthium* spp.), and Italian ryegrass (*Lolium multiflorum*), that typically occur in frequently disturbed sites. Although the basin is regularly maintained as part of its purpose to provide regional stormwater control, as of September 2018 (when the last field survey occurred), there was standing water present in this area.

[1] The HCP is administered by the East Contra Costa County Habitat Conservancy (Conservancy), a joint powers authority established by the jurisdictions that participate in the HCP. Each of these jurisdictions (including the City) is a "Permittee" under the HCP and applicable state and federal environmental protection laws, and as such, each Permittee (including the City) is authorized to provide take coverage for development projects within its land use jurisdiction under the terms of the HCP.

Wildlife

The previously disturbed nature of the site, in addition to the high level of traffic and development surrounding the project site, allow for only a limited number of wildlife species to occur. The majority of wildlife species that can tolerate disturbed and fragmented habitat conditions are generally invasive species and non-native species. During the September 29, 2018, field survey, an FCS biologist detected the following species by sight or vocalizations: American crow (*Corvus brachyrhynchos*), Eurasian collared dove (*Streptopelia decaocto*), American robin (*Turdus migratorius*), black-tailed jackrabbit (*Lepus californicus*), and northern harrier (*Circus cyaneus*).

Special-status Species

Special-status species are plant and animal species that have been afforded special recognition by federal, State, or local resource agencies or organizations. Special-status species are of relatively limited distribution and may require specialized habitat conditions. Special-status species are defined as meeting one or more of the following criteria:

- Listed or proposed for listing under the California Endangered Species Act (CESA) or the Federal Endangered Species Act (FESA);
- Protected under other regulations (e.g. Migratory Bird Treaty Act [MBTA]);
- California Department of Fish and Wildlife (CDFW) Species of Special Concern;
- Plant species ranked by the California Native Plant Society (CNPS); or
- Receive consideration during environmental review under California Environmental Quality Act (CEQA).

Special-status Plants

Special-status plant communities are considered sensitive biological resources when federal, state, or local laws regulate their development, limited distributions, and habitat requirements of special-status plant or wildlife species that occur within them.

The special-status plant species table (Appendix D, Table 1) identifies 12 special-status plant species that have the potential to occur within the Honker Bay 7.5-minute quadrangle. The 7.5-minute quadrangle is a common geographical scope to which view the variety of habitats, plant, and wildlife species that may occur within, or nearby, a given project site. Table 1 in Appendix D is based partly on LSA's Biological Memorandum, FCS's field visit, as well as a review of other relevant materials and data documenting the species that have been recorded to occur within the Honker Bay, California quadrangle, as recorded by the California Natural Diversity Database (CNDDB) and the California Native Plant Society's Electronic Inventory (CNPSEI) (CDFW 2018; California Rare Plant Rank [CRPR] 2018). The table also includes each species' status, required habitat, and potential to occur within the project site.

Of the 12 special-status plant species that have been recorded to occur within the Honker Bay quadrangle, none are expected to occur on-site due to the high level of disturbance on-site as well as the ongoing periodic maintenance activities that occur in connection with the existing regional

stormwater basin. The 2004 Final EIR also concluded that no special-status plant species are likely to occur on the site. For these reasons and as detailed more fully in Appendix D, it is highly unlikely for these species to occur within the project boundaries.

Special-status Wildlife

The Special-Status Wildlife Species Table (Appendix D, Table 2) identifies 20 special-status wildlife species that have the potential to occur within the Honker Bay 7.5-minute quadrangle. The 7.5-minute quadrangle is a common geographical scope to which view the variety of habitats, plant, and wildlife species that may occur within, or nearby, a given project site. Table 2 in Appendix D is based partly LSA's Memorandum, FCS's field visit, as well as review of other relevant materials and data documenting the species that have been recorded to occur within the Honker Bay, California quadrangle, as recorded by the CNDDB and CNPSEI (CDFW 2018; CRPR 2018). The table also includes each species' status, required habitat, and potential to occur within the project site.

The 2004 Final EIR concluded that the project could result in potential impacts to the following species: California red-legged frog, California tiger salamander, pallid bat, Yuma myotis bat, kit fox, burrowing owl, and other nesting birds and raptors. The majority of the potential impacts identified in the 2004 Final EIR related to habitats and acreage in the southern portion of the Vista del Mar site, located to the south of West Leland Road. The 2004 Final EIR noted that the project proposed to set aside 87 acres in the southern portion of the site to preserve habitats that support the identified species. The 2004 project also purchased credits from off-site mitigation banks to further support these species and their habitats.

Following is additional information regarding the relevant special-status species and a discussion of the potential for each species to be on-site. As noted below, the following two species have potential to be found on the 2018 Project site: burrowing owl and Swainson's hawk.

Amphibians

California red-legged frog

The California red-legged frog is a California Species of Special Concern. It prefers to inhabit the lowlands and foothills in or near permanent sources of deep water with dense, shrubby, or emergent riparian vegetation. The species requires 11–20 weeks of permanent water for larval development. While the existing regional stormwater quality detention basin may be a permanent source of water, the lack of dense coverage and high disturbance around the feature makes it highly unlikely that the species occurs within the project site. Furthermore, there are no other permanent sources of deep water on-site that could serve as likely habitat for this species. It is unlikely for this species to occur on the 2018 Project site.

Birds

Burrowing owl

The burrowing owl is a California Species of Special Concern. Marginal habitat (dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation) are currently present within the project site. The species was not found during LSA's or FCS's field surveys, and additionally, no indicators of habitat or burrowing owl were found on-site during the field survey.

However, for purposes of a conservative analysis, it is recognized that because of the presence of marginal habitat, there is a low potential for this species to occur on the 2018 Project site.

California black rail

The California black rail is protected under the MBTA as well as listed as a threatened species within the State of California. It inhabits freshwater marshes, wet meadows, and the borders of saltwater marshes around larger bays, such as areas within the Suisun Marsh and Honker Bay. Although the project site is in proximity of the Suisun Marsh and Honker Bay (within 5 miles), it is unlikely this species will occur on the 2018 Project site due to preferential foraging and nesting habitat off-site and the high level of disturbance that has previously occurred.

California Ridgeway's Rail

California ridgeway's rail is a federally and State endangered species as well as protected under the MBTA. It resides in saltwater and brackish marshes in the San Francisco Bay and associated areas. Although the project site is in proximity of saltwater marshes (within 5 miles), it is unlikely for the species to occur on the 2018 Project site due to preferential foraging and nesting habitat off-site, the high level of disturbance that has previously occurred, as well as the absence of saltwater marshes.

Saltmarsh Common Yellowthroat

The saltmarsh common yellowthroat is a California Species of Special Concern that resides in fresh and saltwater marshes. It requires thick grass coverage for foraging, commonly residing in tall grasses and tule patches for nesting. Although the project site is in proximity of salt and freshwater marshes (within 5 miles), it is unlikely for the species to occur on the 2018 Project site due to preferential foraging and nesting habitat off-site and the high level of disturbance that has previously occurred. Additionally, the only available nesting habitat on-site is routinely maintained by discing, which would preclude nesting.

Short-Eared Owl

The short-eared owl is a California Species of Special Concern that is found in swamp areas, fresh and saltwater marshes, and lowland meadows. The species uses tule patches and tall grass for nesting. Although the project site is in proximity of suitable habitat (within 5 miles), it is unlikely for the species to occur on the 2018 Project site due to preferential foraging and nesting habitat off-site and the high level of disturbance that has previously occurred . Additionally, the only available nesting habitat on-site is routinely maintained and therefore, would preclude nesting.

Suison Song Sparrow

The Suisun song sparrow is a California Species of Special Concern that resides in brackish-water marshes surrounding the Suisun Bay. It inhabits areas with cattails, tules, and other sedges in the Suisun Bay and surrounding areas. Although the project site is in proximity of the Suisun Bay (within 5 miles), it is unlikely for the species to occur on-site due to preferential habitat off-site and the high level of disturbance that has previously occurred on the project site. Similarly, the only potentially available nesting habitat on-site is routinely maintained and therefore, would preclude nesting.

Swainson's Hawk

Swainson's hawk is federally protected under the MBTA, and is additionally listed as a California threatened species. The species breeds in grasslands with scattered trees or on ranch lands with groves or lines of trees. It requires adjacent suitable foraging areas, such as grasslands or grain fields supporting rodent populations. This species has the potential to occur on the 2018 Project site due to the suitable foraging habitat present in the form of open, dry grassland with little to no ground cover, and the lack of trees coverage.

Tricolored Blackbird

The tricolored blackbird is protected under the MBTA, and is a California Species of Special Concern. The species is a highly colonial species, being most numerous in the Central Valley and its surrounding vicinity. The species requires open water, protected nesting substrate, and foraging area with insect prey in the vicinity of a colony. It is unlikely this species will to occur within the 2018 Project site due to the lack of extensive marsh that is required for supporting a colony.

Yellow Rail

The yellow rail is a California Species of Special Concern that inhabits shallow marshes and wet meadows. It can reside in both freshwater and brackish marshes as well as dense grass and rice fields. Although the project site is in proximity of the freshwater and brackish marshes, it is unlikely this species would occur on the 2018 Project site due to preferential habitat off-site and the high level of disturbance that has previously occurred. The only potentially available nesting habitat on-site is routinely maintained by discing, which would preclude nesting.

Jurisdictional Waters

The project site does not contain potential jurisdictional waters subject to regulation by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and the CDFW. The existing stormwater basin is a closed system that does not include any nexus to traditional navigable waters. The existing stormwater basin contains annual standing water but is actively maintained to support its purpose for regional stormwater control.

3.2.3 - Regulatory Framework

Federal

Federal Endangered Species Act

The U.S. Congress passed the FESA in 1973 to protect those species that are endangered or threatened with extinction. FESA is intended to operate in conjunction with the National Environmental Policy Act (NEPA) to help protect the ecosystems upon which endangered and threatened species depend.

FESA prohibits the "take" of endangered or threatened wildlife species. "Take" is defined to include harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting wildlife species or any attempt to engage in such conduct (FESA § 3(3)(19)). "Harm" is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns (50 Code of Federal Regulations [CFR] §

17.3). "Harass" is defined as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns (50 CFR § 17.3). Actions that result in take can result in civil or criminal penalties.

FESA and Clean Water Act (CWA) Section 404 guidelines prohibit the issuance of wetland permits for projects that jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species. The USACE must consult with the United States Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS) when threatened or endangered species under their jurisdiction may be affected by a proposed project. FESA would be initiated if development of a proposed project would result in take of a threatened or endangered species or if issuance of a Section 404 permit or other federal agency action could result in take of an endangered species or adversely modify critical habitat of such a species

Migratory Bird Treaty Act

Raptors (birds of prey), migratory birds, and other avian species are protected by a number of State and federal laws. The MBTA prohibits the killing, possessing, or trading of migratory birds except in accordance with regulations prescribed by the Secretary of Interior.

Clean Water Act

The USACE regulates discharge of dredge or fill material into waters of the United States under Section 404 of the CWA. "Discharges of fill material" is defined as the addition of fill material into waters of the United States, including, but not limited to the following: placement of fill that is necessary for the construction of any structure, or impoundment requiring rock, sand, dirt, or other material for its construction; site-development fills for recreational, industrial, commercial, residential, and other uses; causeways or road fills; fill for intake and outfall pipes and subaqueous utility lines (33 CFR § 328.2(f)). In addition, Section 401 of the CWA (33 United States Code [USC] 1341) requires any applicant for a federal license or permit to conduct any activity that may result in a discharge of a pollutant into waters of the United States to obtain a certification that the discharge will comply with the applicable effluent limitations and water quality standards.

Waters of the United States include a range of wet environments such as lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, and wet meadows. Boundaries between jurisdictional waters and uplands are determined in a variety of ways depending on which type of waters is present. Methods for delineating wetlands and non-tidal waters are described below.

- Wetlands are defined as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 CFR § 328.3(b)). Presently, to be a wetland, a site must exhibit three wetland criteria: hydrophytic vegetation, hydric soils, and wetland hydrology existing under the "normal circumstances" for the site.

- The lateral extent of non-tidal waters is determined by delineating the ordinary high water mark (OHWM) (33 CFR § 328.4(c)(1)). The OHWM is defined by the USACE as, "that line on shore established by the fluctuations of water and indicated by physical character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas." (33 CFR § 328.3(e))

State

California Endangered Species Act

The State of California enacted the CESA in 1984. CESA is similar to the FESA but pertains to State-listed endangered and threatened species. CESA requires State agencies to consult with the CDFW when preparing CEQA documents. The purpose is to ensure that the State lead agency actions do not jeopardize the continued existence of a listed species or result in the destruction, or adverse modification of habitat essential to the continued existence of those species, if there are reasonable and prudent alternatives available (Fish and Game Code [FGC] § 2080). CESA directs agencies to consult with the CDFW on projects or actions that could affect listed species, directs the CDFW to determine whether jeopardy would occur, and allows the CDFW to identify "reasonable and prudent alternatives" to the project consistent with conserving the species. CESA allows the CDFW to authorize exceptions to the State's prohibition against take of a listed species if the "take" of a listed species is incidental to carrying out an otherwise lawful project that has been approved under CEQA (FGC § 2081).

California Department of Fish and Game Code

Fully-protected fish species are protected under Fish and Game Code, Section 5515; fully-protected amphibian and reptile species are protected under Fish and Game Code, Section 5050; fully-protected bird species are protected under Fish and Game Code, Section 3511; and fully-protected mammal species are protected under Fish and Game Code, Section 4700. The Fish and Game Code defines take as, "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." Except for take related to scientific research, all take of fully-protected species is prohibited. Fish and Game Code Section 3503, prohibits the killing of birds or the destruction of bird nests. Fish and Game Code Section 3503.5, prohibits the killing of raptor species and the destruction of raptor nests. Fish and Game Code Sections 2062 and 2067 define endangered and threatened species.

California Department of Fish and Wildlife Species of Concern

In addition to formal listing under FESA and CESA, species receive additional consideration by the CDFW and local lead agencies during the CEQA process. Species that may be considered for review are included on a list of "Species of Special Concern," developed by the CDFW. It tracks species in California whose numbers, reproductive success, or habitat may be threatened. In addition to Species of Special Concern, the CDFW identifies animals that are tracked by the CNDDB, but warrant no federal interest and no legal protection. These species are identified as California Special Animals.

Porter-Cologne Water Quality Control Act

The CDFW is a trustee agency that has jurisdiction under Section 1600 et seq. of the California Fish and Game Code. Under Fish and Game Code Sections 1602 and 1603, a private party must notify

the CDFW if a proposed project will "substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by the department, or use any material from the streambeds . . . except when the department has been notified pursuant to Section 1601." Additionally, the CDFW may assert jurisdiction over native riparian habitat adjacent to aquatic features, including native trees over 4 inches in diameter at breast height. If an existing fish or wildlife resource may be substantially adversely affected by the activity, the CDFW may propose reasonable measures that will allow protection of those resources. If these measures are agreeable to the parties involved, they may enter into an agreement with the CDFW identifying the approved activities and associated mitigation measures.

Section 13260(a) of the Porter-Cologne Water Quality Control Act (contained in the California Water Code) requires any person discharging waste or proposing to discharge waste, other than to a community sewer system, within any region that could affect the quality of the waters of the State (all surface and subsurface waters) to file a report of waste discharge. The discharge of dredged or fill material may constitute a discharge of waste that could affect the quality of waters of the State.

Historically, California relied on its authority under Section 401 of the CWA to regulate discharges of dredged or fill material to California waters. That section requires an applicant to obtain "water quality certification" from the State Water Resources Control Board (State Water Board) through its RWQCB to ensure compliance with State water quality standards before certain federal licenses or permits may be issued. The permits subject to Section 401 include permits for the discharge of dredged or fill materials (CWA Section 404 permits) issued by the USACE. Waste discharge requirements under the Porter-Cologne Water Quality Control Act were typically waived for projects that required certification. With the recent changes that limited the jurisdiction of wetlands under the CWA, the State Water Board has needed to rely on the report of waste discharge process.

California Native Plant Society

The CNPS maintains a rank of plant species native to California that has low population numbers, limited distribution, or are otherwise threatened with extinction. This information is published in the Inventory of Rare and Endangered Vascular Plants of California. Potential impacts to populations of CNPS ranked plants receive consideration under CEQA review. The following identifies the definitions of the CNPS ranks:

- **Rank 1A:** Plants presumed Extinct in California
- **Rank 1B:** Plants Rare, Threatened, or Endangered in California and elsewhere
- **Rank 2:** Plants Rare, Threatened, or Endangered in California, but more numerous elsewhere
- **Rank 3:** Plants about which we need more information—A Review List
- **Rank 4:** Plants of limited distribution—A Watch List

All plants appearing on CNPS List 1A, 1B, or 2 are considered to meet *CEQA Guidelines* Section 15380 criteria. While only some of the plants ranked 3 and 4 meet the definitions of threatened or endangered species, the CNPS recommends that all Rank 3 and Rank 4 plants be evaluated for consideration under CEQA.

Local

Habitat Conservation Plan

The project site is located within the East Contra Costa County Habitat Conversancy, which is a joint exercise of powers authority formed by the cities of Brentwood, Clayton, Oakley, Pittsburg, and Contra Costa County to implement the East Contra Costa County HCP/NCCP. As explained in Section 3.2.2, Environmental Setting, because the applicant for the 2018 Project continues to have rights vested under the development agreement, it is exempt from the HCP under the express terms of the City's Implementing Ordinance.

The HCP/NCCP includes the following policies relevant to biological resources: Chapter 5-1 of the HCP/NCCP: Conservation Strategy

- **Goal 1:** Preserve wetlands and ponds in the inventory area
  - **Objective 1.1.** Acquire perennial wetlands at a ratio of 1:1 of wetted acres (estimated to be 75 wetted acres with the maximum urban development area) and protect as part of the Preserve System
  - **Objective 1.4.** Acquire ponds at a ratio of 2:1 of wetted acres (estimated to be 16 wetted acres with the maximum urban development area) and protect as part of the Preserve System
  - **Objective 1.8.** Preserve and maintain contiguous wetland-upland complexes
- **Goal 2:** Maintain and enhance hydrogeomorphic and ecological function of wetlands and ponds to promote covered species, native biological diversity, and habitat heterogeneity
  - **Objective 2.1.** Maintain or increase native emergent vegetation where appropriate
  - **Objective 2.5.** Eliminate or reduce non-native animals
  - **Objective 2.6.** Eliminate or reduce exotic plants
  - **Objective 2.7.** Maintain or enhance upland habitat in close proximity to wetlands and ponds to support the life-history requirements of wetland-dependent covered species
- **Goal 11:** Enhance grassland to promote native biological diversity and habitat heterogeneity
  - **Objective 11.1.** Increase the relative cover of native grasses and forbs in native grassland vegetation alliances and other grassland types
  - **Objective 11.3.** Reduce the biomass, cover, and extent of exotic plants (i.e., non-native invasive plants) in the Preserve System
- **Goal 24:** Preserve chaparral/scrub in the inventory area
  - **Objective 24.1.** Protect 550 acres of chaparral/scrub that support a diversity of native plant alliances including chaparral, California sage scrub, and black sage scrub

City of Pittsburg

General Plan

The City of Pittsburg General Plan sets forth the following goals and objectives relevant to biological resources.

- **Policy 8-P-8:** Preserve areas of riparian and other wildlife habitat, oak woodland, and other significant biotic resources within parks. Design park improvements to be compatible with the preservation of such resource areas.

- **Goal 9-G-1:** Protect conservation areas, particularly habitats that support special-status species, including species that are State or federally listed as endangered, threatened, or rare.
- **Goal 9-G-2:** Guide development in such a way that preserves significant ecological resources.
- **Goal 9-G-3:** Support the reclamation of wetlands and marshlands along local industrial waterfronts.
- **Policy 9-P-1:** Ensure that development does not substantially affect special-status species, as required by State and federal agencies. Conduct assessments of biological resources as required by CEQA prior to approval of development within habitat areas of identified special-status species, as depicted in Figure 9-1.

3.2.4 - Methodology

Descriptions and analysis in this section are based, in part, on a field survey performed by FCS Biologist, Joaquin Pacheco, on September 26, 2018, in addition to a biological memorandum prepared by Ross A. Dobberteen of LSA, Inc. on June 27, 2018. The memorandum is provided in its entirety in Appendix D.

The analysis focuses on changed circumstances and new information provided by the 2018 field surveys, in order to confirm whether the project as currently proposed would result in any new or more severe impacts than were evaluated and disclosed in the 2004 Final EIR. This section includes additional analysis and refinements to mitigation measures, where needed, to ensure that the analysis provided by the 2004 Final EIR, as revised herein, is adequate to evaluate the project as currently proposed.

Literature Review

As noted above, LSA prepared a Biological Memorandum dated June 27, 2018. FCS began with a thorough peer review of that document in concert with a review of relevant literature.

Consistent with industry standards and protocols, FCS biologists examined existing environmental documentation for the project site and immediate vicinity. This documentation included the Memorandum noted above, literature pertaining to habitat requirements of special-status species potentially occurring near the site, and federal register listings, protocols, and species data provided by the USFWS and CDFW.

FCS biologists reviewed the United States Geological Survey (USGS) 7.5-minute Honker Bay, California quadrangle map and aerial photographs as a preliminary analysis of the existing conditions within the project site and immediate vicinity (consisting of a 1-mile radius). Information obtained from the review of the topographic maps included elevation range, general watershed information, and potential drainage feature locations (USGS 1986). Aerial photographs provide a perspective of the most current site conditions relative to on-site and off-site land use, plant community locations, and potential locations of wildlife movement corridors. FCS also reviewed United States Department of Agriculture soil surveys to establish if soil conditions on-site are suitable for any special-status plant species.

FCS biologists compiled a list of threatened, endangered, and otherwise special-status species previously recorded within the study area. The list was based on the Memorandum, a search of the CDFW's CNDDB, a special-status species and plant community account database, the CNPS's Electronic Inventory of Rare and Endangered Vascular Plants of California database, and a USFWS Information Planning and Conservation Report Search, for the Honker Bay, California USGS 7.5-minute quadrangle maps. The database search results can be found in Appendix D.

Field Survey

FCS Biologist, Joaquin Pacheco, surveyed the project site on September 26, 2018. The purpose of the survey was to assess general site conditions, identify vegetation and wildlife habitats and identify any potentially suitable habitat areas for various special-status plant and wildlife species consistent with industry standards and protocols. FCS compared the existing environment and resulting analysis to the information provided in the 2004 Final EIR, and identified any new analysis or mitigation measures needed to ensure that the 2004 Final EIR, as modified herein, adequately evaluates the project as currently proposed and its potential effects to biological resources.

Any relevant special-status species were identified during the literature review and special attention was paid to the potential for sensitive habitats and areas potentially supporting special-status floral and faunal species. Common plant species observed during the survey were identified by visual characteristics and morphology in the field and recorded in a field notebook. Uncommon and less familiar plants were identified later with the use of taxonomical guides, such as Clarke et al. (2007), Hitchcock (1971), McAuley (1996), and Munz (1974). Taxonomic nomenclature used in this study follows Baldwin et al. (2012). Common plant names, when not available from Baldwin et al. (2012), were taken from other regionally specific references.

Wildlife species detected during the field-level survey by sight, calls, tracks, scat, or other signs were recorded in a field notebook. Notations were made regarding any suitable habitat for those special-status species determined to potentially occur within the project site. Appropriate field guides were used to assist with species identification during surveys.

3.2.5 - Thresholds of Significance

As further explained in Section 1 of this Draft Supplemental EIR, CEQA includes a presumption against requiring any further environmental review once an EIR has been prepared and certified for a project, and does not generally require an analysis of revisions made to laws or regulations after certification of the EIR. Furthermore, this Draft Supplemental EIR meets the content requirements for purposes of CEQA in effect when it was set out for public review. Nevertheless, for purposes of a conservative analysis, the City of Pittsburg recognizes that the California Code of Regulations[2] were recently

[2] Pursuant to CEQA Guidelines Section 15007(a), the Guidelines have recently been amended. Subpart (c) of Section 15007 provides: "If a document meets the content requirements in effect when the document is set out for public review, the document shall not need to be revised to conform to any new content requirements in guideline amendments taking effect before the document is finally approved." Pursuant to subpart (b) of Section 15007, "Amendments to the guidelines apply prospectively only. New requirements in amendments will apply to steps in the CEQA process not yet undertaken by the date when agencies must comply with the amendments." Pursuant to subpart (d) of Section 15007, public agencies must comply with guideline amendments beginning with the earlier of the following two dates: the effective date of the agency's procedures to conform to the new guideline amendments, or 120 days after the amended guidelines become effective.

amended. Therefore, in the City's discretion as the lead agency, in an abundance of caution and to ensure full disclosure, this Draft Supplemental EIR includes consideration of impacts utilizing the 2019 CEQA Guidelines Appendix G. As such, the following questions are analyzed and evaluated to determine whether impacts related to noise are significant in the context of this Draft Supplemental EIR.

According to Appendix G, "Environmental Checklist," of the *CEQA Guidelines*, biological resources impacts resulting from the implementation of the 2018 Project would be considered significant if the 2018 Project would:

a) 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 United States Fish and Wildlife Service?

b) 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 Game or United States Fish and Wildlife Service?

c) 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?

d) 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 wildlife nursery sites?

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? This issue was evaluated in the initial study, which concluded the project would have no impact. Therefore, this issue is not studied further.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? This issue was evaluated in the initial study, which concluded the project would have no impact. Therefore, this issue is not studied further.

3.2.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the 2018 Project as compared to the impact analysis and conclusions evaluated and disclosed in the 2004 EIR, and provides feasible mitigation measures where appropriate.

Special-status Species

Impact BIO-1: The 2018 Project may have a substantial adverse impact on special-status plant and wildlife species.

Impact Analysis

The 2004 Final EIR identified several species of concern on the Vista Del Mar development area, and included mitigation measures which require that biological surveys be conducted on-site prior to construction, and any mitigation imposed by the resource agencies be implemented. Implementation of the mitigation measures was found to reduce all significant impacts to special-status species to a less than significant level.

An impact to special-status plant and wildlife species would be considered significant if implementation of the 2018 Project would result in a substantial, adverse change in any of the physical conditions (such as habitat) within the area affected by the 2018 Project and would therefore adversely affect a special-status species. Each potential special-status species that has the potential to be impacted from project implementation is discussed in detail below.

Special-status Plant Species

The 2004 Final EIR concluded that the project would have no impact to any special-status plant species. Based on the field survey conducted by FCS biologists, FCS also concludes that the 2018 Project would have no impact on special-status plant species. None of the 12 special-status plant species are expected to be present on the project site. Based, in part, on FCS's and LSA's field surveys and the lack of suitable habitat, coupled with the level of disturbance experienced at the site, no special-status plants are expected to occur on the site and no mitigation measures are recommended. Supporting information for this impact analysis and related conclusions is included in Appendix D.

Special-status Wildlife Species

The 2004 Final EIR concluded that the project could result in potential impacts to the following species: California red-legged frog, California tiger salamander, pallid bat, Yuma myotis bat, kit fox, burrowing owl, and other nesting birds and raptors. The majority of the impacts related to habitats and acreage in the southern portion of the Vista del Mar site, located on the south side of West Leland Road. The 2004 Final EIR noted that the project proposed to set aside 87 acres in the southern portion of the site to preserve habitats that support the identified species. The 2004 project also purchased credits from off-site mitigation banks to further support these species and their habitats.

As discussed further below, the 2018 Project is located north of West Leland Road and does not contain the sensitive habitats that were identified in the 2004 Final EIR (the sensitive habitats were identified south of West Leland Road, in the southern portions of the Vista Del Mar project). As a result, there is a low potential for burrowing owl, Swainson's hawk, and other nesting birds to occur on-site, but none of the other species or habitats discussed in the 2004 Final EIR are present on the 2018 Project site. This analysis incorporates the relevant mitigation measures from the 2004 Final

EIR, with refinements where appropriate to reflect current industry standards and best practices. Supporting information for this impact analysis and related conclusions is included in Appendix D.

Burrowing Owl

The burrowing owl is a California Species of Special Concern. This species typically utilizes ground squirrel burrows and other animals (e.g. badgers, prairie dog, and kangaroo rat). The species was not found during LSA's or FCS's field surveys, and additionally, no indicators of habitat or burrowing owl were found on-site during the field survey. However, suitable roosting and breeding habitat (open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation, grazing and agricultural lands) is present on the project site. This species would represent a seasonal constraint to development since burrowing owls, if present, could be harmed during construction unless accepted protocols were in place. If the site were to support nesting owls and nesting owls were found to be present, then areas supporting nesting owls would have to be avoided until the completion of the nesting season (August 31). As required by the 2004 Final EIR, a preconstruction burrowing owl survey is required no more than 30 days prior to construction to confirm the presence/absence of owls. As described further below, Mitigation Measure BIO-1a requires pre-construction surveys for burrowing owl. If the species is present, the mitigation measure requires that avoidance and protection measures be implemented. The implementation of this mitigation measure would reduce impacts to a level of less than significant.

Swainson's Hawk

The Swainson's hawk is federally protected under the MBTA as well as listed as a California threatened species. The species breeds in grasslands with scattered trees or ranch lands with groves or lines of trees. The species was not found during LSA's or FCS's field surveys. However, the open, dry habitat present on-site has the potential to be suitable foraging habitat for this species as grasslands or grain fields commonly support rodent populations. As required by the 2004 Final EIR, a pre-construction survey is required to confirm presence/absence of Swainson's hawk. As described further below, Mitigation Measure BIO-1b requires pre-construction surveys prior to any construction activities. If the species is present, the mitigation measure requires that avoidance and protection measures be implemented. The implementation of this mitigation measure would reduce impacts to a level of less than significant.

Migratory and Nesting Birds

While the 2004 Final EIR identified potential impacts to nesting raptors, it did not include mitigation requiring pre-construction surveys for other nesting migratory bird species, which are protected under the MBTA.

Due to the potential for ground-nesting birds and other species protected under the MBTA that may occur on the 2018 Project site, it is recommended Mitigation Measure BIO-1c be implemented. Implementation of this mitigation measure would reduce potential impacts to migratory and nesting birds and raptors protected under the MBTA to less than significant. In addition to the pre-construction survey, the measure requires avoidance of any active nests to prevent take of any individuals.

Level of Significance Before Mitigation

Potentially significant impacts

Mitigation Measures

MM BIO-1a Burrowing Owl

No more than 30 days prior to the first ground-disturbing activities, the project applicant shall retain a qualified biologist to conduct a preconstruction survey on the project site. The survey shall establish the presence or absence of western burrowing owl and/or burrows, and evaluate any use by owls in accordance with applicable CDFW survey guidelines.

On the portion of the project site where the ground disturbing activity is proposed, the biologist shall survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify whether any burrows and/or owls are present. Adjacent areas on the project site that are not being proposed for ground disturbance need not be surveyed. The survey shall take place near the sunrise or sunset in accordance with applicable CDFW guidelines. All burrows or burrowing owls (if any) shall be identified and mapped. During the breeding season (February 1–August 31), surveys shall document whether burrowing owls (if any) are nesting on or directly adjacent to disturbance areas. During the non-breeding season (September 1–January 31), surveys shall document whether burrowing owls (if any) are using habitat on or directly adjacent to any disturbance area. Survey results shall be valid only for the season during which the survey is conducted.

If burrowing owls are not discovered during the above-described pre-construction surveys, or if burrows are identified but are inactive, further mitigation is not required.

If burrowing owls are observed during the pre-construction surveys, the project applicant shall perform the following measures to limit the impact on the burrowing owls:

- Avoidance shall include establishment of a 160-foot non-disturbance buffer zone. Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation, or that the juveniles from the occupied burrows have fledged. During the non-breeding season (September 1-January 31), the project proponent shall avoid the owls and the burrows they are using, if possible. Avoidance shall include the establishment of a 160-foot non-disturbance buffer zone.
- If it is not possible to avoid occupied burrows, passive relocation shall be implemented. Owls shall be excluded from burrows in the immediate impact zone and within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors shall be in place for 48 hours prior to excavation. The

project area shall be monitored daily for 1 week to confirm that the owl has abandoned the burrow. Whenever possible, burrows should be excavated using hand tools and refilled to prevent re-occupation. Plastic tubing or a similar structure shall be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow.

MM BIO-1b Swainson's Hawk

Prior to any ground disturbance that occurs during the nesting season for Swainson's hawk (March 15 to September 15), a qualified biologist shall conduct a preconstruction survey no more than 30 days prior to construction to establish whether there are any Swainson's hawk nests within 1,000 feet of the project site, and if so, whether they are occupied. If potentially occupied nests within 1,000 feet are located adjacent to but not on the project site, then their occupancy shall be determined by observation from public roads or other publicly accessible observation areas of Swainson's hawk activity (e.g., foraging) near the project site. If Swainson's Hawks are not discovered during the above-described pre-construction surveys, or if a nest is identified but is inactive, further mitigation is not required.

If nests are located and determined to be occupied, minimization measures and construction monitoring are required as follows:

- In order to mitigate for the loss of Swainson's hawk foraging habitat to a less than significant level, the Project applicant shall acquire conservation easements or other instruments to preserve suitable foraging habitat for Swainson's hawk, as determined by the California Department of Fish and Game. The location of mitigation parcels as well as the conservation instruments protecting them shall be acceptable to the City and to the California Department of Fish and Game. The amount of land preserved shall be governed by a 1:1 mitigation ratio for each acre developed at the Project site. In deciding whether to approve the land proposed for preservation by the Project applicant, the City shall consider the benefits of preserving lands in proximity to other protected lands. The preservation of land shall be done prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first. In addition, the City shall impose the following minimum conservation easement content standards:
  - The land to be preserved shall be deemed suitable Swainson's hawk foraging habitat by the California Department of Fish and Wildlife.
  - All owners of the mitigation land shall execute the document encumbering the land.
  - The document shall be recordable and contain an accurate legal description of the mitigation land.
  - The document shall prohibit any activity which substantially impairs or diminishes the land's capacity as suitable Swainson's hawk foraging habitat.

- If the land's suitability as foraging habitat is related to existing agricultural uses on the land, the document shall protect any existing water rights necessary to maintain such agricultural uses on the land covered by the document, and retain such water rights for ongoing use on the mitigation land.
- The applicant shall pay to the City a mitigation monitoring fee to cover the costs of administering, monitoring and enforcing the document in an amount determined by the receiving entity, not to exceed 10% of the easement price paid by the applicant, or a different amount approved by the City Council, not to exceed 15% of the easement price paid by the applicant.
- Interests in mitigation land shall be held in trust by an entity acceptable to the City and/or the City in perpetuity. The entity shall not sell, lease, or convey any interest in mitigation land which it shall acquire without the prior written approval of the City.
- The City shall be named a beneficiary under any document conveying the interest in the mitigation land to an entity acceptable to the City.
- If any qualifying entity owning an interest in mitigation land ceases to exist, the duty to hold, administer, monitor and enforce the interest shall be transferred to another entity acceptable to the City or to the City.

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Before committing to the preservation of any particular land pursuant to this measure, the Project proponent shall obtain the City's approval of the land proposed for preservation. This mitigation measure may be fulfilled in combination with a mitigation measure imposed on the project requiring the preservation of agricultural land as long as the agricultural land is determined by the Department of Fish and Wildlife to be suitable Swainson's hawk habitat.

MM BIO-1c Migratory and Nesting Birds

Prior to the start of construction, the implementation of the following avoidance and minimization measures would avoid or minimize potential effects to migratory birds and habitat in and adjacent to the project site. These measures shall be required to be implemented for construction work that occurs during the nesting season (February 15 through August 31). No mitigation measures shall be required during the non-nesting season (September 1 through February 14)

- If construction or tree removal is proposed during the nesting season for migratory birds (February 15 through August 31), a qualified biologist shall conduct pre-construction surveys for ground nesting birds and migratory species, such as the northern harrier, within the construction area, including a 300-foot survey buffer, no more than 3 days prior to the start of ground disturbing activities in the construction area.
- If an active nest of any of the above-identified migratory birds is located during pre-construction surveys, then the project applicant shall adhere to notification requirements to USFWS and/or CDFW (as appropriate) regarding the status of the nest as may be required under applicable laws and regulations. Furthermore,

construction activities shall be restricted as necessary within any identified buffer area (as determined by the qualified biologist) to avoid disturbance of the nest until it is abandoned or a qualified biologist deems disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 300 feet around an active raptor nest and 50-foot radius around an active migratory bird nest) or alteration of the construction schedule.

- A qualified biologist shall: determine the size of the appropriate buffer and delineate the identified buffer using nest buffer signs, ESA fencing, pin flags, and or flagging tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently, at which time no further mitigation shall be required.

Level of Significance After Mitigation

Less than significant impact.

Sensitive Natural Communities or Riparian Habitat

Impact BIO-2: The 2018 Project would not have adverse impacts on sensitive natural communities or riparian habitat.

Impact Analysis

The 2004 Final EIR did not identify any seasonal creek or drainages north of West Leland Road. The 2004 Final EIR found that potential impacts to approximately 1 acre of seasonal creeks and drainages south of West Leland Road (and therefore outside of the 2018 Project boundaries) would be less than significant with incorporation of mitigation measures which required completion of a wetland delineation and implementation of any mitigation imposed. Since that time, the wetland delineation was prepared and certified by the USACE, and a Wetlands Mitigation and Monitoring Plan was submitted, approved, and implemented, including the creation of mitigation ponds as required by the permit conditions.

Currently, the majority of the site is highly disturbed and graded land. Vegetation on-site is dominated by several invasive species of plants. The greater urban context of the site encourages the dominance of invasive species of plants and wildlife, as it is surrounded by a highly trafficked road way and large, residential complexes. As such, there would be no significant impacts to any sensitive natural communities or riparian habitat, and therefore no mitigation measures would be required. Impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

Less than significant impact.

Wetlands and Jurisdictional Features

Impact BIO-3: The 2018 Project would not have a substantial adverse effect on wetlands or jurisdictional features.

Impact Analysis

The 2004 Final EIR identified approximately 2.7 acre of waters of the United States, all of which were found south of West Leland Road. The 2004 Final EIR found that potential impacts to wetlands or jurisdictional features would be less than significant with incorporation of mitigation measures, which required completion of a wetland delineation and implementation of any mitigation imposed.

The project site is comprised mostly of dry, open grassland and a manmade stormwater basin and, as such, does not contain any wetlands or associated construction aspects that would require filling, removal, or degradation of wetlands. The stormwater basin in the northern portion of the site is regularly maintained and is part of a closed system that does not act as a nexus to navigable waters. The basin was constructed as part of the 2004 project to provide stormwater control for the Vista Del Mar project as well as development on the remaining lands north of West Leland Road (i.e., the 2018 Project). Therefore, the drainages, culverts, and channels that connect to the stormwater basin are not considered jurisdictional features and will not be subject to regulation by regulatory agencies.

Impacts to federally protected wetlands would be considered significant if the proposed project operations resulted in a substantial, adverse change in any of the physical conditions (i.e. fill) of wetlands or jurisdictional features. As such, no impact related to effect on wetlands would occur from project construction.

Level of Significance Before Mitigation

No impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

No impact.

Fish and Wildlife Movement Corridors

Impact BIO-4: The 2018 Project would not have substantial adverse impacts on fish or wildlife movement.

Impact Analysis

The 2004 Final EIR found that due to proximity to surrounding urban development and lack of high quality habitat on-site, a less then significant impact to wildlife movement was anticipated.

Additionally, due to the limited amount of tree and shrub cover, the creeks and drainages (all of which are located south of West Leland Road) do not allow for concealed wildlife movement.

The project site was evaluated for evidence of a wildlife movement corridor during the 2018 reconnaissance-level surveys. These impact conclusions are based, in part, on the information compiled during the literature review, including aerial photographs, USGS topographic maps and resource maps for the vicinity, and professional knowledge of desired topography and resource requirements for wildlife potentially utilizing the project site and vicinity. Multiple barriers to wildlife migration exist within the vicinity of the project site. The project site is bounded by established residential neighborhoods to the west and south, and State Route 4 to the north. Additionally, the vegetation present on-site does not lend itself to support wildlife movement through the site because it mainly consists of sparse shrubbery and limited ground coverage. As previously mentioned, the majority of the on-site vegetation consists of small weeds and invasive plants. Suisun Bay, which offers quality summer nesting habitat for many species of birds, is not in close enough proximity to the project site that any migrating species would utilize the project site for any reason. Due to the foregoing reasons, it was determined that the development of the 2018 Project would not have substantial adverse impacts on fish and wildlife movement corridors.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

Less than significant impact.

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3.3 - Greenhouse Gas Emissions

3.3.1 - Introduction

This section describes existing greenhouse gas (GHG) emissions conditions globally and locally as well as the relevant regulatory framework. This section also evaluates the potential impacts related to GHG emissions and energy that could result from implementation of the 2018 Project. (The 2004 Final EIR did not include any discussion of GHG emissions.) Information included in this section is based, in part, on 2018 project-specific GHG emissions and energy modeling results utilizing California Emissions Estimator Model (CalEEMod) (version 2016.3.2) (complete modeling output in Appendix C).

3.3.2 - Environmental Setting

Climate Change

Climate change is a change in the average weather of the Earth that is measured by alterations in wind patterns, storms, precipitation, and temperature. These changes are assessed using historical records of temperature changes occurring in the past, such as during previous ice ages. Many of the concerns regarding climate change use this data to extrapolate a level of statistical significance specifically focusing on temperature records from the last 150 years (the "Industrial Age") that differ from previous climate changes in rate and magnitude.

The United Nations Intergovernmental Panel on Climate Change (IPCC) constructed several emission trajectories of GHGs needed to stabilize global temperatures and climate change impacts. In its Fourth Assessment Report, the IPCC predicted that the global mean temperature change from 1990 to 2100, given six scenarios, could range from 1.1 degrees Celsius (°C) to 6.4°C. Regardless of analytical methodology, global average temperatures and sea levels are expected to rise under all scenarios (IPCC 2007a).[1] The report also concluded that "[w]arming of the climate system is unequivocal," and that "[m]ost of the observed increase in global average temperatures since the mid-20th century is very likely due to the observed increase in anthropogenic greenhouse gas concentrations."

An individual project cannot generate enough GHG emissions to effect a discernible change in global climate. However, the 2018 Project participates in the potential for global climate change by its incremental contribution of GHGs combined with the cumulative increase of all other sources of GHGs, which when taken together, constitute potential influences on global climate change.

Consequences of Climate Change in California

In California, climate change may result in consequences such as the following.[2,3]

[1] Intergovernmental Panel on Climate Change (IPCC). 2007. Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor and H.L. Miller [eds.]). Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. Website: www.ipcc.ch/publications_and_data/ar4/wg1/en/contents.html. Accessed June 15, 2017.

[2] California Climate Change Center. (CCCC). 2006. Our Changing Climate, Assessing the Risks to California: A Summary Report from the California Climate Change Center. July 2006. CEC-500-2006-077. Website: www.scc.ca.gov/webmaster/ftp/pdf/climate_change

- **A reduction in the quality and supply of water from the Sierra snowpack.** If heat-trapping emissions continue unabated, more precipitation will fall as rain instead of snow, and the snow that does fall will melt earlier, reducing the Sierra Nevada spring snowpack by as much as 70 to 90 percent. This can lead to challenges in securing adequate water supplies. It can also lead to a potential reduction in hydropower.
- **Increased risk of large wildfires.** If rain increases as temperatures rise, wildfires in the grasslands and chaparral ecosystems of Southern California are estimated to increase by approximately 30 percent toward the end of the 21st century because more winter rain will stimulate the growth of more plant "fuel" available to burn in the fall. In contrast, a hotter, drier climate could promote up to 90 percent more Northern California fires by the end of the century by drying out and increasing the flammability of forest vegetation.
- **Reductions in the quality and quantity of certain agricultural products.** The crops and products likely to be adversely affected include wine grapes, fruit, nuts, and milk.
- **Exacerbation of air quality problems.** If temperatures rise to the medium warming range, there could be 75 to 85 percent more days with weather conducive to ozone formation in Los Angeles and the San Joaquin Valley, relative to today's conditions. This is more than twice the increase expected if rising temperatures remain in the lower warming range. This increase in air quality problems could result in an increase in asthma and other health-related problems.
- **A rise in sea levels resulting in the displacement of coastal businesses and residences.** During the past century, sea levels along California's coast have risen about 7 inches. If emissions continue unabated and temperatures rise into the higher anticipated warming range, sea level is expected to rise an additional 22 to 35 inches by the end of the century. Elevations of this magnitude would inundate coastal areas with salt water, accelerate coastal erosion, threaten vital levees and inland water systems, and disrupt wetlands and natural habitats.
- **An increase in temperature and extreme weather events.** Climate change is expected to lead to increases in the frequency, intensity, and duration of extreme heat events and heat waves in California. More heat waves can exacerbate chronic disease or heat-related illness.
- **A decrease in the health and productivity of California's forests.** Climate change can cause an increase in wildfires, an enhanced insect population, and establishment of non-native species.

Project Area (Contra Costa County)

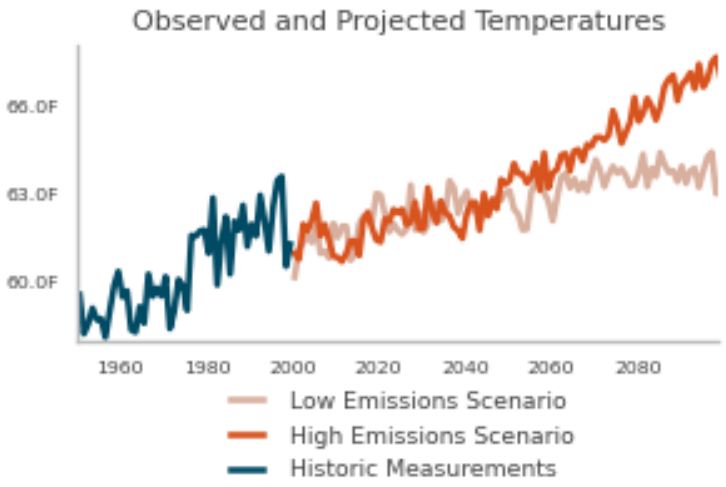
In California, climate change may result in consequences such as the following (from CCCC 2006 and Moser et al. 2009). Figure 1 displays a chart of measured historical and projected annual average temperatures in the project area. As shown in the figure, temperatures are expected to rise in the

/assessing_risks.pdf.

[3] Moser et al. 2009. Moser, Susie, Guido Franco, Sarah Pittiglio, Wendy Chou, Dan Cayan. 2009. The Future Is Now: An Update on Climate Change Science Impacts and Response Options for California. California Energy Commission, PIER Energy-Related Environmental Research Program. CEC-500-2008-071. Website: www.energy.ca.gov/2008publications/CEC-500-2008-071/CEC-500-2008-071.PDF.

low and high GHG emissions scenarios. The results indicate that temperatures are predicted to increase by 3.4°F under the low emission scenario and 5.8°F under the high emissions scenario.

Figure 1: Observed and Projected Temperatures for Climate Change in the Project Area



Source: CalAdapt 2018.

Greenhouse Gases and Global Emission Sources

Gases that trap heat in the atmosphere are referred to as GHGs. The effect is analogous to the way a greenhouse retains heat. Common GHGs include water vapor, carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), chlorofluorocarbons, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, ozone, and aerosols. Natural processes and human activities emit GHGs. The presence of GHGs in the atmosphere affects the Earth's temperature. It is believed that emissions from human activities, such as electricity production and vehicle use, have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations.

Individual GHG compounds have varying global warming potential and atmospheric lifetimes. The global warming potential is the potential of a gas or aerosol to trap heat in the atmosphere. To describe how much global warming a given type and amount of GHG may cause, the CO_2 equivalent (CO_2e) is used. The calculation of the CO_2 equivalent is a consistent methodology for comparing GHG emissions since it normalizes various GHG emissions to a consistent reference gas, CO_2. For example, CH_4's warming potential of 25 indicates that CH_4 has 25 times greater warming effect than CO_2 on a molecule-per-molecule basis. A CO_2 equivalent is the mass emissions of an individual GHG multiplied by its global warming potential. As described in Table 3.3-1, the GHGs defined by Assembly Bill 32 (AB 32) (see the Climate Change Regulatory Environment section for a description) include CO_2, CH_4, N_2O, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. A seventh GHG, nitrogen trifluoride (NF_3), was added to Health and Safety Code section 38505(g)(7) as a GHG of concern.

Table 3.3-1: Description of Greenhouse Gases of California Concern

Greenhouse Gas	Description and Physical Properties	Sources
Nitrous oxide	Nitrous oxide (laughing gas) is a colorless GHG. It has a lifetime of 114 years. Its global warming potential is 298.	Microbial processes in soil and water, fuel combustion, and industrial processes.
Methane	Methane is a flammable gas and is the main component of natural gas. It has a lifetime of 12 years. Its global warming potential is 25.	Methane is extracted from geological deposits (natural gas fields). Other sources are landfills, fermentation of manure, and decay of organic matter.
Carbon dioxide	Carbon dioxide (CO_2) is an odorless, colorless, natural GHG. Carbon dioxide's global warming potential is 1. The concentration in 2005 was 379 parts per million (ppm), which is an increase of about 1.4 ppm per year since 1960.	Natural sources include decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic outgassing. Anthropogenic sources are from burning coal, oil, natural gas, and wood.
Hydrofluorocarbons	Hydrofluorocarbons are a group of GHGs containing carbon, chlorine, and at least one hydrogen atom. Global warming potentials range from 140 to 11,700.	Hydrofluorocarbons are synthetic manmade chemicals used as a substitute for chlorofluorocarbons in applications such as automobile air conditioners and refrigerants.
Perfluorocarbons	Perfluorocarbons have stable molecular structures and only break down by ultraviolet rays about 60 kilometers above Earth's surface. Because of this, they have long lifetimes, between 10,000 and 50,000 years. Global warming potentials range from 6,500 to 9,200.	Two main sources of perfluorocarbons are primary aluminum production and semiconductor manufacturing.
Sulfur hexafluoride	Sulfur hexafluoride (SF_6) is an inorganic, odorless, colorless, and nontoxic, nonflammable gas. It has a lifetime of 3,200 years. It has a high global warming potential, 23,900.	This gas is manmade and used for insulation in electric power transmission equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas.
Nitrogen trifluoride	Nitrogen trifluoride (NF_3) was added to Health and Safety Code section 38505(g)(7) as a GHG of concern. It has a high global warming potential of 17,200.	This gas is used in electronics manufacture for semiconductors and liquid crystal displays.
Sources: Compiled from a variety of sources, primarily Intergovernmental Panel on Climate Change 2007a and 2007b.		

California has begun the process of addressing pollutants referred to as short-lived climate pollutants. The short-lived climate pollutants include three main components: black carbon, fluorinated gases, and methane. The California Air Resources Board (ARB) approved the short-lived *Climate Pollutant Reduction Strategy* in March 2017. The ARB has completed an emission inventory

of these pollutants, identified research needs, identified existing and potential new control measures that offer co-benefits, and coordinated with other State agencies and districts to develop measures.[4] Sources of black carbon are already regulated by the ARB, and Bay Area Air Quality Management District (BAAQMD) criteria pollutant and toxic regulations that control fine particulate emissions from diesel engines and other combustion sources.[5] Additional controls on the sources of black carbon specifically for their GHG impacts beyond those required for toxic and fine particulates are not likely to be needed.

Human Health Effects of GHG Emissions

GHG emissions from development projects would not result in concentrations that would directly impact public health. However, the cumulative effects of GHG emissions on climate change have the potential to cause adverse effects to human health.

The United States Global Change Research Program, in its report, *Global Climate Change Impacts in the U.S.* (2009), has analyzed the degree to which impacts on human health are expected to impact the United States.

Potential effects of climate change on public health include:

- **Direct Temperature Effects:** Climate change may directly affect human health through increases in average temperatures, which are predicted to increase the incidence of heat waves and hot extremes.
- **Extreme Events:** Climate change may affect the frequency and severity of extreme weather events, such as hurricanes and extreme heat and floods, which can be destructive to human health and well-being.
- **Climate-Sensitive Diseases:** Climate change may increase the risk of some infectious diseases, particularly those diseases that appear in warm areas and are spread by mosquitoes and other insects, such as malaria, dengue fever, yellow fever, and encephalitis.
- **Air Quality:** Respiratory disorders may be exacerbated by warming-induced increases in the frequency of smog (ground-level ozone) events and particulate air pollution (United States Environmental Protection Agency [EPA] 2009a).

Although there could be health effects resulting from changes in the climate and the consequences that can occur, inhalation of GHGs at levels currently in the atmosphere would not result in adverse health effects, with the exception of ozone and aerosols (particulate matter). At very high indoor concentrations (not at levels existing outside), CO, CH_4, sulfur hexafluoride, and some chlorofluorocarbons can cause suffocation as the gases can displace oxygen (Centers for Disease Control and Prevention [CDC] 2010 and Occupational Safety and Health Administration [OSHA] 2003).

[4] California Air Resources Board (ARB). 2016b. Proposed Short-Lived Climate Pollutant Reduction Strategy. Website: http://www.arb.ca.gov/cc/shortlived/shortlived.htm.

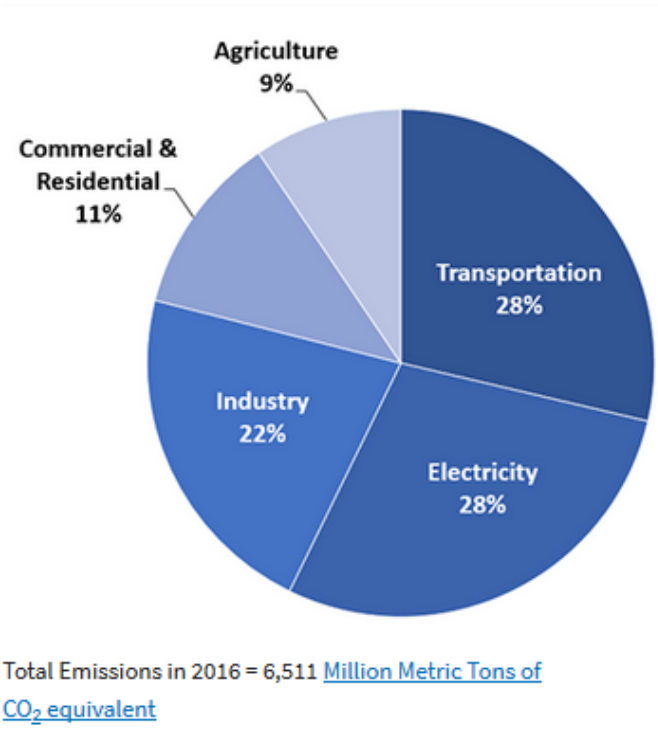
[5] California Air Resources Board (ARB). 2015c. Short-Lived Climate Pollutant Reduction Strategy, Concept Paper. May. Website: http://www.arb.ca.gov/cc/shortlived/concept_paper.pdf. Accessed June 3, 2017.

Existing GHG Emissions

United States GHG Inventory

Since 1990, emissions in the United States have increased at an average annual rate of 0.1 percent. Total GHG emissions increased by 2.4 percent from 1990 to 2016 (from 6,233.2 million metric tons [MMT] CO_2e in 1990 to 6,511.3 MMT CO_2e in 2014) in the United States, while total GHG emissions decreased by 1.9 percent from 2015 to 2016.[6] Figure 3.3-2 presents 2016 United States GHG emissions by economic sector. In 2016, the decrease in GHG emissions compared to 2015 was largely attributed to a decrease in CO_2 emissions from fossil fuel consumption. Multiple factors contributed to the decrease in fossil fuel consumption, such as the substitution of coal to natural gas and other non-fossil energy sources in the electric power sector, and warmer winter conditions in 2016 which led to a decrease in heating fuel demand for the residential and commercial sector. Transportation emissions also increased because of a small increase in vehicle miles traveled. There was also an increase in industrial production across multiple sectors, resulting in slight increases in industrial-sector emissions.[7]

Figure 3.3-2: 2016 United States Greenhouse Gas Emissions by Economic Sector



Source: EPA, 2018[8]
Note: Emissions shown do not include carbon sinks such as change in land uses and forestry.

[6] United States Environmental Protection Agency (EPA). 2016. Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2014. EPA 430-R-16-002. Website: https://www.epa.gov/sites/production/files/2017-04/documents/us-ghg-inventory-2016-main-text.pdf. Accessed June 2, 2018.

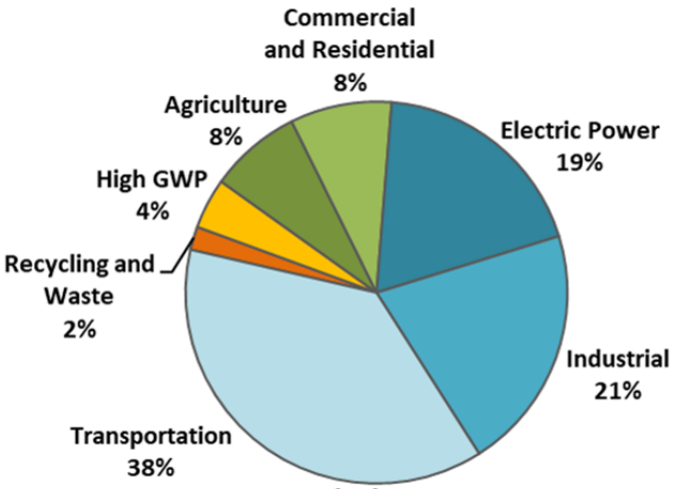
[7] United States Environmental Protection Agency (EPA). 2016. Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2014. EPA 430-R-16-002. Website: https://www.epa.gov/sites/production/files/2017-04/documents/us-ghg-inventory-2016-main-text.pdf. Accessed June 2, 2018.

[8] United States Environmental Protection Agency (EPA). 2018. Sources of Greenhouse Gas Emissions. Website: https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions. Accessed December 19, 2018.

California GHG Inventory

As the second largest emitter of GHG emissions in the United States and the 12th to 16th largest GHG emissions emitter in the world, California contributes a large quantity (429.24 MMT CO_2e in 2016) of GHG emissions to the atmosphere.[9] Emissions of CO_2 are byproducts of fossil-fuel combustion and are attributable in large part to human activities associated with transportation, industry/manufacturing, electricity and natural gas consumption, and agriculture. In California, the transportation sector is the largest emitter at 38 percent of GHG emissions, followed by industrial at 21 percent of GHG emissions (Figure 3.3-3).[10]

Figure 3.3-3: 2016 California Greenhouse Gas Emissions by Sector



Sources: ARB 2018[11]

Bay Area Air Quality Management District GHG Inventory

BAAQMD published a GHG inventory for the San Francisco Bay Area (Bay Area), which provides an estimate of GHG emissions in the base year 2011 for all counties located in the jurisdiction of BAAQMD: Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, Napa, and the southern portions of Solano and Sonoma counties.[12] This GHG inventory is based on the standards for criteria pollutant inventories and is intended to support BAAQMD's climate protection activities.

Table 3.3-2 shows the 2011 breakdown of emissions by end-use sector for each county within the BAAQMD's jurisdiction. The estimated GHG emissions are presented in CO_2e, which weights each GHG by its global warming potential (GWP). The GWPs used in BAAQMD inventory are from the Second Assessment Report of the IPCC.

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[9] California Climate Change Center. (CCCC). 2006. Our Changing Climate, Assessing the Risks to California: A Summary Report from the California Climate Change Center. July 2006. CEC-500-2006-077. Website: www.scc.ca.gov/webmaster/ftp/pdf/climate_change/assessing_risks.pdf. Accessed June 2, 2018.

[10] California Air Resources Board (ARB). 2018. California Greenhouse Inventory-Graphs. Website: https://www.arb.ca.gov/cc/inventory/data/graph/graph.htm. Accessed August 27, 2018.

[11] California Air Resources Board (ARB). 2018. California Greenhouse Inventory-Graphs. Website: https://www.arb.ca.gov/cc/inventory/data/data.htm. Accessed September 27, 2018.

[12] Bay Area Air Quality Management District (BAAQMD). 2015. Bay Area Emissions Inventory Summary Report: Greenhouse Gases Base Year 2011. January. Website: http://www.baaqmd.gov/~/media/files/planning-and-research/emission-inventory/by2011_ghgsummary.pdf. Accessed June 5, 2018.

In 2011, GHG emissions from the portion of Contra Costa within the BAAQMD jurisdiction accounted for approximately 36 percent of the Bay Area's total GHG emissions.[13] Transportation is the largest GHG emissions sector in the Bay Area, followed by industrial/commercial, electricity generation and cogeneration, and residential fuel usage. In Contra Costa County, industrial/commercial is the largest GHG emitting sector, followed by transportation.

Table 3.3-2: 2011 County Emissions Breakdown by Sector (MMT CO_2e/Year)

Sector	Alameda	Contra Costa	Marin	Napa	San Francisco	San Mateo	Santa Clara	Solano*	Sonoma*
Industrial/Commercial	2.7	17.8	0.4	0.2	1.2	1.4	4.1	2.7	0.5
Residential Fuel	1.3	1.0	0.3	0.1	0.9	0.8	1.5	0.3	0.4
Electricity/Co-gen.	0.9	7.2	0.1	0.1	0.5	0.4	2.2	0.4	0.2
Off-Road Equipment	0.2	0.2	0.0	0.0	0.2	0.1	0.4	0.0	0.1
Transportation	7.9	5.0	1.3	0.9	3.0	5.0	7.6	1.6	2.0
Agriculture/Farming	0.1	0.2	0.2	0.1	0.0	0.0	0.2	0.1	0.2
Total	**13.2**	**31.4**	**2.4**	**1.5**	**5.7**	**7.7**	**16.0**	**5.1**	**3.5**

Notes:
* Portion within BAAQMD jurisdiction
BAAQMD = Bay Area Air Quality Management District; CO_2e = carbon dioxide equivalent; co-gen = cogeneration
Source: Bay Area Air Quality Management District (BAAQMD). 2015. Bay Area Emissions Inventory Summary Report: Greenhouse Gases Base Year 2011. January. Website: http://www.baaqmd.gov/~/media/files/planning-and-research/emission-inventory/by2011_ghgsummary.pdf. Accessed June 5, 2018.

City of Pittsburg

In 2007, the City of Pittsburg, along with nearby local governments, joined the Cities for Climate Protection program offered by the International Council for Local Environmental Initiatives (ICLEI). The ICLEI is an international association of cities and counties initiating climate action and other sustainability efforts. Through ICLEI, the City of Pittsburg developed an inventory of their GHG emissions. In the baseline year 2005, the City of Pittsburg generated approximately 4.4 MMT CO_2e of GHG emissions.

As shown in Figure 3.6-4, the largest sector to generate GHG emissions is the industrial sector, followed by the regional transportation sector.

[13] Bay Area Air Quality Management District (BAAQMD). 2015. Bay Area Emissions Inventory Summary Report: Greenhouse Gases Base Year 2011. January. Website: http://www.baaqmd.gov/~/media/files/planning-and-research/emission-inventory/by2011_ghgsummary.pdf. Accessed June 5, 2018.

Table 3.3-3: City of Pittsburg Greenhouse Gas Emissions by Sector

Sector	MT CO_2e	Percent
Industrial	3,984,457	90.7%
Regional Transportation	174,088	4.0%
Local Road Transportation	65,695	1.5%
Commercial	71,775	1.6%
Residential	74,458	1.7%
Waste	23,741	0.5%
Total	**4,394,214**	**100**

Notes:
MT CO_2e: metric tons CO_2e/Year; CO_2e = carbon dioxide equivalent; source:
City of Pittsburg. 2009. 2005 Greenhouse Gas Emissions Baseline Inventory & Analysis. October 2009. Website: http://www.ci.pittsburg.ca.us/Modules/ShowDocument.aspx?documentid=3168.

Project Site

The project site is currently vacant and not generating any GHG emissions.

3.3.3 - Regulatory Framework

International

International organizations such as the ones discussed below have made substantial efforts to reduce GHG emissions. Preventing human-induced climate change will require the participation of all nations in solutions to address the issue.

Intergovernmental Panel on Climate Change

In 1988, the United Nations and the World Meteorological Organization established the Intergovernmental Panel on Climate Change to assess the scientific, technical and socio-economic information relevant to understanding the scientific basis of risk of human-induced climate change, its potential impacts, and options for adaptation and mitigation.

United Nations Climate Change Framework Convention.

On March 21, 1994, the United States joined a number of countries around the world in signing the United Nations Climate Change Framework Convention. Under the Convention, governments agreed to gather and share information on GHG emissions, national policies, and best practices; launch national strategies for addressing GHG emissions and adapting to expected impacts, including the provision of financial and technological support to developing countries; and cooperate in preparing for adaptation to the impacts of climate change.

Paris Climate Change Agreement

Parties to the United Nations Framework Convention on Climate Change (UNFCCC) reached a landmark agreement on December 12, 2015 in Paris, charting a fundamentally new course in the

two-decade-old global climate effort. Culminating in a 4-year negotiating round, the new treaty ends the strict differentiation between developed and developing countries that characterized earlier efforts, replacing it with a common framework that commits all countries to put forward their best efforts and to strengthen them in the years ahead. This includes, for the first time, requirements that all parties report regularly on their emissions and implementation efforts, and undergo international review. The agreement and a companion decision by parties were the key outcomes of the conference, known as the 21st session of the UNFCCC Conference of the Parties, or COP 21.

On June 1, 2017, President Trump announced the decision for the United States to withdraw from the Paris Climate Accord.[14] California remains committed to combating climate change through programs aimed to reduce GHG emissions.[15]

Federal

Prior to the last decade, there were no concrete federal regulations of GHGs or major planning for climate change adaptation. Since then, federal activity has increased. The following are actions regarding the federal government, GHGs, and fuel efficiency.

GHG Endangerment

Massachusetts v. EPA (Supreme Court Case 05-1120) was argued before the United States Supreme Court on November 29, 2006, in which it was petitioned that the EPA regulate four GHGs, including CO_2, under Section 202(a)(1) of the CAA. A decision was made on April 2, 2007, in which the Supreme Court found that GHGs are air pollutants covered by the CAA. The Supreme Court held that the EPA Administrator must determine whether emissions of GHGs from new motor vehicles cause or contribute to air pollution, which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. On December 7, 2009, the EPA Administrator signed two distinct findings regarding GHGs under section 202(a) of the CAA. These findings do not impose requirements on industry or other entities. However, this was a prerequisite for implementing GHG emissions standards for vehicles, as discussed in the section "Clean Vehicles" below. After a lengthy legal challenge, the United States Supreme Court declined to review an Appeals Court ruling upholding that upheld the EPA Administrator findings.[16]

Clean Vehicles

Congress first passed the Corporate Average Fuel Economy law in 1975 to increase the fuel economy of cars and light duty trucks. The law has become more stringent over time. On May 19, 2009, President Obama put in motion a new national policy to increase fuel economy for all new cars and trucks sold in the United States. On April 1, 2010, the EPA and the Department of Transportation's

[14] The White House. Statement by President Trump on the Paris Climate Accord. Website: https://www.whitehouse.gov/the-press-office/2017/06/01/statement-president-trump-paris-climate-accord. Accessed June 23, 2017.

[15] California Air Resources Board (ARB). 2017. New Release: California and China Team Up to Push for Millions More Zero-emission Vehicles. Website: https://www.arb.ca.gov/newsreel/newsrelease.php?id=934. Accessed June 27, 2017.

[16] United States Environmental Protection Agency (EPA). 2009. Endangerment and Cause or Contribute Findings for Greenhouse Gases under the Section 202(a) of the Clean Air Act. Website: https://www.epa.gov/ghgemissions/endangerment-and-cause-or-contribute-findings-greenhouse-gases-under-section-202a-clean

National Highway Safety Administration announced a joint final rule establishing a national program that would reduce GHG emissions and improve fuel economy for new cars and trucks sold in the United States.

The first phase of the national program applies to passenger cars, light-duty trucks, and medium-duty passenger vehicles, covering model years 2012 through 2016. They require these vehicles to meet an estimated combined average emissions level of 250 grams of CO_2 per mile, equivalent to 35.5 miles per gallon if the automobile industry were to meet this CO_2 level solely through fuel economy improvements. Together, these standards would cut CO_2 emissions by an estimated 960 million metric tons and 1.8 billion barrels of oil over the lifetime of the vehicles sold under the program (model years 2012–2016). The EPA and the National Highway Safety Administration issued final rules on a second-phase joint rulemaking, establishing national standards for light-duty vehicles for model years 2017 through 2025 in August 2012 (EPA 2012). The new standards for model years 2017 through 2025 apply to passenger cars, light-duty trucks, and medium duty passenger vehicles. The final standards are projected to result in an average industry fleetwide level of 163 grams/mile of CO_2 in model year 2025, which is equivalent to 54.5 miles per gallon (mpg) if achieved exclusively through fuel economy improvements.

The EPA and the United States Department of Transportation issued final rules for the first national standards to reduce GHG emissions and improve fuel efficiency of heavy-duty trucks and buses on September 15, 2011, which became effective November 14, 2011. For combination tractors, the agencies proposed engine and vehicle standards that began in the 2014 model year and achieve up to a 20-percent reduction in CO_2 emissions and fuel consumption by the 2018 model year. For heavy-duty pickup trucks and vans, the agencies are proposing separate gasoline and diesel truck standards, which phase in starting in the 2014 model year and achieve up to a 10-percent reduction for gasoline vehicles, and a 15-percent reduction for diesel vehicles by 2018 model year (12 and 17 percent respectively if accounting for air conditioning leakage). Lastly, for vocational vehicles, the engine and vehicle standards would achieve up to a 10-percent reduction in fuel consumption and CO_2 emissions from the 2014 to 2018 model years.

United States Consolidated Appropriations Act (Mandatory GHG Reporting)

The Consolidated Appropriations Act of 2008, passed in December 2007, requires the establishment of mandatory GHG reporting requirements. On September 22, 2009, the EPA issued the Final Mandatory Reporting of Greenhouse Gases Rule, which became effective January 1, 2010. The rule requires reporting of GHG emissions from large sources and suppliers in the United States, and is intended to collect accurate and timely emissions data to inform future policy decisions. Under the rule, suppliers of fossil fuels or industrial GHGs, manufacturers of vehicles and engines, and facilities that emit 25,000 metric tons or more per year of GHG emissions are required to submit annual reports to the EPA.

New GHG Source Review

The EPA issued a final rule on May 13, 2010, that establishes thresholds for GHGs that define when permits under the New Source Review Prevention of Significant Deterioration and Title V Operating Permit programs are required for new and existing industrial facilities. This final rule "tailors" the

requirements of these Clean Air Act permitting programs to limit which facilities will be required to obtain Prevention of Significant Deterioration and Title V permits.

The EPA estimates that facilities responsible for nearly 70 percent of the national GHG emissions from stationary sources will be subject to permitting requirements under this rule. This includes the nation's largest GHG emitters—power plants, refineries, and cement production facilities.

Standards of Performance for Greenhouse Gas Emissions for New Stationary Sources: Electric Utility Generating Units

As required by a settlement agreement, the EPA proposed new performance standards for CO_2 emissions for new, affected, fossil fuel-fired electric utility generating units on March 27, 2012. New sources greater than 25 megawatts would be required to meet an output based standard of 1,000 pounds of CO_2 per megawatt-hour, based on the performance of widely used natural gas combined cycle technology.

Cap and Trade

Cap and trade refers to a policy tool where emissions are limited to a certain amount and can be traded, or provides flexibility on how the emitter can comply. There is no federal GHG cap-and-trade program currently; however, some states have joined to create initiatives to provide a mechanism for cap and trade.

The Western Climate Initiative partner jurisdictions have developed a comprehensive initiative to reduce regional GHG emissions to 15 percent below 2005 levels by 2020. The partners are California, British Columbia, Manitoba, Ontario, and Quebec. Currently only California and Quebec are participating in the cap and trade program.[17]

State

Legislative Actions to Reduce GHGs

The State of California legislature has enacted a series of bills that constitute the most aggressive program to reduce GHGs of any State in the nation. Some legislation such as the landmark AB 32 California Global Warming Solutions Act of 2006 was specifically enacted to address GHG emissions. Other legislation such as Title 24 and Title 20 energy standards were originally adopted for other purposes such as energy and water conservation, but also provide GHG reductions. This section describes the major provisions of the legislation.

AB 1493—Pavley Regulations and Fuel Efficiency Standards

California AB 1493, enacted on July 22, 2002, required the ARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light duty trucks. Implementation of the regulation was delayed by lawsuits filed by automakers and by the EPA's denial of an implementation waiver. The EPA subsequently granted the requested waiver in 2009, which was upheld by the

[17] Center for Climate and Energy Solutions (C2ES). 2015b. Multi-State Climate Initiatives. Website: http://www.c2es.org/us-states-regions/regional-climate-initiatives. Accessed April 26, 2016.

United States District Court for the District of Columbia in 2011.[18] The standards are to be phased in during the 2009 through 2016 model years.

The second phase of the implementation for the Pavley bill was incorporated into Amendments to the Low-Emission Vehicle (LEV) Program referred to as LEV III or the Advanced Clean Cars program. The Advanced Clean Car program combines the control of smog-causing pollutants and GHG emissions into a single coordinated package of requirements for model years 2017 through 2025. The regulation will reduce GHGs from new cars by 34 percent from 2016 levels by 2025. The new rules will reduce pollutants from gasoline and diesel-powered cars, and deliver increasing numbers of zero-emission technologies, such as full battery electric cars, newly emerging plug-in hybrid electric vehicles and hydrogen fuel cell cars. The regulations will also ensure adequate fueling infrastructure is available for the increasing numbers of hydrogen fuel cell vehicles planned for deployment in California.[19]

AB 32—California Global Warming Solutions Act of 2006

The California State Legislature enacted AB 32, the California Global Warming Solutions Act of 2006. AB 32 requires that GHGs emitted in California be reduced to 1990 levels by the year 2020. "Greenhouse gases" as defined under AB 32 include CO_2, CH_4, N_2O, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride. Since AB 32 was enacted, a seventh chemical, nitrogen trifluoride, has also been added to the list of GHGs.

The ARB is the State agency charged with monitoring and regulating sources of GHGs. The ARB approved the 1990 GHG emissions level of 427 MMT CO_2e on December 6, 2007.[20] Therefore, to meet the State's target, emissions generated in California in 2020 are required to be equal to or less than 427 MMT CO_2e. Emissions in 2020 in a Business as Usual (BAU) scenario were estimated to be 596 MMT CO_2e, which do not account for reductions from AB 32 regulations[21]. At that rate, a 28 percent reduction was required to achieve the 427 MMT CO_2e 1990 inventory. In October 2010, the ARB prepared an updated 2020 forecast to account for the effects of the 2008 recession and slower forecasted growth. The 2020 inventory without the benefits of adopted regulation is now estimated at 545 MMT CO_2e. Therefore, under the updated forecast, a 21.7 percent reduction from BAU is required to achieve 1990 levels.[22] On July 11, 2018, ARB announced that California met its target of reducing GHG emissions to 1990 levels.[23]

[18] California Air Resources Board (ARB). 2013d. Clean Car Standards—Pavley, Assembly Bill 1493. Website: http://www.arb.ca.gov/cc/ccms/ccms.htm. Accessed February 14, 2017.

[19] California Air Resources Board (ARB). 2011c. Status of Scoping Plan Recommended Measures. Website: www.arb.ca.gov/cc/scopingplan/sp_measures_implementation_timeline.pdf. Accessed February 14, 2017.

[20] California Air Resources Board (ARB). 2007. Staff Report. California 1990 Greenhouse Gas Level and 2020 Emissions Limit. November 16, 2007. Website: www.arb.ca.gov/cc/inventory/pubs/reports/staff_report_1990_level.pdf. Accessed February 14, 2017.

[21] California Air Resources Board (ARB). 2008. (includes edits made in 2009) Climate Change Scoping Plan, a framework for change. Website: http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf. Accessed February 14, 2017.

[22] California Air Resources Board (ARB). 2010a. 2020 Greenhouse Gas Emissions Projection and BAU Scenario Emissions Estimate. Website: http://www.arb.ca.gov/cc/inventory/archive/captrade_2010_projection.pdf. Accessed February 14, 2017.

[23] California Air Resources Board (ARB). 2018. Climate Pollutants Fall Below 1990 Levels for First Time. Website: https://ww2.arb.ca.gov/news/climate-pollutants-fall-below-1990-levels-first-time. Date Accessed December 20, 2018

ARB Scoping Plan

The *ARB Climate Change Scoping Plan* ("Scoping Plan") contains measures designed to reduce the State's emissions to 1990 levels by the year 2020 to comply with AB 32[24]. The Scoping Plan identifies recommended measures for multiple GHG emission sectors and the associated emission reductions needed to achieve the year 2020 emissions target—each sector has a different emission reduction target. Most of the measures target the transportation and electricity sectors. As stated in the Scoping Plan, the key elements of the strategy for achieving the 2020 GHG target include:

- Expanding and strengthening existing energy efficiency programs as well as building and appliance standards;
- Achieving a statewide renewables energy mix of 33 percent;
- Developing a California cap-and-trade program that links with other Western Climate Initiative partner programs to create a regional market system;
- Establishing targets for transportation-related GHG emissions for regions throughout California and pursuing policies and incentives to achieve those targets;
- Adopting and implementing measures pursuant to existing State laws and policies, including California's clean car standards, goods movement measures, and the Low Carbon Fuel Standard; and
- Creating targeted fees, including a public goods charge on water use, fees on high global warming potential gases, and a fee to fund the administrative costs of the State's long-term commitment to AB 32 implementation.

In addition, the Scoping Plan differentiates between "capped" and "uncapped" strategies. Capped strategies are subject to the proposed cap-and-trade program. Implementation of the capped strategies is calculated to achieve a sufficient amount of reductions by 2020 to achieve the emission target contained in AB 32. Uncapped strategies that will not be subject to the cap-and-trade emissions caps and requirements are provided as a margin of safety by accounting for additional GHG emission reductions[25].

The ARB approved the First Update to the Scoping Plan (Update) on May 22, 2014. The Update builds upon the Initial Scoping Plan with new strategies and recommendations.

Senate Bill 375—Sustainable Communities and Climate Protection Act

Senate Bill (SB) 375 was signed into law on September 30, 2008. According to SB 375, the transportation sector is the largest contributor of GHG emissions, which emits over 40 percent of the total GHG emissions in California. SB 375 states, "[w]ithout improved land use and transportation policy, California will not be able to achieve the goals of AB 32." SB 375 does the following: (1)

[24] California Air Resources Board (ARB). 2008. (includes edits made in 2009) Climate Change Scoping Plan, a framework for change. Website: http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf. Accessed February 14, 2017.

[25] California Air Resources Board (ARB). 2008 (includes edits made in 2009). Climate Change Scoping Plan, a framework for change. Website: http://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf.

requires metropolitan planning organizations to include sustainable community strategies in their regional transportation plans for reducing GHG emissions, (2) aligns planning for transportation and housing, and (3) creates specified incentives for the implementation of the strategies.

SB 32—California Global Warming Solutions Act of 2006: emissions limit

The Governor signed SB 32 in September of 2016, giving ARB the statutory responsibility to include the 2030 target previously contained in Executive Order B-30-15 in the *2017 Climate Change Scoping Plan Update*. SB 32 states that "In adopting rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions authorized by this division, the state [air resources] board shall ensure that statewide greenhouse gas emissions are reduced to at least 40 percent below the statewide greenhouse gas emissions limit no later than December 31, 2030." The *2017 Climate Change Scoping Plan Update* addressing the SB 32 targets was adopted on December 14, 2017. The major elements of the framework proposed to achieve the 2030 target are as follows:

1. SB 350
   - Achieve 50 percent Renewables Portfolio Standard (RPS) by 2030.
   - Doubling of energy efficiency savings by 2030.
2. Low Carbon Fuel Standard (LCFS)
   - Increased stringency (reducing carbon intensity 18 percent by 2030, up from 10 percent in 2020).
3. Mobile Source Strategy (Cleaner Technology and Fuels Scenario)
   - Maintaining existing GHG standards for light- and heavy-duty vehicles.
   - Put 4.2 million zero-emission vehicles (ZEVs) on the roads.
   - Increase ZEV buses, delivery and other trucks.
4. Sustainable Freight Action Plan
   - Improve freight system efficiency.
   - Maximize use of near-zero emission vehicles and equipment powered by renewable energy.
   - Deploy over 100,000 zero-emission trucks and equipment by 2030.
5. Short-Lived Climate Pollutant (SLCP) Reduction Strategy
   - Reduce emissions of methane and hydrofluorocarbons 40 percent below 2013 levels by 2030.
   - Reduce emissions of black carbon 50 percent below 2013 levels by 2030.
6. SB 375 Sustainable Communities Strategies
   - Increased stringency of 2035 targets.
7. Post-2020 Cap-and-Trade Program
   - Declining caps, continued linkage with Québec, and linkage to Ontario, Canada.
   - The ARB will look for opportunities to strengthen the program to support more air quality co-benefits, including specific program design elements. In Fall 2016, ARB staff described potential future amendments including reducing the offset usage limit, redesigning the allocation strategy to reduce free allocation to support increased

technology and energy investment at covered entities and reducing allocation if the covered entity increases criteria or toxics emissions over some baseline.

8. 20 percent reduction in GHG emissions from the refinery sector.
9. By 2018, develop Integrated Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.[26]

SB 1368—Emission Performance Standards

In 2006, the State Legislature adopted SB 1368, which was subsequently signed into law by the Governor. SB 1368 directs the California Public Utilities Commission (CPUC) to adopt a performance standard for GHG emissions for the future power purchases of California utilities. SB 1368 seeks to limit carbon emissions associated with electrical energy consumed in California by forbidding procurement arrangements for energy longer than 5 years from resources that exceed the emissions of a relatively clean, combined cycle natural gas power plant. CPUC adopted the regulations required by SB 1368 on August 29, 2007. The regulations implementing SB 1368 establish a standard for baseload generation owned by, or under long-term contract to publicly owned utilities, of 1,100 lbs CO_2 per megawatt-hour (MWh).

SB 1078—Renewable Electricity Standards

On September 12, 2002, Governor Gray Davis signed SB 1078, requiring California to generate 20 percent of its electricity from renewable energy by 2017. SB 107 changed the due date to 2010 instead of 2017. On November 17, 2008, Governor Arnold Schwarzenegger signed Executive Order S-14-08, which established an RPS target for California requiring that all retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. Governor Schwarzenegger also directed ARB (Executive Order S-21-09) to adopt a regulation by July 31, 2010, requiring the State's load serving entities to meet a 33 percent renewable energy target by 2020. The ARB Board approved the Renewable Electricity Standard on September 23, 2010, by Resolution 10-23.

SB 100—The 100 Percent Clean Energy Act of 2018

On September 10, 2018, Governor Jerry Brown signed SB 100, which further advances the Renewable Portfolio Standard target for California to require load-serving entities to increase their renewable energy mix to 50 percent by 2026, and 60 percent by 2030. The bill is intended to transition towards sourcing 100 percent of retail electricity sales from eligible renewable energy sources and zero-carbon sources by 2045.[27]

SB 350—Clean Energy and Pollution Reduction Act

In 2015, the State legislature approved and the Governor signed SB 350 which reaffirms California's commitment to reducing its GHG emissions and addressing climate change. Key provisions include an increase in the RPS, higher energy efficiency requirements for buildings, initial strategies towards a regional electricity grid, and improved infrastructure for electric vehicle charging stations.

[26] California Air Resources Board (ARB). 2017. California's 2017 Climate Change Scoping Plan. November 2017. Website: https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf.

[27] California Legislative Information (California Leginfo). 2018. SB-100 California Renewable Portfolio Standard Program: emissions of greenhouse gases. Website: https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201720180SB100.

Provisions for a 50 percent reduction in the use of petroleum statewide were removed from the Bill due to opposition and concern that it would prevent the Bill's passage. Specifically, SB 350 requires the following to reduce statewide GHG emissions:

- Increase the amount of electricity procured from renewable energy sources from 33 percent to 50 percent by 2030, with interim targets of 40 percent by 2024, and 25 percent by 2027.
- Double the energy efficiency in existing buildings by 2030. This target will be achieved through the California Public Utility Commission, the California Energy Commission, and local publicly owned utilities.
- Reorganize the Independent System Operator (ISO) to develop more regional electrify transmission markets and to improve accessibility in these markets, which will facilitate the growth of renewable energy markets in the western United States.[28]

California SBX 7-7—Water Conservation Act

This 2009 legislation directs urban retail water suppliers to set individual 2020 per capita water use targets and begin implementing conservation measures to achieve those goals. Meeting this statewide goal of 20 percent decrease in demand will result in a reduction of almost 2 million acre-feet in urban water use in 2020.

Executive Orders Related to GHG Emissions

California's Executive Branch has taken several actions to reduce GHGs through the use of Executive Orders. Although not regulatory, they set the tone for the State and guide the actions of State agencies.

Executive Order S-3-05

Former California Governor Arnold Schwarzenegger announced on June 1, 2005, through Executive Order S-3-05, the following reduction targets for GHG emissions:

- By 2010, reduce GHG emissions to 2000 levels.
- By 2020, reduce GHG emissions to 1990 levels.
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

The 2050 reduction goal represents what some scientists believe is necessary to reach levels that will stabilize the climate. The 2020 goal was established to be a mid-term target. Because this is an executive order, the goals are not legally enforceable for local governments or the private sector.

Executive Order S-01-07: Low Carbon Fuel Standard

The Governor signed Executive Order S 01-07 on January 18, 2007. The order mandates that a statewide goal shall be established to reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020. In particular, the executive order established an LCFS and directed

[28] California Legislative Information (California Leginfo). 2015. Senate Bill 350 Clean Energy and Pollution Reduction Act of 2015. Website: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB350. Accessed September 28, 2017.

the Secretary for Environmental Protection to coordinate the actions of the California Energy Commission, ARB, the University of California, and other agencies to develop and propose protocols for measuring the "life-cycle carbon intensity" of transportation fuels. This analysis supporting development of the protocols was included in the State Implementation Plan for alternative fuels (State Alternative Fuels Plan adopted by California Energy Commission on December 24, 2007) and was submitted to the ARB for consideration as an "early action" item under AB 32. The ARB adopted the LCFS on April 23, 2009.

The LCFS was subject to legal challenge in 2011. Ultimately, on August 8, 2013, the Fifth District Court of Appeal (California) ruled that ARB failed to comply with California Environmental Quality Act (CEQA) and the Administrative Procedure Act (APA) when adopting regulations for LCFS. In a partially published opinion, the Court of Appeal directed that Resolution 09-31 and two Executive Orders of ARB approving LCFS regulations promulgated to reduce GHG emissions be set aside. However, the court tailored its remedy to protect the public interest by allowing the LCFS regulations to remain operative while the ARB complies with the procedural requirements it failed to satisfy.

To address the Court ruling, the ARB was required to bring a new LCFS regulation to the Board for consideration in February 2015. The proposed LCFS regulation was required to contain revisions to the 2010 LCFS as well as new provisions designed to foster investments in the production of the low-carbon fuels, offer additional flexibility to regulated parties, update critical technical information, simplify and streamline program operations, and enhance enforcement. The second public hearing for the new LCFS regulation was held on September 24, 2015 and September 25, 2015, where the LCFS Regulation was adopted. The Final Rulemaking Package adopting the regulation was filed with the Office of Administrative Law (OAL) on October 2, 2015. The OAL approved the regulation on November 16, 2015.[29]

Executive Order S-13-08

Executive Order S-13-08 states that "climate change in California during the next century is expected to shift precipitation patterns, accelerate sea level rise and increase temperatures, thereby posing a serious threat to California's economy, to the health and welfare of its population and to its natural resources." Pursuant to the requirements in the order, the 2009 California Climate Adaptation Strategy was adopted, which is the ". . . first Statewide, multi-sector, region-specific, and information-based climate change adaptation strategy in the United States." Objectives include analyzing risks of climate change in California, identifying and exploring strategies to adapt to climate change, and specifying a direction for future research.

Executive Order B-30-15

On April 29, 2015, Governor Edmund G. Brown Jr. issued an executive order to establish a California GHG reduction target of 40 percent below 1990 levels by 2030. The Governor's executive order aligns California's GHG reduction targets with those of leading international governments ahead of the United Nations Climate Change Conference in Paris late 2015. The executive order sets a new

[29] California Air Resources Board (ARB). 2015e. Low Carbon Fuel Standard Regulation. Website: http://www.arb.ca.gov/regact/2015/lcfs2015/lcfs2015.htm. Accessed September 22, 2017.

interim statewide GHG emission reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030 in order to ensure California meets its target of reducing GHG emissions to 80 percent below 1990 levels by 2050, and directs the ARB to update the Climate Change Scoping Plan to express the 2030 target in terms of MM CO_2e. The executive order also requires the State's climate adaptation plan to be updated every three years and for the State to continue its climate change research program, among other provisions.

California Regulations and Building Codes

California has a long history of adopting regulations to improve energy efficiency in new and remodeled buildings. These regulations have kept California's energy consumption relatively flat even with rapid population growth.

Title 20 Appliance Efficiency Regulations

California Code of Regulations, Title 20: Division 2, Chapter 4, Article 4, Sections 1601-1608: Appliance Efficiency Regulations regulates the sale of appliances in California. The Appliance Efficiency Regulations include standards for both federally regulated appliances and non-federally regulated appliances. Twenty-three categories of appliances are included in the scope of these regulations. The standards within these regulations apply to appliances that are sold or offered for sale in California, except those sold wholesale in California for final retail sale outside the State and those designed and sold exclusively for use in recreational vehicles or other mobile equipment.[30]

Title 24 Energy Efficiency Standards

California Code of Regulations Title 24 Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions.

The upcoming 2019 Building Energy Efficiency Standards (2019 Standards) will go into effect on January 1, 2020.[31] The 2019 Standards focus on four key areas: smart residential photovoltaic systems, updated thermal envelope standards, residential and nonresidential ventilation requirements, and nonresidential lighting requirements.[32] One of the notable change includes the solar photovoltaic systems requirement for new low-rise residential homes.

[30] California Energy Commission (CEC). 2012. 2013 Title 24 Building Energy Efficiency Standards Adoption Hearing Presentation. Website: http://www.energy.ca.gov/title24/2013standards/rulemaking/documents/final_rulemaking_documents/31_2013_Adoption_Hearing_Presentation_5-31.pdf. Accessed October 19, 2015.

[31] California Energy Commission (CEC). 2018. 2019 Building Energy Efficiency Standards. March 2018. Website: https://www.energy.ca.gov/title24/2019standards/documents/2018_Title_24_2019_Building_Standards_FAQ.pdf.

[32] California Energy Commission (CEC). 2018. Energy Commission Adopts Standards Requiring Solar Systems for New Homes, First in Nation. Website: https://www.energy.ca.gov/releases/2018_releases/2018-05-09_building_standards_adopted_nr.html. Accessed November 21, 2018.

Title 24 California Green Building Standards Code

California Code of Regulations Title 24, Part 11, is a comprehensive and uniform regulatory code for all residential, commercial, and school buildings that went in effect January 1, 2011. The code is updated on a regular basis, with the most recent update consisting of the 2016 California Green Building Code Standards that became effective January 1, 2017. Local jurisdictions are permitted to adopt more stringent requirements, as state law provides methods for local enhancements. State building code requirements provide the minimum standard that buildings need to meet in order to be certified for occupancy, which is generally enforced by the local building official.

Model Water Efficient Landscape Ordinance

The Model Water Efficient Landscape Ordinance (Ordinance) was required by AB 1881 Water Conservation Act. The Bill required local agencies to adopt a local landscape ordinance at least as effective in conserving water as the Model Ordinance by January 1, 2010. Reductions in water use of 20 percent consistent with (SBX-7-7) 2020 mandate are expected for Ordinance. Governor Brown's Drought Executive Order of April 1, 2015 (EO B-29-15) directed the California Department of Water Resources to update the Ordinance through expedited regulation. The California Water Commission approved the revised Ordinance on July 15, 2015, which became effective on December 15, 2015. New development projects that include landscaped areas of 500 square feet or more are subject to the Ordinance.

SB 97 and the CEQA Guidelines Update

SB 97 passed in August 2007 and was added to Section 21083.05 to the Public Resources Code. The code states "(a) On or before July 1, 2009, the Office of Planning and Research shall prepare, develop, and transmit to the Resources Agency guidelines for the mitigation of GHG emissions or the effects of GHG emissions as required by this division, including, but not limited to, effects associated with transportation or energy consumption. (b) On or before January 1, 2010, the Resources Agency shall certify and adopt guidelines prepared and developed by the Office of Planning and Research pursuant to subdivision (a)."

Section 21097 was also added to the Public Resources Code, which provided an exemption until January 1, 2010, for transportation projects funded by the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 or projects funded by the Disaster Preparedness and Flood Prevention Bond Act of 2006, in stating that the failure to analyze adequately the effects of GHGs would not violate CEQA. The Natural Resources Agency completed the approval process and the Amendments became effective on March 18, 2010.

The 2010 CEQA Amendments provide guidance to public agencies regarding the analysis and mitigation of the effects of GHG emissions in CEQA documents. The CEQA Amendments fit within the existing CEQA framework by amending existing CEQA Guidelines to reference climate change.

In January 2018, OPR transmitted its proposal for the comprehensive updates to the CEQA Guidelines to the California Natural Resources Agency. The proposed updates related to, among other items, analyzing transportation impacts pursuant to Senate Bill 743 and updates to the analysis of GHG emissions in response to the California Supreme Court's decision in *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369. In late

2018, the Natural Resources Agency finalized the updates to the CEQA Guidelines. The updated CEQA Guidelines were adopted on December 28, 2018. As further explained in Section 1 of this Draft Supplemental EIR, CEQA includes a presumption against requiring any further environmental review once an EIR has been prepared and certified for a project, and does not generally require an analysis of revisions made to laws or regulations after certification of the EIR. Furthermore, this Draft Supplemental EIR meets the content requirements for purposes of CEQA in effect when it was set out for public review. Nevertheless, for purposes of a conservative analysis, the City of Pittsburg recognizes that the California Code of Regulations[33] were recently amended. Therefore, in the City's discretion as the lead agency, in an abundance of caution and to ensure full disclosure, this Draft Supplemental EIR includes consideration of GHG Emissions utilizing the 2019 CEQA Guidelines Appendix G.

California Supreme Court GHG Ruling

In a November 30, 2015 ruling, the California Supreme Court in *Center for Biological Diversity v. California Department of Fish and Wildlife* on the Newhall Ranch project concluded that whether the project was consistent with meeting Statewide emission reduction goals is a legally permissible criterion of significance, but the significance finding for the project was not supported by a reasoned explanation based on substantial evidence. The Court offered potential solutions on pages 25–27 of the ruling to address this issue summarized below:

Specifically, the Court advised that:

- **Substantiation of Project Reductions from BAU**. A lead agency may use a BAU comparison based on the Scoping Plan's methodology if it also substantiates the reduction a particular project must achieve to comply with statewide goals. The Court suggested a lead agency could examine the "data behind the Scoping Plan's business-as-usual model" to determine the necessary project-level reductions from new land use development at the proposed location (p. 25).
- **Compliance with Regulatory Programs or Performance Based Standards**. A lead agency "might assess consistency with A.B. 32's goal in whole or part by looking to compliance with regulatory programs designed to reduce greenhouse gas emissions from particular activities. (See Final Statement of Reasons, supra, at p. 64 [greenhouse gas emissions 'may be best analyzed and mitigated at a programmatic level.'].)" To the extent a project's design features comply with or exceed the regulations outlined in the Scoping Plan and adopted by the Air Resources Board or other state agencies, a lead agency could appropriately rely on their use as showing compliance with 'performance based standards' adopted to fulfill 'a statewide . . . plan for the reduction or mitigation of greenhouse gas emissions' (CEQA Guidelines § 15064.4(a)(2), (b)(3); see also id., § 15064(h)(3) [determination that impact is not cumulatively

[33] Pursuant to CEQA Guidelines Section 15007(a), the Guidelines have recently been amended. Subpart (c) of Section 15007 provides: "If a document meets the content requirements in effect when the document is set out for public review, the document shall not need to be revised to conform to any new content requirements in guideline amendments taking effect before the document is finally approved." Pursuant to subpart (b) of Section 15007, "Amendments to the guidelines apply prospectively only. New requirements in amendments will apply to steps in the CEQA process not yet undertaken by the date when agencies must comply with the amendments." Pursuant to subpart (d) of Section 15007, public agencies must comply with guideline amendments beginning with the earlier of the following two dates: the effective date of the agency's procedures to conform to the new guideline amendments, or 120 days after the amended guidelines become effective.

considerable may rest on compliance with previously adopted plans or regulations, including 'plans or regulations for the reduction of greenhouse gas emissions']) (p. 26).

- **Compliance with GHG Reduction Plans or Climate Action Plans (CAPs)**. A lead agency may utilize "geographically specific GHG emission reduction plans" such as climate action plans or greenhouse gas emission reduction plans to provide a basis for the tiering or streamlining of project-level CEQA analysis (p. 26).
- **Compliance with Local Air District Thresholds**. A lead agency may rely on "existing numerical thresholds of significance for greenhouse gas emissions" adopted by, for example, local air districts (p. 27).

Regional

BAAQMD has established GHG thresholds of significance for stationary sources and for projects other than stationary sources, as discussed in more detail later in the *Specific Thresholds of Significance*.

Local

Pittsburg General Plan

The City of Pittsburg adopted its General Plan in November of 2001. The *City of Pittsburg General Plan* establishes the following applicable objectives and policies that are relevant to GHG emissions:

Transportation Element

- **Policy 7-G-10:** Study the feasibility of a comprehensive network of on- and off-road bike routes to encourage the use of bikes for commute, recreational and other trips.
- **Policy 7-P-5:** Apply for federal Congestion Mitigation Air Quality grant funding designed to improve air quality through roadway improvement projects.
- **Policy 7-P-31:** Work with Tri-Delta and County Connection to schedule signal timing for arterials with heavy bus traffic, where air quality benefits can be demonstrated.

Resource Conservation Element

- **Policy 9-G-9:** Work toward improving air quality and meeting all Federal and State ambient air quality standards by reducing the generation of air pollutants from stationary and mobile sources.
- **Policy 9-G-11:** Reduce the number of motor vehicle trips and emissions accounted to Pittsburg residents and encourage land use and transportation strategies that promote use of alternatives to the automobile for transportation, including bicycling, bus transit, and carpooling.
- **Policy 9-P-29:** Cooperate with the Bay Area Air Quality Management District to achieve emissions reductions for ozone and its precursor, PM-10.
- **Policy 9-P-32:** Minimize emissions and air pollution from City operations by using alternative-fuel vehicles, as feasible.
- **Policy 9-P-43:** During redevelopment and rehabilitation of older residential units, ensure that the development process complies with the lead testing requirements established by Bay Area

Air Quality Management District, Contra Costa County Environmental Health District, and Housing and Urban Development.

City of Pittsburg Climate Action Plan and Climate Action Page

The City of Pittsburg is currently in the process of developing a Climate Action Plan (CAP), which will help develop solutions and outline City programs to reduce the City's carbon footprint. The City currently has a Climate Action Page that documents their efforts in promoting climate action. The categories of climate action identified include energy efficiency, renewable energy, fuel efficiency, resource conservation, and adaption strategies.[34]

3.3.4 - Impacts and Mitigation Measures

Significance Criteria

According to CEQA Guidelines Appendix G, to determine whether impacts related to greenhouse emissions are significant environmental effects, the following questions are analyzed and evaluated. Would the proposed project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

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

c) Encourage activities that result in the use of large amounts of energy, or use of energy in a wasteful manner?

d) Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing energy use, particularly non-renewable energy use (often referred to as energy efficiency standards applicable to projects, buildings, appliances, etc.)?

Approach to Analysis

The 2004 Final EIR did not include any discussion of greenhouse gas emissions. Therefore, this analysis provides new information, in accordance with the 2019 CEQA guidelines. As noted previously, while the City is not required to do so, the City has chosen to utilize the 2019 CEQA Guidelines in an abundance of caution and to ensure full disclosure.

GHG Emissions Generation Calculation Methodology

The emission estimates were developed consistent with the proposed land uses and construction schedule in Chapter 2, Project Description. The CalEEMod version 2016.3.2 was used to estimate the 2018 Project's construction and operation-related GHG emissions. CalEEMod was developed in cooperation with air districts throughout the State and is designed as a uniform platform for

[34] City of Pittsburg. 2018. Climate Action Pages. Website: http://www.ci.pittsburg.ca.us/index.aspx?page=301. Accessed November 21, 2018.

government agencies, land use planners, and environmental professionals to quantify potential GHG emissions associated with construction and operation from a variety of land uses.

Construction

Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation, and prevailing weather conditions. Construction-related GHG emissions result from on-site and off-site activities. On-site GHG emissions principally consist of exhaust emissions from heavy-duty construction equipment. Off-site GHG emissions would occur from motor vehicle exhaust from material delivery vehicles and construction worker traffic. However, unlike air quality emissions that have both localized and regional impacts, GHG emissions are evaluated based on the total emissions generated. The construction parameters used to estimate the 2018 Project's construction-related GHG emissions were based on applicant-provided data and CalEEMod default-provided assumptions. Full assumptions are detailed in the CalEEMod modeling output contained in Appendix C.

Operation

The major sources and operational parameters used to estimate the 2018 Project's operation-related GHG emissions are summarized below. Full assumptions are detailed in the CalEEMod modeling output contained in Appendix C.

Motor Vehicles

Motor vehicle emissions refer to exhaust and road dust emissions from the automobiles that would travel to and from the project site. The emissions were estimated using CalEEMod. The average daily trip generation rates for 2018 Project operations were obtained from the project-specific traffic study (included in Appendix F) [35] and are consistent with Institute of Transportation Engineers (ITE) Manual, 10th Edition.[36]

Pass-by trips are made as intermediate stops on the way from an origin to a primary trip destination without a route diversion. Pass-by trips are attracted from traffic passing the vicinity of the project site on an adjacent street or roadway that offers direct access to the primary trip destination. Pass-by trips are not diverted from another roadway. As a mixed-use development consisting of residential and commercial land uses, the 2018 Project may generate pass-by trips from residents accessing the potential future commercial portion of the 2018 Project as an intermediate stop. Consistent with the 2018 Project-specific traffic study, pass-by trip credit for the commercial land uses was taken.

The CalEEMod default round trip lengths for an urban setting for Contra Costa County were used in this analysis. The vehicle fleet mix is defined as the mix of motor vehicle classes active during the operation of the proposed plan. Emission factors are assigned to the expected vehicle mix as a function of vehicle class, speed, and fuel use (gasoline and diesel-powered vehicles). The CalEEMod default vehicle fleet mix for Contra Costa County was used for this analysis.

[35] FirstCarbon Solutions (FCS). City of Pittsburg. Transportation Impact Assessment for Alves Ranch Project, prepared by Fehr & Peers. November 2018.

[36] Institute of Transportation Engineers (ITE). 2017. Trip Generation Manual 10th Edition.

Landscape Equipment

The use of landscaping equipment (leaf blowers, chain saws, mowers) would generate GHG emissions as a result of fuel combustion based on assumptions in the CalEEMod model.

Electricity

The City of Pittsburg's main electricity provider is Marin Clean Energy (MCE). Pacific Gas & Electric Company (PG&E) is the main electricity transmitter. CalEEMod does not include the option to use emission factors associated with MCE. As such, for the purpose of estimating GHG emissions for this analysis, emission factors from PG&E were used. PG&E provides estimates of its emission factor per megawatt hour of electricity delivered to its customers. PG&E emissions factor for 2020 for CO_2 is provided below. The rates for methane and nitrous oxide are based on compliance with the Renewable Portfolio Standard. The factors listed below were applied in estimating emissions for the year 2021.

- Carbon dioxide: 491.65 lb/MWh
- Methane: 0.022 lb/MWh
- Nitrous oxide: 0.005 lb/MWh

CalEEMod has three categories for electricity consumption: Title 24-electricity; non-Title 24-electricity; and lighting. Title 24-electricity uses are defined as the major building envelope systems covered by California Building Code Title 24 Part 6, such as space heating, space cooling, water heating, and ventilation. Lighting is separate since it can be both part and not part of Title 24. Since lighting is not part of the building envelope energy budget, CalEEMod does not consider lighting to have any further association with Title 24 references in the program. Non-Title 24-electricity includes everything else such as appliances and electronics. To properly divide the total electricity consumption into the three categories, the percentage for each category is determined by using percentages derived from the CalEEMod default electricity intensity. The percentages are applied to the electricity consumption to obtain the values used in the analysis.

Natural Gas

PG&E is assumed to be the main natural gas provider to the 2018 Project. There would be emissions from the combustion of natural gas used for the 2018 Project (water heaters, heat, etc.). CalEEMod has two categories for natural gas consumption: Title 24-natural gas, and non-Title 24-natural gas. For purposes of a conservative analysis, CalEEMod defaults were used.

Water and Wastewater

There would be emissions from the combustion of natural gas used for the 2018 Project (water heaters, heat, etc.). CalEEMod has two categories for natural gas consumption: Title 24 and non-Title 24. For purposes of a conservative analysis, CalEEMod defaults were used.

Solid Waste

GHG emissions would be generated from the decomposition of solid waste generated by the 2018 Project. For purposes of a conservative analysis, CalEEMod was used to estimate the GHG emissions from this source. The CalEEMod default for the mix of landfill types is as follows:

- Landfill no gas capture—6 percent;
- Landfill capture gas flare—94 percent;
- Landfill capture gas energy recovery—0 percent.

Vegetation

There is currently carbon sequestration occurring on-site from existing vegetation. The 2018 Project would plant trees and integrate landscaping into the proposed plan design, which would continue to provide carbon sequestration. However, while there is a conceptual landscape plan, the number of trees to be planted would be finalized as part of the ultimate site plan approval; therefore, because there is not definitive information regarding the final landscape plan, data are insufficient to accurately determine the impact that existing plants have on carbon sequestration. Accordingly, for purposes of a conservative analysis, it was assumed that the loss and addition of carbon sequestration that are due to the 2018 Project would be balanced; therefore, emissions due to carbon sequestration were not included.

GHG Emissions Reduction Plan Consistency Determination Methodology

In determining whether a project or plan conflicts with any applicable plan, policy, or regulation, the California Resources Agency has stated that in order to be used for the purpose of determining significance, an applicable plan, policy, or regulation must contain specific requirements that result in reductions of GHG emissions to a less than significant level. The City, in its discretion, has determined that the 2018 Project will be assessed for its consistency with the GHG reduction measures included in the AB 32 Scoping Plan and 2017 Scoping Plan Update for purposes of this GHG analysis.

Specific Thresholds of Significance

GHG Emissions Generation

BAAQMD provides multiple options in its *2017 CEQA Guidelines* for analysis of GHG emissions generated from operations. At the time of this analysis, BAAQMD has not yet provided a construction-related GHG generation threshold, but it does recommend that construction-generated GHGs be quantified and disclosed.

BAAQMD's project-level significance threshold for operational GHG generation was deemed appropriate by the City, in its discretion, to use when determining the 2018 Project's potential GHG impacts. The thresholds suggested by BAAQMD are as follows:

- Compliance with a qualified GHG Reduction Strategy;
- 1,100 MT CO_2e per year, or
- 4.6 MT CO_2e per service population (employees plus residents) per year (for 2020) or 2.6 MT CO_2e per service population (for 2030).

It should be noted that BAAQMD's thresholds of significance were established based on meeting the 2020 GHG targets set forth in the AB 32 Scoping Plan. For developments that would occur beyond 2020, the service population threshold of significance was adjusted to a "substantial progress" threshold that was calculated based on the SB 32 target of 40 percent below 1990 levels and the

forecasted 2030 service population.[37] In the *Center for Biological Diversity v. California Department of Fish and Wildlife,* the CA Supreme Court stated that "residential and commercial development, which are designed to accommodate longterm growth in California's population and economic activity, this fact gives rise to an argument that a certain amount of greenhouse gas emissions is as inevitable as population growth. **Under this view, a significance criterion framed in terms of efficiency is superior to a simple numerical threshold because CEQA is not intended as a population control measure**." (emph. added) Therefore, consistent with the BAAQMD guidelines and the CA Supreme Court decision, this analysis uses a service population threshold to evaluate GHG emissions for the 2018 Project.

The 2018 Project would be determined to conflict with any applicable GHG emissions reduction plan if it would not adhere to the GHG reduction measures included in the AB 32 Scoping Plan and SB Scoping Plan Update.

Impact Evaluation

GHG Emissions Generation

Impact GHG-1:	**Implementation of the 2018 Project would generate direct and indirect greenhouse gas emissions that could result in a significant impact on the environment.**

Summary of 2004 Final EIR

The 2004 Final EIR did not include an analysis of GHG emissions.

Construction

Construction of the 2018 Project would emit GHG emissions from use of off-road equipment, worker vehicles, and any hauling that may occur. GHG emissions from project construction equipment and worker vehicles across all properties that make up the project site are shown in Table 3.3-4. The emissions are from all phases of construction. Construction of the 2018 Project is estimated to generate approximately 2,544 MT CO_2e over the entire construction duration.

BAAQMD does not presently provide a construction-related threshold for GHG emissions, but recommends that construction-generated GHG emissions be quantified and disclosed. BAAQMD also recommends that lead agencies make a determination of the level of significance of construction-generated GHG emissions in relation to meeting AB 32 GHG reduction goals. In the absence of a construction-specific significance threshold, this analysis amortizes the total construction emissions over the assumed lifetime of the 2018 Project (i.e., 30 years), and adds those emissions to the operational emissions. Since the 2018 Project includes both residential and commercial land uses, which can range from an estimated operational life of 25 to 40 years, the analysis uses 30 years as a representative lifetime consistent with recommendations of other air districts throughout California. See Table 3.3-5 for an evaluation summary of the 2018 Project's annual construction GHG emission by construction phase. This amortization method is consistent

[37] Association of Environmental Professional (AEP). Final White Paper Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California. Website: https://www.califaep.org/images/climate-change/AEP-2016_Final_White_Paper.pdf. Accessed: December 20, 2018.

with guidance from the Sacramento Metropolitan Air Quality Management District (SMAQMD's)guidance and provides quantitative analysis of the 2018 Project's construction emissions.[38] Since the analysis is based on a service population threshold and the BAAQMD guidelines do not specify how to including construction emissions in that impact assessment, this analysis uses recommendations consistent with other air districts in California to evaluate all emissions sources associated with the 2018 Project. As such, the 2018 Project would result in total amortized construction emissions of 85 MT CO_2e per year. The amortized construction emissions are added to the 2018 Project's annual operational emissions and then compared with the service population threshold, as shown in Table 3.3-5.

Table 3.3-4: Annual Construction GHG Emissions

Construction Phase	On-site Emissions	Off-site Emissions	Total Emissions (MT CO_2e/year)
Site Preparation—2019	52	2	54
Grading—2019	211	36	247
Building Construction—2019	56	204	260
Building Construction—2020	305	1,119	1,425
Building Construction—2021	71	255	326
Architectural Coating—2020	16	44	59
Architectural Coating—2021	33	88	115
Paving—2021	56	3	58
Total Construction Emissions			**2,544**
Amortized over 30 years			**85**

Note:
MT CO_2e = metric tons of carbon dioxide equivalent
Due to rounding, total MT CO_2e may be marginally different from CalEEMod output.
Source: CalEEMod output (Appendix C).

Operation

Operational emissions would occur at the project site over the life of the 2018 Project. The operational GHG emissions from the 2018 Project are combined with the amortized construction emissions and compared with BAAQMD's per-service-population threshold to make a significance determination.

The 2018 Project's operational emissions were estimated with CalEEMod version 2016.3.2. CalEEMod assumes compliance with some, but not all, applicable State-level rules and regulations regarding energy efficiency, vehicle fuel efficiency, renewable energy usage, and other GHG

[38] Sacramento Metropolitan Air Quality Management District (SMAQMD). 2009. CEQA Guide. Available: http://www.airquality.org/LandUseTransportation/Documents/Ch6GHGFinal10-2016.pdf.

reduction policies. The reductions obtained from each regulation and the source of the reduction amount used in this analysis are described below.

The following State regulations are incorporated into the CalEEMod emission factors:

- Pavley I motor vehicle emission standards
- Low Carbon Fuel Standard
- 2016 Title 24 Energy Efficiency Standards[39]

The following State regulations have been manually incorporated in the CalEEMod inputs:

- Renewable Portfolio Standards
- Green Building Code Standards (indoor water use)
- CalRecycle Waste Diversion and Recycling Mandate (75 percent)

The California Model Water Efficient Landscape Ordinance (Outdoor Water) has not been incorporated into the CalEEMod emission factors and require alternative methods to account for emission reductions provided by the regulation.

CalEEMod generally treats these energy and water conservation and waste diversion measures as "mitigation measures," even though they are required through regulation. For the purposes of this analysis, these measures would be considered under the "unmitigated" project conditions.

The service population is based on the anticipated amount of residents and employees that would be added to the population as a result of the 2018 Project. As discussed in the Population and Housing section of the 2018 Project's Initial Study[40], using the City of Pittsburg's average household size of 3.38 persons, the 2018 Project is expected to add approximately 1,204 persons to the population. Using a standard employment rate of one employee per 500 square feet of commercial space, the project is anticipated to result in approximately 280 employees. As such, the total service population is anticipated to be 1,484 persons.

As shown in Table 3.3-5, operation of the 2018 Project would generate approximately 8,215 MT CO_2e per year, after full buildout in 2021. Based on a projected service population of 1,484, the 2018 Project would generate approximately 5.5 MT CO_2e per service population at buildout (year 2021). For the projected year 2030, the 2018 Project would generate approximately 4.4 MT CO_2e per service population. Emissions in future years are reduced through an increase in the use of renewable sources of energy, turnover of older vehicles, introduction of cleaner fuels and implementation of more stringent emissions control technology.

[39] Even though the Project would be subject to the then-current Title 24 standards and requirements, for purposes of a conservative analysis, the 2016 standards were assumed.
[40] City of Pittsburg. 2018. 2018 Alves Ranch Project (prepared by FirstCarbon Solutions).

Table 3.3-5: Annual Operational GHG Emissions (Unmitigated)

Emission Source	Year 2021 Total Emissions (MT CO_2e per year)	Year 2030 Total Emissions (MT CO_2e per year)
Area	48	48
Energy	1,859	1,541
Mobile	6,042	4,665
Waste	94	94
Water	87	74
Amortized Construction Emissions	85	85
Total Project Emissions	**8,215**	**6,507**
Service Population (Residents + Employees)	1,484	1,484
2018 Project Emission Generation (MT CO_2e/SP)	5.5	4.4
BAAQMD Threshold (MT CO_2e/SP)	4.6	2.6*
Exceeds Threshold?	**Yes**	**Yes**

Notes:
MT CO_2e = metric tons of carbon dioxide equivalent; SP = service population.
Unrounded results used to calculate totals.
* Adjusted threshold to account for 2017 Scoping Plan Update 40% Reduction Goal by 2030
Source of Emissions: CalEEMod Output (Appendix C)
Source of Threshold: BAAQMD 2017

As shown in Table 3.3-5, the 2018 Project would exceed BAAQMD's 2017 service population threshold of 4.6 MT CO_2e/service population/year for GHG emissions and the projected 2.6 MT CO_2e/service population/year for the projected 2030 GHG emissions. Therefore, the 2018 Project's operation would have the potential to generate significant GHG emissions that contribute to climate change.

Mitigation Measure GHG-1 is recommended to reduce GHG emissions to the extent feasible. Table 3.3-6 presents the mitigated annual operational GHG emissions.

Table 3.3-6: Annual Operational GHG Emissions (Mitigated)

Emission Source	Year 2021 Total Emissions (MT CO_2e per year)	Year 2030 Total Emissions (MT CO_2e per year)
Area	48	48
Energy	600	600
Mobile	6,042	4,665
Waste	94	94
Water	87	74

Table 3.3-6 (cont.): Annual Operational GHG Emissions (Mitigated)

Emission Source	Year 2021 Total Emissions (MT CO_2e per year)	Year 2030 Total Emissions (MT CO_2e per year)
Amortized Construction Emissions	85	85
Total Emissions with Implementation of Mitigation Measure GHG-1	**6,956**	**5,565**
Service Population (Residents + Employees)	1,484	1,484
Project Emission Generation (MT CO_2e/SP)	4.7	3.8
BAAQMD Threshold (MT CO_2e/SP)	4.6	2.6*
Exceeds Threshold?	**Yes**	**Yes**

Notes:
MT CO_2e = metric tons of carbon dioxide equivalent; SP = service population.
Unrounded results used to calculate totals.
* Adjusted threshold to account for 2017 Scoping Plan Update 40% Reduction Goal by 2030
Source of Emissions: CalEEMod Output (Appendix C)
Source of Threshold: BAAQMD 2017

As shown in Table 3.3-6, annual operational GHG emissions for the year 2021 and 2030 would be reduced with implementation of Mitigation Measure GHG-1, but the 2018 Project would still exceed the applicable BAAQMD service population threshold with implementation of Mitigation Measure GHG-1. Therefore, impacts would remain significant and avoidable.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

The recommended mitigation measures listed below shall be implemented in addition to all project design features.

MM GHG-1 Implement Measures to Reduce GHG Emissions

Prior to the issuance of the first certificate of occupancy for the relevant portion of the 2018 Project (i.e., residential or commercial), or building final, as appropriate, the residential or commercial applicant (as relevant) shall provide documentation to the City of Pittsburg that the following measures have been achieved:

Residential Measures

- Provide 100 percent renewable energy through either one or a combination of (1) Installation of solar photovoltaic systems consistent with the 2019 Building Energy Efficiency Standards and/or (2) Purchase 100 percent renewable energy for

electricity consumption on the project site. For the purchase of renewable energy, prior to the issuance of the first certificate of occupancy for the residential portion of the 2018 Project, the Project applicant shall record Conditions, Covenants and Restrictions (CCRs) that require each homeowner to enroll into and maintain enrollment on an ongoing basis in the Marin Clean Energy's "Deep Green" or "Local Sol" program, or similar program offered at the time of project occupancy, to purchase 100 percent renewable energy for electricity consumption on the project site.

- Provide electrical outlets on the outside of the homes or outlets within the garages to encourage the use of electrical landscaping equipment.
- Install on-demand electric or solar water heaters.
- Use water efficient landscapes and native/drought-tolerant vegetation.
- Install smart meters and programmable thermostats.

Commercial Measures

- Install on-site charging units for electric vehicles consistent with parking requirements in California Green Building Standards Code Section 5.106.5.2.
- Dedicate on-site parking for shared vehicles.
- Install on demand electric water heating instead of natural gas water heating for some or all of the project's hot water needs, to the extent such technology is then readily available and commercially practicable.
- Provide adequate, safe, convenient, and secure on-site bicycle parking and storage in the commercial portion of the project.

Level of Significance After Mitigation

Significant and unavoidable.

GHG Emissions Reduction Plan Consistency

Impact GHG-2:	**Implementation of the 2018 Project would not conflict with the applicable plan, policy, or regulation of an agency adopted to reduce the emissions of greenhouse gases.**

Summary of 2004 Final EIR

The 2004 Final EIR did not include an analysis of consistency with the applicable plan, policy, or regulation of an agency adopted to reduce GHG emissions.

The City of Pittsburg is currently in the process of developing a CAP, but has not finalized it. As such, the 2018 Project will be qualitatively assessed to determine whether it would be consistent with the Scoping Plan and Scoping Plan Update. Projects that are inconsistent or that conflict with the applicable plans would result in a significant project and cumulative impact unless mitigation was available to eliminate the inconsistency or conflict.

Scoping Plan

The Scoping Plan provides the State's overall GHG emissions reduction strategy and is on track to exceed its goal of reducing GHG emissions to 1990 levels by 2020. The State has adopted regulations described earlier in this section to implement the Scoping Plan measures and to achieve the emission reductions required. The majority of the Scoping Plan reduction measures apply at the state level and would not require specific actions at the lead agency level or project level. However, these measures, when implemented with regulations, may indirectly affect local government operations and development projects. Table 3.3-7 provides an analysis of the 2018 Project's consistency with the Scoping Plan measures. As shown, the 2018 Project is consistent with all applicable measures and would not conflict with the Scoping Plan.

Table 3.3-7: Consistency with Scoping Plan Reduction Measures

Scoping Plan Reduction Measure	Project Consistency
1. California Cap-and-Trade Program Linked to Western Climate Initiative. Implement a broad-based California Cap-and-Trade program to provide a firm limit on emissions. Link the California cap-and-trade program with other Western Climate Initiative Partner programs to create a regional market system to achieve greater environmental and economic benefits for California. Ensure California's program meets all applicable AB 32 requirements for market-based mechanisms.	**Not applicable.** This is a Statewide measure that cannot be implemented by the 2018 Project applicant or lead agency. The existing Cap-and-Trade program would apply to sources that generate more than 25,000 MT CO_2e/year.
2. California Light-Duty Vehicle Greenhouse Gas Standards. Implement adopted standards and planned second phase of the program. Align zero-emission vehicle, alternative and renewable fuel and vehicle technology programs with long-term climate change goals.	**Not applicable.** This is a Statewide measure that cannot be implemented by the 2018 Project applicant or lead agency. However, vehicles accessing the residences and businesses at the project site would be subject to the standards. Furthermore, per Mitigation Measure GHG-1, the 2018 Project would implement transportation-related measures that would further reduce VMT and transportation-related GHG emissions.
3. Energy Efficiency. Maximize energy efficiency building and appliance standards; pursue additional efficiency including new technologies, policy, and implementation mechanisms. Pursue comparable investment in energy efficiency from all retail providers of electricity in California.	**Consistent.** This is a measure for the State to adopt increasingly stringent energy efficiency standards. However, the 2018 Project would comply with the latest Title 24 energy efficiency standards. Furthermore, per Mitigation Measure GHG-1, the 2018 Project would implement energy-related measures that would further reduce energy-related GHG emissions.
4. Renewable Portfolio Standard. Achieve 33 percent renewable energy mix Statewide. Renewable energy sources include (but are not limited to) wind, solar, geothermal, small hydroelectric, biomass, anaerobic digestion, and landfill gas.	**Not applicable.** This is a Statewide measure that cannot be implemented by the 2018 Project applicant or lead agency. Specifically, electricity would be supplied to project by Marin Clean Energy, which already meets or exceeds the proposed renewable standards.

Table 3.3-7 (cont.): Consistency with Scoping Plan Reduction Measures

Scoping Plan Reduction Measure	Project Consistency
5. Low Carbon Fuel Standard. Develop and adopt the Low Carbon Fuel Standard.	**Not applicable.** This is a Statewide measure that cannot be implemented by the 2018 Project applicant or lead agency. However, the standard is applicable to the fuel used by vehicles that would access the project site.
6. Regional Transportation-Related Greenhouse Gas Targets. Develop regional greenhouse gas emissions reduction targets for passenger vehicles. This measure refers to SB 375.	**Not applicable.** The 2018 Project, which would be constructed on an urban infill site, would be providing residences and jobs in close proximity to public transit to support growth in the region that is consistent with the 2016 Regional Transportation Plan/Sustainable Communities Strategy (SCS).
7. Vehicle Efficiency Measures. Implement light-duty vehicle efficiency measures.	**Not applicable.** This is a Statewide measure that cannot be implemented by the 2018 Project applicant or lead agency. However, the standards would be applicable to the light-duty vehicles that would access the project site.
8. Goods Movement. Implement adopted regulations for the use of shore power for ships at berth. Improve efficiency in goods movement activities.	**Not applicable.** The 2018 Project does not propose any changes to maritime, rail, or intermodal facilities or forms of transportation.
9. Million Solar Roofs Program. Install 3,000 MW of solar-electric capacity under California's existing solar programs.	**Consistent.** This measure is to increase solar throughout California, which is being done by various electricity providers and existing solar programs. Projects within the plan area will be able to take advantage of incentives that are in place at the time of construction. Pursuant to the 2019 Building Energy Efficiency Standards and Mitigation Measure GHG-1, the project would include the installation of solar photovoltaic systems for the residential portion of the project site. Furthermore, the commercial building roofs will be constructed to be "solar-ready."
10. Medium/Heavy-Duty Vehicles. Adopt medium and heavy-duty vehicle efficiency measures.	**Not applicable.** This is a Statewide measure that cannot be implemented by the 2018 Project applicant or lead agency. The standards would be applicable to the vehicles that access the project site.

As shown on Table 3.3-7, the 2018 Project is consistent with all applicable measures and would not conflict with the Scoping Plan.

Scoping Plan Update

The *2017 Climate Change Scoping Plan Update* builds upon the Scoping Plan by extending or expanding upon existing Scoping Plan measures. Table 3.3-8 provides an analysis of the 2018 Project's consistency with the Scoping Plan Update measures.

Table 3.3-8: Consistency with 2017 Scoping Plan Update Scenario Policies

Scoping Plan Scenario Policy	Project Consistency
1. **SB 350.** Reduce GHG emissions in the electricity sector through the implementation of the 50 percent RPS, doubling of energy savings, and other actions as appropriate to achieve GHG emissions reductions planning targets in the Integrated Resource Plan (IRP) process.	**Not applicable.** This is a measure for the State to adopt increasingly stringent energy efficiency standards. However, the project will comply with the latest Title 24 energy efficiency standards. Furthermore, per Mitigation Measure GHG-1, the 2018 Project would implement energy-related measures that would further reduce energy-related GHG emissions.
2. **Low Carbon Fuel Standard (LCFS).** Transition to cleaner/less-polluting fuels that have a lower carbon footprint.	**Not applicable.** This is a Statewide measure that cannot be implemented by the 2018 Project applicant or lead agency. However, the standard is applicable to the fuel used by vehicles that would access the project site.
3. **Mobile Source Strategy (Cleaner Technology and Fuels [CTF] Scenario).** Reduce GHGs and other pollutants from the transportation sector through transition to zero-emission and low-emission vehicles, cleaner transit systems and reduction of vehicle miles traveled.	**Not applicable.** This is a Statewide measure that cannot be implemented by the 2018 Project applicant or lead agency. However, vehicles accessing the residences and businesses at the project site would be subject to the standards. Furthermore, per Mitigation Measure GHG-1, the 2018 Project may implement transportation-related measures that would further reduce VMT and transportation-related GHG emissions.
4. **SB 1383.** Approve and Implement Short-Lived Climate Pollutant strategy to reduce highly potent GHGs	**Not applicable.** This is a Statewide measure that cannot be implemented by the 2018 Project applicant or lead agency.
5. **California Sustainable Freight Action Plan.** Improve freight efficiency, transition to zero emission technologies, and increase competitiveness of California's freight system.	**Not applicable.** This is a Statewide measure that cannot be implemented by the 2018 Project applicant or lead agency. The 2018 Project does not propose any freight developments.
6. **Post-2020 Cap-and-Trade Program.** Reduce GHGs across largest GHG emissions sources	**Not applicable.** This is a statewide measure that cannot be implemented by the 2018 Project applicant or lead agency. Furthermore, the Cap-and-Trade program would apply to sources that generate more than 25,000 MT CO_2e/year.

As shown in Table 3.3-8, the 2018 Project would not conflict with the Scoping Plan Scenario Policies set forth in the 2017 Climate Change Scoping Plan Update.

Summary

The 2018 Project would not conflict with the AB 32 Scoping Plan, SB 32 Scoping Plan Update, or any applicable regulations adopted by the State of California to reduce GHG emissions. In addition, the 2018 Project would comply with all mandatory local and regional measures applicable to the project. As

such, the 2018 Project would not substantially conflict with existing California legislation adopted to reduce statewide GHG emissions. Impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

Less than significant impact.

3.4 - Noise

3.4.1 - Introduction

This section describes existing conditions related to noise on the project site and vicinity as well as the regulatory framework. This section evaluates the potential changes in the project, changes in circumstances, or new information related to noise that could result from implementation of the 2018 Project, as compared to those impacts evaluated in the 2004 Final Environmental Impact Report (EIR), and determines whether additional analysis is necessary to ensure the 2004 Final EIR is adequate for purposes of evaluating the 2018 Project. Project-specific noise monitoring and noise modeling data is provided in Appendix E.

As explained more fully in this noise section, the 2004 Final EIR concluded that implementation of the original Alves Ranch Project would result in significant impacts related to compatibility of the project with the ambient noise environment (especially related to mobile noise sources). The 2004 Final EIR included mitigation that required the completion of a site specific acoustical analysis to identify site design measures and potential sound barrier locations to ensure the project's consistency with applicable state and local land use compatibility guidelines and other applicable noise performance standards in order to ensure that project-related mobile source, stationary source, and construction-related noise source impacts would be reduced to less than significant. However, the 2004 Final EIR concluded that even with implementation of feasible mitigation, construction noise would remain a significant and unavoidable impact, due to the anticipated lengthy (6–15 year) construction period.

The acoustical analysis contained in this Draft Supplemental EIR satisfies the site-specific acoustic analysis requirements of Mitigation Measure 14-1a of the 2004 Final EIR, and provides an evaluation of whether the 2018 Project would have new significant impacts or result in an increase in severity in any of the previously identified impacts as compared to the impacts disclosed in the 2004 Final EIR. In addition, this noise section includes updated environmental setting information to characterize any relevant changes to the ambient noise environment as compared to the setting evaluated in the 2004 Final EIR, and includes additional analysis and refinements to mitigation measures, where needed, to ensure that the analysis provided by the 2004 Final EIR, as revised herein, is adequate to evaluate the 2018 Project as currently proposed.

Potential impacts related to groundborne vibration and airport activity with respect to the 2018 Project were analyzed in the Initial Study attached to the Notice of Preparation (NOP) for this Draft Supplemental EIR, which was distributed and filed on December 18, 2018, and were determined to be less than significant. Therefore, impacts related to groundborne vibration and airport activity are not required to be evaluated further and therefore are not included in this section of the Draft Supplemental EIR.

3.4.2 - Environmental Setting

Characteristics of Noise

Noise is generally defined as unwanted or objectionable sound. Sound becomes unwanted when it interferes with normal activities, when it causes actual physical harm or when it has adverse effects on health. The effects of noise on people can include general annoyance, interference with speech communication, sleep disturbance, and in the extreme, hearing impairment. Noise effects can be caused by pitch or loudness. Pitch is the number of complete vibrations or cycles per second of a wave that result in the range of tone from high to low; higher-pitched sounds are louder to humans than lower-pitched sounds. Loudness is the intensity or amplitude of sound.

Sound is produced by the vibration of sound pressure waves in the air. Sound pressure levels are used to measure the intensity of sound and are described in terms of decibels. The decibel (dB) is a logarithmic unit, which expresses the ratio of the sound pressure level being measured to a standard reference level. The 0 point on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3 dB or less are only perceptible in laboratory environments. Audible increases in noise levels generally refer to a change of more than 3 dB, as this level has been found to be barely perceptible to the human ear in outdoor environments. Only audible changes in existing ambient or background noise levels are considered potentially significant.

The human ear is not equally sensitive to all frequencies within the audible sound spectrum, so sound pressure level measurements can be weighted to better represent frequency-based sensitivity of average healthy human hearing. One such specific "filtering" of sound is called "A-weighting." A-weighted decibels (dBA) approximate the subjective response of the human ear to a broad frequency noise source by discriminating against very low and very high frequencies of the audible spectrum. They are adjusted to reflect only those frequencies that are audible to the human ear. Because decibels are logarithmic units, they cannot be added or subtracted by ordinary arithmetic means. For example, if one noise source produces a noise level of 70 dB, the addition of another noise source with the same noise level would not produce 140 dB; rather, they would combine to produce a noise level of 73 dB.

Noise Descriptors

There are many ways to rate noise for various times, but an appropriate rating of ambient noise affecting humans also accounts for the annoying effects of sound. Equivalent continuous sound level (L_{eq}) is the total sound energy of time-varying noise over a sample period. However, the predominant rating scales for human communities in the State of California are the L_{eq} and community noise equivalent level (CNEL) or the day-night average level (L_{dn}) based on dBA. CNEL is the time-varying noise over a 24-hour period, with a 5 dBA weighting factor applied to the hourly L_{eq} for noises occurring from 7:00 p.m. to 10:00 p.m. (defined as relaxation hours) and a 10 dBA weighting factor applied to noise occurring from 10:00 p.m. to 7:00 a.m. (defined as sleeping hours). L_{dn} is similar to the CNEL scale but without the adjustment for events occurring during the evening hours. CNEL and L_{dn} are within one dBA of each other and are normally exchangeable. The noise adjustments are added to the noise events occurring during the more sensitive hours.

Other noise rating scales of importance when assessing the annoyance factor include the maximum noise level (L_{max}), which is the highest exponential time-averaged sound level that occurs during a stated time. The noise environments discussed in this analysis are specified in terms of maximum levels denoted by L_{max} for short-term noise impacts. L_{max} reflects peak operating conditions and addresses the annoying aspects of intermittent noise.

Noise Propagation

From the noise source to the receiver, noise changes both in level and frequency spectrum. The most obvious is the decrease in noise as the distance from the source increases. The manner in which noise reduces with distance depends on whether the source is a point or line source, as well as ground absorption, atmospheric conditions (wind, temperature gradients, and humidity) and refraction, and shielding by natural and manmade features. Sound from point sources, such as an air conditioning condenser, a piece of construction equipment, or an idling truck, radiates uniformly outward as it travels away from the source in a spherical pattern.

The attenuation or sound drop-off rate is dependent on the conditions of the land between the noise source and receiver. To account for this ground-effect attenuation (absorption), two types of site conditions are commonly used in noise models: soft-site and hard-site conditions. Soft-site conditions account for the sound propagation loss over natural surfaces such as normal earth and ground vegetation. For point sources, a drop-off rate of 7.5 dBA per each doubling of the distance (dBA/DD) is typically observed over soft ground with landscaping, as compared with a 6 dBA/DD drop-off rate over hard ground such as asphalt, concrete, stone and very hard packed earth. For line sources, such as traffic noise on a roadway, a 4.5 dBA/DD is typically observed for soft-site conditions compared to the 3 dBA/DD drop-off rate for hard-site conditions. Table 3.4-1 briefly defines these measurement descriptors and other sound terminology used in this section.

Table 3.4-1: Sound Terminology

Term	Definition
Sound	A vibratory disturbance created by a vibrating object which, when transmitted by pressure waves through a medium such as air, can be detected by a receiving mechanism such as the human ear or a microphone.
Noise	Sound that is loud, unpleasant, unexpected, or otherwise undesirable.
Ambient Noise	The composite of noise from all sources near and far in a given environment.
Decibel (dB)	A unitless measure of sound on a logarithmic scale, which represents the squared ratio of sound-pressure amplitude to a reference sound pressure. The reference pressure is 20 micropascals, representing the threshold of human hearing (0 dB).
A-Weighted Decibel (dBA)	An overall frequency-weighted sound level that approximates the frequency response of the human ear.

Table 3.4-1 (cont.): Sound Terminology

Term	Definition
Equivalent Noise Level (L_{eq})	The average sound energy occurring over a specified time period. In effect, L_{eq} is the steady-state sound level that in a stated period would contain the same acoustical energy as the time-varying sound that actually occurs during the same period.
Maximum and Minimum Noise Levels (L_{max} and L_{min})	The maximum or minimum instantaneous sound level measured during a measurement period.
Day-Night Level (DNL or L_{dn})	The energy average of the A-weighted sound levels occurring during a 24-hour period, with 10 dB added to the A-weighted sound levels occurring between 10:00 p.m. and 7:00 a.m. (nighttime).
Community Noise Equivalent Level (CNEL)	The energy average of the A-weighted sound levels occurring during a 24-hour period, with 5 dB added to the A-weighted sound levels occurring between 7 p.m. and 10 p.m. and 10 dB added to the A-weighted sound levels occurring between 10:00 p.m. and 7:00 a.m.
Source: Data compiled by FCS, 2018	

Traffic Noise

The level of traffic noise depends on the three primary factors: (1) the volume of the traffic, (2) the speed of the traffic, and (3) the number of trucks in the flow of traffic. Generally, the loudness of traffic noise is increased by heavier traffic volumes, higher speeds, and greater number of trucks. Vehicle noise is a combination of the noise produced by the engine, exhaust, and tires. Because of the logarithmic nature of noise levels, a doubling of the traffic volume (assuming that the speed and truck mix do not change) results in a noise level increase of 3 dBA. Based on the Federal Highway Administration (FHWA) community noise assessment criteria, this 3 dBA change is "barely perceptible"; for reference, a doubling of perceived noise levels would require an increase of approximately 10 dBA. The truck mix on a given roadway also has an effect on community noise levels. As the number of heavy trucks increases and becomes a larger percentage of the vehicle mix, adjacent noise levels increase.

Stationary Noise

A stationary noise producer is any entity in a fixed location that emits noise. Examples of stationary noise sources include machinery, engines, energy production, and other mechanical or powered equipment and activities such as loading and unloading or public assembly that may occur at commercial, industrial, manufacturing, or institutional facilities. Furthermore, while noise generated by the use of motor vehicles over public roads is preempted from local regulation, although the use of these vehicles is considered a stationary noise source when operated on private property such as at a construction site, a truck terminal, or warehousing facility. The emitted noise from the producer can be mitigated to acceptable levels either at the source or on the adjacent property through the

use of proper planning, setbacks, block walls, acoustic-rated windows, dense landscaping, or by changing the location of the noise producer.

The effects of stationary noise depend on factors such as characteristics of the equipment and operations, distance and pathway between the generator and receptor, and weather. Stationary noise sources may be regulated at the point of manufacture (e.g., equipment or engines), with limitations on the hours of operation, or with provision of intervening structures, barriers or topography.

Construction activities are a common source of stationary noise. Construction-period noise levels are higher than background ambient noise levels but eventually cease once construction is complete. Construction is performed in discrete steps, each of which has its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on each construction site and, therefore, would change the noise levels as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction related noise ranges to be categorized by work phase. Table 3.4-2 shows typical noise levels of construction equipment as measured at a distance of 50 feet from the operating equipment.

Table 3.4-2: Typical Construction Equipment Maximum Noise Levels, L_{max}

Type of Equipment	Specification Maximum Sound Levels for Analysis (dBA at 50 feet)
Pickup Truck	55
Pumps	77
Air Compressors	80
Backhoe	80
Front-End Loaders	80
Portable Generators	82
Dump Truck	84
Tractors	84
Auger Drill Rig	85
Concrete Mixer Truck	85
Cranes	85
Dozers	85
Excavators	85
Graders	85
Jackhammers	85
Man Lift	85
Paver	85
Pneumatic Tools	85
Rollers	85

Table 3.4-2 (cont.): Typical Construction Equipment Maximum Noise Levels, L_{max}

Type of Equipment	Specification Maximum Sound Levels for Analysis (dBA at 50 feet)
Scrapers	85
Concrete/Industrial Saws	90
Impact Pile Driver	95
Vibratory Pile Driver	95
Source: FHWA 2006.	

Noise from Multiple Sources

Because sound pressure levels in decibels are based on a logarithmic scale, they cannot be added or subtracted in the usual arithmetical way. Therefore, sound pressure levels in decibels are logarithmically added on an energy summation basis. In other words, adding a new noise source to an existing noise source, both producing noise at the same level, will not double the noise level. Instead, if the difference between two noise sources is 10 dBA or more, the louder noise source will dominate and the resultant noise level will be equal to the noise level of the louder source. In general, if the difference between two noise sources is 0–1 dBA, the resultant noise level will be 3 dBA higher than the louder noise source, or both sources if they are equal. If the difference between two noise sources is 2–3 dBA, the resultant noise level will be 2 dBA above the louder noise source. If the difference between two noise sources is 4–10 dBA, the resultant noise level will be 1 dBA higher than the louder noise source.

Existing Noise Levels

The 2004 Final EIR characterized sound levels at the time the 2004 Final EIR was prepared. As required in Public Resources Code Section 21166, in order to evaluate any incremental differences in the impacts evaluated in the 2004 Final EIR and those that may result from the 2018 Project analyzed in this Draft Supplemental EIR, additional sound level measurements and additional traffic noise modeling were conducted to characterize current conditions.

Ambient Noise

To understand the current ambient noise environment in the vicinity of the project site, four noise measurements were taken in October 2018 on the project site, as discussed below. The existing noise measurement locations were taken in compliance with the methodology and site selection acoustical equivalence guidance of the California Department of Transportation (Caltrans) Technical Noise Supplement.[1] These measurements provide a baseline of existing noise conditions for purposes of this Draft Supplemental EIR. Three short-term and one long-term existing noise measurements were taken. The results of these measurements are described below.

[1] Caltrans. 2013. Technical Noise Supplement to the Traffic Noise Analysis Protocol. September.

Short-Term Noise Measurements

Short-term noise monitoring was conducted on Monday, October 8, 2018, between 3:00 p.m. and 4:07 p.m. The noise measurements were taken during these midday hours, as they typically have the highest daytime noise levels in urban environments because traffic is generally at peak capacity for free flowing traffic during these time periods. The time frame for peak daytime noise levels is therefore typically different from peak traffic volume hours, because traffic noise is greater when it is free flowing. While traffic volumes may be higher at other times, because the traffic is often not free flowing during peak traffic hours, the resulting traffic noise levels are actually lower than the midday peak noise hour. At the start of the noise monitoring, the sky was clear, and average wind velocity measured 3.2 miles per hour. The field survey noted that noise within the project site is generally characterized by car traffic and Bay Area Rapid Transit (BART) train passings. The short-term noise measurement results are summarized in Table 3.4-3. The noise measurement locations are shown in Exhibit 3.4-1.

Table 3.4-3: Existing Ambient Noise Levels At and Adjacent to the Project Site (Short Term Measurements)

Site ID #	Description	L_{eq}	L_{min}	L_{max}
ST-1	Approximately 35 feet north from the center of the roadway junction connecting Palacio Drive to Roma Drive, on the sidewalk.	62	58	65
ST-2	Approximately 90 feet southwest from the center of West Leland Road and Tomales Bay Drive, on the sidewalk.	69	51	87
ST-3	Approximately 100 feet southeast from the center of West Leland Road and Alves Ranch Road, on the sidewalk.	67	49	88

Notes:
The Site ID corresponds to the locations shown in Exhibit 3.4-1.
For ease of reference, existing noise levels are rounded to the nearest tenth.
Source: FirstCarbon Solutions, 2018

Long-Term Noise Measurement

A long-term ambient noise measurement was conducted from 2:45 p.m. on Monday, October 8, 2018, to 3:19 p.m. on Wednesday, October 10, 2018. The long-term measurement was taken on the project site, approximately 80 feet south of the outermost lane of State Route 4 (SR-4) and approximately 110 feet east of the site's western boundary. This location was selected to document the existing traffic on SR-4 and BART rail activity noise levels at the point of the project site closest to these noise sources. The long-term noise measurement location is shown in Exhibit 3.4-1, and the long-term noise measurement data results are provided in Appendix E. The results show that weekday 24-hour average day/night noise levels at this location averaged 78 dBA L_{dn}. The documented daytime hourly average noise levels were 73 dBA L_{eq}, with evening and nighttime hourly average noise levels of 67 dBA and 72 dBA L_{eq}, respectively. The midday peak noise hours registered noise levels ranging up to 74 dBA L_{eq}. When the long-term noise measurement was started, the sky was clear, and the temperature was 83.4 degrees Fahrenheit, with average wind speeds of 3.2 miles per hour. This noise measurement captured noise levels from all noise sources in this location. As was noted by the field technician, the

dominant noise source at this location was traffic on SR-4, with noise from BART rail activity being the next loudest single noise source at this location.

Traffic Noise

In addition to the ambient noise measurements, existing traffic noise on local roadways in the areas surrounding the project site was calculated to quantify existing traffic noise levels, based on the existing traffic volumes provided in the traffic study included in Appendix F. This additional assessment and data collection were conducted, in part, to ensure that any relevant changes in the circumstances surrounding the project that was originally studied in the 2004 Final EIR are properly considered in this Draft Supplemental EIR. Existing traffic noise levels along selected roadway segments in the vicinity of the project site were modeled using the FHWA Traffic Noise Prediction Model (FHWA-RD-77-108). Site-specific information was entered, such as roadway traffic volumes, roadway active width, source-to-receiver distances, travel speed, noise source and receiver heights, and the percentages of automobiles, medium trucks, and heavy trucks that the traffic is made up of throughout the day, amongst other variables. The modeled average daily traffic (ADT) volumes were obtained by multiplying the existing PM peak-hour intersection traffic volumes by a factor of 10. The existing noise model inputs and outputs, including the 60 dBA, 65 dBA, and 70 dBA L_{dn} traffic noise contour distances, are provided in Appendix E. A summary of the modeling results is shown in Table 3.4-4.

Table 3.4-4: Existing Traffic Noise Levels

Roadway Segment	ADT	Centerline to 70 L_{dn} (feet)	Centerline to 65 L_{dn} (feet)	Centerline to 60 L_{dn} (feet)	L_{dn} (dBA) 50 feet from Centerline of Outermost Lane
West Leland Road—San Marcos Boulevard to Tomales Bay Drive	13,300	< 50	93	195	66.6
West Leland Road—Tomales Bay Drive to Alves Ranch Road	10,300	< 50	79	165	65.5
West Leland Road—Alves Ranch Road to Woodhill Drive	10,500	< 50	80	167	65.6
West Leland Road—Woodhill Drive to Southwood Drive	9,700	< 50	< 50	106	62.6
West Leland Road—Southwood Drive to BART Exit	10,400	< 50	56	111	62.9
West Leland Road—BART Exit to BART Entrance	10,900	< 50	57	115	63.1
West Leland Road—BART Entrance to Oak Hills Drive	10,900	< 50	57	115	63.1
West Leland Road—Oak Hills Drive to Bailey Road	13,000	< 50	63	128	63.8

Note:
ADT = Average Daily Traffic
Source: FirstCarbon Solutions 2018.

Source: ESRI Aerial Imagery.

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700 350 0 700 Feet

Exhibit 3.4-1
Noise Monitoring Locations Map

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The modeling results indicate that existing traffic noise levels range from 62.6 dBA L_{dn} (along West Leland Road—Woodhill Drive to Southwood Drive) up to approximately 66.6 dBA L_{dn} along West Leland Road between San Marcos Boulevard and Tomales Bay Drive.

As is noted under the long-term ambient noise level measurement above, combined traffic and BART rail activity noise levels at the project site's northern boundary range up to 78.2 dBA L_{dn}.

Noise-Sensitive Land Uses

Noise-sensitive land uses, generally, include those uses where exposure to noise would result in adverse effects, as well as uses for which quiet is an essential element of their intended purpose. Residential dwellings are of primary concern, because of the potential for increased and prolonged exposure of individuals to both interior and exterior noise levels. Other noise-sensitive land uses include hospitals, convalescent facilities, hotels, churches, libraries, and other uses where low noise levels are essential.

Noise sensitive land uses in the project vicinity include the Vista Del Mar Subdivision to the south of the project site, and the San Marco development, containing residential developments of varying densities, to the west of the project site.

3.4.3 - Regulatory Framework

Federal

Noise Control Act

The adverse impact of noise was officially recognized by the federal government in the Noise Control Act of 1972, which serves three purposes:

- Promulgating noise emission standards for interstate commerce
- Assisting State and local abatement efforts
- Promoting noise education and research

The Federal Office of Noise Abatement and Control (ONAC) was initially tasked with implementing the Noise Control Act. However, the ONAC has since been eliminated, leaving the development of federal noise policies and programs to other federal agencies and interagency committees.

Among the agencies now regulating noise are the Occupational Safety and Health Administration (OSHA), which limits noise exposure of workers to 90 dB L_{eq} or less for 8 continuous hours or 105 dB L_{eq} or less for 1 continuous hour; the Department of Transportation (DOT), which assumed a significant role in noise control through its various operating agencies; and the Federal Aviation Administration (FAA), which regulates noise of aircraft and airports. Surface transportation system noise is regulated by a host of agencies, including the FTA. Transit noise is regulated by the federal Urban Mass Transit Administration, while freeways that are part of the interstate highway system are regulated by the FHWA. Finally, the federal government actively advocates that local jurisdictions use their land use regulatory authority to arrange new development in such a way that "noise sensitive" uses are either prohibited from being sited adjacent to a highway, or alternatively, that developments are planned and constructed in such a manner that minimize potential noise impacts.

Since the federal government has preempted the setting of standards for noise levels that can be emitted by transportation sources, local jurisdictions are limited to regulating the noise generated by the transportation system through nuisance abatement ordinances and land use planning.

State

California General Plan Guidelines

Established in 1973, the California Department of Health Services Office of Noise Control was instrumental in developing regularity tools to control and abate noise for use by local agencies. One significant model is the "Land Use Compatibility for Community Noise Environments Matrix," which allows the local jurisdiction to delineate compatibility of sensitive uses with various incremental levels of noise.

Government Code Section 65302 mandates that the legislative body of each county and city in California adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines published by the State Department of Health Services. The guidelines rank noise/land use compatibility in terms of normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable. The 2018 Project is also subject to review under the California Environmental Quality Act (CEQA). Appendix G of the CEQA Guidelines provides impact thresholds for potential noise and vibration impacts.

California Building Standards Code

The State of California has established noise insulation standards for new hotels, motels, apartment houses, and dwellings (other than single-family detached housing). These requirements are provided in the 2016 California Building Standards Code (CBC) (California Code of Regulations [CCR], Title 24).[2] As provided in the CBC, the noise insulation standards set forth an interior standard of 45 dBA CNEL as measured from within the structure's interior. When such structures are located within a 65-dBA CNEL (or greater) exterior noise contour associated with a traffic noise along a roadway, an acoustical analysis is required to ensure that interior levels do not exceed the 45-dBA CNEL threshold. Title 24 standards are typically enforced by local jurisdictions through the building permit application process.

Local Regulations

The project site is located within the City of Pittsburg, in the County of Contra Costa. The City of Pittsburg addresses noise in the Noise Element of its General Plan and in its Municipal Code.

General Plan Pittsburg 2020: A Vision for the 21st Century

The City of Pittsburg adopted its amended General Plan Pittsburg 2020: A Vision for the 21st Century in November of 2001.[3] The objectives of the General Plan's Noise Element are to protect public health and welfare by eliminating or minimizing the effects of existing noise problems, and by preventing increased noise levels in the future. To assist with meeting its objectives, the City's General Plan has adopted the State of California's Land Use Compatibility Guidelines for Community Noise Environments and has established a policy for acceptable interior noise levels at noise

[2] California Building Standards Commission. 2017. California Building Standards Code (CCR Title 24), January 1.
[3] City of Pittsburg. 2001. General Plan Pittsburg 2020. November.

sensitive land uses. These guidelines are used to determine the compatibility of new land use developments with various ambient noise environments; however, they are not meant to be used as noise performance standards that limit operational noise levels of an existing or proposed land use. These land use compatibility guidelines are summarized below.

The land use categories listed in Figure 12-3 (shown in Exhibit 3.4-2) of the City's Noise Element that most closely apply to the 2018 Project are Residential—Single-Family, Mobile Homes and Office Buildings, Business Commercial and Professional:

- The "Residential—Single-Family," designation identifies noise environments with ambient noise levels of up to 60 dBA L_{dn} as "normally acceptable," while noise environments with ambient noise levels ranging from 55 dBA to 70 dBA L_{dn} are considered "conditionally acceptable." Noise environments with ambient noise levels in excess of 70 dBA L_{dn} are considered unacceptable for this type of new land use development.
- The Office Buildings, Business Commercial and Professional designation identifies noise environments with ambient noise levels of up to 70 dBA L_{dn} as "normally acceptable," while noise environments with ambient noise levels ranging from 67.5 dBA to 77.5 dBA L_{dn} are considered "conditionally acceptable" for this type of new land use development. Noise environments with ambient noise levels in excess of 75 dBA L_{dn} are considered unacceptable for this type of new land use development.

The following General Plan noise policies are applicable to the 2018 Project:

- **12-P-1:** As part of development review, use Figure 12-3 (see Exhibit 3.4-2 of this document) to determine acceptable uses and installation requirements in noise-impacted areas.

  Figure 12-3 is based on land use and noise exposure compatibility levels in Appendix A of the State of California General Plan Guidelines. The table is consistent with the provision of State law that requires special noise insulation for new multi-family housing units within 60 dB L_{dn} noise exposure contours. The table's land use categories do not correspond to the land use classifications on the General Plan Land Use Diagram, but to actual uses in development projects.
- **12-P-2:** Work with Caltrans to provide soundwalls designed to reduce noise by 10 dBA in residential areas along SR-4.
- **12-P-5:** Require that applicants for new noise-sensitive development, such as schools, residences, and hospitals, in areas subject to noise generators producing noise levels greater than 65 dBA CNEL,[4] obtain the services of a professional acoustical engineer to provide a technical analysis and design of mitigation measures.
- **12-P-6:** Ensure that new noise-sensitive uses, including schools, hospitals, churches, and homes, in areas near roadways identified as impacting sensitive receptors by producing noise levels greater than 65 dBA CNEL (Figure 12-1), incorporate mitigation measures to ensure that interior noise levels do not exceed 45 dBA CNEL.
- **12-P-9:** Limit generation of loud noises on construction sites adjacent to existing development to normal business hours between 8:00 a.m. and 5:00 p.m.

[4] It should be noted that the General Plan policies use both CNEL and L_{dn} noise metric. For purposes of this analysis, in keeping with the metric used in the City's land use compatibility standards table, the L_{dn} metric is used.

City of Pittsburg Municipal Code

The City of Pittsburg has established noise performance standards and permissible hours for construction activities in its Municipal Code. These provisions are summarized below:

Noise (Section 9.44.010)

The operation of pile drivers, hammers, and similar equipment is prohibited between the hours of 10:00 p.m. and 7:00 a.m. (In addition to these specific requirements set forth in the City's Municipal Code, development projects, including the 2018 Project, are required to meet the more restrictive standard stated above in Policy 12-P-9 of the Noise Element in the City's General Plan, which limits all loud noise-generating construction activities to between 8:00 a.m. and 5:00 p.m.)

Performance Standards for All Uses (Section 18.82.040)

Activities such as deliveries and equipment idling occurring between 5:00 p.m. and 8:00 a.m. on the properties (such as the project site) that are adjacent to a residential lot must be limited to 65 dBA as measured at the property line.

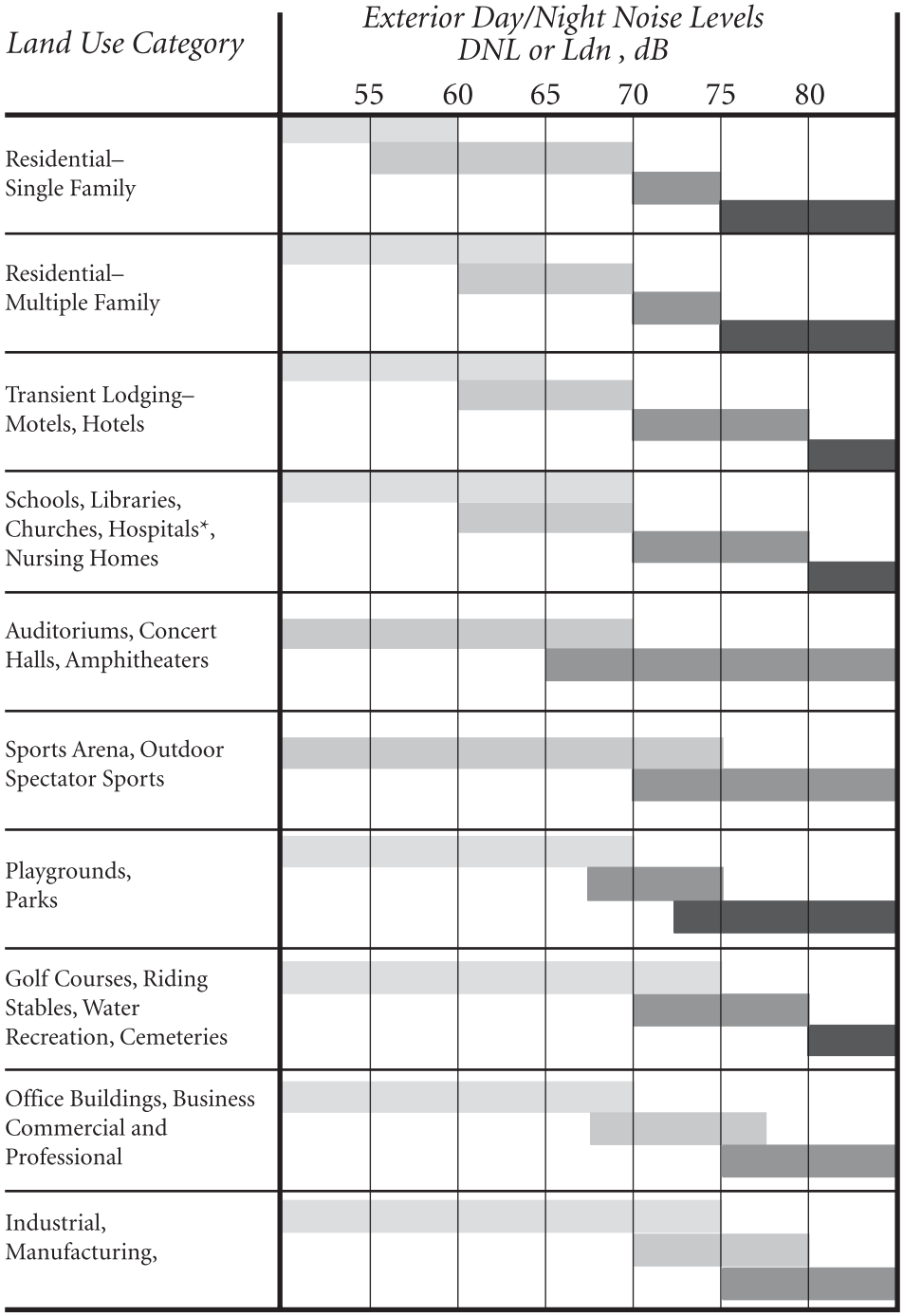
3.4.4 - Impacts and Mitigation Measures

Significance Criteria

As further explained in Section 1 of this Draft Supplemental EIR, CEQA includes a presumption against requiring any further environmental review once an EIR has been prepared and certified for a project, and does not generally require an analysis of revisions made to laws or regulations after certification of the EIR. Furthermore, this Draft Supplemental EIR meets the content requirements for purposes of CEQA in effect when it was set out for public review. Nevertheless, for purposes of a conservative analysis, the City of Pittsburg recognizes that the California Code of Regulations[5] were recently amended. Therefore, in the City's discretion as the lead agency, in an abundance of caution and to ensure full disclosure, this Draft Supplemental EIR includes consideration of impacts utilizing the 2019 CEQA Guidelines Appendix G. As such, the following questions are analyzed and evaluated to determine whether impacts related to noise are significant in the context of this Draft Supplemental EIR.

It should be noted that the significance criteria question (a), below, is from the Land Use and Planning section of the CEQA Guidelines Appendix G checklist questions. However, this question addresses impacts related to conflicts with land use plans, which would include project-related conflicts to the noise land use compatibility standards of the Noise Element of the General Plan. Therefore, impacts associated with this impact are addressed in this noise impact analysis.

[5] Pursuant to CEQA Guidelines Section 15007(a), the Guidelines have recently been amended. Subpart (c) of Section 15007 provides: "If a document meets the content requirements in effect when the document is set out for public review, the document shall not need to be revised to conform to any new content requirements in guideline amendments taking effect before the document is finally approved." Pursuant to subpart (b) of Section 15007, "Amendments to the guidelines apply prospectively only. New requirements in amendments will apply to steps in the CEQA process not yet undertaken by the date when agencies must comply with the amendments." Pursuant to subpart (d) of Section 15007, public agencies must comply with Guideline amendments beginning with the earlier of the following two dates: the effective date of the agency's procedures to conform to the new Guideline amendments, or 120 days after the amended Guidelines become effective.



INTERPRETATION

Normally Acceptable:
Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements

Conditionally Acceptable:
New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design.

Normally Unacceptable:
New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

Clearly Unacceptable:
New construction or development clearly should not be undertaken.

Source: Office of Planning and Research, State of California General Plan Guidelines, Appendix A: Guidelines for the Preparation and Content of the Noise Element of the General Plan, 1998.

*Because hospitals are often designed and constructed with high noise insulation properties, it is possible for them to be satisfactorily located in noisier areas.

Exhibit 3.4-2
Land Use Compatibility for Community Noise Environments

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Would the proposed project:

a) 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?

b) 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?

c) Generation of excessive groundborne vibration or groundborne noise levels?
(The subsection (c) threshold was evaluated in the initial study (included in Appendix E), which concluded the 2018 Project would have no impact. Therefore, this issue is not studied further in this section.)

d) 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?
(The subsection (d) threshold was evaluated in the initial study (included in Appendix E), which concluded the 2018 Project would have no impact. Therefore, this issue is not studied further in this section.)

Specific Thresholds of Significance

For purposes of this analysis, the following thresholds are used to evaluate the significance of noise resulting from implementation of the 2018 Project:

Land Use Compatibility Standards

A significant impact would occur if the project would result in a conflict with any of the City's adopted land use compatibility standards. The "normally acceptable" noise levels for residential and commercial land uses are as follows:

- 60 dBA L_{dn} for proposed single-family residential development
- 70 dBA L_{dn} for proposed commercial land use development.

Substantial Increase in Excess of Standards

The City has not formally adopted a definition of what constitutes a "substantial increase" for purposes of conducting noise analysis; therefore, for purposes of this analysis, the City, in its discretion, has decided to use the following definition of a substantial increase, which is consistent with industry-standard protocols and has a strong scientific basis, and utilizes the following criteria.

Construction-related temporary increase standard—General Plan Policy 12-P-9 limits the generation of loud noises on construction sites to the hours of 8:00 a.m. to 5:00 p.m. Section 9.44.010 of the Pittsburg Municipal Code prohibits the operation of pile drivers, hammers, and similar equipment between the hours of 10:00 p.m. and 7:00 a.m. Therefore, a significant impact would occur if: (1) noise-producing construction activities associated with implementation of the 2018 Project would

occur outside of the hours permitted in the Noise Element of the General Plan; and/or (2) would result in generation of a substantial temporary increase in ambient noise levels outside of these hours, thereby resulting in annoyance or sleep disturbance of nearby sensitive receptors. For the reasons discussed above, an increase of 3 dBA or more in the daytime average noise levels would be considered a substantial increase.

Delivery activity (stationary source)-related permanent increase standard—The Pittsburg Municipal Code establishes noise performance standards to limit activities such as deliveries and equipment idling to 65 dBA as measured at the property line when these activities occur between 5:00 p.m. and 8:00 a.m. on the project site adjacent to a residential lot. An increase of 3 dBA or more above an hourly average of 65 dBA would be considered a substantial increase.

Traffic (mobile source) and non-delivery activity (stationary source) permanent increase standard—For purposes of this analysis, a significant impact would occur if the 2018 Project would cause the ambient noise levels that would exist without the 2018 Project to increase by the following increments and exceed the indicated standard as measured at a receiving land use:

- 5 dBA or more even if the L_{dn} would remain below normally acceptable levels for a receiving land use.
- 3 dBA or more, thereby causing the L_{dn} in the project vicinity to exceed normally acceptable levels and result in noise levels that would be considered conditionally acceptable for a receiving land use.
- 1.5 dBA or more where the L_{dn} currently exceeds conditionally acceptable levels for a receiving land use (thus contributing to an already impacted environment).

Approach to Analysis

CEQA includes a presumption against requiring any further environmental review once an EIR has been prepared and certified for a project. Therefore, in accordance with Public Resources Code Section 21166 and CEQA Guidelines Section 15163, this Noise section addresses whether: (1) changes to the original Alves Ranch Project; (2) a change in circumstances under which the original Alves Ranch Project was undertaken; or (3) new information of substantial importance exists, which would result in any new significant impacts or an increase in severity of previously identified significant impacts.

In evaluating whether changes to the 2018 Project as currently proposed would result in new significant noise impacts or an increase in severity of previously identified significant noise impacts, this Noise section considers the incremental difference between the previously approved project as evaluated in the 2004 SEIR and the proposed 2018 Project. Specifically, here the relevant project changes and revisions related to noise include an updated site plan and changes in the ambient noise environment, which are evaluated pursuant to the acoustical study required by Mitigation Measure 14-1 of the 2004 Final EIR. Potential changes due to a revised construction schedule are also evaluated.

Summary of 2018 Project Changes and Methodology Compared to the 2004 Final EIR

Unit Count and Density

2004 Final EIR—assumed 563 multi-family units and resulting density of 17.53 units/acre.

2018 Project—assumes 346 single-family units (along with 10 accessory dwelling units [ADUs]) and resulting density of 13.34 units/acre.

Short Term Noise Measurements

2004 Noise measurement locations—the 2004 EIR included a long-term noise measurement taken at a distance of 70 feet from the edge of SR-4.

2018 Noise measurement locations—a long-term noise measurement was taken from a distance of 80 feet from the edge of the outermost travel lane of SR-4. This measurement captured noise levels from traffic on SR-4 as well as noise levels from the now active BART rail line. The methodology and noise measurement locations were consistent, to the extent feasible and as determined appropriate, with the 2004 Final EIR methodology and measurements.

Construction Schedule

2004 Final EIR—assumed a construction schedule of 6–15 years.

2018 Project—assumes a construction schedule of 1 year.

Noise Measurement Methodology

As discussed in the setting section discussion above, to ascertain the existing noise at and adjacent to the project site, field monitoring was conducted on Monday, October 8, 2018. The purpose of the noise monitoring was to document the existing noise environment and capture the noise levels associated with existing operations or activities on the project site and vicinity. The noise monitoring locations are shown on Exhibit 3.4-1. These locations were selected to provide baseline ambient noise levels for comparison of the 2018 Project's proposed land uses to the City's applicable land use compatibility standards as well as noise performance standards, and then to further compare this information to the analysis contained in the 2004 Final EIR, to determine whether any new significant noise impacts or an increase in severity of previously identified significant noise impacts would occur as a result of the 2018 Project.

The noise measurements were taken using Larson-Davis Model LxT2 Type 2 precision sound level meters programmed in "slow" mode to record noise levels in "A" weighted form. The sound level meter was calibrated using a Larson-Davis calibrator, Model CAL 150. The accuracy of the calibrator is maintained through a program established through the manufacturer and is traceable to the National Bureau of Standards. All noise level measurement equipment meets American National Standards Institute specifications for sound level meters (S1.4 1983 identified in Chapter 19.68.020.AA).

Traffic Noise Modeling Methodology

The FHWA highway traffic noise prediction model (FHWA RD-77-108) was used to evaluate traffic-related noise conditions in the vicinity of the project site. Traffic data used in the model was obtained from the traffic analysis prepared for the 2018 Project (Appendix F). The resultant noise levels were weighed and summed over a 24-hour period in order to determine the L_{dn} values. The FHWA-RD-77-108 Model arrives at a predicted noise level through a series of adjustments to the Reference Energy Mean Emission Level. Adjustments are then made to the reference energy mean emission level to account for the roadway active width (i.e., the distance between the center of the outermost travel lanes on each side of the roadway); the total average daily traffic (ADT); and the percentage of ADT that flows during the day, evening, and night; the travel speed; the vehicle mix on the roadway; a percentage of the volume of automobiles, medium trucks, and heavy trucks; the roadway grade; the angle of view of the observer exposed to the roadway; and the site conditions ("hard" or "soft") as they relate to the absorption of the ground, pavement, or landscaping.

3.4.5 - Impact Evaluation

Noise Levels That Would Conflict with Any Land Use Plan, Policy, or Regulation

Impact NOI-1:	**The 2018 Project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.**

2004 Final EIR

The 2004 Final EIR concluded that the proposed Vista Del Mar housing would be exposed to traffic noise levels from traffic on SR-4 and West Leland Road that would exceed the "normally acceptable" noise level land use compatibility guideline established by the City for multi-family residential development (65 dBA L_{dn},) thereby resulting in potentially significant impacts.

The 2004 FEIR included Mitigation Measures 14-1(a), (b), and (c), which required construction of a 5- to 10-foot soundwall along West Leland Road, as well as preparation of an acoustical study to determine the noise insulation and other design features needed to maintain interior noise levels at or below 45 dBA L_{dn}, and identification of site design measures to maintain common exterior noise levels at "normally acceptable" levels. The City concluded that impacts would be reduced to less than significant with the incorporation of this mitigation.

2018 Project

The 2018 Project proposes single-family residential rather than multi-family residential development. Therefore, for purposes of analysis for the 2018 Project, a significant impact under Impact NOI-1 would occur if the project would result in a conflict with the "normally acceptable" land use compatibility standards for the proposed single-family residential and the proposed commercial land uses as follows:

- 60 dBA L_{dn} for proposed single-family residential development
- 70 dBA L_{dn} for proposed commercial land use development

The project site would be exposed to traffic noise from the West Leland Road to the south and from SR-4 and BART rail activity to the north.

Traffic modeling was performed using the data obtained from the 2018 Project-specific traffic impact study (included in Appendix F). This traffic impact study provides data for Existing (year 2018),[6] Near-Term, and Cumulative Conditions. The resultant noise levels were weighed and summed over a 24-hour period to determine the L_{dn} values. The traffic noise modeling input and output files—including the 60 dBA, 65 dBA, and 70 dBA L_{dn} noise contour distances—are included in Appendix E. Table 3.4-5 shows a summary of the traffic noise levels for Existing (year 2018), Near-Term, and Cumulative Conditions, with and without the 2018 Project as measured at 50 feet from the centerline of the outermost travel lane for the modeled roadway segments that are next to the project site.

The land use compatibility for the proposed single-family residential and the proposed commercial land uses are analyzed separately below.

[6] The existing year is based on the date of the Notice of Preparation, which was released in December 2018.

Table 3.4-5: Traffic Noise Levels Compared to General Plan Land Use Compatibility Guidelines

Roadway Segment	L_{dn} (dBA) 50 feet from Centerline of Outermost Lane								
	Existing	Existing with 2018 Project	Exceed Normally Acceptable Standard for Residential/ Commercial[1]	Near-Term without 2018 Project	Near-Term with 2018 Project	Exceed Normally Acceptable Standard for Residential/ Commercial[1]	Cumulative without 2018 Project	Cumulative with 2018 Project	Exceed Normally Acceptable Standard for Residential/ Commercial[1]
West Leland Road—Tomales Bay Drive to Alves Ranch Road	65.5	66.9	Yes/No	66.5	67.7	Yes/No	70.3	70.9	Yes/No
West Leland Road—Alves Ranch Road to Woodhill Drive	65.6	66.8	Yes/No	66.6	67.6	Yes/No	70.3	70.8	Yes/No

Note:
[1] As measured at the nearest proposed residential or commercial land use.
Source: FirstCarbon Solutions 2018.

Commercial Land Uses—Evaluation of the need for mitigation along West Leland Road

The façades of the closest portion of the potential future commercial development would be located approximately 90 feet from the centerline of West Leland Road. At this distance, traffic noise levels would range up to approximately 69 dBA L_{dn}. These noise levels are within the City's "normally acceptable" range of up to 70 dBA L_{dn}, for new commercial land use development, and would be considered a less than significant impact for the proposed commercial land use development. No mitigation is required.

Residential Land Uses—Evaluation of the need for mitigation along West Leland Road

The façades of the closest proposed residences would be located approximately 80 feet from the centerline of West Leland Road. At this distance, traffic noise levels would range up to approximately 70 dBA L_{dn}. These noise levels exceed the City's "normally acceptable" range of up to 60 dBA L_{dn}, but are within the City's "Conditionally Acceptable" range of up to 70 dBA L_{dn}, for new residential single-family land use development. According to the City's land use compatibility guidelines, new construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features are included in the design. In addition, for new residential development exposed to traffic noise levels in excess of 65 dBA L_{dn}, General Plan policies 12-P-5 and 12-P-6 require site-specific analysis be performed and mitigation be incorporated to ensure that interior noise levels do not exceed 45 dBA L_{dn}. Therefore, the following analysis is provided to determine the mitigation needed to ensure the residential exterior and interior noise levels meet acceptable standards, in compliance with General Plan policies 12-P-5 and 12-P-6 and the land use compatibility guidelines.

Soundwall effectiveness for exterior residential use areas

To determine the noise reduction that soundwalls would provide for the residential lots fronting West Leland Road, an additional traffic noise modeling run was performed to model various barrier heights using the FHWA highway traffic noise prediction model (FHWA RD-77-108). These additional traffic noise modeling input and output files are included in Appendix E. The modeling results show that construction of minimum 8-foot high soundwalls (or equivalent) to shield outdoor active use areas (i.e., backyards) of residential units located within 200 feet of,[7] and that have a direct line of sight to, West Leland Road would reduce traffic noise levels to below 60 dBA L_{dn} as measured at the outdoor active use areas. This would reduce traffic noise levels to below the City's "normally acceptable" standard for the outdoor active use areas of the proposed single-family residential land uses.

The 2004 Final EIR included Mitigation Measures 14-1 (b) and (c), requiring inclusion of site design measures and construction of 5- to 10-foot soundwalls along West Leland Road to maintain exterior noise levels to "normally acceptable" levels in proposed outdoor use areas. Therefore, this mitigation measure would remain applicable to the 2018 Project as modified in Mitigation Measure NOI-1a. Mitigation Measure NOI-1a specifies the construction of an 8-foot soundwall (or equivalent buffer that achieves the applicable performance standards) along West Leland Road to achieve the required reduction for residential uses. The soundwalls shall be located to block the line of sight from

[7] At a distance of 200 feet from the centerline of West Leland Road, traffic noise levels would be reduced to below 60 dBA Ldn (an approximate 8.6 dBA reduction due to distance attenuation, and an additional approximate 3 dBA reduction due to proposed landscaping and shielding provided by proposed structures.

the outdoor active use areas to West Leland Road. The locations of the modeled soundwalls to protect outdoor active use areas are shown in Exhibit 3.4-3. The acceptability of the proposed combination of mitigation will be confirmed by the City Engineer, as part of the final plans and permitting process.

Design features required to achieve interior noise levels of 45 dBA L_{dn}

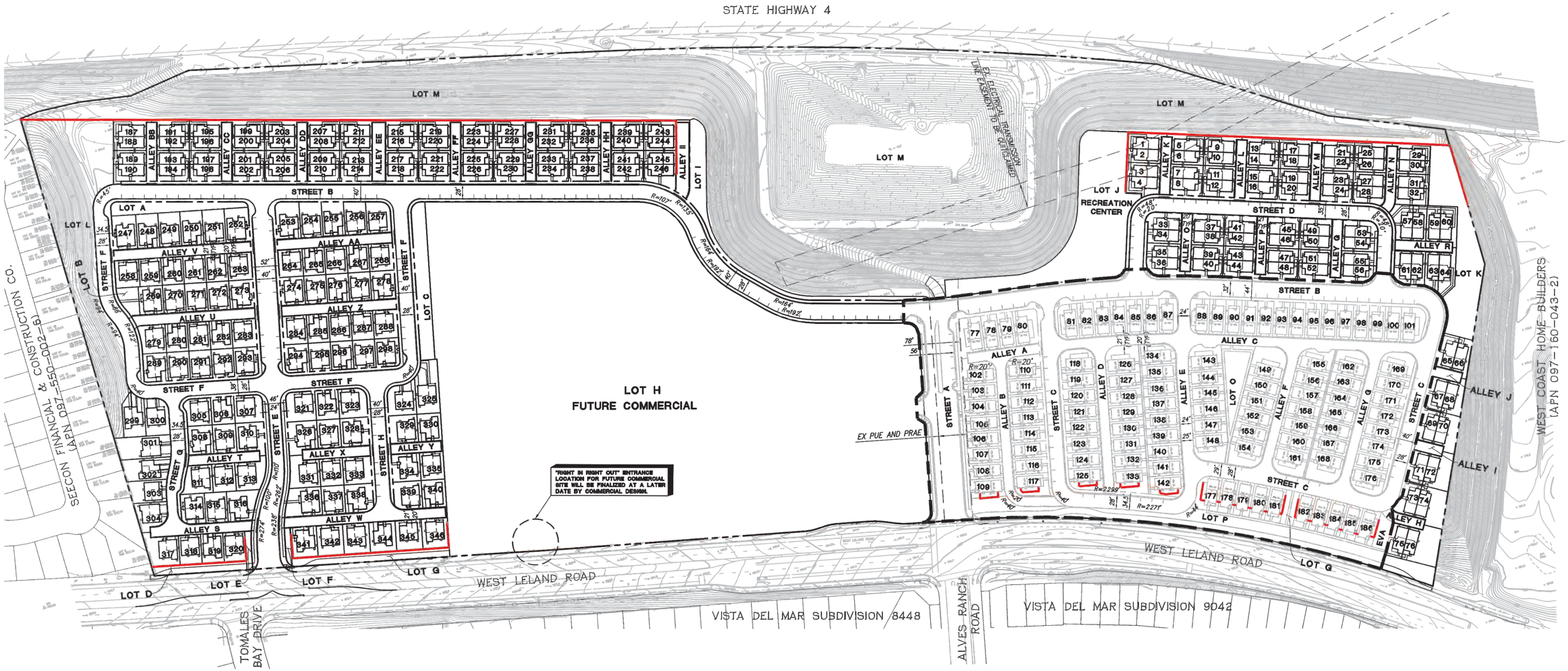
Based on EPA's Protective Noise Levels,[8] a combination of walls, doors, and windows using standard construction for residences built to California Building Code standards would provide 25 dBA in exterior-to-interior noise reduction with windows closed and 15 dBA or more with windows open. Thus, the combination of standard building construction along with construction of the soundwall identified in NOI-1a would reduce exterior noise levels at some of the *first floor* units of proposed residences from 70 dBA L_{dn} to 45 dBA L_{dn} or lower (70 dBA minus 10 dBA from the soundwall and minus a further 15 dBA from standard construction).

However, some of the *first floor* façades (see Exhibit 3.4-3 for location of modeled soundwalls) and all *second story* façades of the nearest proposed residential units would still have a direct line of sight to traffic on West Leland Road. Thus, some façades would be exposed to traffic noise levels ranging up to approximately 70 dBA L_{dn}. With windows open, interior noise levels of the proposed single-family residential units nearest to West Leland Road would experience interior noise levels of 55 dBA (70 dBA minus 15 dBA). However, implementation of an alternative form of ventilation, such as air conditioning that would allow windows to remain closed, would allow for the full 25 dBA noise reduction (70 dBA—25 DBA = 45 dBA), ensuring that the interior noise level standard of 45 dBA L_{dn} would be maintained in all proposed residential land uses.

The 2004 Final EIR included Mitigation Measures 14-1 (a), which required that a site specific acoustic analysis be conducted to identify noise insulation and other design features to be included in the design to maintain the interior noise level standard for residential units proposed along West Leland Road. Therefore, this mitigation measure would remain applicable to the 2018 Project as modified in Mitigation Measure NOI-1b. Therefore, based on the site-specific acoustic analysis detailed above, the 2018 Project would be required to implement Mitigation Measure NOI-1a requiring an alternative form of ventilation for all residential units within 200 feet[9] of the centerline of West Leland Road. This alternative form of ventilation would give an occupant the option of controlling noise by keeping the windows shut in order to reduce potential traffic noise impacts to a less than significant level. A standard central air conditioning system or a central heating system equipped with a 'summer switch,' which allows the fan to circulate air without furnace operation requiring mechanical ventilation, would provide a habitable interior environment and meet the airflow provisions under Building Code requirements.

[8] United States Environmental Protection Agency (EPA). 1978. Protective Noise Levels EPA 550/9-79-100, November.

[9] At a distance of 200 feet from the centerline of West Leland Road, traffic noise levels would be reduced to below 60 dBA L_{dn} (an approximate 8.6 dBA reduction due to distance attenuation, and an additional approximate 3 dBA reduction due to proposed landscaping and shielding provided by proposed structures.



Source: Ruggeri-Jensen-Azar, Engineers, Planners, Surveyors, July 2018.

FIRSTCARBON SOLUTIONS™

Soundwall Locations

Exhibit 3.4-3
Modeled Soundwall Locations

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Commercial Land Uses—Evaluation of the need for mitigation along northern property line, adjacent to SR-4 and BART

A long-term ambient noise measurement was taken in order to document the combined noise levels from traffic on SR-4 and from BART rail activity on the north side of the project site. The long-term measurement was taken on the project site's northern boundary, approximately 150 feet from the centerline of SR-4, and approximately 160 feet east of the site's western boundary. The long-term noise measurement location is shown in Exhibit 3.4-1. The nearest façade of the potential future commercial development would be located approximately 445 feet from the centerline of SR-4. At this distance, combined traffic and BART rail activity would attenuate to below 69 dBA L_{dn}. These noise levels are within the City's "normally acceptable" range of up to 70 dBA L_{dn}, for new commercial land use development, and therefore would be considered a less than significant impact with respect to the proposed commercial land use development.

Residential Land Uses—Evaluation of the need for mitigation along the northern property line, adjacent to SR-4 and BART

The nearest façade of the proposed residential development would be located approximately 210 feet from the centerline of SR-4. At this distance, combined traffic and BART rail activity would attenuate to 74 dBA L_{dn}. These noise levels exceed the City's "normally acceptable" range of up to 60 dBA $L_{dn,}$ for new residential single-family land use development, and also exceed the City's "Conditionally Acceptable" range of up to 70 dBA L_{dn} for new residential single-family land use development. According to the City's land use compatibility guidelines, under these circumstances, new construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features are included in the design. In addition, according to the City's General Plan policies 12-P-5 and 12-P-6, for new residential development exposed to traffic noise levels in excess of 65 dBA L_{dn}, site-specific analysis must be performed and mitigation be incorporated to ensure that interior noise levels do not exceed 45 dBA L_{dn}.

Therefore, the following analysis is provided to determine the mitigation needed to reduce exterior and/or interior noise levels for residences along SR-4 and BART to acceptable levels, in compliance with General Plan policies 12-P-5 and 12-P-6 and the City's land use compatibility guidelines.

Soundwall effectiveness for exterior residential use areas along SR-4 and BART

To determine the noise reduction that soundwalls would provide for the residential lots fronting SR-4, a traffic noise modeling run was performed to model various barrier heights using the FHWA highway traffic noise prediction model (FHWA RD-77-108). The traffic noise modeling input and output files are included in Appendix E.

The closest proposed outdoor active use areas to SR-4 would be in the proposed Neighborhood D, located approximately 400 feet from the centerline of SR-4. A minimum 10-foot high soundwall (or an equivalent buffer that achieves the applicable performance standards) located would be required to reduce SR-4 traffic and BART activity noise levels to below the City's "normally acceptable" exterior noise standard of 60 dBA L_{dn} for single-family residential outdoor active use areas. The location of the modeled soundwalls are shown in Exhibit 3.4-3.

Proposed residential units nearest to SR-4 (neighborhoods A-1 and A-2) would not have any outdoor active use areas associated with them. Therefore, conditionally acceptable noise levels would be considered acceptable provided the interior noise level thresholds are met. The modeling results show that a minimum 10-foot high soundwall (or an equivalent buffer that achieves the applicable performance standards) would reduce SR-4 traffic and BART activity noise levels to below 65 dBA L_{dn}, meeting the City's "Conditionally Acceptable" threshold of 70 dBA L_{dn}, for single-family residential land use development.

The 2004 Final EIR included Mitigation Measures 14-1 (a) and (b), which required that a site specific acoustic analysis be conducted to identify noise insulation and other design features to be included in the design to maintain acceptable exterior noise levels for residential units proposed near SR-4. Therefore, this mitigation measure would remain applicable to the 2018 Project as modified in Mitigation Measure NOI-1c. Mitigation Measure NOI-1c specifies the construction of a minimum 10-foot high soundwall (or equivalent buffer that achieves the applicable performance standards) along SR-4 to reduce traffic and BART activity noise levels to meet the City's normally acceptable exterior threshold for the nearest proposed outdoor active use areas; and to also meet the conditionally acceptable exterior threshold of 70 dBA L_{dn} for the nearest proposed residential uses that do not include outdoor active use areas. The location of the modeled soundwalls are shown in Exhibit 3.4-3. The acceptability of the proposed mitigation to meet the applicable performance standards would be confirmed by the City Engineer, as part of the final plans and permitting process for the 2018 Project.

Effectiveness of design measures for residential interiors along SR-4 and BART

As already discussed, standard construction design features for residences built to applicable provisions in the California Building Code would provide a minimum of 25 dBA in exterior-to-interior noise reduction with windows closed and 15 dBA or more with windows open.

Thus, with windows open, the combination of a soundwall as required by Mitigation Measure NOI-1c, along with the incorporation of standard building construction design features, would reduce exterior noise levels at the *first floor* of proposed residences along SR-4, from 74 dBA L_{dn} to only 49 dBA L_{dn} (74 dBA minus 10 dBA from the soundwall and minus a further 15 dBA from standard construction), and would not achieve the 45 dBA L_{dn} interior noise level standard.

Therefore, implementation of an alternative form of ventilation, such as air conditioning, that would allow windows to remain closed would need to be incorporated to achieve compliance with the 45 dBA L_{dn} interior noise level standard (74 dBA minus 10 dBA from the soundwall and minus a further 25 dBA from standard construction would result in interior noise levels of 39 dBA). Traffic noise levels along SR-4 would attenuate to below 60 dBA (normally acceptable levels) at a distance of approximately 400 feet from the centerline of the roadway, with inclusion of the soundwall required in Mitigation Measure NOI-1c. Therefore, the 2018 Project would be required to implement Mitigation Measure NOI-1b requiring incorporation an alternative form of ventilation for all residential units within 400 feet of the centerline of SR-4. This alternative form of ventilation would give an occupant the option of controlling noise by keeping the windows shut in order to reduce potential traffic noise impacts to a less than significant level. A standard central air conditioning system or a central heating system equipped with a 'summer switch,' which allows the fan to

circulate air without furnace operation requiring mechanical ventilation, would provide a habitable interior environment and meet the airflow provisions under building code requirements.

However, even with implementation of the soundwall, *second story* façades of the nearest proposed residential units would still have a direct line of sight to SR-4 and the BART rail line. Projected combined traffic and rail activity noise levels at *second story* façades could still range up to 74 dBA L_{dn}. Even with implementation of an alternative form of ventilation, as required by Mitigation Measure NOI-1b, that would allow windows to remain closed, interior noise levels of the proposed residential units nearest to SR-4 would not meet the normally acceptable interior noise standard of 45 dBA L_{dn} (74 dBA–25 dBA = 49 dBA). Therefore, upgraded wall and window assemblies would be required for all second floor residential units that directly face SR-4. The combined wall and window assembly should be upgraded from standard building code requirements to have a minimum Standard Transmission Class (STC) rating of 32-STC. This would provide sufficient noise reduction, with an adequate margin of safety, to ensure the 45 dBA L_{dn} interior noise level standard is maintained (74 dBA–32 dBA = 42 dBA). Prior to issuance of building permits, the applicant shall have a professional acoustic consultant review the final design plans to provide assurance to City staff that the design would provide the required STC rating to ensure the applicable performance standards are achieved. Mitigation Measure NOI-1d specifies this enhanced STC ratings for wall and window assemblies to ensure compliance with the City's 45 dBA L_{dn} interior noise standard.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

As already required by Mitigation Measure 14-1 of the 2004 Final EIR, the 2018 Project shall incorporate the below mitigation to ensure compliance with the City's exterior and interior noise level performance standards and land use compatibility guidelines. Implementation of the following mitigation, as refined from what was already established in the 2004 Final EIR, would ensure that the 2004 Final EIR remains adequate for the 2018 Project.

MM NOI-1 To reduce potential traffic noise impacts, the following multi-part mitigation measure shall be implemented for the 2018 Project:

a) The 2018 Project shall construct a soundwall (or equivalent) to protect residential units bordering West Leland Road. The soundwall (or equivalent) shall be a minimum 8-foot high above the finished grade of the residential units. Notwithstanding the foregoing, the 2018 Project applicant may propose an equivalent measure so long as the 2018 Project applicant can demonstrate, via an updated acoustical analysis prepared by a qualified noise consultant and approved by the City Engineer, that the applicable performance standards will be achieved with implication of this equivalent measure. The soundwall (or equivalent) shall effectively block the line of sight to West Leland Road for proposed outdoor active use areas (i.e., backyards or side yards) of all residential units within 100 feet of the edge of the southern project property line. The soundwall (or equivalent) shall be of solid construction, with no vertical or horizontal gaps, and shall have a minimum

surface weight of 4 pounds per square foot. The acceptability of the proposed combination of soundwall (or equivalent) mitigation shall be confirmed by the City Engineer, as part of the final plans and permitting process, to ensure compliance with the applicable performance standards.

b) The 2018 Project shall implement an alternative form of ventilation for all proposed residential units within 200 feet of the centerline of West Leland Road, and within 400 feet of the centerline of SR-4. This alternative form of ventilation would give an occupant the option of controlling noise by keeping the windows shut in order to reduce potential traffic noise impacts to a less than significant level. A standard central air conditioning system or a central heating system equipped with a 'summer switch,' which allows the fan to circulate air without furnace operation requiring mechanical ventilation, will provide a habitable interior environment and meet the airflow provisions under building code requirements.

c) The 2018 Project shall construct a soundwall (or equivalent) to protect residential units bordering SR-4. The soundwall (or equivalent) shall be a minimum 10-foot high above the finished grade of the residential units. Notwithstanding the foregoing, the 2018 Project applicant may propose an equivalent measure so long as the 2018 Project applicant can demonstrate, via an updated acoustical analysis prepared by a professional acoustical consultant and approved by the City Engineer, that the applicable performance standards will be achieved with implication of this equivalent measure. The soundwall (or equivalent) shall effectively block the line of sight to SR-4 for all first floor units and proposed outdoor active use areas (i.e., backyards) of all residential units within 400 feet of the centerline of SR-4. The soundwall shall be of solid construction, with no vertical or horizontal gaps, and shall have a minimum surface weight of 4 pounds per square foot. The acceptability of the proposed mitigation shall be confirmed by the City Engineer, as part of the final plans and permitting process, to ensure compliance with the applicable performance standards.

d) The 2018 Project shall provide upgraded wall and window assemblies for all second story residential units in Neighborhoods A-1 and A-2 that would have a direct line of sight to SR-4 and the BART rail line. The combined wall and window assembly shall have a minimum Standard Transmission Class (STC) rating of 32-STC. This will provide sufficient noise reduction, with an adequate margin of safety, to ensure the 45 dBA L_{dn} interior noise level standard is maintained (74 dBA–32 dBA = 42 dBA). Prior to issuance of building permits, the applicant shall have a professional acoustic consultant review the final design plans to confirm with the City Engineer that the design would provide the required STC rating.

Level of Significance After Mitigation

Less than significant impact.

Substantial Noise Increase in Excess of Standards

Impact NOI-2: **The 2018 Project would 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.**

Evaluating Construction Noise

2004 Final EIR

The 2004 Final EIR found that construction activity related to the Vista Del Mar development (including the area north of West Leland Road) would increase noise levels at the adjacent Oak Hills and San Marco developments in excess of 60 dBA L_{eq}. In addition, due to the phasing of the development, this impact was determined to be significant because the temporary noise impacts would occur over an extended construction period, which could last from six to 15 years. The 2004 Final EIR required implementation of Mitigation Measure 14-3, which limited the generation of loud noises on construction sites adjacent to existing development to normal business hours between 8:00 a.m. and 5:00 p.m. in compliance with General Plan Policy 12-P-9, and which also imposed additional construction period noise abatement measures reflecting industry best practices at the time. The City concluded that although implementation of Mitigation Measure 14-3 would reduce temporary construction noise impacts to the maximum extent practicable, impacts would remain significant and unavoidable because of the length of construction period. The 2004 Final EIR did not include analysis of construction traffic noise.

2018 Project

The following analysis considered whether the 2018 Project would result in new significant construction-related noise impacts or an increase in the severity of the previously identified significant construction-related noise impacts than were identified in the 2004 Final EIR.

Sensitive receptors in the project vicinity currently include single-family residential land uses to the west and south of the project site. The residential units to the west were under construction at the time of the 2004 Final EIR; the residences to the south are the Vista Del Mar residences which were the subject of the 2004 Final EIR. Therefore, the 2004 Final EIR evaluated the potential effects to all currently existing development.

The increment of difference represented by the 2018 Project includes variations in the site plan and subsequent construction footprint, and variations in the specific length of the construction period as currently estimated. This analysis takes into account the proposed revisions to the site plan as well as the reduced construction schedule. As discussed below, the analysis concludes that implementation of Mitigation Measure NOI-2, as refined from what was adopted in the 2004 Final EIR to reflect current best management construction noise reduction measures, would reduce construction noise impacts to less than significant.

Noise impacts from construction activities associated with the 2018 Project would be a function of the noise generated by construction equipment, equipment location, sensitivity of nearby land uses, and the timing and duration of the construction activities as compared to the original Alves Ranch Project evaluated in 2004 Final EIR. For purposes of this analysis, a significant impact would occur if noise-

producing construction activities associated with implementation of the 2018 Project would (1) occur outside of the hours permitted in the Noise Element of the General Plan; and/or (2) would result in generation of a substantial (3 dBA or greater) temporary increase in ambient noise levels outside of these hours, thereby resulting in annoyance or sleep disturbance of nearby sensitive receptors.

Construction-related Traffic Noise

The 2004 Final EIR did not specifically analyze noise impacts from construction-related traffic. However, this analysis is provided here in order to ensure a robust, conservative evaluation of potential impacts from the 2018 Project. Consistent with current industry standards, a significant impact would result if construction traffic would double daily traffic volumes on any local roadway segment, thereby creating a 3 dBA increase in noise.

The transport of workers and construction equipment and materials to the project site would incrementally increase noise levels on access roads leading to the site. Because workers and construction equipment would use existing routes, noise from passing trucks would be similar to existing vehicle-generated noise on these local roadways, and would not result in a doubling of daily traffic volumes on any of the local roadways in the project vicinity.

For this reason, short-term intermittent noise from construction trips would not result in a perceptible increase in hourly- or daily-average traffic noise levels in the project vicinity. This impact would be less than significant.

Construction Equipment Operational Noise

The 2004 Final EIR did not specifically quantify construction equipment noise impacts at adjacent sensitive receptor land uses. However, this analysis is provided here in order to ensure a robust, conservative evaluation of potential impacts from the 2018 Project.

Table 3.4-2 lists the maximum noise levels recommended for noise impact assessments for typical construction equipment based on a distance of 50 feet between the equipment and a noise receptor.

The site preparation phase, which includes excavation and grading activities, tend to generate the highest noise levels because the noisiest construction equipment is earthmoving equipment. Therefore, for purposes of providing a conservative analysis, reasonable worst-case construction noise levels resulting from this loudest phase of construction are quantified here. Construction of the 2018 Project is expected to require the use of scrapers, bulldozers, water trucks, haul trucks, and pickup trucks, similar to the original Alves Ranch Project evaluated in the 2004 Final EIR. As described more fully below, implementation of Mitigation Measure 14-3 of the Final EIR, with refinements to incorporate current best practices as shown in Mitigation Measure NOI-2 of this Draft SEIR, would ensure that construction noise would not result in a substantial exceedance of the standards for construction noise established in Policy 12-P-9 of the City's General Plan.

Construction Noise Impacts to Nearest Sensitive Receptors

The nearest residential receptor lies west of the project site along West Leland Road between Willow Pass Road and Tomales Bay Drive, approximately 60 feet from the acoustic center of construction

activity where multiple pieces of heavy machinery would operate at the project site. The acoustic center refers to a point equidistant from multiple pieces of equipment operating simultaneously which would produce the worst-case maximum noise level. The shielding provided by the difference in elevation of the receptors above the project site and by the existing 8-foot high soundwall would provide at least 12 dB of noise shielding attenuation. At this distance and with the noise attenuation provided by the intervening soundwall, construction noise levels would be expected to range up to 76 dBA L_{max}, with a reasonable worst case hourly average of 72 dBA L_{eq}, intermittently, at the exterior facade of the nearest residential home from this community. The ambient noise measurement results summarized in Table 3.4-3 show that existing ambient noise levels in the vicinity of this nearest sensitive receptor range up to 87 dBA L_{max}, with daytime average noise levels of 69 dBA L_{eq}.

Therefore, construction noise levels would not exceed existing background ambient daytime noise levels by more than 3 dBA. Moreover, the 2018 Project would be required to restrict noise generating construction activities to daytime hours only, which would ensure that construction noise would not result in a violation of Policy 12-P-9 of the General Plan or the applicable Municipal Code provision (regulating specific construction activities to certain hours).

The second closest off-site noise-sensitive receptors to the project site lies south of West Leland Road between Tomales Bay Drive and Woodhill Drive, approximately 200 feet from the nearest acoustic center of construction activity where multiple pieces of heavy machinery would operate at the project site. At this distance and with the noise attenuation provided by the existing intervening soundwall, construction noise levels would be expected to range up to 68 dBA L_{max}, with a reasonable worst case hourly average of 64 dBA L_{eq}, intermittently, at the exterior facade of the nearest residential home from this community. The ambient noise measurement results summarized in Table 3.4-3 show that existing ambient noise levels in the vicinity of this nearest sensitive receptor range up to 87 dBA L_{max}, with daytime average noise levels of 69 dBA L_{eq}. Therefore, construction noise levels would not exceed existing background ambient daytime noise levels by more than 3 dBA. Moreover, the 2018 Project would be required to restrict noise generating construction activities to daytime hours only, which would ensure that construction noise would not result in a violation of the standards for construction noise established in Policy 12-P-9 of the General Plan or the applicable Municipal Code provision (regulating specific construction activities to certain hours).

Conclusion of Construction Noise Impacts

The effect of 2018 Project-related construction noise levels on longer-term (hourly or daily) ambient noise levels would be similar to the construction noise levels identified in the 2004 Final EIR. As required by the 2004 Final EIR, the 2018 Project is required to comply with Mitigation Measure 14-3, with refinements to incorporate current best practices as shown in Mitigation Measure NOI-2 of this Draft SEIR. Implementation of Mitigation Measure NOI-2 would ensure that construction noise would not result in a violation of the standards for construction noise established in Policy 12-P-9 of the City's General Plan or the applicable Municipal Code provision (regulating specific construction activities to certain hours).

Therefore, 2018 Project-related temporary construction noise impacts would be less than significant.

The 2004 Final EIR determined that the original Alves Ranch Project would result in a significant and unavoidable impact, based on the length of the construction period. However, the estimated reasonable worst-case construction schedule for full buildout of all project components for the 2018 Project is 31 months (as compared to the original Alves Ranch Project which was six to 15 years). In addition, the site preparation phase, which is the loudest construction phase which was analyzed above, would be expected to last fewer than eight weeks. Therefore, implementation of the 2018 Project would result in construction noise impacts that are less than those identified in the 2004 Final EIR.

Evaluating Operational Noise

2004 Final EIR

The 2004 Final EIR found that increases in traffic noise levels in the project vicinity related to the Vista Del Mar development would be less than significant as measured at the nearest noise sensitive receptors. The analysis identified that a potentially significant stationary noise impact could occur from the proposed water pump station operations, but concluded that with implementation of Mitigation Measure 14-2, requiring site-specific acoustical analysis that would identify noise abating design measures would reduce this impact to less than significant. The analysis further concluded that all other impacts from project-related stationary noise sources would be less than significant and no mitigation would be required.

2018 Project

As discussed below, the 2018 Project would result in similar operational noise impacts to the 2004 Final EIR. In addition, the 2018 Project does not include the Water Pump Station previously analyzed in the 2004 Final EIR, and would therefore result in no impact related to that noise source.

Analysis of Potential Impacts Relating to Operational Traffic Noise

Similar to the significance criteria of the 2004 EIR, a significant impact would occur if the 2018 Project would cause the traffic noise levels that would exist without the 2018 Project to increase by the following increments and exceed the indicated standard as measured at a receiving land use:

- 5 dBA or more even if the L_{dn} would remain below normally acceptable levels for a receiving land use.
- 3 dBA or more, thereby causing the L_{dn} in the project vicinity to exceed normally acceptable levels and result in noise levels that would be considered conditionally acceptable for a receiving land use.
- 1.5 dBA or more where the L_{dn} currently exceeds conditionally acceptable levels for a receiving land use (thus contributing to an already impacted environment).

As shown in Table 3.4-6, the highest traffic noise level increase would occur with implementation of the 2018 Project during the Existing plus 2018 Project condition, along West Leland Road between Tomales Bay Drive and Alves Ranch Road. Along this roadway segment, the 2018 Project would result in an increase of 1.4 dBA under Existing plus 2018 Project conditions, with resulting noise levels ranging up to 66.9 dBA L_{dn}.as measured at 50 feet from the centerline of the outermost travel lane. Existing traffic noise levels on roadway segments adjacent to the project site are documented to

range up to 65.5 dBA L_{dn} along West Leland Road between Tomales Bay Drive and Alves Ranch Road. As shown in Table 3.4-6, the above-referenced traffic noise level increase is the highest that would occur during any of the conditions evaluated (Existing, Near-Term and Cumulative).

The 1.4 dBA increase would be imperceptible and would not exceed the standard of significance. Therefore, 2018 Project-related traffic noise level increases for implementation of the 2018 Project would result in a less than significant impact during of the conditions evaluated (Existing, Near-Term and Cumulative).

The 2018 Project is consistent with the analysis in the 2004 Final EIR which similarly determined that the project would result in less than significant increases in traffic noise levels along modeled roadway segments in the project vicinity. Therefore, these impacts are equal to or less than those considered in the 2004 Final EIR and no further analysis is necessary to supplement the 2004 Final EIR.

Table 3.4-6: Traffic Noise Levels Increase Comparison

Roadway Segment	L_{dn} (dBA) 50 feet from Centerline of Outermost Lane									
	Existing	Existing with 2018 Project	Increase over Existing (dBA)	Near-Term without 2018 Project	Near-Term with 2018 Project	Increase over Near-Term without 2018 Project (dBA)	Cumulative without 2018 Project	Cumulative with 2018 Project	Increase over Cumulative without 2018 Project (dBA)	Substantial Increase (Yes/No)?
West Leland Road—San Marcos Boulevard to Tomales Bay Drive	66.6	67.1	0.5	66.9	68.1	1.2	70.5	71.1	0.6	No
West Leland Road—Tomales Bay Drive to Alves Ranch Road	65.5	66.9	1.4	66.5	67.7	1.2	70.3	70.9	0.6	No
West Leland Road—Alves Ranch Road to Woodhill Drive	65.6	66.8	1.2	66.6	67.6	1.0	70.3	70.8	0.5	No
West Leland Road—Woodhill Drive to Southwood Drive	62.6	63.7	1.1	63.8	64.7	0.9	67.5	68.0	0.5	No
West Leland Road—Southwood Drive to BART Exit	62.9	63.9	1.0	64.0	64.8	0.8	67.6	68.1	0.5	No
West Leland Road—BART Exit to BART Entrance	63.1	64.0	0.9	64.2	64.9	0.7	67.8	68.2	0.4	No
West Leland Road—BART Entrance to Oak Hills Drive	63.1	64.0	0.9	64.2	64.9	0.7	68.3	68.6	0.3	No
West Leland Road—Oak Hills Drive to Bailey Road	63.8	64.6	0.8	64.8	65.5	0.7	68.8	69.1	0.3	No

Source: FirstCarbon Solutions 2018.

Analysis of Substantial Increases from Stationary Noise Sources

For purposes of this analysis, a significant impact would occur if operational noise levels generated by stationary noise sources at the 2018 Project site would result in a substantial permanent increase in ambient noise levels in excess of any of the applicable noise performance thresholds. The City has established noise performance standards for deliveries and equipment idling to 65 dBA as measured at the property line when these activities occur between 5:00 p.m. and 8:00 a.m. on a project site adjacent to a residential lot. For non-delivery activity stationary noise sources, a significant impact would occur if the 2018 Project-related stationary noise sources would cause the ambient noise levels that would exist without the 2018 Project to increase by the following increments and exceed the indicated standard as measured at a receiving land use:

- 5 dBA or more even if the L_{dn} would remain below normally acceptable levels for a receiving land use.
- 3 dBA or more, thereby causing the L_{dn} in the project vicinity to exceed normally acceptable levels and result in noise levels that would be considered conditionally acceptable for a receiving land use.
- 1.5 dBA or more where the L_{dn} currently exceeds conditionally acceptable levels for a receiving land use (thus contributing to an already impacted environment).

Similar to the original Alves Ranch Project evaluated in the 2004 Final EIR, the 2018 Project would generate noise from truck delivery, loading and unloading activities at commercial loading areas; parking lot activities, which include people conversing, doors shutting, engine startup, and slow-moving vehicles; and from new exterior mechanical equipment sources, such as rooftop ventilation systems on proposed residential and commercial uses. Potential noise impacts from these noise sources are analyzed below.

Truck Delivery, Loading and Unloading Activities

As discussed below, the 2018 Project-related loading and unloading activities would not result in a substantial permanent increase in ambient noise levels in excess of the noise performance thresholds.

The type of loading and unloading activity that would occur for the potential future commercial component of the 2018 Project is the loading and unloading of merchandise at the 2018 Project's proposed commercial loading areas. Typical noise levels from this type of loading and unloading activity can range from 70 dBA to 80 dBA L_{max} as measured at 50 feet. Commercial loading and unloading activities at the 2018 Project site could be located as close as 175 feet from the nearest off-site sensitive receptors, which would be the single-family residential homes located south of the project site on Ashbridge Bay Drive. At this distance and with the noise attenuation provided by the existing intervening 8-foot high soundwall, noise levels from these types of activities would be expected to attenuate to below 57 dBA L_{max}, in the outdoor active use area (backyard) of the closest off-site residential receptor. These noise levels would not exceed the City's nighttime noise performance standard of 65 dBA as measured at the nearest receiving residential receptor property. The impact would be less than significant.

The 2004 Final EIR similarly determined that the project would result in less than significant impacts related to project commercial stationary operational noise sources. Therefore, these impacts are equal to or less than those identified in the 2004 Final EIR and no further analysis is necessary to supplement the 2004 Final EIR.

Parking Lot Activities

As discussed below, noise levels resulting from parking activities at proposed parking areas would not result in a substantial permanent increase in ambient noise levels in excess of the applicable noise performance threshold.

Typical parking lot activities include people conversing, doors shutting, or vehicles idling generate noise levels of approximately 60 dBA to 70 dBA L_{max} at 50 feet. At such time as the potential future commercial component is constructed, these activities are expected to occur intermittently throughout the day, as residents, visitors, and staff arrives and leaves the parking lot areas. The nearest off-site sensitive receptors to the 2018 Project's proposed parking areas for the commercial component are the single-family residential homes located south of the project site along West Leland Road between Willow Pass Road and Tomales Bay Drive. The nearest residential home from this community would be located approximately 220 feet from the nearest acoustic center of commercial parking lot activity. The acoustical center reference is used because parking lot activities occur at some distance from one another across a parking lot and the combined noise level as measured at a point equidistant from the sources (acoustic center) would be the reasonable worst-case maximum noise level. There is an existing 8-foot high soundwall along the northern property line of these nearest residential land uses. At this distance and with noise reduction for the shielding provided by the existing 8-foot high soundwall, parking lot noise levels would attenuate to below 49 dBA L_{max} in the outdoor active use area (backyard) of the closest off-site residential receptor. These noise levels would not result in an exceedance of the City's normally acceptable land use compatibility standard of 60 dBA L_{dn} for the nearest receiving residential land use. The impact would be less than significant.

The 2004 Final EIR similarly determined that the project would result in less than significant impacts related to project commercial stationary operational noise sources. Therefore, these impacts are equal to or less than those identified in the 2004 Final EIR and no further analysis is necessary to supplement the 2004 Final EIR.

Mechanical Equipment Operations

As discussed below, noise levels generated by proposed mechanical ventilation equipment would not result in a substantial permanent increase in ambient noise levels in excess of the applicable noise performance threshold.

At the time of preparation of this analysis, details were not available pertaining to proposed mechanical ventilation systems for the 2018 Project. Therefore, for purposes of a conservative evaluation, a reference noise level for typical mechanical ventilation systems was used for this analysis. Noise levels from typical residential mechanical ventilation equipment are anticipated to range up to approximately 60 dBA L_{eq} at a distance of 25 feet. Proposed mechanical ventilation systems at the project site could be located as close as 40 feet from the nearest off-site sensitive

receptors, which are the single-family residential homes located north of West Leland Road between San Marco Boulevard and Tomales Bay Drive. At this distance and with noise reduction for the shielding provided by the existing soundwall and the elevation difference, noise levels generated by mechanical ventilation equipment would attenuate to less than 45 dBA L_{eq} in the outdoor active use area (backyard) of the closest off-site residential receptor. These noise levels would not result in an exceedance of the City's normally acceptable land use compatibility standard of 60 dBA L_{dn} for the nearest receiving residential land use. The impact would be less than significant.

The 2004 Final EIR similarly determined that the project would result in less than significant impacts related to project stationary operational noise sources. Therefore, these impacts are equal to or less than those identified in the 2004 Final EIR and no further analysis is necessary to supplement the 2004 certified Final EIR.

Level of Significance Before Mitigation

Potentially significant (for construction noise).

As already required by Mitigation Measure 14-3 of the 2004 Final EIR, the 2018 Project shall incorporate mitigation to ensure compliance with the City's construction schedule requirements. Implementation of the following mitigation, as refined from what was already established in the 2004 Final EIR, would ensure that the 2004 Final EIR would remain adequate.

MM NOI-2 To reduce potential impacts related to construction noise, the Project shall restrict construction-related activities to normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday. The Project shall also implement the following construction period noise abatement measures and best practices:

- The construction contractor shall ensure that all internal combustion engine-driven equipment is equipped with mufflers that are in good condition and appropriate for the equipment.
- The construction contractor shall select quiet construction equipment, particularly air compressors, whenever feasible
- The construction contractor shall locate stationary noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area. In addition, the project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site, whenever feasible.
- The construction contractor shall prohibit unnecessary idling of internal combustion engines.
- The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
- Designate a "noise disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g. starting too

early, bad muffler, etc.) and institute reasonable measures, consistent with this Improvement Measure, warranted to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site.

- Route all construction traffic to and from the project site via designated truck routes where practical. Prohibit construction-related heavy truck traffic in residential areas where feasible.
- The construction contractor shall limit noise producing construction activity to the daytime hours between 8:00 a.m. and 5:00 p.m.

Level of Significance After Mitigation

Less than significant impact.

3.5 - Transportation

3.5.1 - Introduction

This section describes the existing transportation setting and the potential environmental effects from implementation of the 2018 Project on the project site and its surrounding area, as compared to those impacts evaluated in the 2004 Environmental Impact Report (EIR), and to determine whether additional analysis is necessary to ensure the 2004 Final EIR is adequate for purposes of evaluating the 2018 Project. Descriptions and analysis in this section are based a Transportation Impact Assessment (TIA), prepared by Fehr & Peers and included in this Draft Supplemental Environmental Impact Report (Draft SEIR) as Appendix F.

As explained more fully in this transportation section, the 2004 Final EIR concluded that implementation of the original Alves Ranch project would result in significant impacts at several study intersections. The 2004 Final EIR included mitigation that consisted of improvements to impacted facilities. Even with mitigation, the 2004 FEIR concluded that some transportation impacts would remain significant and unavoidable because implementation must be completed by other jurisdictions outside the control of the lead agency.

The 2004 EIR evaluated a much larger project area, including substantial acreage south of West Leland Road, which has now been developed. Many of the mitigation measures from the 2004 EIR related to the acreage south of West Leland Road.

This transportation section includes updated environmental setting information to characterize the existing environment as local and regional development has significantly changed the background transportation conditions in the study area since the preparation of the 2004 Final EIR. This analysis includes additional analysis and refinements to mitigation measures, where needed, to ensure that the analysis provided by the 2004 Final EIR, as revised herein, is adequate to evaluate the project as currently proposed.

3.5.2 - Environmental Setting

Existing Roadway Network

The project site is located in the City of Pittsburg, and is bound by State Route (SR) 4 to the north, an undeveloped parcel to the east, West Leland Road and residential development to the south, and a residential development to the west. Pittsburg is located in eastern Contra Costa County, west of the City of Antioch and east of the City of Concord and the unincorporated community of Bay Point. Land uses surrounding the project site are generally residential, with the Pittsburg/Bay Point Bay Area Rapid Transit (BART) station located approximately 0.25 mile east of the site. Regional access to the site is provided by SR-4, Bailey Road, and West Leland Road. An extension of the existing Alves Ranch Road would provide local access to the 2018 Project. The following discusses the existing roadways that would provide access to the site and thus are most likely to experience direct traffic impacts, if any, from the 2018 Project.

State Route 4

SR-4 is an east-west highway that extends from Hercules in the west, to Stockton and the Sierra Nevada Mountains in the east. SR-4 is an eight-lane highway in the project vicinity, with three general purpose lanes and one high occupancy vehicle lane in each direction. SR-4 is a designated Route of Regional Significance by the Contra Costa Transportation Agency (CCTA). Routes of Regional Significance are roadways that connect two or more subareas of Contra Costa County, cross county boundaries, carry significant through traffic, and/or provide access to a regional highway or transit facility. California Department of Transportation (Caltrans) uses ramp meters to moderate the flow of vehicles onto the highway during peak commute periods in the study area. Ramp meters were not in operation at the time the 2004 Final EIR was prepared, nor where they contemplated.

West Leland Road

West Leland Road is a four-lane east-west arterial street that forms the southern boundary of the project site and extends through the City of Pittsburg. At Century Boulevard, it continues into the City of Antioch as Delta Fair Boulevard. It currently terminates west of San Marco Boulevard but, as part of the City's Capital Improvement Program (CIP Project ST-55), it is proposed to connect with Avila Road and then connect to Willow Pass Road in Concord. West Leland Road is a designated Route of Regional Significance. In the project vicinity, Class II bicycle lanes are provided on West Leland Road, and sidewalks are provided adjacent to developed parcels as well as along a portion of the project site. A landscaped median is also provided. No on-street parking is permitted. The posted speed limit is 45 miles per hour.

Alves Ranch Road

Alves Ranch Road is a generally a two-lane, north-south collector roadway that intersects with West Leland Road.[1] South of West Leland Road, Class II bicycle facilities are provided. On-street parking is prohibited on portions of Alves Ranch Road where housing does not front the roadway. Where direct residential access is provided, on-street parking is permitted. Alves Ranch Road has a posted speed limit of 25 miles per hour.

San Marco Boulevard

San Marco Boulevard is a north-south, four-lane roadway that terminates just south of Rio Verde Circle, and continues north or SR-4 as Willow Pass Road. It primarily provides access to the San Marco subdivision, which is still under construction. Sidewalks are provided along both sides of the roadway, except for a gap on the west side of the roadway between Willow Pass Road and the Arco gas station at the corner of West Leland Road at San Marco Boulevard. Class II bicycle lanes are provided between West Leland Road and Willow Pass Road. San Marco Boulevard has a posted speed limit of 40 miles per hour.

Bailey Road

Bailey Road is a north-south roadway that connects the City of Concord to the unincorporated community of Bay Point, through Pittsburg. In the City of Pittsburg, it provides two travel lanes in each

[1] This roadway would be extended into the project site as part of the project to provide primary access to the eastern residential neighborhood and the commercial center.

direction in the vicinity of SR-4. South of West Leland Road, Bailey Road narrows to provide one travel lane in each direction. Sidewalks are provided on this roadway along all portions of the road adjacent to existing development within the City of Pittsburg, and Class II bicycle facilities are provided north of West Leland Road. South of Willow Avenue, Bailey Road transitions to a two-lane rural roadway without pedestrian or bicycle facilities. Limited shoulders are provided. In the rural area, the posted speed limit is 45 miles per hour. In the urbanized area, the posted speed limit is 30 miles per hour. Bailey Road connects to the City of Concord and is used as a commuter thoroughfare; it typically carries higher levels of vehicle traffic than the roadway was designed to accommodate.

Study Facilities

This study evaluates weekday morning (7:00 a.m. to 9:00 a.m.) and weekday evening (4:00 p.m. to 6:00 p.m.) peak periods to coincide with the time-periods when adjacent street traffic demands are greatest for the intersections evaluated as part of the 2004 Final EIR, as well as two additional intersections that were selected for inclusion in the updated assessment based on the proposed project trip generation, trip distribution patterns, and consultation with City staff. The study addresses conditions without and with the 2018 Project at the following intersections (Exhibit 3.5-1):

1. SR-4 Westbound Ramps/Evora Road at San Marco Boulevard/Willow Pass Road
2. SR-4 Eastbound Ramps at San Marco Boulevard
3. West Leland Road at San Marco Boulevard
4. West Leland Road at Tomales Bay Drive (intersection not previously evaluated in the 2004 Final EIR)
5. West Leland Road at Alves Ranch Road
6. West Leland Road at Woodhill Drive
7. West Leland Road at Southwood Drive
8. West Leland Road at BART Exit
9. West Leland Road at BART Entrance
10. West Leland Road at Oak Hills Drive
11. Bailey Road at Canal Road (intersection not previously evaluated in the 2004 Final EIR)
12. SR-4 Westbound Ramps/Canal Road at Bailey Road
13. SR-4 Eastbound Ramps/BART at Bailey Road
14. West Leland Road at Bailey Road
15. West Leland Road at Chestnut Drive
16. Bailey Road at Myrtle Drive
17. Bailey Road at Concord Boulevard

18. Willow Pass Road at Avila Road

The following highway segments were evaluated based on the Delay Index:

1. SR-4, between Arnold Industrial Place/Solano Way and SR-242
2. SR-4, between SR-242 and Port Chicago Highway
3. SR-4, between Port Chicago Highway and Willow Pass Road
4. SR-4, between Willow Pass Road and San Marco Boulevard
5. SR-4, between San Marco Boulevard and Bailey Road
6. SR-4, between Bailey Road and Railroad Avenue

An assessment of vehicle queues at the highway on-ramps where project traffic is expected to be concentrated and ramp metering is operational was conducted, including:

1. SR-4 Westbound Ramps Loop On-ramp on northbound San Marco Boulevard and south of Evora Road/Willow Pass Road
2. SR-4 Eastbound Ramps at Bailey Road

The 2004 Final EIR also evaluated the highway segments noted above. The 2004 Final EIR did not evaluate on-ramp operations, as ramp metering was not in affect at the time the 2004 Final EIR analysis was conducted.

Level of Service

The operations of roadway facilities are described with the term "level of service" (LOS), consistent with the City's practice for analyzing traffic.[2] LOS is a qualitative description of traffic flow from a vehicle driver's perspective based on factors such as speed, travel time, delay, and freedom to maneuver. Six levels of service are defined ranging from LOS A (free-flow conditions) to LOS F (overcapacity conditions). LOS E corresponds to operations "at capacity." When volumes exceed capacity, stop-and-go conditions result and operations are designated LOS F.

Signalized Intersections

Traffic conditions at signalized intersections were evaluated using methods developed by the Transportation Research Board, as documented in the *2010 Highway Capacity Manual* (2010 HCM) for vehicles using the analysis software Synchro 10.0. The HCM method calculates control delay at an intersection based on inputs such as traffic volumes, lane geometry, signal phasing and timing, pedestrian crossing times, and peak-hour factors. Control delay is defined as the delay directly associated with the traffic control device (i.e., a stop sign or a traffic signal) and specifically includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. The relationship between LOS and control delay is summarized in Table 3.5-1.

[2] In addition to the LOS analysis, the Draft SEIR also includes a VMT analysis for informational purposes. See Appendix F, Section 9 for the VMT discussion.

Table 3.5-1: Signalized Intersection LOS Criteria

Level of Service	Description	Delay in Seconds
A	Progression is extremely favorable and most vehicles arrive during the green phase. Most vehicles do not stop at all. Short cycle lengths may also contribute to low delay.	< 10.0
B	Progression is good, cycle lengths are short, or both. More vehicles stop than with LOS A, causing higher levels of average delay.	> 10.0 to 20.0
C	Higher congestion may result from fair progression, longer cycle lengths, or both. Individual cycle failures may begin to appear at this level, though many still pass through the intersection without stopping.	> 20.0 to 35.0
D	The influence of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable progression, long cycle lengths, or high volume to capacity ratio (V/C) ratios. Many vehicles stop, and the proportion of vehicles not stopping declines. Individual cycle failures are noticeable.	> 35.0 to 55.0
E	This level is considered by many agencies to be the limit of acceptable delay. These high delay values generally indicate poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences.	> 55.0 to 80.0
F	This level is considered unacceptable with oversaturation, which is when arrival flow rates exceed the capacity of the intersection. This level may also occur at high V/C ratios below 1.0 with many individual cycle failures. Poor progression and long cycle lengths may also be contributing factors to such delay levels.	> 80.0
Source: Fehr & Peers 2018.		

Unsignalized Intersections

For unsignalized (all-way stop controlled and side-street stop controlled) intersections, the 2010 HCM method for unsignalized intersections was used. With this method, operations are defined by the average control delay per vehicle (measured in seconds). The control delay incorporates delay associated with deceleration, acceleration, stopping, and moving up in queue. Table 3.5-2 summarizes the relationship between LOS and delay for unsignalized intersections. At side-street stop controlled intersections, the delay is calculated for each stop-controlled movement, the left turn movement from the major street, as well as the intersection average. The intersection average delay and highest movement/approach delay are reported for side-street stop controlled intersections.

Table 3.5-2: Unsignalized Intersection LOS Criteria

Level of Service	Description	Delay in Seconds
A	Little or no delays	≤ 10.0
B	Short traffic delays	> 10.0 to 15.0
C	Average traffic delays	> 15.0 to 25.0
D	Long traffic delays	> 25.0 to 35.0
E	Very long traffic delays	> 35.0 to 50.0

Table 3.5-2 (cont.): Unsignalized Intersection LOS Criteria

Level of Service	Description	Delay in Seconds
F	Extreme traffic, delays where intersection capacity exceeded	> 50.0
Source: Fehr & Peers 2018.		

Highway Segments

For highway segments, the East County Action Plan for Routes of Regional Significance (as prepared by CCTA) has established a delay index of 2.5 as the Multimodal Transportation Service Objective (MTSO) for SR-4 through the study area. The delay index is the ratio of travel time on a facility divided by the travel times that occur during non-congested free-flow periods. Should the delay index exceed 2.5 during either the AM or PM peak period, highway operations would be considered deficient. This would equate to peak-hour travel taking 2.5 times as long as off-peak travel or an average travel speed below 26 miles per hour assuming a non-congested free-flow speed of 65 miles per hour. The number of vehicles traveling in the high occupancy vehicle (HOV) lane is also an MTSO (>600 vehicles/lane/peak-hour in peak direction).

Existing Traffic Counts

As transportation conditions in the study area have changed since the preparation of the 2004 Final EIR, and the CCTA technical procedures recommend that new traffic counts be conducted every 2 years, updated peak period intersection turning movement counts were collected at the study locations. Weekday morning (7:00 a.m. to 9:00 a.m.) and evening (4:00 p.m. to 6:00 p.m.) peak period intersection turning movement counts were collected at the study intersections, including separate counts of pedestrians and bicyclists, in May 2018 and October 2018 with area schools in normal session and in accordance with industry standard protocols. Peak-hour intersection vehicle volumes are summarized on Exhibit 3.5-2 along with existing lane configurations and traffic controls. Bicycle and pedestrian counts are presented on Exhibit 3.5-3; as shown, existing bicycle and pedestrian activity at the study intersections is generally low.

Existing Traffic Conditions

Based on the updated traffic count data and the current lane configurations, traffic control and other factors, updated existing conditions were evaluated to account for changed circumstances that were not previously evaluated.

Existing intersection lane configurations, signal timings, and peak-hour turning movement volumes were used to calculate the levels of service for the study intersections during each peak-hour, using the Synchro 10.0 software program, as presented in Table 3.5-3. Observed peak-hour factors were used at all intersections for the existing analysis. Pedestrian and bicycle activity was also factored into the analysis. Detailed intersection LOS calculation worksheets are presented in Appendix B to this Draft SEIR. As shown, signalized study intersections generally operate within the LOS standards set by the City of Pittsburg, CCTA, and the City of Concord, except for the West Leland Road at San Marco Boulevard intersection that operates at a LOS F during the AM peak-hour.

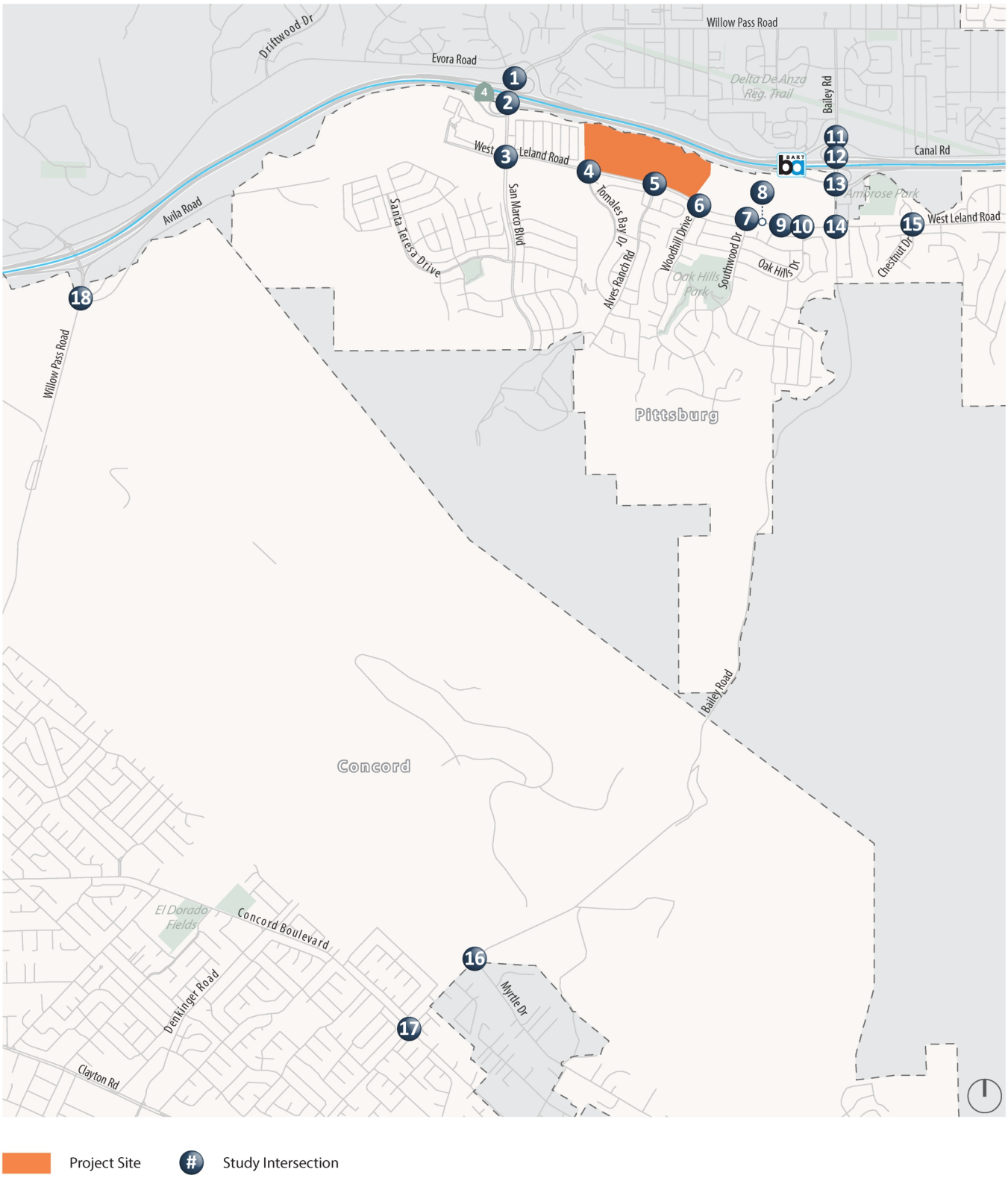
Table 3.5-3: Existing Conditions Peak-hour Intersection LOS Summary

Intersection	Control[1]	Peak-hour	Level of Service Standard	Delay[2]	LOS	Peak Hour Signal Warrant Met?
1. SR-4 Westbound Ramps at San Marco Boulevard/Evora Road	Signal	AM PM	Low-LOS D (50 seconds)	37[3] 12	D B	N/A
2. SR-4 Eastbound Ramps at San Marco Boulevard	Signal	AM PM	Low-LOS D (50 seconds)	7 8	A A	N/A
3. West Leland Road at San Marco	Signal	AM PM	LOS D (55-seconds)	**119** 36	**F** D	N/A
4. West Leland Road at Tomales Bay Drive	SSSC	AM PM	LOS D (55-seconds)	0 (11) 0 (11)	A (B) A (B)	No No
5. West Leland Road at Alves Ranch Road	Signal	AM PM	LOS D (55-seconds)	9 12	A B	N/A
6. West Leland Road at Woodhill Drive	Signal	AM PM	LOS D (55-seconds)	14 11	B B	N/A
7. West Leland Road at Southwood Drive	Signal	AM PM	LOS D (55-seconds)	14 17	B B	N/A
8. West Leland Road at BART Exit	Signal	AM PM	LOS D (55-seconds)	8 12	A B	N/A
9. West Leland Road at BART Entrance	Signal	AM PM	LOS D (55-seconds)	8 10	A A	N/A
10. West Leland Road at Oak Hills Drive	Signal	AM PM	LOS D (55-seconds)	12 18	B B	N/A
11. Bailey Road at Canal Road/SR-4 Westbound Ramps	Signal	AM PM	LOS E (80-Seconds)	37 16	D B	N/A
12. Bailey Road at SR-4 Westbound Ramps	SSSC	AM PM	LOS E (80-Seconds)	1 (18) 17 **(140)**	A (C) C **(F)**	No No
13. Bailey Road at BART/SR-4 Eastbound Ramps	Signal	AM PM	LOS E (80-Seconds)	16 23	B C	N/A

Table 3.5-3: Existing Conditions Peak-hour Intersection LOS Summary

Intersection	Control[1]	Peak-hour	Level of Service Standard	Delay[2]	LOS	Peak Hour Signal Warrant Met?
14. West Leland Road at Bailey Road	Signal	AM PM	LOS E (80-Seconds)	38 25	D C	N/A
15. West Leland Road at Chestnut Drive	Signal	AM PM	LOS D (55-seconds)	28 13	C B	N/A
16. Bailey Road at Myrtle Drive	SSSC	AM PM	LOS E (80-Seconds)	6 (43) 2 (22)	A (E) A (C)	Yes No
17. Bailey Road at Concord Boulevard	Signal	AM PM	LOS E (80-Seconds)	42 43	D D	N/A
18. Willow Pass Road at Avila Road	SSSC	AM PM	LOS E (80-Seconds)	1 (13) 1 (37)	A (B) A (E)	No No

Notes:
[1] Signal = signalized intersection; SSSC = side-street stop-control
[2] Average intersection delay is calculated for all signalized intersections using the HCM method for vehicles.
[3] Delay presented here does not consider delay associated with westbound SR-4 on-ramp ramp-metering.
Source: Fehr & Peers 2018



Source: Fehr & Peers, November 2018.

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Exhibit 3.5-1
Study Intersections

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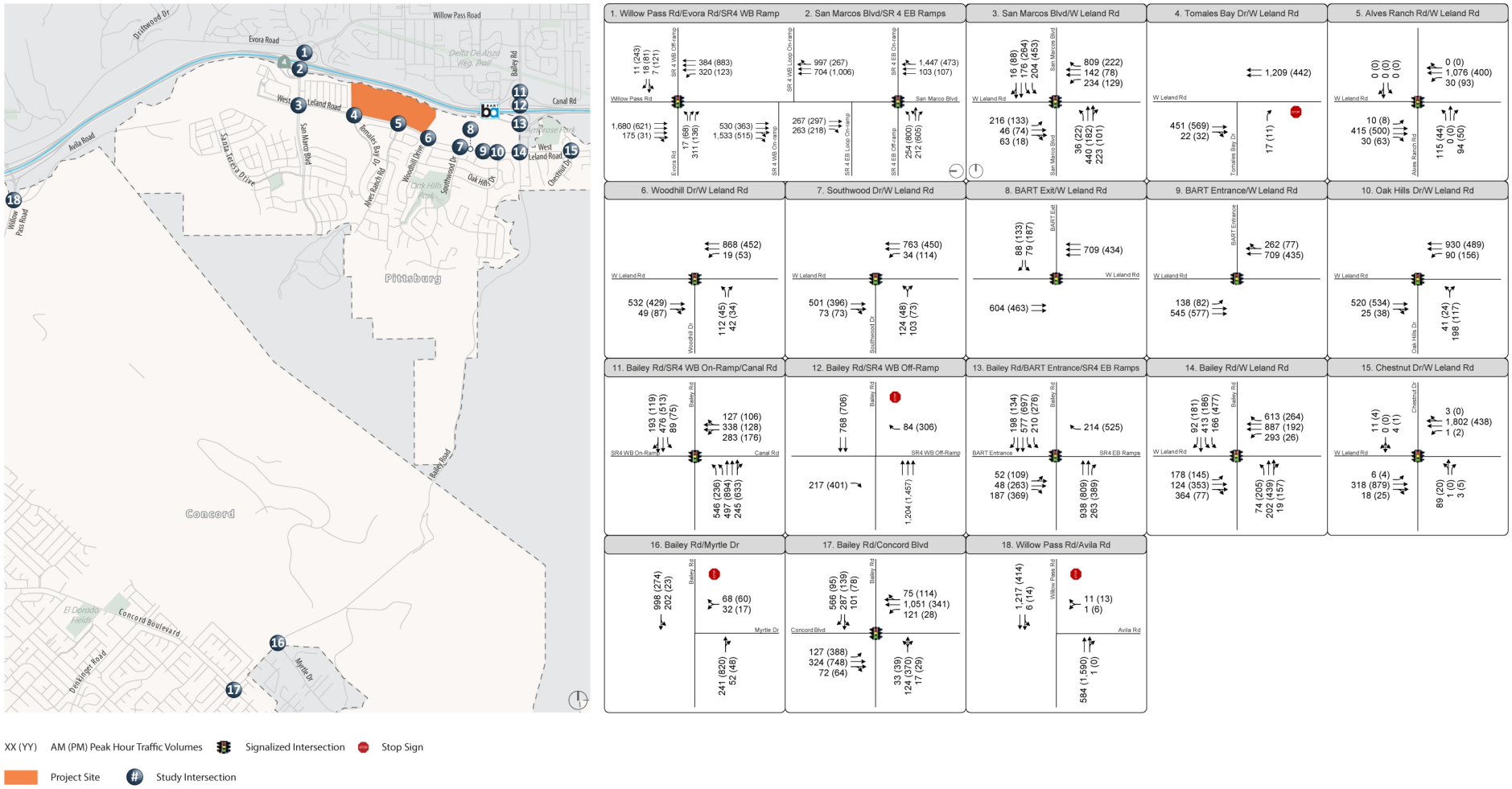

Source: Fehr & Peers, November 2018.

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Exhibit 3.5-2
Existing Peak Hour Intersection Traffic Volumes, Lane Configurations and Traffic Controls

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Source: Fehr & Peers, November 2018.

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Exhibit 3.5-3
Existing Peak Hour Bicycle and Pedestrian Volumes

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In addition, as shown in Table 3-5.3, the unsignalized intersection of Bailey Road at Myrtle Drive currently experiences high levels of delay for vehicles turning from Myrtle Drive to Bailey Road during the AM peak-hour, as well as the Bailey Road at SR-4 Westbound Ramps for westbound right-turning vehicles from the off-ramp to northbound Bailey Road.

To assess the need for signalization of stop-controlled intersections, the Manual of Uniform Traffic Control published by the Federal Highway Administration, presents nine signal warrants. The Peak-Hour Volume Warrant and the Peak-Hour Delay Warrant was used in this study as a supplemental analysis tool to assess operations at the unsignalized intersections. The Bailey Road at Myrtle Drive intersection currently meets the peak-hour signal warrant during the AM peak-hour.

Based on the average and worst-movement LOS and peak-hour signal warrant assessment, neither unsignalized intersection is considered to operate deficiently in the existing condition based on the significance criteria.

As operations of SR-4 and the ramp meters at the San Marco Boulevard interchange can affect local street operations, additional field observations were conducted to document the effects of vehicle queue spillback from the ramp meters.

Congestion was not observed along the local street system prior to the ramp meters turning on at 6:00 a.m. Queues for the San Marco Boulevard westbound loop on-ramp exceeded the on-ramp storage by 6:30 a.m. By 7:00 a.m., queues for the on-ramp spilled back to the San Marco Boulevard/West Leland Road intersection and queues on West Leland Road did not dissipate until 8:15 a.m. The maximum length of queue was recorded at 7:45 a.m. and measured approximately 4,100 feet (measured from the ramp meter stop bar), which is past the intersection of West Leland Road at Tomales Bay Drive. After 8:15 a.m., queues were contained within the on-ramp storage, and by 8:30 a.m., queues at the ramp meter had largely dissipated (i.e., there were periods of no queue at the ramp meter).

Field observations indicate that the ramp meter is the controlling bottleneck for traffic getting on the highway when the ramp meter is active. While some vehicles merging onto the highway after the ramp meter had to wait to merge (due to congestion on westbound SR-4), the queues from the merge rarely extended to the ramp meter stop bar. Therefore, the Caltrans Performance Measurement System (PeMS) volume data for the ramp meter is indicative of vehicles served by the ramp meter.

Some motorists were observed to make atypical maneuvers on local streets to try to avoid the queue spillback from the San Marco Boulevard westbound loop on-ramp meter. The following movements were regularly observed to occur during periods when the ramp meter queue spilled back onto San Marco Boulevard and/or West Leland Road:

- Bypassing on-ramp queues and congestion along westbound SR-4 by using Evora Road to the Willow Pass Road (Concord) interchange
- Making illegal U-turns at Willow Pass Road/Evora Road to access the Willow Pass Road diagonal on-ramp

- Making illegal westbound right turns around the "pork chop" right turn island at the West Leland Road/San Marco Boulevard intersection

Vehicle queues were also calculated by Synchro 10.0. In the existing condition, average left-turn vehicle queues are contained within the available storage with the 95th percentile vehicle queue for some movements potentially extending beyond the available storage, including:

- Willow Pass Road at Evora Road/SR-4 Westbound Ramp (southbound movement, AM peak-hour)
- San Marco Boulevard at West Leland Road (eastbound left, westbound left, and westbound right, AM peak-hour)
- Bailey Road at West Leland Road (eastbound left, westbound left, westbound right, AM peak-hour; southbound left, PM peak-hour)
- Bailey Road at Concord Boulevard (westbound left, AM peak-hour; eastbound left, PM peak-hour

Public Transit

The center of the project site is approximately 0.5-mile from the Pittsburg/Bay Point BART station that connects the area to the greater region via transit. The BART station also serves as a hub for TriDelta Transit, the local transit provider, as well as other transit services.

The BART system provides regional rail transit service connecting San Francisco, Alameda County, Contra Costa County, and parts of San Mateo County. From the Pittsburg/Bay Point station, direct connections to San Francisco and Antioch are provided, with transfers available to access the entire BART system. During peak periods, trains operate on less than 15-minute headways to/from San Francisco. Trains run to/from San Francisco with 15 to 20 minute headways during off-peak periods.

Nine of the 13 TriDelta Transit Routes serve the Pittsburg/Bay Point BART station (Routes 200, 201, 380, 387, 388, 389, 392, 394 and 396). Route 200 travels along the project frontage on West Leland Road, and connects the site to the BART station as well as to Martinez. Bus stops are provided on West Leland Road at Alves Ranch Road.

Bicycle Facilities

Bicycle facilities in Pittsburg include the following:

- Bike paths (Class I)—Paved trails that are separated from roadways. These facilities are typically shared with pedestrians, although bicycles must yield to pedestrians.
- Bike lanes (Class II)—Lanes on roadways designated for use by bicycles through striping, pavement legends, and signs. There may or may not be parking allowed on the roadway.
- Bike routes (Class III)—Designated roadways for bicycle use by signs only; may or may not include additional pavement width for cyclists.

Class II bicycle facilities are provided on West Leland Road through the study area, as well as on Alves Ranch Road and Tomales Bay Drive, south of West Leland Road. Class II facilities are also provided on Bailey Road between Willow Pass Road and just south of the City limit, and on San Marco Boulevard between West Leland Road and Willow Pass Road. There are also several Class I trails in the area, including the Delta DeAnza Regional Trail, that can be accessed near the BART station at Bailey Road, and a Class I trail along the west side of San Marco Boulevard.

Pedestrian Facilities

Pedestrian facilities include sidewalks, crosswalks, and pedestrian signals. Pedestrian facilities are provided on public roadways adjacent to the site where development has occurred as well as for a segment along the project frontage. In the immediate project vicinity, marked crosswalks, push buttons and signals are provided on three legs (north, south, and west) of the signalized intersection of West Leland Road at Alves Ranch Road. No pedestrian crossing of West Leland Road is provided at Tomales Bay Drive. The next closest pedestrian crossing of West Leland Road is at the BART station exit driveway.

3.5.3 - Regulatory Framework

State

California Department of Transportation

Caltrans endeavors to maintain a target LOS at the transition between LOS C and LOS D on State Highway facilities (Caltrans 2002); however, Caltrans recognizes that achieving LOS C/LOS D may not always be feasible.

For the Caltrans highway facilities being studied, the operational standards and significance criteria are established by the CCTA acting as the designated congestion management agency (CMA) representing the jurisdictions of Contra Costa County. As the acting CMA, the CCTA establishes the traffic LOS standards for all State highway facilities in Contra Costa County, which supersede the general Caltrans operational standard for all State highways in the study area.

Regional

Contra Costa Transportation Authority

- CCTA is the CMA for Contra Costa County. CCTA oversees the East County Action Plan for Routes of Regional Significance, which establishes Multimodal Transportation Service Objectives for SR-4:Delay Index of less than 2.5 (<2.5)
- HOV usage greater than 600 vehicles per lane per peak-hour in peak direction (>600 vehicles/lane/peak-hour)

Local

City of Pittsburg

General Plan

The City of Pittsburg General Plan sets forth the following transportation-related goals and policies that are relevant to the 2018 Project:

- **Goal 7-G-1:** Achieve service level standards for roadway intersections that are based on the roadway's classification and location shown in Figure 7-2.
- **Goal 7-G-2:** Work with Caltrans and the Contra Costa Transportation Authority to achieve timely construction of programmed freeway and interchange improvements.
- **Goal 7-G-3:** Coordinate circulation system plans with other jurisdictions' and agencies' plans, including Antioch and Concord, the Contra Costa Transportation Authority, and Caltrans.
- **Goal 7-G-4:** Work with the Contra Costa Transportation Authority to manage morning commute traffic from East to Central Contra Costa County by studying and implementing arterial metering management plans.
- **Goal 7-G-5:** Provide adequate capacity on arterial roadways to meet LOS standards and to avoid traffic diversion to local roadways or the freeway. As congestion increases on State Route 4, monitor and evaluate the need to implement neighborhood traffic management controls on local streets to eliminate or minimize the impact of diverted traffic.
- **Goal 7-G-6:** Locate high traffic-generating uses so that they have direct access or immediate secondary access to arterial roadways.
- **Goal 7-G-7:** Complete arterial roadway improvements required to mitigate traffic impacts of an approved project before the project is fully occupied. Arterial improvements should be completed by creating funding sources, which include but are not limited to Traffic Mitigation Fees, Development Agreements, and Assessment Districts.
- **Policy 7-P-1:** Require mitigation for development proposals that are not part of the Traffic Mitigation Fee program which contribute more than one percent of the volume to an existing roadway or intersections with inadequate capacity to meet cumulative demand. Development projects that contribute to future traffic congestion on existing roadways shall provide mitigation to ensure adequate future capacities. Traffic analysis of development plans will determine the proportion of cumulative impact each project is creating.
- **Policy 7-P-2:** Use the adopted Regional and Local Transportation Impact Mitigation Fee ordinances to ensure that all new development pays an equitable pro-rata share of the cost of transportation improvements. Review the Traffic Impact Mitigation Fee schedule annually and update every five years at a minimum.
- **Policy 7-P-3**: Review and update the City's Engineering Design Standards for each functional roadway classification, according to Table 7-1. Roadway standards are illustrated in the City's Engineering Design Standards for typical midblock applications. Additional right-of-way may be needed for turn lanes at some intersection approaches.
- **Policy 7-P-4**: Require that all traffic studies be conducted by professional transportation consultants selected by the Planning and Building and Engineering Departments, with the City acting as the lead agency. Ensure that all costs associated with the traffic study are paid by the applicant.
- **Policy 7-P-6:** Ensure that all Regional Routes of Significance within the City maintain the following traffic LOS standards (applicable to non-freeway routes and routes not subject to a Traffic Management Program):
  - LOS mid D (peak-hour volume to capacity ratio less than or equal to 0.85) at intersections along major arterials, except for intersections along Bailey Road;
  - LOS high E (peak-hour volume to capacity ratio less than or equal to 0.99) at intersections along Bailey Road between West Leland Road and SR-4; and

  - LOS mid E (peak-hour volume to capacity ratio less than or equal to 0.95) at intersections on Kirker Pass Road.
- **Policy 7-P-7:** Endeavor to implement Transportation Element improvements prior to deterioration in levels of service below those set forth in Goal 7-G-1. Development approvals should require reasonable demonstration that traffic improvements necessary to serve the development will be in place in time to accommodate trips generated by the project.
- **Policy 7-P-8:** Ensure that all non-Regional Routes within the City (not designated as Routes of Regional Significance in Figure 7-2) maintain the following traffic LOS standards based on their location in rural, semi-rural, suburban, urban or downtown areas, as designated in Figure 7-2:
  - Rural—LOS low C (peak-hour volume to capacity ratio less than or equal to 0.74)
  - Semi-rural—LOS high C (peak-hour volume to capacity ratio less than or equal to 0.79)
  - Suburban—LOS low D (peak-hour volume to capacity ratio less than or equal to 0.84)
  - Urban—LOS high D (peak-hour volume to capacity ratio less than or equal to 0.89)
  - Downtown—LOS high D (peak-hour volume to capacity ratio less than or equal to 0.89)

  Specific improvements should be identified and implemented on the basis of detailed traffic studies or Environmental Impact Reports. Improvements may include intersection approach lane expansion, related channelization improvements and traffic signal installations.
- **Policy 7-P-10:** Require mitigation for development proposals which result in projected parking demand that would exceed the proposed parking supply on a regular and frequent basis.
- **Policy 7-P-11:** Maximize the carrying capacity of arterial roadways by controlling the number of intersections and driveways, minimizing residential access, implementing Transportation Systems Management measures, and requiring sufficient on-site parking to meet the needs of each project (see also Table 7-1).

  Additional guidelines for arterial access include providing smooth ingress/egress to development. This includes designing parking areas so that traffic turning into the parking areas does not stack up on the arterial roadway; combining driveways to serve small parcels; and maintaining adequate distance between driveways and intersections to permit efficient traffic merges. In the built environment, roadway right-of-way may not be available to increase arterial capacity. Therefore, improving the efficiency of existing arterials through Transportation Systems Management (TSM) measures should be one of the first considerations to meet level of service standards. TSM measures include signal coordination, channelization and signal improvements at intersections, and implementation of new traffic control technology.
- **Policy 7-P-12:** Continue to collect fees, plan and design for the future construction of Buchanan Bypass. Ensure preparation of a feasibility and environmental impact study to determine the precise alignment, costs, mitigation measures, and impacts on adjacent uses.
- **Policy 7-P-13:** Upgrade or extend the hillside access routes from Bailey Road, Buchanan Road, Kirker Pass Road, and proposed San Marco Boulevard, as development potential warrants.
- **Policy 7-P-14:** Increase access to alternative north-south routes providing connection to SR-4, other than Railroad Avenue.
- **Policy 7-P-16:** Continue to collect fees for the extension of West Leland Road to Willow Pass Road, subject to the Traffic Mitigation Fee program. As established by nexus, require new development adjacent to the extension to dedicate right-of-way and construct or fund new intersections and frontage improvements.

- **Policy 7-P-19:** Rebuild the interchange/overpass between Willow Pass Road, Range Road, North Parkside Drive, and the BNSF Railroad tracks for safe and efficient movement of auto and bicycle traffic.
- **Policy 7-P-20:** Encourage motorists to use SR-4 for the peak-hour commute, rather than using arterial streets in Concord and other East County cities.
- **Policy 7-P-21:** Design local residential streets and implement traffic-control measures to keep traffic below 5,000 vehicles per day.
- **Policy 7-P-22:** Avoid adding traffic roadways carrying volumes above the standards, and consider traffic control measures where perceived nuisance is severe.
- **Policy 7-P-23:** Develop procedures and guidelines to mitigate neighborhood traffic impacts in areas where traffic speeds or volumes exceed posted speed limits or standards established above. Measures that may be considered include:
  - Installation of way-finding signs on arterial routes that encourage motorists to use routes that do not pass through residential areas.
  - Operational changes such as signalization, turn lanes, and extended turning bays on arterial streets that encourage their use as intercommunity connectors.
  - Traffic calming measures such as curb extensions or gateway features at intersections on streets leading into residential areas to inform motorists that they are entering a neighborhood area.
  - Community educational and awareness programs to promote selection of routes within the City that do not pass through residential areas.
- **Policy 7-P-24:** Continue to designate appropriate truck routes and discourage unnecessary through traffic in residential areas.

3.5.4 - Methodology

The approach throughout this Draft SEIR is to compare what was previously studied in the 2004 EIR to the 2018 Project to confirm if any additional analysis is necessary, in this Draft SEIR context, to ensure the 2004 EIR is adequate.

Fehr & Peers prepared a TIA that evaluated potential impacts of the 2018 Project on transportation facilities and compared these impacts to those that were identified in the 2004 EIR. The complete assessment is provided in Appendix D of this Draft SEIR. The methodology of the assessment is described as follows.

Project Trip Generation

Trip generation refers to the process of estimating the amount of vehicular traffic a project would add to the surrounding roadway system. Estimates are created for the daily condition and for the peak 1-hour period during the morning and evening commute when traffic volumes on the adjacent streets are typically the highest. Project trip generation was estimated using rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition), as presented in Table 3.5-4.

Table 3.5-4: Vehicle Trip Generation Estimates for 2018 Project

Use	Size	Weekday						
			AM Peak-hour			PM Peak-hour		
		Daily	In	Out	Total	In	Out	Total
Single Family Homes[1]	346 units	3,080	60	180	240	203	119	322
Accessory Dwelling Units[2]	10 units	70	1	4	5	4	2	6
Grocery Store[3]	40,000 square feet	4,270	92	61	153	188	181	369
Neighborhood Shopping Center[4]	100,000 square feet	3,780	58	36	94	183	198	381
Less Pass-by Supermarket[5]		-1,710	—	—	—	-75	-72	-147
Less Pass-by Neighborhood Retail[6]		-1,280	—	—	—	-63	-67	-130
Net Vehicle Trip Generation		8,370	211	281	492	447	368	815

Notes:
1 ITE land use category 210—Single-Family Homes (Adjacent Streets, 7-9A, 4-6P):
Weekday Daily: (T) = 9.44 (X)
AM Peak-hour: T = 0.74(X); Enter = 25 percent; Exit = 75 percent
PM Peak-hour: T = 0.99 (X); Enter = 63 percent; Exit = 37 percent
Trip generation results reflect 6 percent reduction to account for transit use.
2 ITE land use category 220—Multi-family Housing (Adjacent Streets, 7-9A, 4-6P):
Weekday Daily: (T) = 7.32 (X)
AM Peak-hour: T = 0.46 (X); Enter = 23 percent; Exit = 77 percent
PM Peak-hour: T = 0.56 (X); Enter = 63 percent; Exit = 37 percent
Trip generation results reflect 6 percent reduction to account for transit use.
3 ITE land use category 850—Grocery Store (Adjacent Streets, 7-9A, 4-6P):
Weekday Daily: (T) = 106.78(X)
AM Peak-hour: T = 3.82 (X); Enter = 60 percent; Exit = 40 percent
PM Peak-hour: T = 9.24 (X); Enter = 51 percent; Exit = 49 percent
4 ITE land use category 820—Shopping Center (Adjacent Streets, 7-9A, 4-6P):
Weekday Daily: (T) = 37.75(X)
AM Peak-hour: T = 0.94(X); Enter = 62 percent; Exit = 38 percent
PM Peak-hour: T = 3.81 (X); Enter = 48 percent; Exit = 52 percent
5 Reflects a 36 percent pass-by reduction for grocery store only trips.
6 Reflects a 34 percent pass-by reduction for neighborhood retail trips.
Source: Trip Generation Manual (10th Edition); ITE 2017; Fehr & Peers 2018.

Given the 2018 Project's proximity to the Pittsburg/Bay Point BART station and the likelihood of future residents utilizing the BART system without using a private vehicle to access the station, the trip generation estimates considered a 6 percent transit reduction for the proposed residential uses, consistent with the reduction factor used in the 2004 Final EIR. It is likely that many people will choose to live in this development due to its proximity to BART and will use BART more frequently for commute and other trip purposes than Pittsburg residents that live at a greater distance from BART. However, to present a conservative assessment of potential project impacts on the

surrounding transportation system, the same reduction assumed in the 2004 Final EIR was considered in this assessment.

At retail establishments, such as the one that could be developed as part of the commercial component, driveway traffic comprises: (1) new traffic generated by the 2018 Project, (2) traffic that would otherwise already be on the adjacent roadways but the driver decides to stop at the site (e.g., to purchase an item on their way home from work), and (3) traffic on other nearby roadways, but the driver decides to take a short detour to stop at the site. The trips in Item 2 are referred to as "pass-by" trips and the trips in Item 3 are referred to as "diverted-link" trips.

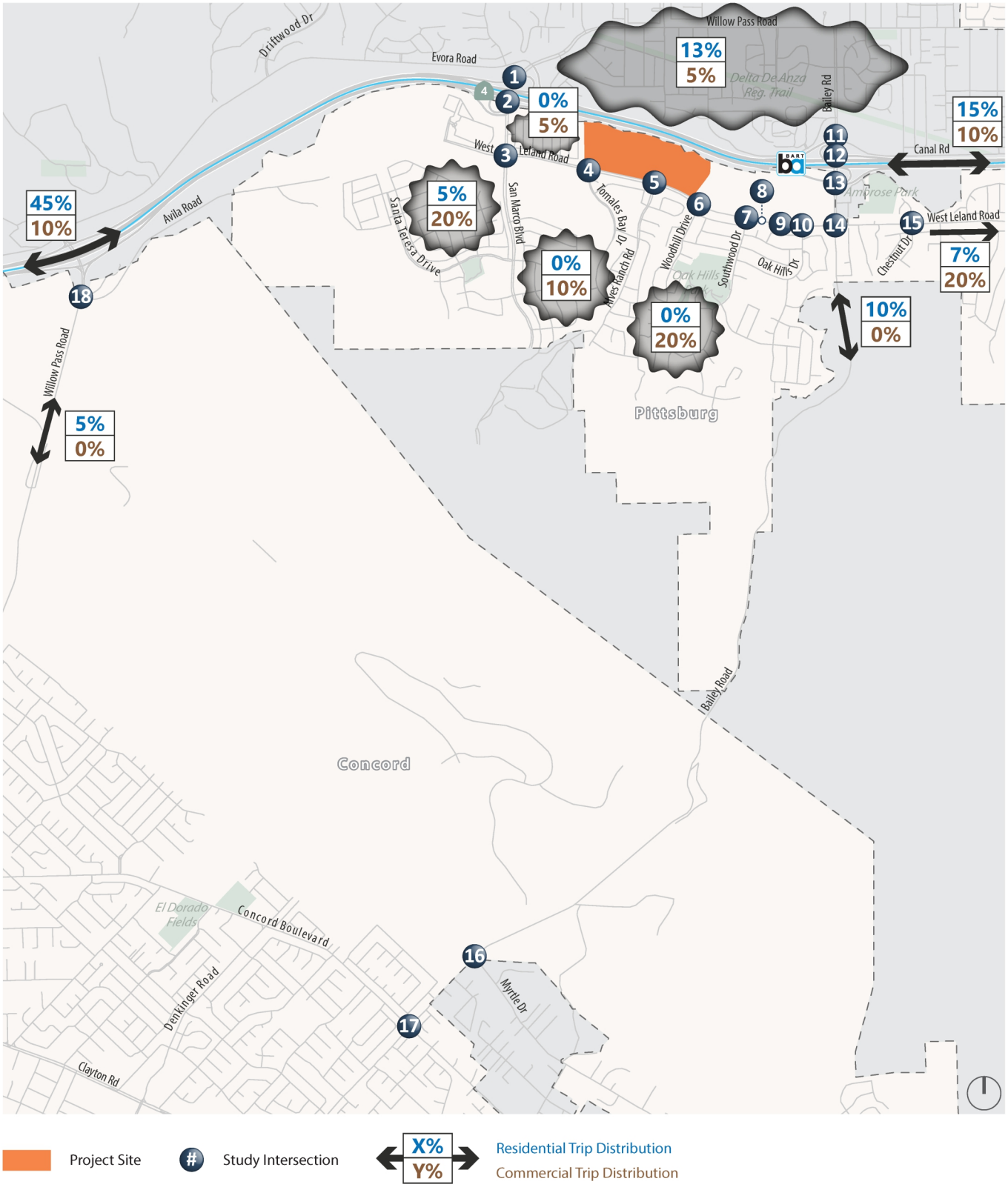
Information contained in the ITE Trip Generation Handbook and surveys of similar uses was used to estimate pass-by and diverted-link trips for the grocery store and general retail components of the 2018 Project. For grocery stores, the average pass-by rate is 36 percent, and the average diverted linked trip rate is 32 percent during PM peak-hour (limited data is available for the AM peak-hour). In other words, at a grocery store, approximately, 68 percent of the traffic entering and exiting the site is already on the surrounding roadway system—not a new vehicle trip to the area. For general retail, the average pass-by rate is 34 percent, and the average diverted linked trip rate is 16 percent during PM peak-hour (limited data is available for the AM peak-hour). In other words, at a typical shopping center, approximately 50 percent of the traffic entering and exiting the site is already on the surrounding roadway system.

For purposes of a conservative assessment, a pass-by reduction of 36 percent was applied for the grocery store and a 34 percent reduction was applied to the general retail portion of the project during the PM peak-hour and on a daily basis.

Although there is likely to be interaction between the retail and residential components of the 2018 Project, no additional trip reductions were taken to provide a conservative assessment of potential project impacts. The resulting 2018 Project trip generation estimates are presented in Table 3.5-4, which shows that the 2018 Project is expected to generate approximately 8,370 weekday daily trips, including 492 AM peak-hour and 815 PM peak-hour trips. This is compared to 7,550 weekday daily, 634 morning peak-hour and 789 evening peak-hour trips from the original Alves Ranch project evaluated in the 2004 EIR.

Project Trip Distribution and Assignment

Project trip distribution refers to the directions of approach and departure that vehicles would take to access and leave the site. Estimates of regional project trip distribution were developed based on existing travel patterns in the area, a select zone analysis using the CCTA travel demand model, and the location of complementary land uses, such as schools, employment centers, and retail/recreational opportunities. Separate estimates were developed for the residential and commercial portions of the 2018 Project, as they are likely to have different trip distribution patterns. The resulting trip distribution percentages are shown on Exhibit 3.5-4. 2018 Project trips were then assigned to the roadway network as shown on Exhibit 3.5-5 and 3.5-6.



Source: Fehr & Peers, November 2018.

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Exhibit 3.5-4
Project Trip Distribution

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Source: Fehr & Peers, November 2018.

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Exhibit 3.5-5
Project Trip Assignment — Existing and Near-Term

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Source: Fehr & Peers, November 2018.

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Exhibit 3.5-6
Project Trip Assignment — Cumulative

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3.5.5 - Thresholds of Significance

According to the *CEQA Guidelines*' Appendix G Environmental Checklist, to determine whether transportation impacts are significant environmental effects, the following questions are analyzed and evaluated. Would the 2018 Project:

a) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency (CMA) for designated roads or highways.

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

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

d) Result in inadequate emergency access?

In the context of checklist item (a), the City of Pittsburg General Plan, and the CCTA East County Action Plan, the following thresholds apply:

Signalized Intersections—Project-related operational impacts on the signalized study intersections in the City of Pittsburg are considered significant if:

1. Project-related traffic causes the LOS rating to deteriorate from Low-LOS D (50 seconds) or better to LOS E or F, or from LOS E to LOS F for intersections not along a Regional Route of Significance (intersections 1 and 2) in a Suburban setting as designated by the City of Pittsburg General Plan;
2. Project-related traffic causes the LOS rating to deteriorate from LOS D (55-seconds) or better to LOS E or F, or from LOS E to LOS F for intersections along Regional Routes of Significance (intersections 3-10, 15), except for intersections on Bailey Road where LOS E is acceptable (intersections 11-14, 16 and 17);
3. Project-related traffic causes the LOS rating to deteriorate from LOS E (80-seconds) or better to F for City of Concord intersections along Transit Routes, which include Willow Pass Road (intersection 18);
4. For intersections already operating at an unacceptable LOS without the project it is considered a significant impact of the project increase the average intersection delay by more than 5 seconds.

Unsignalized Intersections—Project-related operational impacts on unsignalized intersections are considered significant if:

1. Project generated traffic causes the worst-case movement (or average of all movements for all-way stop-controlled intersections) to deteriorate from LOS E or better to LOS F, and the signal warrant is met.

2. For intersections already operating at an unacceptable LOS without the project it is considered a significant impact if:
   - Project traffic results in satisfaction of the peak-hour volume traffic signal warrant;
   - Project traffic increases the minor movement delay by more than 30 seconds; or
   - Where the peak-hour volume signal warrant is met without project traffic and delay cannot be measured, the project increases traffic by 10 or more vehicles per lane on the controlled approach.

Highway System—For the Caltrans highway facilities being studied, the operational standards and significance criteria are established by the CCTA acting as the designated CMA representing the jurisdictions of Contra Costa County. As the acting CMA, the CCTA establishes the traffic LOS standards for all State highway facilities in Contra Costa County, which supersede the general Caltrans operational standard for all State highways.

For highway segments, the *East County Action Plan for Routes of Regional Significance*, CCTA has established the delay index as the MTSO for SR-4 through the study area. The delay index is the ratio of travel time on a facility divided by the travel times that occur during non-congested free-flow periods. Should the delay index exceed 2.5 during either the AM or PM peak period, highway operations would be considered deficient. This would equate to peak-hour travel taking 2.5 times as long as off-peak travel or an average travel speed below 26 miles per hour assuming a non-congested free-flow speed of 65 miles per hour.

For project impact assessment purposes, an impact is significant if the project adds traffic to a mixed flow segment projected to have a delay index over 2.5 without project traffic, or if the project adds traffic to an HOV segment projected to meet or exceed the desired volume without project traffic.

The number of vehicles traveling in the HOV lane is also an MTSO. However, since the *Action Plan* sets a goal of a minimum of 600 vehicles per lane in the peak-hour using the HOV lanes, no significance criteria is identified for HOV lanes in this evaluation.

Transit System—The project would create a significant impact related to transit service if either of the following criteria are met:

- The project generates a substantial increase in transit riders that cannot be adequately served by existing transit services; or,
- The project conflicts with existing or planned transit facilities.

Bicycle System—The project would create a significant impact related to the bicycle system if any of the following criteria are met:

- The project design would not provide or would eliminate bicycle facilities that connect to the area circulation system, or
- The project conflicts with existing or planned bicycle facilities; or
- The project design would create hazardous conditions for bicyclists.

Pedestrian System—The project would create a significant impact related to the pedestrian system if any of the following criteria are met:

- The project design would not provide or would eliminate pedestrian facilities to connect to the area circulation system, or
- The project design would create hazardous conditions for pedestrians, or
- The project conflicts with existing or planned pedestrian facilities.

3.5.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the 2018 Project and provides feasible mitigation measures where necessary.

Existing Plus 2018 Project Traffic Conditions

The 2004 EIR did not provide an evaluation of Existing Plus Project conditions as that scenario was not required under CEQA best practices at the time that evaluation was completed. This updated analysis includes an evaluation of Existing Plus Project conditions to reflect evolving CEQA Guidelines.

Existing Plus Project Traffic Conditions

Impact TRANS-1: The 2018 Project may contribute to unacceptable intersection operations under Existing Plus Project Conditions.

Impact Analysis

The 2018 Project traffic volumes on Exhibit 3.5-5 were added to the existing traffic volumes from Exhibit 3.5-2 to estimate the Existing with 2018 Project traffic volumes, as shown on Exhibit 3.5-7. No roadway improvements were assumed for the evaluation of Existing with 2018 Project conditions except for the improvements proposed as part of the 2018 Project at the West Leland Road at Alves Ranch Road intersection, which would be modified to provide two left-turn lanes and a through-right shared lane on both the northbound and southbound approaches. As part of this modification, a new crosswalk would be provided across the east leg of the intersection, and the traffic signal would be modified to accommodate a new pedestrian phase and the changed lane geometries on the north and south legs of the intersection.

The Existing with 2018 Project analysis results are presented in Table 3.5-5 based on the traffic volumes and intersection configurations presented on Exhibit 3.5-7. Table 3.5-5 also includes the operations results for Existing conditions. The addition of 2018 Project traffic would increase average delay at the signalized study intersections and would worsen already deficient operations at the West Leland Road at San Marco Boulevard intersection. No signalized intersections that are currently operating within the City's LOS standard are projected to degrade beyond the established LOS standard with the addition of 2018 Project traffic in the existing condition.

Table 3.5-5: Existing With 2018 Project Conditions Peak-hour Intersection LOS Summary

Intersection	Control[1]	Peak-hour	Level of Service Standard	Existing		Existing with 2018 Project		Significant Impact?
				Delay[2]	LOS	Delay[2]	LOS	
1. SR-4 Westbound Ramps at San Marco Boulevard/Evora Road	Signal	AM PM	Low-LOS D (50 seconds	37[3] 12	D B	39 12	D B	No
2. SR-4 Eastbound Ramps at San Marco Boulevard	Signal	AM PM	Low-LOS D (50 seconds	7 8	A A	8 10	A B	No
3. West Leland Road at San Marco Boulevard	Signal	AM PM	LOS D (55-seconds)	**119** 36	**F** D	**173** 42	**F** D	**Yes;** average delay increase of more than 5-seconds
4. West Leland Road at Tomales Bay Drive	SSSC	AM PM	LOS D (55-seconds)	0 (11) 0 (11)	A (B) A (B)	2 (29) 1 (13)	A (D) A (B)	No
5. West Leland Road at Alves Ranch Road	Signal	AM PM	LOS D (55-seconds)	9 12	A B	22 35	C C	No
6. West Leland Road at Woodhill Drive	Signal	AM PM	LOS D (55-seconds)	14 11	B B	11 7	B A	No
7. West Leland Road at Southwood Drive	Signal	AM PM	LOS D (55-seconds)	14 17	B B	15 17	B B	No
8. West Leland Road at BART Exit	Signal	AM PM	LOS D (55-seconds)	8 12	A B	8 11	A B	No
9. West Leland Road at BART Entrance	Signal	AM PM	LOS D (55-seconds)	8 10	A A	8 10	A A	No
10. West Leland Road at Oak Hills Drive	Signal	AM PM	LOS D (55-seconds)	12 18	B B	12 18	B B	No
11. Bailey Road at Canal Road	Signal	AM PM	LOS E (80-Seconds)	37 16	D B	37 16	D B	No

Table 3.5-5 (cont.): Existing With 2018 Project Conditions Peak-hour Intersection LOS Summary

Intersection	Control[1]	Peak-hour	Level of Service Standard	Existing		Existing with 2018 Project		Significant Impact?
				Delay[2]	LOS	Delay[2]	LOS	
12. Bailey Road at SR-4 Westbound Ramps	SSSC	AM PM	LOS E (80-Seconds)	1 (18) 17 **(140)**	A (C) C **(F)**	1 (19) 18 **(148)**	A (C) C **(F)**	No; signal warrants are not met and side-street delay does not increase by more than 30-seconds
13. Bailey Road at SR-4 Eastbound Ramps	Signal	AM PM	LOS E (80-Seconds)	16 23	B C	16 23	B C	No
14. West Leland Road at Bailey Road	Signal	AM PM	LOS E (80-Seconds)	38 25	D C	43 28	D C	No
15. West Leland Road at Chestnut Drive	Signal	AM PM	LOS D (55-seconds)	28 13	C B	29 14	C B	No
16. Bailey Road at Myrtle Drive	SSSC	AM PM	LOS E (80-Seconds)	6 (43) 2 (22)	A (E) A (C)	6 (46) 2 (23)	A (E) A (C)	No; side-street delay does not increase by more than 30-seconds
17. Bailey Road at Concord Boulevard	Signal	AM PM	LOS E (80-Seconds)	42 43	D D	45 36	D D	No
18. Willow Pass Road at Avila Road	SSSC	AM PM	LOS E (80-Seconds)	1 (13) 1 (37)	A (B) A (E)	1 (13) 1 (37)	A (B) A (E)	No

Notes:
[1] Signal = signalized intersection; SSSC = side-street stop-control
[2] Average intersection delay is calculated for all signalized intersections using the HCM method for vehicles.
[3] Delay presented here does not consider delay associated with the westbound SR-4 on-ramp ramp-metering.
Source: Fehr & Peers 2018

At the Bailey Road at Myrtle Drive and Bailey Road at SR-4 Westbound Ramps intersections, the addition of 2018 Project traffic would cause already deficient side-street conditions to worsen, but would not result in a significant impact based on the applicable significance criteria.

In the Existing Plus 2018 Project condition, average left-turn vehicle queues are contained within the available storage with the 95th percentile vehicle queue for some movements potentially extending beyond the available storage that did not extend beyond the available storage in the existing condition, including:

- San Marco Boulevard at West Leland Road (westbound left, PM peak-hour)
- Bailey Road at West Leland Road (eastbound left, PM peak-hour)

For signalized intersections that are projected to operate at LOS D or better during the AM and PM peak-hours, it is expected that vehicle queue spillback can be managed through signal timing adjustments, which the City of Pittsburg periodically undertakes to optimize travel flow along major corridors, as described in the City's Capital Improvement Program project (S-7: 2018/19 Traffic Signal Modification Project).

One off-site intersection impact was identified in the Existing condition at the West Leland Road at San Marco Boulevard intersection.

Impacts and Mitigation

West Leland Road at San Marco Boulevard

The West Leland Road at San Marco Boulevard intersection operates at a deficient LOS F during the AM peak-hour prior to the addition of 2018 Project traffic in the Existing condition. The addition of 2018 Project traffic would worsen operations and increase average delay by more than 5 seconds. Based on the significance criteria, this is considered a significant impact.

To mitigate this impact, Mitigation Measure TRANS-1 requires the 2018 Project applicant to contribute its fair share to intersection improvements that would result in acceptable operations, which could include widening the northbound San Marco Boulevard north of West Leland Road to allow the westbound right movement to operate as a free tuning movement. This improvement is identified in the City's Capital Improvement Program as Project ST-9. The project applicant previously paid transportation impact fees for improvements at the intersection associated with development of the entitled project. With implementation of this measure, intersection operations would improve to an acceptable level, reducing the impact to a less-than significant level, as shown in Table 3.5-6. Additionally, as required by Mitigation Measure TRANS-4, the 2018 Project applicant shall pay the applicable regional transportation impact fees to the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) that would fund construction of additional improvements along the SR-4 corridor as well as the extension of West Leland Road to Willow Pass Road. However, as it is uncertain if the ramp meter improvements could be constructed and the timing of the West Leland Road extension to Willow Pass Road is unknown, this impact would remain significant and unavoidable.

Table 3.5-6: Existing with 2018 Project with Mitigation Conditions Peak-hour Intersection LOS Summary

Intersection	Control[1]	Peak-hour	Existing		Existing with 2018 Project		Existing with 2018 Project with Mitigation	
			Delay[2]	LOS	Delay[2]	LOS	Delay[2]	LOS
West Leland Road at San Marco Boulevard	Signal	AM	**119**	**F**	**173**	**F**	31	C
		PM	36	D	42	D	39	D

Notes:
[1] Signal = signalized intersection
[2] Average intersection delay is calculated for all signalized intersections using the 2010 HCM method for vehicles.
Source: Fehr & Peers 2018

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement Mitigation Measure TRANS-1a and Mitigation Measure TRANS-4.

MM TRANS-1a Prior to issuance of building permits, the 2018 Project applicant shall pay applicable Local Traffic Mitigation Fee to the City of Pittsburg, which could be used to construct intersection improvements that would result in acceptable operations, which could include widening the northbound San Marco Boulevard north of West Leland Road to allow the westbound right movement to operate as a free tuning movement.

Level of Significance After Mitigation

Significant unavoidable impact.

Near-Term Traffic Conditions

Impact TRANS-2: The 2018 Project may contribute to unacceptable intersection operations under Near-Term Conditions.

Impact Analysis

The Near-Term scenario reflects existing traffic counts plus traffic from approved and pending developments that are expected to be completed and occupied upon 2018 Project completion. Near-Term conditions without and with the 2018 Project are evaluated.

Near-Term Forecasts

The *Project Pipeline* list prepared by the City of Pittsburg at the time the project's Notice of Preparation (NOP) was issued were reviewed to identify developments to include in this scenario. Approved and pending developments that could generate significant traffic through the study area are summarized in Table 3.5-7 and their locations shown on Exhibit 3.5-8. The existing traffic counts were also increased by 5 percent to account for traffic growth from projects outside the immediate study area that could add through traffic to the area, as well as to account for low-trip generating

projects in the study area. This factor was derived based on a review of travel growth trends from the CCTA travel demand model.

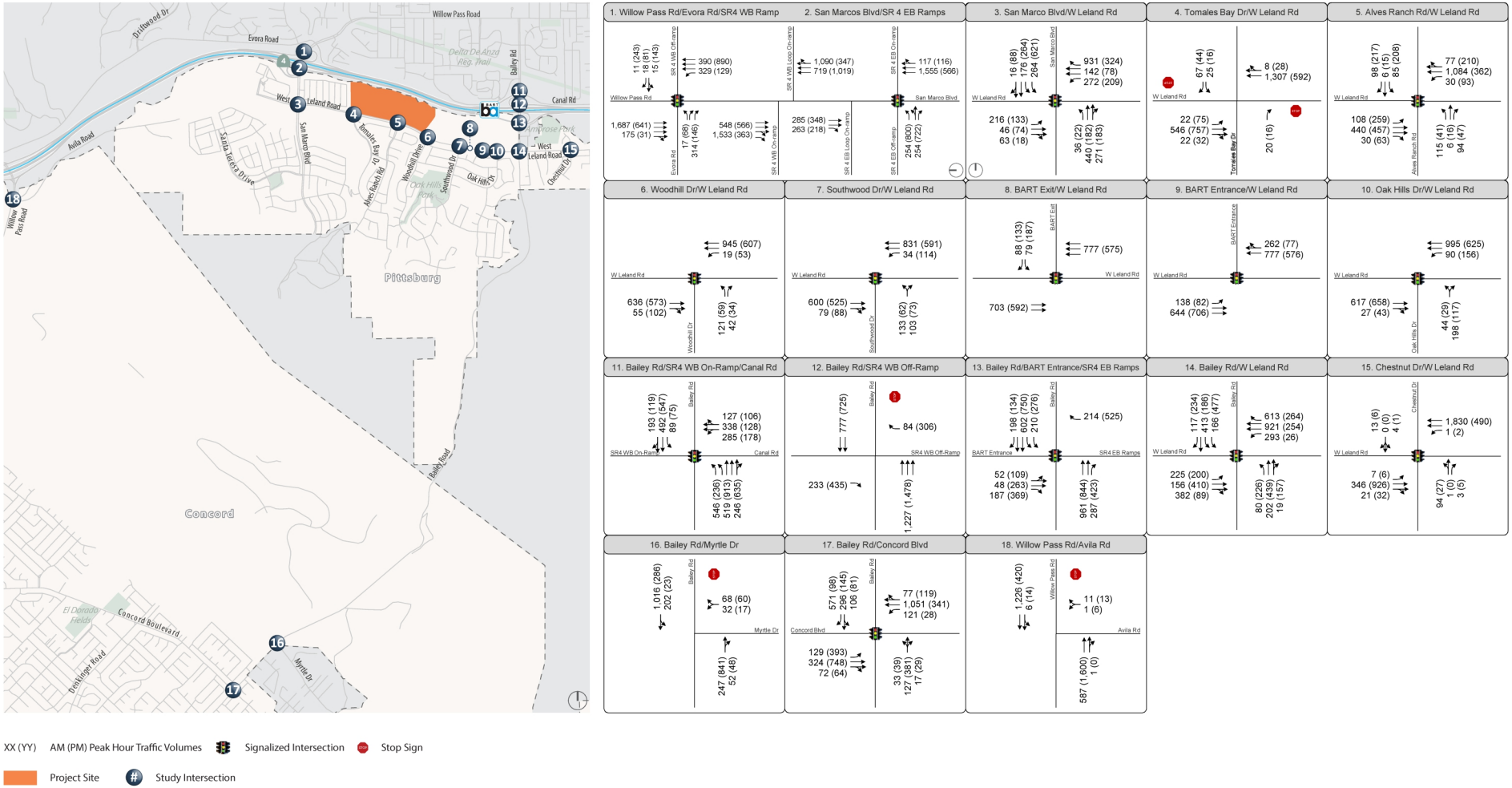
Near-Term project vehicle trip generation was estimated using trip generation rates and equations for the proposed land uses from ITE's Trip Generation Manual (10th Edition). The results are provided in Appendix F. Traffic generated by approved and pending developments was added to the existing traffic volumes to provide the basis for the Near-Term without 2018 Project analysis, as presented on Exhibit 3.5-9. 2018 Project traffic volumes were added to the Near-Term without 2018 Project forecasts to estimate Near-Term with 2018 Project volumes at the study intersections, as presented on Exhibit 3.5-10.

Table 3.5-7: Approved and Pending Projects Summary

Map Location	Project Name	Size	Land Use	Status
1	San Marco Village C	459 dwelling units	Multi-Family Homes	Needs design review approval; 339 units currently planned for but area can accommodate additional units; additional 120 units from San Marco Village M assumed in analysis (see below).
2	San Marco Village D	171 dwelling units	Single-Family Homes	Under Construction
3	San Marco Village E	107 dwelling units	Single-Family Homes	23 built; 84 remaining
4	San Marco Village F	100 dwelling units	Single-Family Homes	75 built; 25 remaining
5	San Marco Village M	300 dwelling units	Multi-Family Homes	Approved; previously planned for 420 units. Excess units assumed in Village C to maintain development totals in area.
6	San Marco Village N	64 dwelling units	Single-Family Homes	Needs design review approval
7	San Marco Village O	115 dwelling units	Single-Family Homes	Needs design review approval
Source: Fehr & Peers 2018				

Near-Term Roadway Assumptions

No roadway improvements at any of the study intersections were considered in the evaluation of near-term conditions, except for the improvements at the intersection of West Leland Road at Alves Ranch Road that are proposed as part of the project. The extension of West Leland Road to Avila Road was not considered in the analysis of near-term conditions as full funding for the improvement has not yet been identified and the timing of completion cannot be assured in the near-term time horizon.



Source: Fehr & Peers, November 2018.

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Exhibit 3.5-7
Existing with Project Peak Hour Intersection Traffic Volumes, Lane Configurations and Traffic Controls

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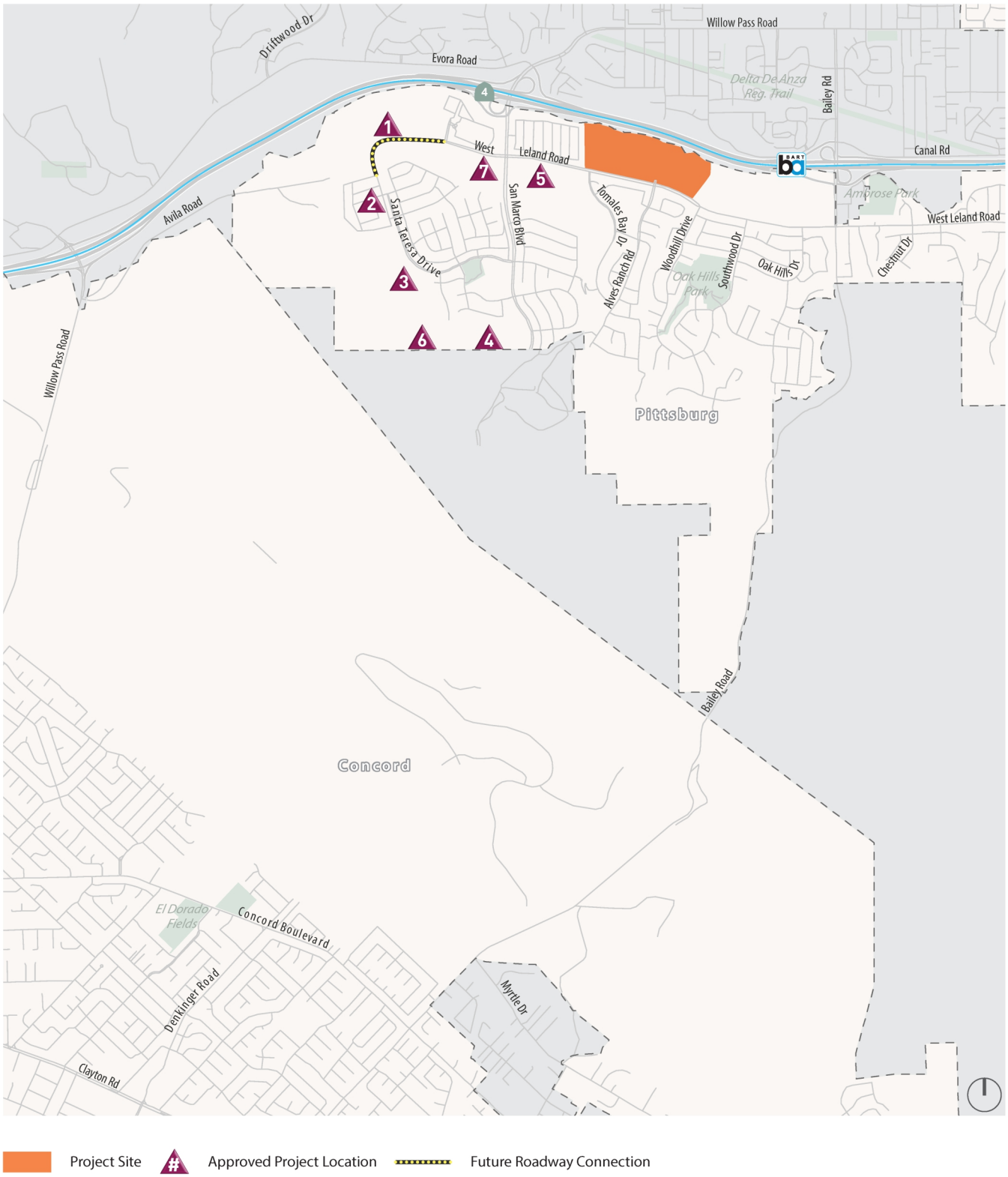

Source: Fehr & Peers, November 2018.

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Exhibit 3.5-8
Approved and Pending Project Locations

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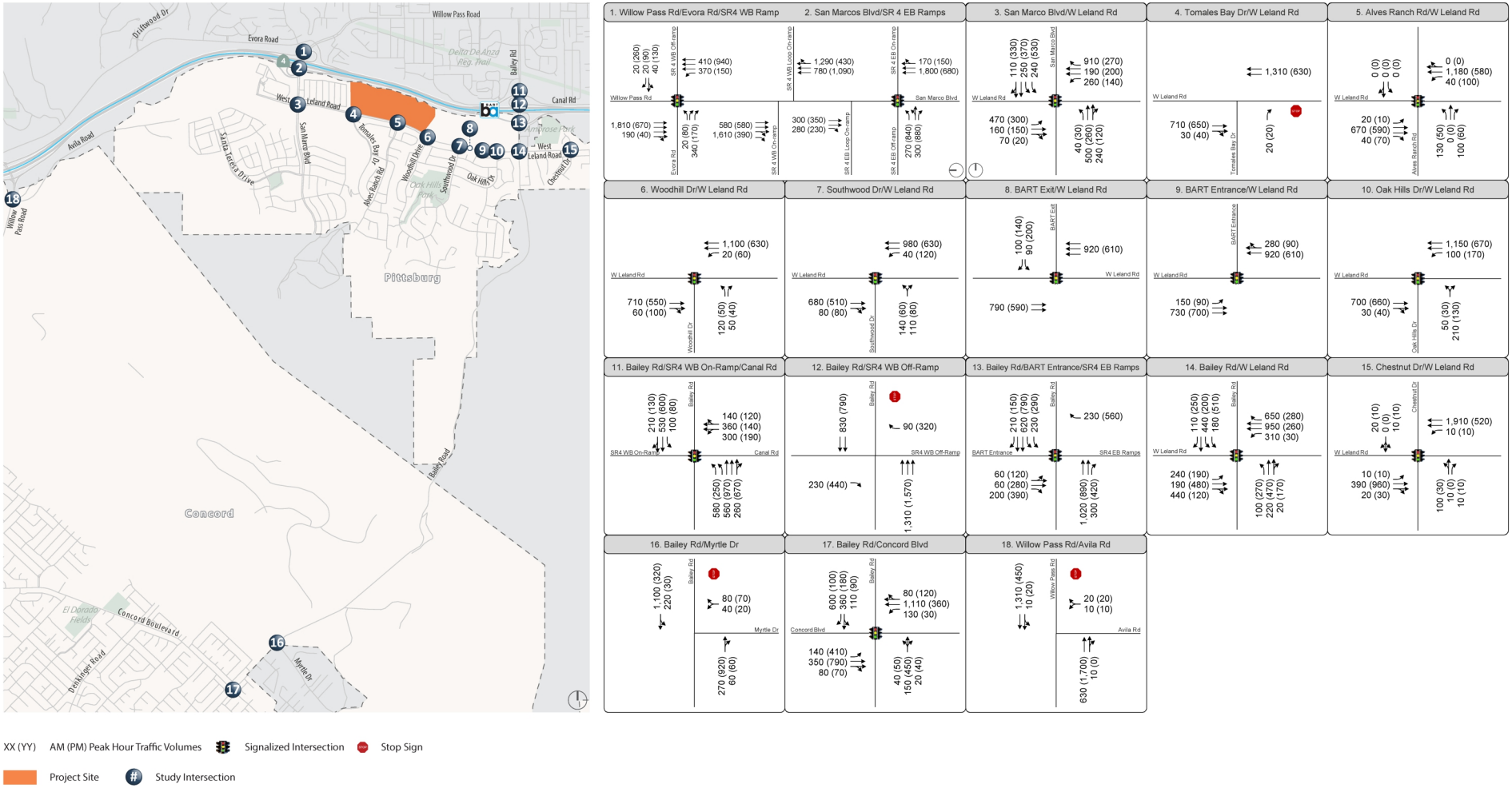

Source: Fehr & Peers, November 2018.

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Exhibit 3.5-9
Near-Term without Project Peak Hour Intersection Traffic Volumes, Lane Configurations and Traffic Controls

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Source: Fehr & Peers, November 2018.

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Exhibit 3.5-10
Near-Term with Project Peak Hour Intersection Traffic Volumes, Lane Configurations and Traffic Controls

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Near-Term Traffic Conditions

Near-Term Without and With 2018 Project conditions are presented in Table 3.5-8, based on the traffic volumes and lane configurations presented on Exhibit 3.5-9 and Exhibit 3.5-10. In the Near-Term condition, the SR-4 Westbound Ramps at San Marco Boulevard/Evora Road, West Leland Road at San Marco Boulevard, and Bailey Road at Concord Boulevard intersections would operate at overall deficient levels. For unsignalized intersections, at least one side-street movement would experience deficient operations at the intersections of Bailey Road at SR-4 Westbound Ramps, Bailey Road at Myrtle Drive, and Willow Pass Road at Avila Road. All other study intersections would operate at acceptable service levels prior to the addition of 2018 Project traffic. With the addition of 2018 Project traffic, operations of the intersections already experiencing deficient operations would worsen, but no intersection would degrade from acceptable to unacceptable operations with the addition of 2018 Project traffic.

Table 3.5-8: Near-Term Conditions Peak-hour Intersection LOS Summary

Intersection	Control[1]	Peak-hour	Level of Service Standard	Near-Term without 2018 Project		Near-Term with 2018 Project		Significant Impact?	Impacted by 2004 Project?
				Delay[2]	LOS	Delay[2]	LOS		
1. SR-4 Westbound Ramps at San Marco Boulevard/Evora Road	Signal	AM PM	Low-LOS D (50 seconds	40 13	D B	42 14	D B	No	No
2. SR-4 Eastbound Ramps at San Marco Boulevard	Signal	AM PM	Low-LOS D (50 seconds	15 15	B B	30 24	C C	No	Yes
3. West Leland Road at San Marco Boulevard	Signal	AM PM	LOS D (55-seconds)	**208** **63**	**F** **E**	**261** **66**	**F** **E**	**Yes;** average delay increase of more than 5-seconds	No
4. West Leland Road at Tomales Bay Drive	SSSC	AM PM	LOS D (55-seconds)	1 (12) 1 (11)	A (B) A (B)	2 (34) 1 (15)	A (D) A (C)	No	Intersection not evaluated for 2004 Project.
5. West Leland Road at Alves Ranch Road	Signal	AM PM	LOS D (55-seconds)	10 11	A B	25 34	C C	No	No
6. West Leland Road at Woodhill Drive	Signal	AM PM	LOS D (55-seconds)	11 7	B A	8 6	A A	No	No
7. West Leland Road at Southwood Drive	Signal	AM PM	LOS D (55-seconds)	16 18	B B	18 19	B B	No	No
8. West Leland Road at BART Exit	Signal	AM PM	LOS D (55-seconds)	9 12	A B	9 12	A B	No	No
9. West Leland Road at BART Entrance	Signal	AM PM	LOS D (55-seconds)	8 10	A B	8 10	A B	No	No
10. West Leland Road at Oak Hills Drive	Signal	AM PM	LOS D (55-seconds)	13 18	B B	14 18	B B	No	No
11. Bailey Road at Canal Road	Signal	AM PM	LOS E (80-Seconds)	38 17	D B	38 17	D B	No	Intersection not evaluated for 2004 Project.

Table 3.5-8 (cont.): Near-Term Conditions Peak-hour Intersection LOS Summary

Intersection	Control[1]	Peak-hour	Level of Service Standard	Near-Term without 2018 Project		Near-Term with 2018 Project		Significant Impact?	Impacted by 2004 Project?
				Delay[2]	LOS	Delay[2]	LOS		
12. Bailey Road at SR-4 Westbound Ramps	SSSC	AM PM	LOS E (80-Seconds)	1 (20) 25 **(207)**	A (C) C **(F)**	1 (21) 26 **(218)**	A (C) D **(F)**	No; while LOS is at LOS F, the signal warrants are not met and side-street delay does not increase by more than 30-seconds	No
13. Bailey Road at SR-4 Eastbound Ramps	Signal	AM PM	LOS E (80-Seconds)	17 24	B C	17 24	B C	No	No
14. West Leland Road at Bailey Road	Signal	AM PM	LOS E (80-Seconds)	53 29	D C	60 33	E C	No; LOS Standard is E for the intersection	No
15. West Leland Road at Chestnut Drive	Signal	AM PM	LOS D (55-seconds)	36 15	D B	38 16	D B	No	No
16. Bailey Road at Myrtle Drive	SSSC	AM PM	LOS E (80-Seconds)	11 **(102)** 2 (30)	B **(F)** A (D)	12 **(111)** 2 (31)	B **(F)** A (D)	No; while the LOS decreases to LOS F, the side-street delay does not increase by more than 30-seconds	No
17. Bailey Road at Concord Boulevard	Signal	AM PM	LOS E (80-Seconds)	**62** **66**	**E** **E**	**64** **70**	**E** **E**	No; while the LOS is at LOS E, the delay does not increase by more than 5-seconds	No

Table 3.5-8 (cont.): Near-Term Conditions Peak-hour Intersection LOS Summary

Intersection	Control[1]	Peak-hour	Level of Service Standard	Near-Term without 2018 Project		Near-Term with 2018 Project		Significant Impact?	Impacted by 2004 Project?
				Delay[2]	LOS	Delay[2]	LOS		
18. Willow Pass Road at Avila Road	SSSC	AM PM	LOS E (80-Seconds)	1 (25) 1 **(53)**	A (C) A **(F)**	1 (25) 1 **(55)**	A (C) A **(F)**	No; while the LOS decreases to LOS F, the signal warrants are not met and side-street delay does not increase by more than 30-seconds	No

Notes:
[1] Signal = signalized intersection; SSSC = side-street stop-control
[2] Average intersection delay is calculated for all signalized intersections using the HCM method for vehicles.
[3] Delay presented here does not consider delay associated with the westbound SR-4 on-ramp.
Source: Fehr & Peers 2018

Vehicle queues are expected to increase at study intersections as traffic volumes increase, which would further increase with the addition of 2018 Project traffic. In the Near-Term Plus 2018 Project condition, average left-turn vehicle queues are contained within the available storage with the 95th percentile vehicle queue for some movements potentially extending beyond the available storage that did not extend beyond the available storage in the existing condition, including:

- San Marco Boulevard at SR-4 Eastbound Ramps (eastbound right, PM peak-hour)
- San Marco Boulevard at West Leland Road (southbound left, PM peak-hour)
- Bailey Road at West Leland Road (eastbound left and northbound left, PM peak-hour)

For signalized intersections that are projected to operate at LOS D or better during the AM and PM peak-hours, monitoring and adjusting traffic signal timings in response to actual traffic volumes to minimize the potential for vehicle queue spillback is recommended.

Impacts and Mitigation

West Leland Road at San Marco Boulevard

The West Leland Road at San Marco Boulevard intersection is projected to operate at a deficient LOS F in the AM peak-hour prior to the addition of 2018 Project traffic in the Near-Term condition. The addition of 2018 Project traffic would worsen operations and increase average delay by more than 5-seconds. Based on the significance criteria, this is considered a significant impact.

Implementation of Mitigation Measure TRANS-1a would reduce the 2018 Project's near-term impact to a less-than-significant level, as shown in Table 3.5-9. However, as implementation of the various measures required to improve operations cannot be assured, this impact would remain significant and unavoidable.

Table 3.5-9: Near-Term With 2018 Project With Mitigation Conditions Peak-hour Intersection LOS Summary

Intersection	Control[1]	Peak-hour	Near-term without Project		Near-Term with 2018 Project		Near-Term with 2018 Project with Mitigation	
			Delay[2]	LOS	Delay[2]	LOS	Delay[2]	LOS
3. West Leland Road at San Marco Boulevard	Signal	AM	**208**	**F**	**261**	**F**	53	D
		PM	**63**	**E**	**66**	**E**	**65**	**E**

Notes:
[1] Signal = signalized intersection; SSSC = side-street stop-controlled
[2] Average intersection delay is calculated for all signalized intersections using the 2010 HCM method for vehicles.
Source: Fehr & Peers 2018

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implement Mitigation Measure TRANS-1a and Mitigation Measure TRANS-4.

Level of Significance After Mitigation

Significant unavoidable impact.

Cumulative Traffic Conditions

Impact TRANS-3: The 2018 Project may contribute to unacceptable intersection operations under Cumulative Conditions.

Impact Analysis

The Cumulative Conditions analysis considers development within the City of Pittsburg as described in the General Plan, as well as relevant development in adjacent jurisdictions, as explained further below. The Cumulative Traffic Forecast reflect a 2040 projection of residential and employment development, as well as reasonably foreseeable transportation network improvements in the study area, as further described below. The cumulative analysis in the 2004 EIR considered a 2025 horizon year.

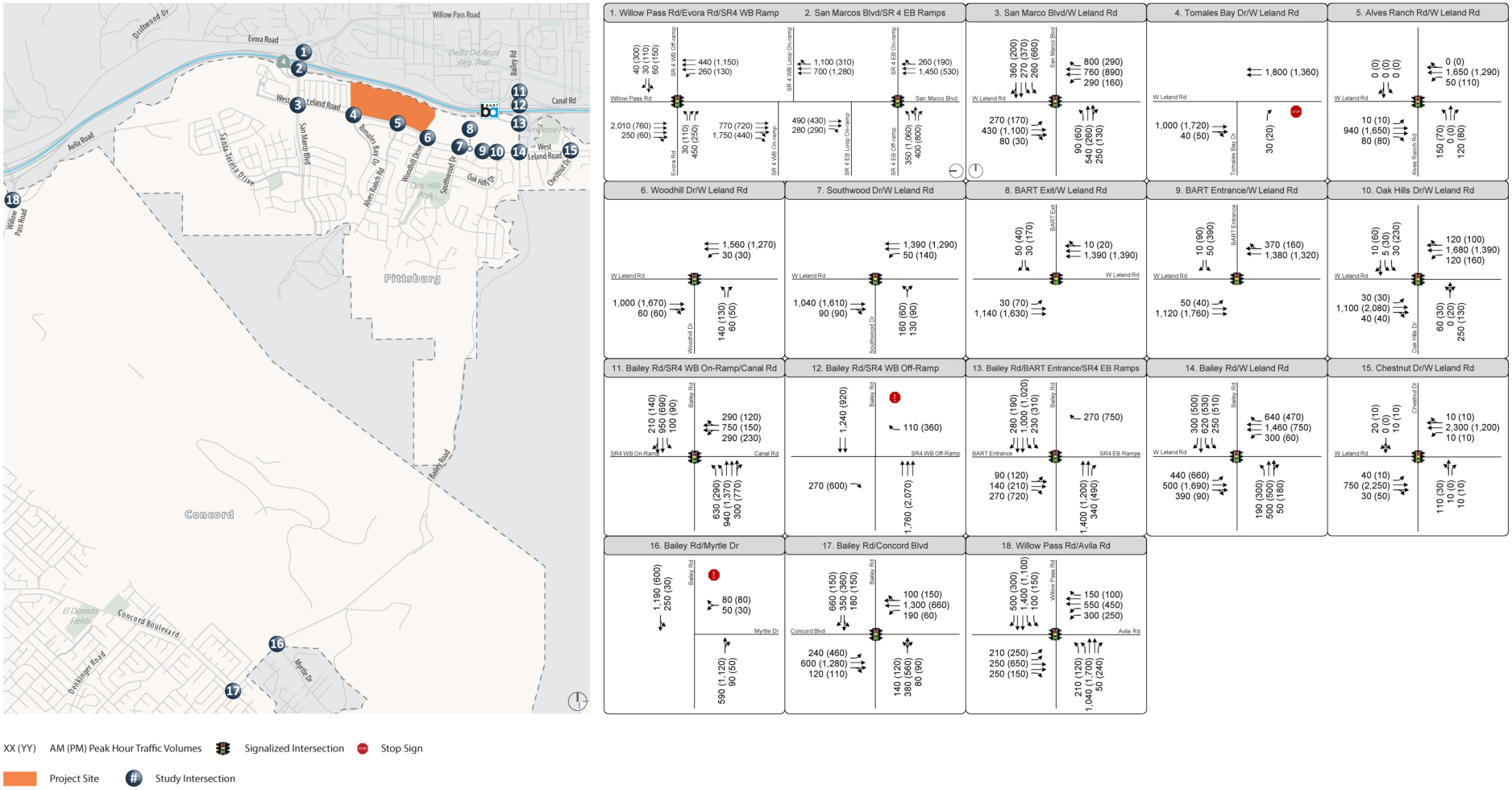
Cumulative Traffic Forecasts

To assess cumulative growth in Pittsburg and adjacent communities several sources of data were reviewed, including the CCTA Model which reflects growth in Pittsburg and surrounding jurisdictions based on their respective General Plans and regional growth forecasts, the ongoing plans for the Concord Naval Weapons Station, and adopted plans for development on the Pittsburg/Bay Point BART station. Traffic forecasts within the study area were reviewed to ensure that known developments were adequately reflected in the forecasts, such as the San Marco subdivision.

The resulting traffic forecasts reflect the most current growth projections for the area from the Association of Bay Area Governments (ABAG), the Metropolitan Transportation Commission (MTC) and CCTA. Minor adjustments were made to the forecasts to balance traffic volumes between closely spaced intersections in the study area. The resulting Cumulative Without 2018 Project forecasts are presented on Exhibit 3.5-11, which are representative of conditions over the next 20 to 25 years. The 2018 Project volumes were added to the Cumulative Without 2018 Project traffic volumes to represent Cumulative With 2018 Project conditions, as presented on Exhibit 3.5-12.

Cumulative Roadway Assumptions

In the Cumulative condition a number of roadway improvements are scheduled to be completed, including the extension of West Leland Road to Avila Road, providing a connection to Willow Pass Road, improvements to SR-4 between Interstate 680 (I-680) and Willow Pass Road, improvements to SR-242. Additionally, operational improvements to SR-4 between I-680 and Bailey Road are also planned for implementation, which include a number of discrete improvements aimed at reducing bottleneck, such as adding mixed-flow travel lanes between interchanges, and extending mixed-flow travel lanes. Vehicle traffic generated by the 2018 Project would contribute to the need for local and regional roadway improvements. Therefore, the 2018 Project would contribute to the construction of regional roadway improvements through the payment of applicable regional transportation impact fees to the ECCRFFA.



Source: Fehr & Peers, November 2018.

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Exhibit 3.5-11
Cumulative without Project Peak Hour Intersection Traffic Volumes, Lane Configurations and Traffic Controls

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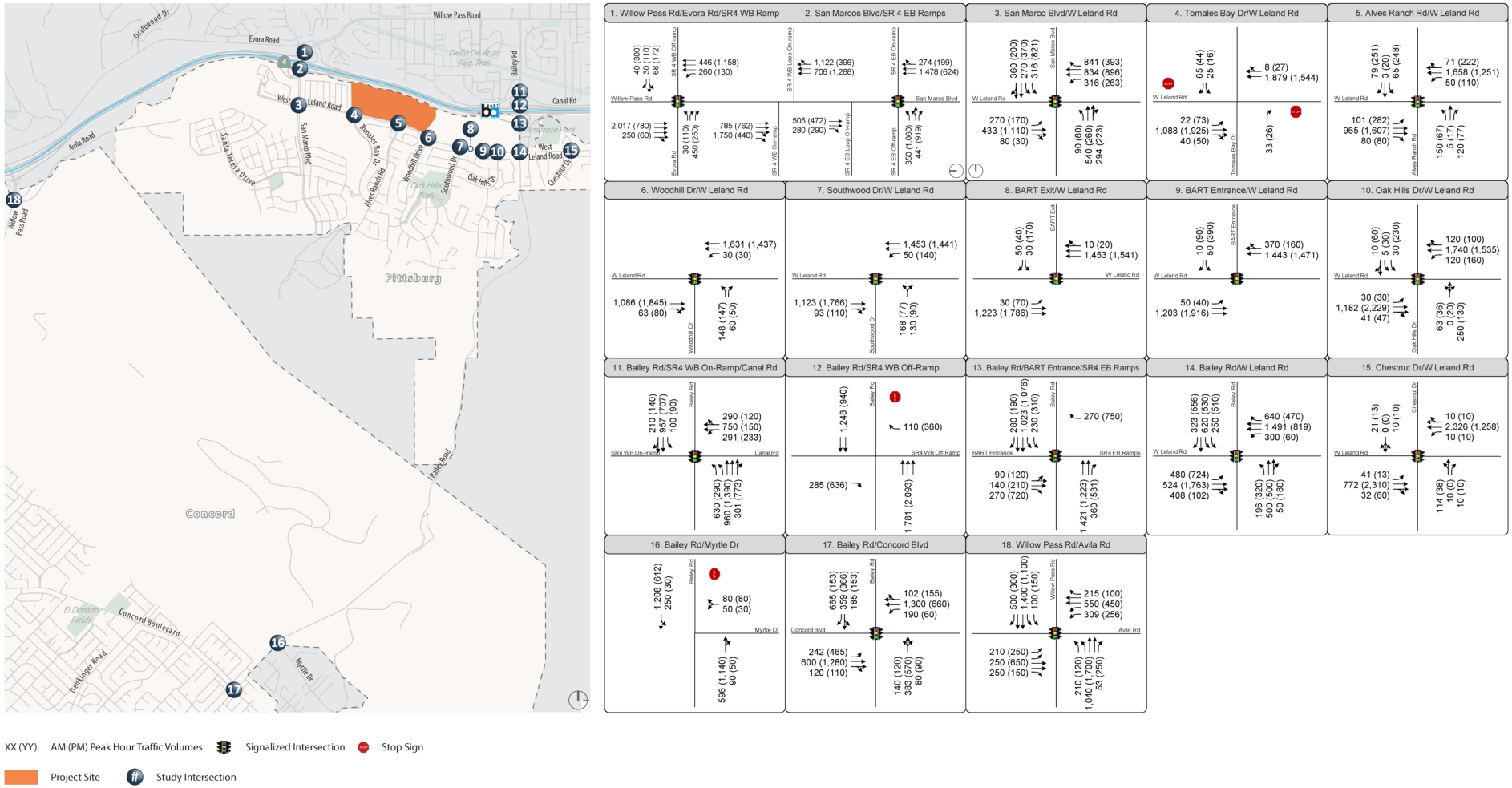

Source: Fehr & Peers, November 2018.

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Exhibit 3.5-12
Cumulative with Project Peak Hour Intersection Traffic Volumes, Lane Configurations and Traffic Controls

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Cumulative Traffic Conditions

Cumulative Without and With 2018 Project conditions are presented in Table 3.5-10, based on the traffic volumes presented on Exhibit 3.5-11 and Exhibit 3.5-12. In the Cumulative condition, the West Leland Road at San Marco Boulevard, Bailey Road at Canal Road, West Leland Road at Bailey Road, and Bailey Road at Concord Boulevard intersections would operate at overall deficient levels. For unsignalized intersections, at least one side-street movement would experience deficient operations at the intersections of Bailey Road at SR-4 Westbound Ramps, and Bailey Road at Myrtle Drive. All other study intersections would operate at acceptable service levels prior to and after the addition of 2018 Project traffic.

Table 3.5-10: Cumulative Conditions Peak-hour Intersection LOS Summary

Intersection	Control[1]	Peak-hour	Level of Service Standard	Cumulative without 2018 Project		Cumulative with 2018 Project		Impact?	Impacted by 2004 Project?
				Delay[2]	LOS	Delay[2]	LOS		
1. SR-4 Westbound Ramps at San Marco Boulevard/Evora Road	Signal	AM PM	Low-LOS D (50 seconds	42 15	D B	45 15	D B	No	No
2. SR-4 Eastbound Ramps at San Marco Boulevard	Signal	AM PM	Low-LOS D (50 seconds	9 9	A A	11 14	B B	No	No
3. West Leland Road at San Marco	Signal	AM PM	LOS D (55-seconds)	**102** **57**	**F** **E**	**117** **71**	**F** **E**	**Yes**; average delay increase of more than 5-seconds	**Yes**
4. West Leland Road at Tomales Bay Drive	SSSC	AM PM	LOS D (55-seconds)	0 (14) 0 (19)	A (B) A (C)	3 **(102)** 1 (37)	A **(F)** A **(E)**	No; while the LOS would decrease to LOS E/F, the signal warrants are not met	Intersection not evaluated in 2004 Final EIR
5. West Leland Road at Alves Ranch Road	Signal	AM PM	LOS D (55-seconds)	12 10	B A	33 33	C C	No	No
6. West Leland Road at Woodhill Drive	Signal	AM PM	LOS D (55-seconds)	8 6	A A	9 7	A A	No	No
7. West Leland Road at Southwood Drive	Signal	AM PM	LOS D (55-seconds)	29 35	C D	36 53	D D	No	No
8. West Leland Road at BART Exit	Signal	AM PM	LOS D (55-seconds)	22 18	C B	28 21	C C	No	No
9. West Leland Road at BART Entrance	Signal	AM PM	LOS D (55-seconds)	3 18	A B	2 19	A B	No	No
10. West Leland Road at Oak Hills Drive	Signal	AM PM	LOS D (55-seconds)	18 39	B D	21 **57**	C **E**	**Yes**	No
11. Bailey Road at Canal Road	Signal	AM PM	LOS E (80-Seconds)	**65** 23	**E** C	**65** 23	**E** C	No	Intersection not evaluated in 2004 Final EIR

Table 3.5-10: Cumulative Conditions Peak-hour Intersection LOS Summary

Intersection	Control[1]	Peak-hour	Level of Service Standard	Cumulative without 2018 Project		Cumulative with 2018 Project		Impact?	Impacted by 2004 Project?
				Delay[2]	LOS	Delay[2]	LOS		
12. Bailey Road/SR-4 Westbound Ramps	SSSC	AM PM	LOS E (80-Seconds)	**1 (36)** **67 (>120)**	**A (E)** **F (F)**	**1 (37)** **69 (>120)**	**A (E)** **F (F)**	No; while the LOS would be at LOS E/D, the signal warrants are not met and the 2018 Project traffic does not increase by 10 or more vehicles (delay cannot be measured)	No
13. Bailey Road/SR-4 Eastbound Ramps	Signal	AM PM	LOS E (80-Seconds)	16 31	B C	16 32	B C	No	No
14. West Leland Road at Bailey Road	Signal	AM PM	LOS E (80-Seconds)	**143** **172**	**F** **F**	**150** **201**	**F** **F**	**Yes**; average delay increase of more than 5-seconds	**Yes**
15. West Leland Road at Chestnut Drive	Signal	AM PM	LOS D (55-seconds)	40 27	D C	42 34	D C	No	No
16. Bailey Road at Myrtle Drive	SSSC	AM PM	LOS E (80-Seconds)	**54 (>120)** 6 **(100)**	**E (F)** A **(F)**	**56 (>120)** 7 **(111)**	**F (F)** A **(F)**	**Yes**; side-street delay increases by more than 30-seconds and signal warrants met without project	**No**
17. Bailey Road at Concord Boulevard	Signal	AM PM	LOS E (80-Seconds)	**181** **204**	**F** **F**	**185** **209**	**F** **F**	**Yes**; average delay increase of more than 5-seconds	**Yes**
18. Willow Pass Road at Avila Road	Signal	AM PM	LOS E (80-Seconds)	38 50	D D	38 50	D D	No	Yes

Notes:
[1] Signal = signalized intersection; SSSC = side-street stop-control
[2] Average intersection delay is calculated for all signalized intersections using the HCM method for vehicles.
[3] Delay presented here does not consider delay associated with the westbound SR-4 on-ramp.
Source: Fehr & Peers 2018

With the addition of 2018 Project traffic, operations of the intersections already experiencing deficient operations would worsen, resulting in potentially significant impacts.

Vehicle queues are expected to increase at study intersections as traffic volumes increase, which would further increase with the addition of the 2018 Project traffic. In the Cumulative With Project condition, average left-turn vehicle queues are contained within the available storage with the 95th percentile vehicle queue for some movements potentially extending beyond the available storage that did not extend beyond the available storage in the existing condition, including:

- San Marco Boulevard at SR-4 Eastbound Ramps (eastbound right, PM peak-hour)
- San Marco Boulevard at West Leland Road (southbound left and westbound right, PM peak-hour)
- West Leland Road at Alves Ranch (northbound left, AM peak-hour)

Impacts and Mitigation

Five potential off-site intersection impacts were identified in the Cumulative condition.

West Leland Road at San Marco Boulevard

The West Leland Road at San Marco Boulevard intersection is projected to operate at a deficient LOS F in the AM peak-hour prior to the addition of the 2018 Project traffic in the Cumulative condition, and a deficient LOS E in the PM peak-hour. The addition of the 2018 Project traffic would worsen operations and increase average delay by more than 5-seconds. Based on the significance criteria, this is considered a significant impact.

Implementation of Mitigation Measure TRANS-1a and Mitigation Measure Trans 4 would reduce the 2018 Project's impact to a less-than-significant level, as shown in Table 3.5-11. However, as implementation of the various measures required to improve operations cannot be assured, this impact would remain significant and unavoidable.

West Leland Road at Oak Hills Drive

The West Leland Road at Oak Hills Drive intersection is projected to operate at an acceptable LOS D in the PM peak-hour prior to the addition of the 2018 Project traffic in the Cumulative condition. The addition of the 2018 Project traffic would worsen the level of service to LOS E in the PM peak-hour. Based on the significance criteria, this is considered a significant impact.

To mitigate this impact, the 2018 Project applicant would be required to pay, its pro rata fair share fees to restripe the northbound approach to provide separate left and right-turn lanes, as reflected in Mitigation Measure TRANS-3a. This improvement is also a mitigation measure for planned development on the Pittsburg/Bay Point BART station and assumes that a north leg to this intersection is constructed as part of the BART project, as identified in the Pittsburg/Bay Point BART Specific Plan and associated EIR. Should BART development not occur, this improvement would not be necessary. Implementation of this improvement would result in overall acceptable service levels, reducing the 2018 Project's impact to a less-than-significant level, as shown in Table 3.5-11.

West Leland Road at Bailey Road

The West Leland Road at Bailey Road intersection is projected to operate at a deficient LOS F during both AM and PM peak-hours prior to the addition of the 2018 Project traffic in the Cumulative condition. The addition of the 2018 Project traffic would worsen operations and increase average delay by more than 5-seconds during both AM and PM peak-hours. Based on the significance criteria, this is considered a significant impact.

To mitigate this impact, the 2018 Project applicant would be required to contribute its pro rata fair share to improvements that could improve the operations of the intersection, including the construction of a second eastbound left-turn lane. However, there is insufficient right-of-way available to construct this improvement. With this improvement, the operations would improve as compared to the Without Project condition, although the intersection would continue to operate at a deficient LOS F. This improvement is reflected in Mitigation Measure TRANS-3b. As it is uncertain if improvements could be constructed and identified improvements would not result in acceptable LOS E operations, this impact would remain significant and unavoidable. The project applicant previously paid transportation impact fees for improvements at this intersection associated with development of the entitled project.

Bailey Road at Myrtle Drive

The Bailey Road at Myrtle Drive intersection is projected to operate at deficient levels prior to the addition of the 2018 Project traffic in the Cumulative condition; peak-hour warrants would be met. The addition of the 2018 Project traffic would increase side-street delay by more than 30-seconds. Based on the significance criteria, this is considered a significant impact.

To mitigate this impact, the 2018 Project applicant would be required to pay, under specified circumstances, its pro rata fair share towards the signalization of this intersection in conjunction with the construction of a southbound left-turn lane and other potential improvements. These improvements would result in overall acceptable service levels, reducing the 2018 Project's cumulative impact to a less-than-significant level, as shown in Table 3.5-11. This improvement is reflected in Mitigation Measure TRANS-3c.

However, improvements to this intersection would require the lawful establishment of an impact fee as well as the approval from the City of Concord to proceed with the identified improvements, and therefore, the City of Pittsburg cannot ensure whether and/or when implementation of this measure would occur. Therefore, the impact would remain significant and unavoidable.

Bailey Road at Concord Boulevard

The Bailey Road at Concord Boulevard intersection is projected to operate at a deficient LOS F in the AM and PM peak-hour prior to the addition of the 2018 Project traffic in the Cumulative condition. The addition of the 2018 Project-generated vehicle trips during the PM peak-hour would increase delay in the PM peak-hour by more than 5-seconds. Based on the significance criteria, this is considered a significant impact.

To mitigate this impact, the 2018 Project applicant would be required to install a southbound right-turn overlap phase and work with the City of Concord to retime the traffic signal. Construction of

this improvement would not result in acceptable operations, as shown in Table 3.5-11, but it would reduce the overall delay such that the With 2018 Project With Mitigation condition is better than the Without 2018 Project condition, reducing the cumulative impact to a less-than-significant level. This improvement is reflected in Mitigation Measure TRANS-3d.

However, improvements to this intersection would require approval from the City of Concord and the City of Pittsburg cannot ensure whether and/or when implementation of this measure would occur. Therefore, the impact would remain significant and unavoidable.

Table 3.5-11: Cumulative With 2018 Project With Mitigation Conditions Peak-hour Intersection LOS Summary

Intersection	Control[1]	Peak-hour	Cumulative		Cumulative with 2018 Project		Cumulative with 2018 Project with Mitigation	
			Delay[2]	LOS	Delay[2]	LOS	Delay[2]	LOS
3. West Leland Road at San Marco	Signal	AM PM	**102** **57**	**F** **E**	**117** **71**	**F** **E**	**60** **72**	**E** **E**
10. West Leland Road at Oak Hills Drive	Signal	AM PM	18 39	B D	21 **57**	C **E**	17 50	B D
14. West Leland Road at Bailey Road	Signal	AM PM	**143** **172**	**F** **F**	**150** **201**	**F** **F**	**120** **137**	**F** **F**
16. Bailey Road at Myrtle Drive	SSSC	AM PM	**54 (>120)** 6 **(100)**	**E (F)** A **(F)**	**56 (>120)** 7 **(111)**	**F (F)** A **(F)**	10 8	A A
17. Bailey Road at Concord Boulevard	Signal	AM PM	**181** **204**	**F** **F**	**185** **209**	**F** **F**	**180** **195**	**F** **F**

Notes:
[1] Signal = signalized intersection
[2] Average intersection delay is calculated for all signalized intersections using the 2010 HCM method for vehicles.
Source: Fehr & Peers 2018

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM TRANS-3a Prior to issuance of building permits, the 2018 Project applicant shall pay to the City of Pittsburg its pro rata fair share of the cost to restripe the northbound approach of the West Leland Road at Oak Hills Drive intersection to provide separate left and right-turn lanes. Provided, however, that should BART development not occur, this improvement would not be necessary, and the 2018 Project applicant would not be required to pay the fees identified in this Mitigation Measure TRANS-3a.

Development considered in the Pittsburg/Bay Point BART Specific Plan included 1,168 dwelling units and 146,362 square feet of nonresidential uses in conjunction with site access and circulation improvements and parking.

MM TRANS-3b Prior to issuance of building permits, the 2018 Project applicant shall pay to the City of Pittsburg its pro rata fair share of the cost to construct a second eastbound left-turn lane. However, there is insufficient right-of-way available to construct this improvement. As it is uncertain if improvements could be constructed and identified improvements would not result in acceptable LOS E operations, this impact would remain ***significant and unavoidable***. The project applicant previously paid transportation impact fees for improvements at this intersection associated with development of the entitled project.

MM TRANS-3c Prior to issuance of building permits, the 2018 Project applicant shall pay to the City of Concord its pro rata fair share of the costs to improve the intersection of Bailey Road/Myrtle Drive if and to the extent the City of Concord has, at the time of building permit issuance, lawfully established an impact fee to fund the foregoing improvements. The improvements shall consist of signalization of this intersection in conjunction with the construction of a southbound left-turn lane. Provided, however, this mitigation measure shall not apply if there is not a legal mechanism by which for the 2018 Applicant to provide fees to the City of Concord or if the City of Concord does not support the improvements, as reflected by the City of Concord's lawful establishment of an impact fee to fund said improvements.

MM TRANS-3d Prior to issuance of building permits, the 2018 Project applicant shall pay to the City of Concord its pro rata fair share of the costs to improve the intersection of Bailey Road/Concord Boulevard if and to the extent the City of Concord has, at the time of building permit issuance, lawfully established an impact fee to fund the foregoing improvements. The improvements shall consist of installation of southbound right-turn overlap phase and retiming the traffic signal to allow such a movement. Provided, however, this mitigation measure shall not apply if there is not a legal mechanism by which for the applicant to provide fees to the City of Concord or if the City of Concord does not support the improvements, as reflected by the City of Concord's lawful establishment of an impact fee to fund said improvements.

Level of Significance After Mitigation

Significant unavoidable impact.

Congestion Management Program Facilities

Impact TRANS-4: The 2018 Project may conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.

Impact Analysis

This impact evaluates mainline and ramp meter conditions on SR-4, which is a Congestion Management Program facility.

Mainline Analysis

Existing Conditions

Existing conditions mainline traffic counts for the SR-4 study corridor and associated on and off-ramps were obtained from the Caltrans PeMS. From this data, the peak-hour of westbound and eastbound travel was identified during both the AM and PM commute periods. Initial travel speeds were calculated, which were then compared against available speed data from Global Positioning System (GPS) devices from vehicles that travel the corridor, as well as from travel surveys conducted by Fehr & Peers staff.

Existing conditions results are presented in Table 3.5-12 for the AM peak-hour and Table 3.5-13 for the PM peak-hour. During the AM peak-hour, congestion is experienced in the westbound direction, such that some segments of SR-4 operate with a delay index in excess of 6.0, meaning that travel during peak times takes six times longer than travel during off-peak times. During the PM peak-hour, the majority of delay is experienced at the SR-4/SR-242 interchange, with highway operations improving in the vicinity of the Willow Pass Road interchange.

During both AM and PM peak-hours, the addition of the 2018 Project traffic would worsen the operation of highway segments that are already projected to operate deficiently, but would not result in new deficiencies. The amount of vehicle traffic in high-occupancy vehicle lanes was also assessed, as presented in Table 3.5-14, which shows that in both the AM and PM peak-hours in the Existing condition, the volume of traffic in the HOV lane exceeds the desired MTSO standard (600 vehicles per hour). The 2018 Project is expected to add traffic to these HOV lane segments, worsening an existing deficiency.

Table 3.5-12: Existing Conditions Highway Operations Summary—AM Peak-hour

Segment	Direction	Existing		Existing with 2018 Project	
		Volume	Delay Index	Volume	Delay Index
1. SR-4, between Arnold Industrial Place/Solano Way and SR-242	EB	2,880	1.01	2,894	1.01
	WB	4,940	1.64	4,971	1.67
2. SR-4, between SR-242 and Port Chicago Highway	EB	1,839	1.00	2,762	1.00
	WB[1]	**5,100**	**3.11**	**5,193**	**3.43**

Table 3.5-12 (cont.): Existing Conditions Highway Operations Summary—AM Peak-hour

Segment	Direction	Existing		Existing with 2018 Project	
		Volume	Delay Index	Volume	Delay Index
3. SR-4, between Port Chicago Highway and Willow Pass Road	EB	2,252	1.00	3,372	1.00
	WB[1]	6,242	1.41	7,143	1.46
4. SR-4, between Willow Pass Road and San Marco Boulevard	EB	2,306	1.00	3,452	1.00
	WB[1]	**8,943**	**3.14**	**10,193**	**3.30**
5. SR-4, between San Marco Boulevard and Bailey Road	EB	2,103	1.00	3,124	1.00
	WB[1]	**8,500**	**5.89**	**9,608**	**5.92**
6. SR-4, between Bailey Road and Railroad Avenue	EB	2,150	1.00	3,218	1.00
	WB[1]	**8,588**	**6.31**	**9,724**	**6.42**

Notes:
[1] AM peak-hour analysis reflects operation of the HOV lane, which carries approximately 13 percent of traffic volumes, reducing the number of mixed-flow lanes available during the AM peak-hour.
Source: Fehr & Peers 2018.

Table 3.5-13: Existing Conditions Highway Operations Summary—PM Peak-hour

Segment	Direction	Existing		Existing with 2018 Project	
		Volume	Delay Index	Volume	Delay Index
1. SR-4, between Arnold Industrial Place/Solano Way and SR-242	EB	**5,710**	**3.03**	**5,749**	**3.14**
	WB	2,070	1.00	2,097	1.00
2. SR-4, between SR-242 and Port Chicago Highway	EB	**7,829**	**3.53**	**10,517**	**3.81**
	WB[1]	2,300	1.00	2,380	1.00
3. SR-4, between Port Chicago Highway and Willow Pass Road	EB	5,797	1.23	7,817	1.26
	WB[1]	3,839	1.00	4,830	1.01
4. SR-4, between Willow Pass Road and San Marco Boulevard	EB	4,366	1.01	5,917	1.01
	WB[1]	3,572	1.00	4,500	1.00
5. SR-4, between San Marco Boulevard and Bailey Road	EB	3,538	1.00	4,709	1.00
	WB[1]	3,216	1.00	4,002	1.00
6. SR-4, between Bailey Road and Railroad Avenue	EB	3,124	1.00	4,193	1.00
	WB[1]	3,249	1.00	4,076	1.00

Notes:
[1] PM peak-hour analysis reflects operation of the HOV lane, which carries approximately 13 percent of traffic volumes, reducing the number of mixed-flow lanes available during the PM peak-hour.
Source: Fehr & Peers 2018.

Table 3.5-14: Existing Conditions Highway Operations Summary—HOV Lane Volumes

Segment	Direction	Existing		Existing with 2018 Project	
		AM	PM	AM	PM
1. SR-4, between Arnold Industrial Place/Solano Way and SR-242	EB	—	—	—	—
	WB	—	—	—	—
2. SR-4, between SR-242 and Port Chicago Highway	EB	—	**2,571**	—	**2,586**
	WB	—	—	—	—
3. SR-4, between Port Chicago Highway and Willow Pass Road	EB	—	**1,903**	—	**1,919**
	WB	**808**	—	**820**	—
4. SR-4, between Willow Pass Road and San Marco Boulevard	EB	—	**1,434**	—	**1,449**
	WB	**1,157**	—	**1,170**	—
5. SR-4, between San Marco Boulevard and Bailey Road	EB	—	**1,162**	—	**1,163**
	WB	**1,100**	—	**1,101**	
6. SR-4, between Bailey Road and Railroad Avenue	EB	—	**1,026**	—	**1,031**
	WB	**1,112**	—	**1,115**	—

Note:
Bold indicates volume exceeds desired volume of 600 vehicles per hour.
Source: Fehr & Peers 2018.

Near-Term Conditions

Near-term highway forecasts were developed based on the same method used to develop the near-term intersection forecasts, both without and with the 2018 Project. Operations were evaluated using the same methods described in Chapter 1. No highway improvements were included in the evaluation of near-term highway improvements. The Near-Term Without and With 2018 Project analysis results are presented in Table 3.5-15 and Table 3.5-16, for the AM and PM peak-hours, respectively, based on the estimates of near-term traffic volumes, plus estimates of the 2018 Project traffic. The 2018 Project would increase traffic on highways in the study area, and worsen the delay index for segments that are projected to exceed the standard; however, it would not result in study-segment operations to degrade beyond the established standard.

The amount of vehicle traffic in high-occupancy vehicle lanes was also assessed, as presented in Table 3.5-17, which shows that in both the AM and PM peak-hours, the volume of traffic in the HOV lane is above the desired MTSO standard of at least 600 vehicles per hour per lane. The project is expected to add traffic to these HOV lane segments. The 2018 Project is expected to add traffic to these HOV lane segments, worsening already deficient operations.

Table 3.5-15: Near-term Conditions Highway Operations Summary—AM Peak-hour

Segment	Direction	Near Term		Near Term with 2018 Project	
		Volume	Delay Index	Volume	Delay Index
1. SR-4, between Arnold Industrial Place/Solano Way and SR-242	EB	3,050	1.00	3,064	1.00
	WB	5,270	2.07	5,301	2.12
2. SR-4, between SR-242 and Port Chicago Highway	EB	2,930	1.00	2,972	1.00
	WB[1]	**5,590**	**5.39**	**5,683**	**6.00**
3. SR-4, between Port Chicago Highway and Willow Pass Road	EB	3,570	1.00	3,612	1.00
	WB[1]	7,640	1.68	7,733	1.74
4. SR-4, between Willow Pass Road and San Marco Boulevard	EB	3,650	1.00	3,692	1.00
	WB[1]	**10,840**	**4.29**	**10,933**	**4.52**
5. SR-4, between San Marco Boulevard and Bailey Road	EB	3,320	1.00	3,334	1.00
	WB[1]	**10,100**	**7.93**	**10,108**	**7.98**
6. SR-4, between Bailey Road and Railroad Avenue	EB	3,410	1.00	3,448	1.00
	WB[1]	**10,210**	**8.65**	**10,234**	**8.80**

Note:
[1] AM peak-hour analysis reflects operation of the HOV lane, which carries approximately 13 percent of traffic volumes, reducing the number of mixed-flow lanes available during the AM peak-hour.
Source: Fehr & Peers 2018.

Table 3.5-16: Near-term Conditions Highway Operations Summary—PM Peak-hour

Segment	Direction	Near Term		Near Term with 2018 Project	
		Volume	Delay Index	Volume	Delay Index
1. SR-4, between Arnold Industrial Place/Solano Way and SR-242	EB	6,080	1.34	6,119	1.35
	WB[1]	2,220	1.00	2,247	1.00
2. SR-4, between SR 242 and Port Chicago Highway	EB	**11,160**	**5.57**	**11,277**	**6.03**
	WB[1]	2,560	1.01	2,640	1.01
3. SR-4, between Port Chicago Highway and Willow Pass Road	EB	8,330	1.44	8,447	1.51
	WB[1]	5,130	1.01	5,210	1.01
4. SR-4, between Willow Pass Road and San Marco Boulevard	EB	6,330	1.01	6,447	1.02
	WB[1]	4,780	1.00	4,860	1.00
5. SR-4, between San Marco Boulevard and Bailey Road	EB	4,970	1.01	4,979	1.01
	WB[1]	4,180	1.00	4,202	1.00

Table 3.5-16 (cont.): Near-term Conditions Highway Operations Summary—PM Peak-hour

Segment	Direction	Near Term		Near Term with 2018 Project	
		Volume	Delay Index	Volume	Delay Index
6. SR-4, between Bailey Road and Railroad Avenue	EB	4,400	1.00	4,443	1.00
	WB[1]	4,240	1.00	4,296	1.00

Notes:
[1] PM peak-hour analysis reflects operation of the HOV lane, which carries approximately 13 percent of traffic volumes, reducing the number of mixed-flow lanes available during the PM peak-hour.
Source: Fehr & Peers 2018.

Table 3.5-17: Near Term Conditions Highway Operations Summary—HOV Lane Volumes

Segment	Direction	Near Term		Near Term with 2018 Project	
		AM	PM	AM	PM
1. SR-4, between Arnold Industrial Place/Solano Way and SR-242	EB	—	—	—	—
	WB	—	—	—	—
2. SR-4, between SR-242 and Port Chicago Highway	EB	—	**2,732**	—	**2,747**
	WB	—	—	—	—
3. SR-4, between Port Chicago Highway and Willow Pass Road	EB	—	**2,032**	—	**2,047**
	WB	**1,004**	—	**1,016**	
4. SR-4, between Willow Pass Road and San Marco Boulevard	EB	—	**1,532**	—	**1,547**
	WB	**1,404**		**1,416**	—
5. SR-4, between San Marco Boulevard and Bailey Road	EB	—	**1,205**		**1,206**
	WB	**1,221**	—	**1,222**	—
6. SR-4, between Bailey Road and Railroad Avenue	EB	—	**1,106**	—	**1,112**
	WB	**1,221**	—	**1,224**	—

Note:
Bold indicates volume exceeds desired volume of 600 vehicles per hour.
Source: Fehr & Peers 2018.

Cumulative Conditions

Cumulative highway forecasts were developed based on the same method used to develop the cumulative intersection forecasts, both without and with the 2018 Project. The Cumulative Without and With the 2018 Project analysis results are presented in Table 3.5-18 and Table 3.5-19 for the AM and PM peak-hours, respectively, based on the estimates of cumulative traffic volumes, plus estimates of the 2018 Project traffic. In the Cumulative condition, operations of SR-4 are projected

to further degrade beyond the MTSO with a projected delay index greater than 2.5 on some segments during the AM and PM peak-hours. The addition of the 2018 Project traffic would worsen the delay index, resulting in a significant impact.

Table 3.5-18: Cumulative Conditions Highway Operations Summary—AM Peak-hour

Segment	Direction	Cumulative		Cumulative with 2018 Project	
		Volume	Delay Index	Volume	Delay Index
1. SR-4, between Arnold Industrial Place/Solano Way and SR-242	EB	3,800	1.01	3,814	1.01
	WB	**6,600**	**7.45**	**6,607**	**7.51**
2. SR-4, between SR-242 and Port Chicago Highway	EB	3,600	1.00	3,641	1.00
	WB[1]	**6,800**	**13.00**	**6,822**	**13.00**
3. SR-4, between Port Chicago Highway and Willow Pass Road	EB	4,400	1.00	4,441	1.00
	WB[1]	**9,400**	**5.04**	**9,422**	**5.12**
4. SR-4, between Willow Pass Road and San Marco Boulevard	EB	4,500	1.00	4,541	1.00
	WB[1]	**13,400**	**13.00**	**13,422**	**13.00**
5. SR-4, between San Marco Boulevard and Bailey Road	EB	4,100	1.00	4,114	1.00
	WB[1]	**12,800**	**13.00**	**12,808**	**13.00**
6. SR-4, between Bailey Road and Railroad Avenue	EB	4,200	1.00	4,234	1.00
	WB[1]	**12,900**	**13.00**	**12,923**	**13.00**

Notes:
[1] AM peak-hour analysis reflects operation of the HOV lane, which carries approximately 13 percent of traffic volumes, reducing the number of mixed-flow lanes available during the AM peak-hour.
Source: Fehr & Peers 2018.

Table 3.5-19: Cumulative Conditions Highway Operations Summary—PM Peak-hour

Segment	Direction	Cumulative		Cumulative with 2018 Project	
		Volume	Delay Index	Volume	Delay Index
1. SR-4, between Arnold Industrial Place/Solano Way and SR-242	EB	**7,600**	**3.00**	**7,640**	**3.08**
	WB[1]	2,800	1.01	2,829	1.01
2. SR-4, between SR-242 and Port Chicago Highway	EB	**13,800**	**13.00**	**13,919**	**13.00**
	WB[1]	3,100	1.04	3,186	1.05
3. SR-4, between Port Chicago Highway and Willow Pass Road	EB	**10,200**	**5.04**	**10,319**	**5.46**
	WB[1]	6,300	1.04	6,386	1.50
4. SR-4, between Willow Pass Road and San Marco Boulevard	EB	7,700	1.13	7,819	1.15
	WB[1]	5,900	1.01	5,986	1.09

Table 3.5-19 (cont.): Cumulative Conditions Highway Operations Summary—PM Peak-hour

Segment	Direction	Cumulative		Cumulative with 2018 Project	
		Volume	Delay Index	Volume	Delay Index
5. SR-4, between San Marco Boulevard and Bailey Road	EB	6,300	1.08	6,309	1.08
	WB[1]	5,300	1.01	5,322	1.12
6. SR-4, between Bailey Road and Railroad Avenue	EB	5,500	1.03	5,550	1.03
	WB[1]	5,300	1.01	5,358	1.12

Notes:
[1] PM peak-hour analysis reflects operation of the HOV lane, which carries approximately 13 percent of traffic volumes, reducing the number of mixed-flow lanes available during the PM peak-hour.
Source: Fehr & Peers 2018.

The amount of vehicle traffic in high-occupancy vehicle lanes was also assessed, as presented in Table 3.5-20, which shows that in both the AM and PM peak-hours, the volume of traffic in the HOV lane is above the desired MTSO standard of at least 600 vehicles per hour per lane. The project is expected to add traffic to these HOV lane segments.

Table 3.5-20: Cumulative Conditions Highway Operations Summary—HOV Lane Volumes

Segment	Direction	Cumulative		Cumulative with 2018 Project	
		AM	PM	AM	PM
1. SR-4, between Arnold Industrial Place/Solano Way and SR-242	EB	—	—	—	—
	WB	—	—	—	—
2. SR-4, between SR-242 and Port Chicago Highway	EB	—	**2,600**	—	**2,615**
	WB	—	—	—	—
3. SR-4, between Port Chicago Highway and Willow Pass Road	EB	—	**1,900**	—	**1,915**
	WB	**1,100**	—	**1,103**	—
4. SR-4, between Willow Pass Road and San Marco Boulevard	EB	—	**1,400**	—	**1,415**
	WB	**1,500**	—	**1,503**	—
5. SR-4, between San Marco Boulevard and Bailey Road	EB	—	**1,200**	—	**1,201**
	WB	**1,500**	—	**1,501**	—
6. SR-4, between Bailey Road and Railroad Avenue	EB	—	**1,000**	—	**1,007**
	WB	**1,500**	—	**1,503**	—

Note:
Bold indicates volume exceeds desired volume of 600 vehicles per hour.
Source: Fehr & Peers 2018.

The 2018 Project is expected to worsen the delay index along the SR-4 corridor where deficient operations currently occur; these effects would occur in the Existing, Near-Term and Cumulative condition and is considered a significant impact. Additionally, the 2018 Project would contribute to worsening congestion on other highway segments not explicitly evaluated, including SR-242.

Caltrans plans to increase vehicle capacity along SR-4 from west of I-680 and east of SR-242, which would extend the high occupancy vehicle lane and add an additional mixed-flow lane in each direction. CCTA is in the process of selecting a contractor for the construction of this improvement, with project completion expected by 2021/2022.

Additionally, CCTA has developed the SR-4 Integrated Corridor Management (ICM) plan that includes strategies such as adaptive ramp metering, incident management, traffic and transit information systems, traffic arterial and transit information systems, connected vehicle technologies, and integration with the SR-4 corridor ICM to better manage traffic flows along the corridor. Payment of regional transportation impact fees to the East Contra Costa Regional Fee and Financing Authority would further the implementation of ICM. Mitigation Measure TRANS-4 requires the 2018 Project applicant to pay all adopted applicable transportation fees at the time building permits are sought; thus, these funds could be applied towards ICM. However, as full funding for these improvements has not been identified and the effectiveness of the ICM project is uncertain, the impact would remain significant and unavoidable.

Ramp Meter Analysis

An assessment of vehicle queues at the highway on-ramps where the 2018 Project traffic is concentrated was conducted, as presented in Table 3.5-21 for the Existing condition, Table 3.5-22 for the Near-Term condition, and Table 3.5-23 for the Cumulative condition. The on-ramps evaluated include:

1. SR-4 Westbound Ramps Loop On-ramp from northbound San Marco Boulevard south of Evora Road/Willow Pass Road
2. SR-4 Eastbound Ramps at Bailey Road

The ramp metering assessment was conducted based on general ramp metering rates provided from Caltrans and field observations. At the San Marco Boulevard loop on-ramp to westbound SR-4 in the AM peak-hour, the metering rate is 950 vehicles per hour, with two vehicles per green allowed to enter the highway. At the Bailey Road on-ramp to eastbound SR-4 during the PM peak-hour, the metering rate is 560 vehicles per hour.

Results of the assessment and field observations indicate that in the Existing Condition, vehicle queues extend from the westbound SR-4 ramp from southbound San Marco Boulevard to West Leland Road, and beyond to Tomales Bay Drive during the AM peak-hour. At the Bailey Road on-ramp to eastbound SR-4, maximum vehicle queues extend slightly beyond the on-ramp to Bailey Road. The addition of the 2018 Project traffic would exacerbate the level of vehicle queue spillback from both ramp meters.

In the Near-Term and Cumulative Conditions, vehicle queues are projected to worsen at the locations noted above if the metering rates are maintained at the same level, and the addition of the 2018 Project traffic would further exacerbate queue spillback.

Table 3.5-21: Ramp Meter Analysis—Existing Condition

On-Ramp	Peak-hour	Storage Length (ft)	Meter Rate	Existing without Project		Existing with 2018 Project	
				Metered Volume	Max Queue (ft)	Metered Volume	Max Queue (ft)
SB San Marco Boulevard to WB SR-4	AM	750	950[1]	1,046	**4,605**	1,090	**5,697**
NB Bailey Road to EB SR-4[2]	PM	1,150	560	572	**1,153**	577	**1,268**

Notes:
[1] Ramp metering allows 2 cars per green for a total of 950 per hour
[2] Does not include the HOV by-pass volume
SB = southbound
NB = northbound
WB = westbound
EB = eastbound
Bold indicates vehicle queue spillback to roadway.
Source: Fehr & Peers 2018.

Table 3.5-22: Ramp Meter Analysis—Near-Term Condition

On-Ramp	Peak-hour	Storage Length	Meter Rate	Near-Term without Project		Near-Term with 2018 Project	
				Metered Volume	Max Queue (ft)	Metered Volume	Max Queue (ft)
SB San Marco Boulevard to WB SR-4	AM	750	950	1,290	**10,665**	1,383	**12,990**
NB Bailey Road to EB SR-4[1]	PM	1,150	560	594	**1,672**	614	**2,162**

Notes:
[1] Does not include the HOV by-pass volume
Bold indicates vehicle queue spillback to roadway.
SB = southbound
NB = northbound
WB = westbound
EB = eastbound
Source: Fehr & Peers 2018.

Table 3.5-23: Ramp Meter Analysis—Cumulative Condition

On-Ramp	Peak-hour	Storage Length	Meter Rate	Cumulative without Project		Cumulative with 2018 Project	
				Metered Volume	Max Queue (ft)	Metered Volume	Max Queue (ft)
SB San Marco Boulevard to WB SR-4	AM	750	950	1,100	**5,946**	1,122	**6,492**
NB Bailey Road to EB SB-4[1]	PM	1,150	560	606	**1,960**	631	**2,551**

Notes:
[1] Does not include the HOV by-pass volume
Bold indicates vehicle queue spillback to roadway.
SB = southbound
NB = northbound
WB = westbound
EB = eastbound
Source: Fehr & Peers 2018.

Ramp Meter Impact—San Marco Boulevard Southbound Loop Ramp to SR-4 Westbound

Based on the ramp metering rate of 950 vehicles per hour, vehicle queues during both the AM and PM peak-hours spillback from beyond the SR-4 westbound on-ramp to San Marco Boulevard and along West Leland Road. The addition of the 2018 Project traffic in the Existing, Near-Term, and Cumulative Conditions would further increase the extent and duration of vehicle queues spillback from the ramp meter operations. As the addition of the 2018 Project traffic would increase a queue already exceeding the ramp storage, the impact is considered significant.

To mitigate the Existing, Near-Term, and Cumulative ramp metering impact, the following improvements would need to occur:

- Construct a second mixed-flow on-ramp lane
- Construct an HOV by-pass lane
- Extend West Leland Road to Willow Pass Road
- Increase the metering rate to approximately 1,040 vehicles per hour

This improvement would require widening of the on-ramp to accommodate two additional lanes at the ramp meter, as well as widening to provide additional merge space on the highway mainline. The widening of the highway on-ramp could result in secondary impacts to pedestrians and bicyclists by increasing pedestrian crossing distances through the interchange, and bicycle/vehicle conflicts. Mitigation Measure TRANS-4 requires the 2018 Project applicant to pay all adopted applicable transportation fees at the time building permits are sought; thus, funds could be applied towards these improvements. As these improvements are within the Caltrans right-of-way and the City of Pittsburg does not have control over the on-ramp, and funding has not been entirely secured to date, there are no assurances that this improvement could be implemented. Therefore, the impact is considered significant and unavoidable.

Ramp Meter Impact—Bailey Road at Eastbound SR-4

Based on the ramp metering rate of 560 vehicles per hour, vehicles queues during the PM peak-hour spillback from beyond the on-ramp to Bailey Road. The addition of the 2018 Project traffic in the existing, Near-Term and Cumulative Conditions would further increase the extent and duration of vehicle queues spillback from the ramp meter to Bailey Road. As the addition of the 2018 Project traffic would further exacerbate vehicle queue spillback, this is considered a significant impact.

In the Existing, Near-Term, and Cumulative Conditions, increasing the metering rate at this location from 560 vehicles per hour to between 570 and 625 vehicles per hour (depending on time period and analysis scenario) would reduce the duration and severity of vehicle queue spillback to Bailey Road such that queues could be contained within the available ramp storage. It is anticipated that the City of Pittsburg may work with Caltrans to evaluate ramp-metering rates along the SR-4 corridor to minimize the potential for vehicle queue spillback to City streets. However, as neither the 2018 Project applicant nor the City of Pittsburg has control over ramp meter rates in the project vicinity, there is no feasible mitigation and this impact is considered significant-and-unavoidable.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM TRANS-4 Prior to issuance of building permits, the 2018 Project applicant shall pay all adopted applicable regional transportation related impact fees in accordance with the latest fee schedule, including the ECCRFFA.

Level of Significance After Mitigation

Significant unavoidable impact.

Roadway Safety

Impact TRANS-5: The 2018 Project may substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Impact Analysis

Fehr & Peers assessed the 2018 Project's impact on vehicle access and circulation. Access to the site is proposed from three locations on West Leland Road, including an extension of Alves Ranch Road north into the site that forms the fourth leg of an existing signalized intersection with West Leland Road. As part of the 2018 Project, this intersection would be modified to provide two left-turn lanes and a through-right shared lane on both the northbound and southbound approaches and a new crosswalk would be provided across the east leg of the intersection. The traffic signal would be modified to accommodate a new pedestrian phase and the changed lane geometries on the north and south legs of the intersection. This intersection would operate at acceptable service levels as proposed to be modified as part of the 2018 Project.

A full access unsignalized intersection is proposed as part of the 2018 Project on West Leland Road, west of Alves Ranch Road. This intersection would be off-set with Tomales Bay Drive on the south side of West Leland Road, which would remain a right-in/right-out side-street stop-controlled intersection. As detailed in the previous sections, this access roadway would operate at an overall acceptable LOS A through the Cumulative With 2018 Project Condition. However, poor operations may be experienced during the AM peak-hour for vehicles turning left from the project site to eastbound West Leland Road in the Near-Term and Cumulative Conditions. Neither turn restrictions or signalization is recommended as the intersection is projected to operate at an overall acceptable service level and vehicles have an alternative signalized access point to enter/exit the project site.

A secondary right-in/right-out access to the commercial site would also be provided as part of the 2018 Project from West Leland Road between Alves Ranch Road and roadway off-set with Tomales Bay Drive. The exact location of this driveway would be identified as the commercial parcel site plans are developed.

In addition to the vehicular access locations, an emergency vehicle access location would be provided as part of the 2018 Project on the eastern portion of the site, approximately 500 feet east of Alves Ranch Road.

Daily traffic volumes were forecast for numerous locations throughout the site. The northerly extension of Alves Ranch Road (Street A) into the project site is expected to carry over 3,000 vehicles per day between West Leland Road and the commercial entrance. Remaining streets are projected to accommodate lower traffic volumes, with Street B on the eastern portion of the site experiencing less than 1,700 vehicles per day, Street B connecting to the western portion of the site experiencing less than 1,000 vehicles per day, and Street E connecting the western neighborhood to West Leland Road experiencing less than 1,200 vehicles per day. Mitigation Measure TRANS-5a would ensure Alves Ranch Road is designed to Collector Street standards and all other streets are designed to Local Street standards so impacts to roadway safety are less than significant.

It is expected that as the plan is further refined, all-way and side-street stop-controlled intersections would be incorporated into the overall site plan, including the Street A/Commercial Center driveway, Street E/Street F intersections, and other intersections along primary routes of travel through the site.

As part of the 2018 Project, a 12-foot wide sidewalk would be constructed on the north side of West Leland Road along the residential project frontage, connecting to an existing sidewalk in the west; an interim pedestrian connection would be constructed along the future commercial frontage with full improvements constructed once the commercial site is developed. A new crosswalk across the east leg of West Leland Road would be constructed as part of the site access improvements, and the signal would be modified to accommodate the additional pedestrian phase. Class II bicycle facilities are provided on West Leland Road, which would not be altered as a result of the 2018 Project.

The City of Pittsburg Code also outlines off-street loading zone requirements for a variety of uses, as detailed in Section 18.78, which would apply to the 2018 Project. For single-family homes, no off-

street loading facilities are required. For commercial uses over 100,000 square feet, three loading spaces are required.

Refuse collection would be provided by Mount Diablo Resource Recovery being. For some homes, it is not clear where refuse containers would be staged and there could be conflicts on trash collection days between parked vehicles and refuse carts. To address this concern, implementation of Mitigation Measure TRANS-5b has been recommended. With this implementation, the impacts would be less than significant.

Construction related vehicles could result in temporary incompatible uses. Implementation of the City's Standard Construction Conditions of Approval would ensure that impacts would be less than significant.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM TRANS-5a Prior to issuance of the first building permit, the applicant shall demonstrate that the Alves Ranch Road extension into the project site is designed to Collector Street standards, and all other streets are designed to Local Street standards.

MM TRANS-5b Prior to the issuance of the first grading permit, the applicant shall demonstrate (as shown on the final improvement plans) provide a refuse collection plan to that each home has a clear refuse collection staging area that considers the need for some on-street parking to be provided on refuse collection days.

Level of Significance After Mitigation

Less than significant impact.

Emergency Access

Impact TRANS-6: The 2018 Project would not result in inadequate emergency access.

Impact Analysis

The 2018 Project is not expected to result in inadequate emergency access, as access to the site would be provided from multiple locations and if one location were to be blocked, other means of access are provided. Additionally, the Fire Department has reviewed the site plan and has indicated that the proposed internal street cross-sections are sufficient for emergency vehicle circulation and adhere to applicable requirements and standards. Impacts would be less than significant.

Level of Significance Before Mitigation

Less than significant impact.

Mitigation Measures

No mitigation is necessary.

Level of Significance After Mitigation

Less than significant impact.

Public Transit, Bicycles, and Pedestrians

Impact TRANS-7: The 2018 Project may conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

Impact Analysis

Public Transit

The center of the project site is located approximately 0.5-mile from a BART station and is adjacent to a TriDelta Transit stop. It is expected that given the 2018 Project's proximity to transit, some future site residents and employees would use transit on a regular basis. Pedestrian connections are provided from the project site to both the TriDelta Transit stops as well as the BART station. Mitigation Measure TRANS-7a would provide residents with information on local transit. Impacts would be less than significant.

Bicycles

Bicycle access to the site would be provided from existing Class II bicycle facilities on West Leland Road. No designated bicycle facilities are proposed on any of the roadways internal to the site, but as noted in the project description, the 2018 Project would include construction of a 12-foot-wide multi-use path along the West Leland Road frontage of the residential units. Short-term and long-term bicycle parking is required for the potential future commercial portion of the 2018 Project, and is based on the required amount of automobile parking, pursuant to Section 18.78.045 of the Pittsburg Municipal Code. This requirement is reflected in Mitigation Measure TRANS-7b. Impacts would be less than significant.

Pedestrians

Pedestrian access to the 2018 Project would be from West Leland Road. A 12-foot wide sidewalk would be constructed along the West Leland Road residential project frontage as part of the 2018 Project, with pedestrian connections provided at numerous locations, including a paseo between Lots 169 and 170, as well as sidewalks connecting from the neighborhoods to West Leland Road via Street A and Street E. An interim pedestrian connection would be constructed along the future commercial frontage with full improvements constructed at such time as the commercial site is developed. A new crosswalk would be constructed as part of the 2018 Project on the east leg of the West Leland Road at Alves Ranch Road intersection to provide a more direct connection to the transit stops on the south side of West Leland Road. This new crosswalk would also connect pedestrians to the sidewalk on the south side of West Leland Road connecting to the east. Mitigation Measure TRANS-7c would require prohibiting pedestrian crossing movements of West Leland Road at the new project roadway/Tomales Bay Drive, or would require the installation of a high visibility crosswalk across the west leg or the intersection and prohibit crossings at the east leg.

The 2018 Project would also provide a pedestrian and bicycle only connection to the east side of the site such that when the parcel to the east of the site is developed, a more direct pedestrian and bicycle connection would be provided to the BART station.

As such time as the potential future commercial site plan is developed, it is anticipated that the commercial portion of the 2018 Project would include pedestrian connections from West Leland Road, Street A, and at least one connection from Street B and Street F Sidewalks are proposed on both sides of Street A and Street E throughout the site. For other streets, sidewalks are proposed on at least one side of the street. Given the low volume of vehicle traffic, on the local neighborhood streets, vehicle and pedestrian conflicts are expected to be minimal. It is also anticipated that the commercial developer would provide curb extensions (bulbout) and directional curb ramps at several locations in the project site; it is anticipated that the final commercial site plan would include some additional designated pedestrian crossing locations, and where crosswalks only cross one leg of an intersection, directional curb ramps (as opposed to diagonal) would be provided. All of the foregoing improvements would be the responsibility of the development of the commercial component of the 2018 Project, and would be implemented at such time as the commercial component is constructed.

With the construction of a new access roadway on the western edge of the 2018 Project, off-set from Tomales Bay Drive, a new legal pedestrian crossing of West Leland Road would be created. Impacts would be less than significant.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM TRANS-7a Prior to issuance of building permits for the potential future commercial uses, the commercial project applicant shall prepare and submit plans to the City of Pittsburg demonstrating that a community kiosk is provided in a centrally located public space. The kiosk shall provide information about alternative modes of transportation including bicycling, walking, transit, and carpool programs or facilities.

MM TRANS-7b Prior to issuance of building permits for the potential future commercial uses, the commercial project applicant shall prepare and submit plans to the City of Pittsburg demonstrating that bicycle racks and lockers or secure room bicycle parking is provided based on the requirements outlined in Section 18.78.045 of the Pittsburg Municipal Code. Approximately 20 percent of the required bicycle parking shall be long-term parking for employee use.

MM TRANS-7c Prior to issuance of building permits for the 2018 Project, the residential project applicant shall demonstrate (as shown on final improvement plans) that it will either install signage and barricades prohibiting pedestrian crossing movements of West Leland Road at the new project roadway/Tomales Bay Drive on both the east and west legs of the intersection, or install a high visibility crosswalk with a pedestrian actuated flashing beacons or pedestrian hybrid signal across the west leg of the intersection and prohibit pedestrian crossings of the east leg through signage and barricades.

Level of Significance After Mitigation

Less than significant impact.

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SECTION 4: CUMULATIVE EFFECTS

4.1 - Introduction

California Environmental Quality Act (CEQA) Guidelines Section 15130 requires the consideration of cumulative impacts within an Environmental Impact Report (EIR) when a project's incremental effects are cumulatively considerable. Cumulatively considerable means that ". . . the incremental effects of an individual 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." In identifying projects that may contribute to cumulative impacts, *CEQA Guidelines* allow the use of a list of past, present, and reasonably anticipated future projects, producing related or cumulative impacts, including those that are outside of the control of the lead agency.

In accordance with CEQA Guidelines Section 15130(b), ". . . the discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, the discussion need not provide as great [a level of] detail as is provided for the effects attributable to the project alone." The discussion should be guided by standards of practicality and reasonableness, and it should focus on the cumulative impact to which the identified other projects contribute rather than on the attributes of other projects that do not contribute to the cumulative impact.

The 2004 Final EIR evaluated cumulative effects and found that the original project evaluated therein, in combination with other past, present, and reasonably anticipated future development projects, would result in cumulative impacts related to transportation, water service demand, sewage treatment capacity, park and recreation facilities, sensitive species and their habitats, and regional air emissions. The 2004 Final EIR concluded that the specific mitigation measures incorporated into the 2004 analysis would reduce any cumulative project contribution to a less than significant level, with the exception of the significant and unavoidable impacts identified in the 2004 Final EIR Executive Summary (Impact 5-1, 5-3, 7-2, 7-3, 7-6, 7-7, 7-8, 12-2, 14-3, and 15-2).

The 2018 Project's cumulative impacts were considered in conjunction with other past, present, and reasonably anticipated future projects in the City of Pittsburg. Table 4-1 provides a list of the other projects considered in the cumulative analysis, which were provided by the City of Pittsburg and reflect projects that were active at the time of issuance of the Notice of Preparation.[1]

Table 4-1: Cumulative Projects

Jurisdiction	Project	Characteristics	Status
City of Pittsburg	San Marco Village C	459 dwelling units medium density	Approved; Unbuilt
	San Marco Village D	171 dwelling units single-family	Approved; Under construction

[1] The list of projects is utilized where the geographic scope is more limited; cumulative effects related to air quality, for example, are evaluated within the geographic scope of the air basin.

Table 4-1 (cont.): Cumulative Projects

Jurisdiction	Project	Characteristics	Status
	San Marco Village E	107 dwelling units	Approved; 23 dwelling units built; 84 remaining
	San Marco Village F	100 dwelling units	Approved; 75 dwelling units built; 25 remaining
	San Marco Village M	300 dwelling units	Approved; Unbuilt
	San Marco Village N	64 dwelling units	Approved; Unbuilt
	San Marco Village O	115 dwelling units	Approved; Unbuilt
	San Marco Commercial Center	35,406 square feet commercial	Formal Application Submitted; Pending
	Bancroft Gardens II	28 dwelling units single-family	Formal Application Submitted; Pending
	Lawlor Estates	50 dwelling units single-family	Approved; 47 dwelling units built; 3 remaining
	Faria/Southwest Hills Annexation	1,500 single-family units	Formal application submitted; Final EIR is being prepared

4.2 - Cumulative Impact Analysis

The cumulative impact analysis below is guided by the requirements of CEQA Guidelines Section 15130. Key principles established by this section include:

- A cumulative impact only occurs from impacts caused by the proposed project and other projects. An EIR should not discuss impacts that do not result from the proposed project.
- When the combined cumulative impact from the increment associated with the proposed project and other projects is not significant, an EIR need only briefly explain why the impact is not significant; detailed explanation is not required.
- An EIR may determine that a project's contribution to a cumulative effect impact would be rendered less than cumulatively considerable if a project is required to implement or fund its fair share of mitigation intended to alleviate the cumulative impact.

The cumulative impact analysis that follows relies on these principles as the basis for determining the significance of the 2018 Project's cumulative contribution to various impacts, and in light of the prior cumulative analysis contained in the 2004 Final EIR.

4.2.1 - Air Quality

The geographic scope of the cumulative air quality emissions analysis is the San Francisco Bay Area Air Basin, which covers all or portions of the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Sonoma, and Solano. Air quality is impacted by topography,

dominant air flows, atmospheric inversions, location, and season; therefore, using the San Francisco Bay Area Air Basin represents the area most likely to be impacted by air emissions. All of the projects listed in Table 4-1 would result in new air emissions, during construction and operations. The Air Basin is currently in non-attainment of the federal standards for ozone and $PM_{2.5}$, and is in non-attainment of the State standards for ozone, PM_{10} and $PM_{2.5}$. Therefore, there is an existing cumulatively significant air quality impact with respect to these pollutants.

The 2004 Final EIR concluded that the project would result in a cumulative effect on regional air emissions (Impact 15-2). The 2004 Final EIR noted that Mitigation Measure 15-2 would reduce the project-level impacts, but because a sufficient reduction in air emissions could not be achieved (i.e., a 33 percent reduction), the residual contribution would remain cumulative considerable.

The 2018 Project was assessed for consistency with the Bay Area Air Quality Management District Clean Air Plan in Section 3.1, Air Quality. Refer to that section for further discussion. The 2018 Project was found to be consistent with all applicable provisions of the Clean Air Plan without the need for any mitigation.

The 2018 Project's cumulative criteria pollutant emissions were evaluated in Section 3.1, Air Quality, which may be referred to for further discussion. The 2018 Project's criteria pollutant emissions were found to be less than significant without the need for any mitigation.

The 2018 Project's toxic air contaminant emissions were also evaluated in Section 3.1, "Air Quality," which may be referred to for further discussion. Other projects listed in Table 4-1 may generate criteria pollutant emissions that contribute to violations of air quality standards. The 2018 Project's cumulative impact due to toxic air contaminant emissions were found to be less than significant with mitigation. The 2018 Project would not have a cumulatively considerable contribution to any significant cumulative impact with implementation of Mitigation Measure AIR-1 and AIR-2.

Therefore, the 2018 Project would result in a less than cumulatively considerable contribution to regional air emissions with implementation of Mitigation Measure AIR-1 and AIR-2. Therefore, the 2018 Project would have a reduced impact relative to the conclusion of the 2004 Final EIR.

4.2.2 - Biological Resources

The geographic scope of the cumulative biological resources analysis is the City of Pittsburg. The project site is located in an area characterized by urban development and infrastructure; accordingly, habitats in these areas tend to be characterized as highly disturbed, and impacts would be fairly localized. Recent development patterns and growth in the area have resulted in an existing cumulatively significant impact to biological resources due to the loss of potential habitat for rare, endangered, and threatened species.

The 2004 Final EIR concluded that the original project evaluated therein would not result in a cumulatively considerable contribution to any biological resources. Although the 2004 Final EIR noted that there could be cumulative impacts to sensitive species and their habitats, the implementation of project-specific mitigation including the preservation of 87 acres south of West Leland Road along with

other mitigation lands or the purchase of credits in an off-site mitigation bank, would reduce the original project's contribution to this cumulative impact to a less than significant level.

As discussed more fully in Section 3.2 of this Draft SEIR, the 2018 Project has the potential to have significant impacts on the following special-status wildlife species: western burrowing owl, Swainson's hawk, and nesting birds. Other projects listed in Table 4-1 may impact these species. Mitigation Measures BIO-1a, BIO-1b, and BIO-1c are proposed requiring pre-construction surveys for these species and implementation of protection measures if they are found to be present during the nesting season. The required mitigation would reduce the 2018 Project's contribution to any significant cumulative impact on special-status wildlife species to less than cumulatively considerable. Therefore, the conclusions from the 2004 Final EIR remain unchanged.

4.2.3 - Greenhouse Gas Emissions

An individual project's GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change; however, an individual project could result in a cumulatively considerable incremental contribution to a significant cumulative macroscale impact. As such, impacts related to emissions of GHG are inherently considered cumulative impacts.

To the extent a project's design features comply with or exceed the regulations outlined in the Scoping Plan and adopted by the Air Resources Board or other state agencies, a lead agency could appropriately rely on their use as showing compliance with 'performance based standards' adopted to fulfill 'a statewide . . . plan for the reduction or mitigation of greenhouse gas emissions' (CEQA Guidelines § 15064.4(a)(2), (b)(3).

The 2004 Final EIR did not include a discussion of GHG emissions.

For purposes of this Draft SEIR, the geographic scope of the cumulative greenhouse gas (GHG) emissions analysis is the State of California. GHG emissions are regulated at the State level by the California Air Resources Board (ARB), and the Air Basin level by BAAQMD; therefore, the cumulative analysis uses the methodology developed by the BAAQMD for the San Francisco Bay Area Air Basin.

Implementation of the 2018 Project would generate GHG emissions that are associated with climate change. Other projects listed in Table 4-1 would generate GHG emissions. Estimated GHG emissions attributable to future development would be primarily associated with increases of CO_2 and, to a lesser extent, other GHG pollutants, such as CH_4 and N_2O. Sources of GHG emissions include area sources, mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste.

The 2018 Project's GHG emissions were evaluated in Section 3.3, Greenhouse Gas Emissions, which may be referred to for further discussion. At a project level, the 2018 Project would result in a significant and unavoidable impact related to GHG emissions. Mitigation is identified to reduce the impact, but emissions would remain above the BAAQMD threshold for service population.

Since the 2018 Project was found to exceed the thresholds of significance developed by the BAAQMD to be consistent with the goals of AB 32 and SB 32 to reduce GHG emissions. On this basis, the 2018 Project's contribution to climate change would be cumulatively considerable.

4.2.4 - Noise

The geographic scope of the cumulative noise analysis is the project vicinity, including existing developments to the west and south, the sensitive receptors residing in the projects listed in Table 3-1, as well as the traffic noise generated at local intersections included in the transportation analysis.

The 2004 Final EIR concluded that the project would result in a cumulative effect on construction noise (Impact 14-3). The 2004 Final EIR set forth Mitigation Measure 14-3, which requires standard construction noise abatement measures, but concluded that it would not fully reduce the impacts to a level of less than significant. Thus, the 2004 project was found to have a cumulatively considerable contribution to temporary increases in ambient noise levels.

Noise impacts tend to be localized; therefore, the area near the project site (approximately 0.25 mile) would be the area most affected by project activities. Furthermore, given the properties and the distance between other projects (more than 0.5 mile away), project-related noise would not combine with other sources further away. Outdoor noise measurements taken at the project site indicate that the average existing ambient noise levels are within the "normally acceptable" or "conditionally acceptable" range for all land uses, other than those portions of the site within approximately 300 feet of the centerline of SR-4. However, the 2018 Project would not contribute any significant increase in the ambient noise levels in this impacted area. Therefore, there is no existing cumulatively significant noise impact in the project vicinity.

The 2018 Project's construction noise levels may cause a temporary substantial increase in noise levels at nearby receptors. Other projects listed in Table 4-1 would generate construction noise. Mitigation is proposed that would require implementation of construction noise attenuation measures to reduce noise levels.

It is highly unlikely that a substantial number of the cumulative projects would be constructed simultaneously, since the projects are at widely varying stages of approval and development. Even if some of the construction schedules were to overlap with the 2018 Project, all of the cumulative project sites are located a sufficient distance from the project (more than 1,000 feet away) that the distance would diminish any additive effects. Construction noise would generally be limited to daytime hours and would be relatively short-term in duration. Therefore, construction noise from the 2018 Project would not combine with noise from other cumulative development projects to cause cumulatively significant noise impacts.

The 2018 Project's construction and operational vibration levels would not exceed annoyance thresholds and would be less than significant. Other projects listed in Table 4-1 would generate construction vibration. Because vibration is a highly localized phenomenon, there would be no reasonable possibility for vibration associated with the 2018 Project to combine with vibration from other cumulative projects because of their distances from the project site. Therefore, the 2018 Project would not contribute considerably to a cumulatively significant vibration impact.

The 2018 Project's cumulative roadway noise impacts were evaluated in Section 3.4, Noise. Refer to that section for further discussion. Based on the traffic modeling results summarized in Table 3.4-6, traffic noise levels under cumulative traffic conditions would exceed conditionally acceptable noise levels for residential land uses along portions of West Leland Road from San Marcos Boulevard to Woodhill Drive (resulting noise levels ranging from 70.8 dBA to 71.1 dBA L_{dn}). However, the modeling results show that the 2018 Project would contribute less than a 1 dBA increase to this cumulatively impacted condition. Therefore, while the 2018 Project would contribute some degree of roadway noise once the 2018 Project is implemented, given the relatively nominal amount, this would not have a cumulatively considerable contribution to ambient noise levels.

The 2018 Project's operational noise impacts from stationary noise sources were evaluated in Section 3.4, Noise. Refer to that section for further discussion. The analysis shows that none of the stationary noise sources would result in exceedances of the existing ambient noise levels as measured at any sensitive receptor in the project vicinity. Therefore, the 2018 Project stationary noise sources would not contribute to a cumulatively significant noise impact. Therefore, the 2018 Project, in conjunction with other cumulative projects, would not have a cumulatively significant impact related to noise or vibration impacts.

4.2.5 - Transportation

The geographic scope of the cumulative transportation analysis is the City of Pittsburg, specifically build out of the City pursuant to the growth anticipated in the General Plan. Section 3.5, Transportation, analyzes the 2018 Project's traffic impacts on intersection operations and freeway segments under a cumulative scenario, which accounts for ambient growth and forecasted traffic generated by other cumulative development s in combination with traffic generated by the 2018 Project. The 2018 Project would contribute new trips to facilities that would operate at unacceptable levels under Near-Term With Project Conditions and Cumulative With Project Conditions, and it would contribute new trips to Congestion Management Program facilities that would operate at unacceptable levels (freeways). All feasible mitigation measures are proposed to mitigate impacts; however, in certain cases, it would not fully mitigate the impact to a level of less than significant. In other cases, no feasible mitigation is available. Certain feasible mitigation measures require the cooperation of third-party agencies, which is not assured. Therefore, the 2018 Project, in combination with other past, present, and reasonably anticipated future developments, would result in a significant and unavoidable cumulative traffic impact, and the 2018 Project would result in a cumulatively considerable contribution to that impact. Please refer to Section 3.5, Transportation, for a comprehensive discussion of cumulative traffic impacts and for further discussion.

For other transportation-related areas (air traffic patterns, emergency access, and roadway safety hazards), the 2018 Project would have potentially significant impacts related to roadway hazards and alternative transportation, but after the implementation of mitigation measures, these impacts would be reduced to a level of less than significant. It is reasonable to assume that other cumulative projects that result in similar impacts would be required to mitigate for their impacts, which would help ensure there is no cumulative impact in this regard. For these reasons, it is concluded there is no cumulative significant impact in this regard. Furthermore, because the 2018 Project can mitigate all other transportation impacts to a level of less than significant, it would not have a cumulatively considerable contribution to any significant cumulative impact relative to these other topics.

SECTION 5: ALTERNATIVES TO THE PROPOSED PROJECT

5.1 - Introduction

In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15126.6, this Draft Supplemental Environmental Impact Report (Draft SEIR) contains an impact assessment of alternatives to the proposed project (2018 Project) as compared to the alternatives analysis contained in the 2004 Final EIR. The primary purpose of an alternatives analysis is to provide decision makers and the general public with a reasonable range of potentially feasible project alternatives that could attain most of the basic project objectives, while avoiding or reducing any of the significant adverse environmental effects. Important considerations for an alternatives analysis are noted below (as stated in CEQA Guidelines § 15126.6).

- An EIR need not consider every conceivable alternative to a project;
- An EIR should identify alternatives that were considered by the lead agency, but rejected as infeasible during the scoping process;
- Reasons for rejecting an alternative include:
  - Failure to meet most of the basic project objectives;
  - Infeasibility; or
  - Inability to avoid significant environmental effects.

Here and as described more fully below, for purposes of the analysis in this Draft SEIR, it evaluates whether changes to the 2018 Project (and/or changes in the circumstances surrounding the 2018 Project) would require additional evaluation, either in terms of the alternatives considered and/or the comparative assessment between the identified alternatives and the 2018 Project, with the focus being on the incremental difference between what was previously studied in the 2004 Final EIR and the proposed 2018 Project.

5.1.1 - Significant Unavoidable Impacts

The 2018 Project would result in the following significant unavoidable impacts:

- **Near-Term Traffic Conditions:** The 2018 Project would contribute new vehicle trips to intersections that would operate at deficient levels of service under Near-Term conditions. Mitigation is proposed to improve operations to acceptable levels; however, because implementation of improvements requires the cooperation of third party agencies and for purposes of a conservative analysis, the residual significance of this impact is significant unavoidable.
- **Cumulative Traffic Conditions:** The 2018 Project would contribute new vehicle trips to intersections that would operate at deficient levels of service under cumulative conditions. Mitigation is proposed to improve operations to acceptable levels; however, because implementation of improvements requires the cooperation of third party agencies and for

purposes of a conservative analysis, the residual significance of this impact is significant unavoidable.

- **Congestion Management Plan Facilities:** The 2018 Project would contribute new vehicle trips to State Route 4 (SR-4) mainline segments and ramps that would operate at deficient levels of service. Mitigation is proposed to improve operations to acceptable levels; however, because implementation of improvements requires the cooperation of third party agencies and for purposes of a conservative analysis, the residual significance of this impact is significant unavoidable.
- **Greenhouse gas emission**s: Annual operational greenhouse gas (GHG) emissions for the year 2021 and 2030 would exceed the applicable Bay Area Air Quality Management District (BAAQMD) service population threshold. The impact would be reduced with implementation of Mitigation Measure GHG-1, but the impact would remain significant and avoidable.

The 2004 Final EIR identified transportation impacts at local intersections as a significant unavoidable impact, and also identified several other significant unavoidable impacts that would either be avoided by the 2018 Project, or would be reduced to less than significant through the application of feasible mitigation, as summarized below:

- **Impact 5-3: Visual relationship to electrical transmission line**. A significant and unavoidable impact was identified for specific residential uses proposed south of West Leland Road. The 2018 Project is located more than 200 feet from the easement established for this utility. As such, this impact does not apply to the 2018 Project.
- **Impact 8-1: Adequate water supply.** A significant and unavoidable impact was identified based on uncertainty regarding adequate water supply because the project site had not yet been annexed into the Central Valley Project Contractual Service Area. The City of Pittsburg 2015 Water System Master Plan accounts for the development of the project site and therefore confirms that an adequate water supply now exists to serve the 2018 Project.
- **Impact 12-2: Possible destruction of an historic resource**. The potentially historic structure was located south of West Leland Road and would not be affected by the 2018 Project.
- **Impact 14-3: Construction noise**. A significant and unavoidable impact was identified in the 2004 Final EIR based on the length of construction (6-15 years.) The 2018 Project would result in a standard construction period of less than 2 years and would be subject to the City's standard construction hours, per the applicable provisions in the General Plan and Municipal Code. Therefore, the 2018 Project would not result in a significant and unavoidable impact related to construction noise.

5.1.2 - Alternatives Evaluated in Vista Del Mar Project EIR

Table 5-1 summarizes the alternatives considered in the 2004 Vista Del Mar EIR in terms of end uses contemplated for the project site.

Table 5-1: Summary of Vista Del Mar EIR Alternatives

Alternative	Description
1—No Project Alternative	No development would occur; Project site remains undeveloped
2—Existing Entitlements Alternative	449 multi-family residential dwelling units 206,000 square feet of office 51,500 square feet of retail
3—Option A Alternative	332 multi-family residential dwelling units 206,000 square feet of office 51,500 square feet of retail
4—Option B Alternative	225 multi-family residential dwelling units 206,000] square feet of office 51,500 square feet of retail
5—Reconfigured Project Layout	Suggested several revisions to areas located south of West Leland Road, and outside the 2018 Project site. This alternative is no longer applicable.
Source: FCS 2019.	

In Accordance with CEQA Guidelines Section 15126.6 (a), the 2004 Final EIR identified five alternatives that could avoid or substantially lessen the impacts of the 2004 project, three of which would also feasibly attain most of the basic project objectives. (As noted in Table 5-1, the Reconfigured Layout Alternative primarily involved areas south of West Leland Road and would not be applicable to the 2018 Project.)

CEQA Guidelines Section 15163 establishes that Supplemental EIRs "need only contain the information necessary to make the previous EIR adequate for the project as revised." In this case, the 2004 Final EIR considered a no project alternative and three development alternatives that provided a reasonable range of potentially feasible scenarios that could reduce or avoid the identified impacts.

As described more fully in Section 2.0, Project Description, the 2018 Project is similar in nature than the project evaluated in the 2004 Final EIR, as are the identified significant impacts (as discussed above and throughout this Draft SEIR). The 2004 Final EIR assumed a total of 563 residential units north of West Leland Road, while the 2018 Project proposes 356 residential units. The 2004 Final EIR assumed a total of 206,000 square feet of office uses and 51,500 square feet of retail uses north of West Leland Road, while the 2018 Project proposes up to 140,000 square feet of commercial, including a 40,000-square-foot grocery store.

As shown in Table 5-1, the alternatives studied in the 2004 Final EIR included a reasonable range of residential uses (225 units, 332 units, and 449 units), as well as consideration of commercial and office uses, for purposes of providing a thoughtful comparative assessment, which remain valid for the purposes of evaluating the 2018 Project.

The 2018 Project would result in new significant and unavoidable impacts, in the area of transportation and greenhouse gases. However, the transportation impacts are in line with what

was studied previously, and reflect the current roadway network and current congestion levels in the project vicinity. In regards to GHG emissions, this topic was not studied in the 2004 Final EIR. GHG emissions are primarily related to transportation and as such the range of alternatives remain valid to evaluate this topic area.

The 2004 Final EIR did not include any alternatives that were initially considered, but ultimately not evaluated further. Therefore, no previously considered alternative might now be considered feasible. Furthermore, the basis for rejecting the alternatives evaluated remains valid for purposes of the 2018 Project, given its nature and the identified significant impacts, as discussed above and as compared to what was previously studied in the 2004 Final EIR.

SECTION 6: OTHER CEQA CONSIDERATIONS

6.1 - Significant Unavoidable Impacts

California Environmental Quality Act (CEQA) Guidelines Section 15126.2(a)(b) requires an Environmental Impact Report (EIR) to identify and focus on the significant environmental effects of the proposed project, including effects that cannot be avoided if the proposed project were implemented.

This section describes significant impacts, including those that can be mitigated but not reduced to a level of less than significant. Where there are impacts that cannot be alleviated without imposing a project alternative, their implications, and the reason why the 2018 Project is being proposed, notwithstanding their effect, is described.

The 2004 Final EIR identified transportation impacts at local intersections as a significant unavoidable impact, and also identified several other significant unavoidable impacts that would either be avoided by the 2018 Project, or would be reduced to less than significant through the application of feasible mitigation, as summarized below:

- **Impact 5-3: Visual relationship to electrical transmission line**. A significant and unavoidable impact was identified in the 2004 Final EIR for specific residential uses proposed south of West Leland Road. The 2018 Project is located more than 200 feet from the easement established for this utility. As such, this impact does not apply to the 2018 Project.
- **Impact 8-1: Adequate water supply.** A significant and unavoidable impact was identified based on uncertainty regarding adequate water supply because the project site had not yet been annexed into the Central Valley Project Contractual Service Area. The City of Pittsburg 2015 Water System Master Plan accounts for the development of the project site and therefore confirms that an adequate water supply now exists to serve the project.
- **Impact 12-2: Possible destruction of an historic resource**. The potentially historic structure was located south of West Leland Road and would not be affected by the 2018 Project.
- **Impact 14-3: Construction noise.** A significant and unavoidable impact was identified in the 2004 Final EIR based on the length of construction (6-15 years). The 2018 Project would result in a standard construction period of less than 2 years and would be subject to the City's standard construction hours, per the applicable provisions in the General Plan and Municipal Code. Therefore, the 2018 Project would not result in a significant and unavoidable impact related to construction noise.

With implementation of the 2018 Project, the following significant impacts that cannot be avoided would occur:

- **Near-Term Traffic Conditions:** The 2018 Project would contribute new vehicle trips to intersections that would operate at deficient levels of service under Near-Term conditions.

Mitigation is proposed to improve operations to acceptable levels; however, because implementation of improvements requires the cooperation of third-party agencies, for purposes of a conservative analysis, the residual significance of this impact is significant unavoidable.

- **Cumulative Traffic Conditions:** The 2018 Project would contribute new vehicle trips to intersections that would operate at deficient levels of service under cumulative conditions. Mitigation is proposed to improve operations to acceptable levels; however, because implementation of improvements requires the cooperation of third-party agencies, for purposes of a conservative analysis, the residual significance of this impact is significant unavoidable.
- **Congestion Management Plan Facilities:** The 2018 Project would contribute new vehicle trips to State Route 4 mainline segments and ramps that would operate at deficient levels of service. Mitigation is proposed to improve operations to acceptable levels; however, because implementation of improvements requires the cooperation of third-party agencies, for purposes of a conservative analysis, the residual significance of this impact is significant unavoidable.

6.2 - Growth-Inducing Impacts

There are two types of growth-inducing impacts that a project may have: direct and indirect. To assess the potential for growth-inducing impacts, the project's characteristics that may encourage and facilitate activities that individually or cumulatively may affect the environment must be evaluated (CEQA Guidelines § 15126.2(d)).

Direct growth-inducing impacts occur when the development of a project imposes new burdens on a community by directly inducing population growth, or by leading to the construction of additional developments in the same area. Also included in this category are projects that remove physical obstacles to population growth (such as a new road into an undeveloped area or a wastewater treatment plant with excess capacity that could allow additional development in the service area). Construction of these types of infrastructure projects cannot be considered isolated from the development they facilitate and serve. Projects that physically remove obstacles to growth, or projects that indirectly induce growth may provide a catalyst for future unrelated development in an area such as a new residential community that requires additional commercial uses to support residents.

This section summarizes the conclusions of the 2004 Final EIR with respect to growth inducing impacts, and then assesses whether the 2018 Project would induce substantial population growth directly, indirectly, or through the removal of a physical barrier to growth beyond which was already evaluated in the 2004 Final EIR.

The 2004 Final EIR noted that the project would add buildings, landscaping, infrastructure, and other improvements in support of a total of 1,100 housing units and approximately 257,500 square feet of business commercial uses. The project would result in housing for an estimated 3,202 people, and commercial areas would provide an estimated 644 jobs. The 2004 Final EIR concluded that the planned development would continue the trend toward urbanization of the Southwest Hills, consistent with the City of Pittsburg General Plan land use maps. The 2004 Final EIR noted that substantial urbanization of this area has already occurred and additional development is already

approved and under construction. The 2004 Final EIR noted that the roadways, utilities, and public services provided by the original project and other surrounding development could lead to increased pressure for the continued urbanization of the area; however, these growth trends were consistent with the General Plan, and that the cumulative effects of these developments were addressed in the certified 2001 General Plan EIR and would not result in a new impact related to growth inducement.

The 2018 Project would implement the remainder of the 2004 Vista Del Mar development, consistent with the land uses envisioned in the General Plan. Using the City of Pittsburg's average household size of 3.38 persons, the 2018 Project would add 1,204 persons to the City's population, which is within the 3,202 population projected in the 2004 Final EIR. This population would be an increase of 1.6 percent relative to the 2018 population estimate of 72,647, which would not be a significant increase. Furthermore, approximately two-thirds of project site is designated "High Density Residential" by the General Plan, which assumes an average density for this land use designation to be 20 units per gross acre; as such under the current General Plan designation, approximately 800 new units could be constructed, resulting in a hypothetical population increase of over 2,700. For these reasons, direct population growth induced by the 2018 Project would be considered less than significant.

The 2018 Project also includes up to 140,000 square feet of commercial space, which is within the 257,000 square feet evaluated in the 2004 Final EIR. The 2004 Final estimated buildout employment at 644. Using a standard employment rate of one employee per 500 square feet of commercial space, the project would create approximately 280 employment opportunities. The California Employment Development Department estimated that the Contra Costa County workforce totaled approximately 573,900 workers as of November 2018. Of this figure, 556,600 persons were employed and 17,300 persons were unemployed. Thus, the regional workforce is both large enough and has enough available labor such that the proposed 2018 Project's new employment opportunities can be filled without substantial growth inducement from outside areas.

Lastly, the 2018 Project is within the Pittsburg City limits and is surrounded by existing urban infrastructure (e.g., roads, storm drainage, potable water, sewer, electricity, and natural gas). As such, the development of the proposed 2018 Project would not constitute the removal of a physical barrier to growth. Therefore, impacts would be less than significant, similar to the conclusions in the 2004 Final EIR. Therefore, no further analysis is warranted.

6.3 - Energy Conservation

The 2004 Final EIR did not include a discussion of Energy Conservation.

As further explained in Section 1 of this Draft Supplemental EIR (Draft SEIR), CEQA includes a presumption against requiring any further environmental review once an EIR has been prepared and certified for a project, and does not generally require an analysis of revisions made to laws or regulations after certification of the EIR. Furthermore, this Draft SEIR meets the content requirements for purposes of CEQA in effect when it was set out for public review. Nevertheless, for purposes of a conservative analysis, the City of Pittsburg recognizes that the California Code of

Regulations[1] were recently amended. Therefore, in the City's discretion as the lead agency, in an abundance of caution and to ensure full disclosure, this Draft SEIR includes consideration of Energy Conservation utilizing the 2019 CEQA Guidelines Appendix F.

Public Resources Code Section 21100(b)(3) and CEQA Guidelines Section 15126.4 require EIRs to describe, where relevant, the wasteful, inefficient, and unnecessary consumption of energy caused by a project. In 1975, largely in response to the oil crisis of the 1970s, the State Legislature adopted Assembly Bill (AB) 1575, which created the California Energy Commission (CEC). The statutory mission of the CEC is to forecast future energy needs, license thermal power plants of 50 megawatts or larger, develop energy technologies and renewable energy resources, plan for and direct State responses to energy emergencies, and—perhaps most importantly—promote energy efficiency through the adoption and enforcement of appliance and building energy efficiency standards. AB 1575 also amended Public Resources Code Section 21100(b)(3) to require EIRs to consider the wasteful, inefficient, and unnecessary consumption of energy caused by a project. Thereafter, the State Resources Agency created Appendix F of the CEQA Guidelines. Appendix F is an advisory document that assists EIR preparers in determining whether a project will result in the inefficient, wasteful, and unnecessary consumption of energy. Under the updated CEQA Guidelines Section 15126.2, the EIR shall evaluate the project's energy use to determine whether it would result in the significant environmental effects due to wasteful, inefficient, and unnecessary use of energy, or wasteful use of energy resources. This analysis is subject to the rule of reason and shall focus on energy use that is caused by the project.

For the reasons set forth below, this Draft SEIR concludes that the proposed 2018 Project would not result in the wasteful, inefficient, and unnecessary consumption of energy, would not cause the need for additional natural gas or electrical energy-producing facilities, and, therefore, would not create a significant impact on energy resources.

6.3.1 - Regulatory Setting

Federal and state agencies regulate energy use and consumption through various means and programs. At the federal level, the United States Department of Transportation, the United States Department of Energy, and the United States Environmental Protection Agency (EPA) are three federal agencies with substantial influence over energy policies and programs. Generally, federal agencies influence and regulate transportation energy consumption through establishment and enforcement of fuel economy standards for automobiles and light trucks, through funding of energy-related research and development projects, and through funding for transportation infrastructure improvements. At the State level, the California Public Utilities Commission (CPUC) and the CEC are two agencies with authority over different aspects of energy. The CPUC regulates privately owned utilities in the energy, rail, telecommunications, and water fields. The CEC collects and analyzes

[1] Pursuant to CEQA Guidelines Section 15007(a), the Guidelines have recently been amended. Subpart (c) of Section 15007 provides: "If a document meets the content requirements in effect when the document is set out for public review, the document shall not need to be revised to conform to any new content requirements in guideline amendments taking effect before the document is finally approved." Pursuant to subpart (b) of Section 15007, "Amendments to the guidelines apply prospectively only. New requirements in amendments will apply to steps in the CEQA process not yet undertaken by the date when agencies must comply with the amendments." Pursuant to subpart (d) of Section 15007, public agencies must comply with guideline amendments beginning with the earlier of the following two dates: the effective date of the agency's procedures to conform to the new guideline amendments, or 120 days after the amended guidelines become effective.

energy-related data, prepares statewide energy policy recommendations and plans, promotes and funds energy efficiency programs, and adopts and enforces appliance and building energy efficiency standards. California is exempt under federal law from setting State fuel economy standards for new on-road motor vehicles. Some of the more relevant federal and State energy-related laws and plans are discussed below.

Federal Energy Policy and Conservation Act

The Federal Energy Policy and Conservation Act of 1975 sought to ensure that all vehicles sold in the United States would meet certain fuel economy goals. Through this Act, Congress established the first fuel economy standards for on-road motor vehicles in the United States. Pursuant to the Act, the National Highway Traffic and Safety Administration (NHTSA), which is part of the United States Department of Transportation, is responsible for establishing additional vehicle standards and for revising existing standards. Since 1990, the fuel economy standard for new passenger cars has been 27.5 miles per gallon. Since 1996, the fuel economy standard for new light trucks (gross vehicle weight of 8,500 pounds or less) has been 20.7 miles per gallon. Heavy-duty vehicles (i.e., vehicles and trucks over 8,500 pounds gross vehicle weight) are not currently subject to fuel economy standards. Compliance with federal fuel economy standards is not determined for each individual vehicle model; rather, compliance is determined on the basis of each manufacturer's average fuel economy for the portion of their vehicles produced for sale in the United States. The Corporate Average Fuel Economy (CAFE) program, which is administered by EPA, was created to determine vehicle manufacturers' compliance with the fuel economy standards. The EPA calculates a CAFE value for each manufacturer, based on city and highway fuel economy test results and vehicle sales. On the basis of the information generated under the CAFE program, the United States Department of Transportation is authorized to assess penalties for noncompliance. In the course of its over 30-year history, this regulatory program has resulted in vastly improved fuel economy throughout the nation's vehicle fleet.

Title 24, Energy Efficiency Standards

Title 24, which was promulgated by the CEC in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption, provides energy efficiency standards for residential and nonresidential buildings. According to the CEC, since the energy efficiency standards went into effect in 1978, it is estimated that California residential and nonresidential consumers have reduced their utility bills by at least $15.8 billion. The CEC further estimated that by 2011, residential and nonresidential consumers will have saved an additional $43 billon in energy costs.

For purposes of reference, single-family homes built to the newly adopted 2016 standards (which went into effect on January 1, 2017) will use about 28 percent less energy for lighting, heating, cooling, ventilation, and water heating than those built to the 2013 standards. In 30 years, California will have saved enough energy to power 2.2 million homes, reducing the need to build 12 additional power plants.

Because the adoption of Title 24 post-dates the adoption of AB 1575, it has generally been the presumption throughout the State that compliance with Title 24 (as well as compliance with the federal and State regulations discussed above) ensures that projects will not result in the inefficient,

wasteful, and unnecessary consumption of energy. As is the case with other uniform building codes, Title 24 is designed to provide certainty and uniformity throughout the State while ensuring that the efficient and non-wasteful consumption of energy is carried out through design features. Large infrastructure transportation projects that cannot adhere to Title 24 design-build performance standards may, depending on the circumstances, undertake a more involved assessment of energy conservation measures in accordance with some of the factors set forth in Appendix F of the CEQA Guidelines. As an example, pursuant to the California Department of Transportation CEQA implementation procedures and Federal Highway Administration (FHWA) Technical Advisory 6640.8A, a detailed energy study is generally only required for large-scale infrastructure projects. However, for the vast majority of residential and nonresidential projects, adherence to Title 24 is deemed necessary to ensure that no significant impacts occur from the inefficient, wasteful, and unnecessary consumption of energy. As a further example, the adoption of federal vehicle fuel standards, which have been continually improved since their original adoption in 1975, have also protected against the inefficient, wasteful, and unnecessary use of energy.

6.3.2 - Energy Requirements of the 2018 Project

Short-term construction and long-term operational energy consumption are discussed below. This analysis takes into account all phases and components of the 2018 Project, including transportation-related energy, during construction and operation.

Short-Term Construction

The Federal Energy Policy and Conservation Act of 1975 sought to ensure that all vehicles sold in the United States would meet certain fuel economy goals. Through this Act, Congress established the first fuel economy standards for on-road motor vehicles in the United States. Pursuant to the Act, the NHTSA, which is part of the United States Department of Transportation, is responsible for establishing additional vehicle standards and for revising existing standards. Since 1990, the fuel economy standard for new passenger cars has been 27.5 miles per gallon. Since 1996, the fuel economy standard for new light trucks (gross vehicle weight of 8,500 pounds or less) has been 20.7 miles per gallon. Heavy-duty vehicles (i.e., vehicles and trucks over 8,500 pounds gross vehicle weight) are not currently subject to fuel economy standards. Compliance with federal fuel economy standards is not determined for each individual vehicle model; rather, compliance is determined on the basis of each manufacturer's average fuel economy for the portion of their vehicles produced for sale in the United States. The CAFE program, which is administered by the EPA, was created to determine vehicle manufacturers' compliance with the fuel economy standards. The EPA calculates a CAFE value for each manufacturer, based on city and highway fuel economy test results and vehicle sales. On the basis of the information generated under the CAFE program, the United States Department of Transportation is authorized to assess penalties for noncompliance. In the course of its over 30-year history, this regulatory program has resulted in vastly improved fuel economy throughout the nation's vehicle fleet.

California Code of Regulations Title 13, Sections 2449(d)(3) and 2485, limit idling from both on-road and off-road diesel-powered equipment and are enforced by ARB. The 2018 Project would be required to comply with these regulations. As discussed in Section 3.1, Air Quality, Mitigation Measure AIR-2a also restricts idling times, further supporting the reduction of construction energy impacts. Therefore,

it is anticipated that the construction phase of the proposed 2018 Project would not conflict with State or local renewable or energy efficiency objectives.

Long-Term Operations

Long-term operational energy consumption would occur in two forms: transportation demand and building energy demand. Each is discussed separately.

Transportation Energy Demand

Vehicle fuel efficiency is regulated at the federal level. Pursuant to the Federal Energy Policy and Conservation Act of 1975, the NHTSA is responsible for establishing additional vehicle standards and for revising existing standards. The NHTSA indicated that average fuel economy for passenger vehicle was 35.1 miles per gallon.

The 2018 Project would generate vehicle trips that would consume energy in the form of transportation fuel (gasoline and diesel). Vehicle fuel efficiency standards are set at the federal level and vehicles serving the 2018 Project would be subject to these standards. Table 6-1 summarizes the anticipated project transportation energy demand. The estimated demand was based on the vehicle miles traveled estimated in the CalEEMod model for all project components and is informed by the trip generation estimates in the traffic study. These miles are then multiplied by the average fuel economy discussed above. Motor vehicle trips associated with the 2018 Project would consume approximately 510,324 gallons of gasoline or diesel annually.

Table 6-1: Transportation Energy Demand Estimate for 2018 Project

Annual Vehicle Miles Traveled	Average Fuel Economy (miles per gallon)	Annual Fuel Consumption (gallons)
17,912,375	35.1	510,324
Notes: Annual vehicle miles traveled (VMT) provided by Fehr & Peers; VMT accounts for all 2018 Project-related trips Average Fuel Economy provided by National Highway Traffic Safety Administration Source: FirstCarbon Solutions (FCS) 2019.		

The 2018 Project contains a number of elements that would have the effect of reducing vehicle miles traveled and, by extension, the consumption of transportation fuel. The 2018 Project contemplates the following mobility enhancements:

- A Class I trail would be installed along West Leland Road as well as sidewalks connecting from the neighborhoods to West Leland Road via Street A and Street E. This would create new opportunities for non-motorized travel.
- A crosswalk would be constructed on the east leg of the West Leland Road at Alves Ranch Road intersection. This new crosswalk would also connect pedestrians to the sidewalk on the south side of West Leland Road connecting to the east and would provide a more direct connection to transit stops on the south side of West Leland Road. This would create more opportunities for transit travel.

- Sidewalks are proposed on both sides of Street A and Street E throughout the site. For other streets, sidewalks are proposed on at least one side of the street. This would create new opportunities for non-motorized travel.
- Bicycle access to the site would be provided through existing Class II bicycle facilities on West Leland Road. This would create new opportunities for bicycle travel.
- The future commercial portion of the 2018 Project would be required to comply with the applicable Pittsburg Municipal Code requirements for bicycle parking. This would create new opportunities for bicycle travel.
- The project site is located approximately 0.5 mile from a Bay Area Rapid Transit (BART) station and a TriDelta Transit stop. The 2018 Project would also provide a pedestrian and bicycle only connection to the parcel on the east side of the site such that when the parcel to the east of the site is developed, a more direct pedestrian and bicycle connection would be provided to the BART station. This would create more opportunities for transit travel.

In summary, buildout of the 2018 Project would not result in the unnecessary, wasteful, or inefficient use of diesel or gasoline.

Building Energy Demand

Marin Clean Energy (MCE) and Pacific Gas & Electric Company (PG&E) would provide electricity and natural gas to 2018 Project. Table 6-2 provides an estimate of the 2018 Project's annual energy consumption. These figures were derived from energy consumption rates provided by the United States Energy Information Administration. The non-residential energy usage estimates are based on national consumption figures for commercial buildings that operate continuously. Estimates for non-residential uses likely overstate actual consumption, because they include structures located in different climate regions or states with less stringent energy efficiency standards than California.

The residential electricity and natural gas consumption rates are based on data derived from the Residential Appliance Saturation Survey. The non-residential electricity and natural gas consumption rates are based on data from the California Commercial End Use Survey database.

Table 6-2: Estimated Annual Energy Consumption for 2018 Project

Energy Source	Count	Consumption Rate (approx.)	Consumption (approx.)
Residential Electricity	356 dwelling units	7,863 kWh/dwelling unit	2.8 million kWh
Residential Natural Gas		71.8 kBTU/dwelling unit	237,000 kBTU
Non-Residential Electricity	140,000 square feet	19.4 kWh/square foot	2.8 million kWh[2]
Non-Residential Natural Gas		665.7 kBTU/square foot	10.1 million kBTU
Total Electricity	—	—	**5.6 million kWh**
Total Natural Gas	—	—	**11.2 million kBTU**

Table 6-2 (cont.): Estimated Annual Energy Consumption for 2018 Project

Energy Source	Count	Consumption Rate (approx.)	Consumption (approx.)

Notes:
kWh = kilowatt hours
kBTU = kilo-British thermal unit
[1] The total non-residential electricity consumptions includes additional energy use associated with the proposed parking lot, which is not accounted for in the building consumption rate of 19.4 kWh/square foot.
Source: FCS, 2018 (see Appendix C for the modeling output files used to estimate GHG emissions associated with the proposed project; the estimates presented in this table provide the unmitigated project buildout scenario).

As shown in the table, the 2018 Project is estimated to demand a total of approximately 5.6 million kilowatt hours (kWh) of electricity and 11.2 million kilo-British thermal units (kBTU) of natural gas at buildout on an annual basis. The residential and non-residential components would be subject to the latest adopted edition of the Title 24 energy efficiency standards, which are among the most stringent in the United States. As such, the 2018 Project would not result in the unnecessary, wasteful, or inefficient use of energy. Furthermore, implementation of Mitigation Measure GHG-1 described in Section 3.3 would further reduce energy consumption from the project through the inclusion of measures to require solar photovoltaic panels or 100 percent renewable energy.

6.3.3 - Vehicle Miles Traveled

In response to Senate Bill 743 (SB 743), the Office of Planning and Research (OPR) has updated CEQA Guidelines to include new transportation-related evaluation metrics. Draft guidelines were developed in August 2014, with updated draft guidelines prepared January 2016, which incorporated public comments from the August 2014 guidelines. OPR released final proposed Guidelines on November 27, 2017, with an associated Technical Advisory Document on Evaluating Transportation Impacts in CEQA dated April 13, 2018; ultimately, the Natural Resources Agency finalized updates to the CEQA Guidelines on December 28, 2018. The final adopted Guidelines include a new Section 15064.3 on vehicle miles traveled (VMT) analysis and thresholds for land use developments. New Guidelines Section 15064.3 states that they do not take effect until July 1, 2020, unless the lead agency adopts them earlier. Neither the City of Pittsburg nor the Contra Costa Transportation Authority (CCTA) has established any standards or thresholds on VMT. Therefore, the new guidelines relating to VMT are not yet applicable to the analysis in this Draft SEIR.

As noted above, there are no mandatory standards in effect on VMT analysis as of this writing and the City is not required to include a VMT analysis for purposes of CEQA compliance until July 1, 2020 (unless the City elects to implement sooner, which has not yet occurred). Nevertheless, a preliminary assessment of the VMT generated by the 2018 Project was prepared for informational and disclosure purposes only. No determination on the significance of VMT impacts is made in this document since none is legally required.

To conduct the VMT assessment, Fehr & Peers used the CCTA travel demand model to estimate the VMT generated by the 2018 Project uses, as presented in Table 6-3. In total, the 2018 Project is expected to generate approximately 49,075 vehicle miles of travel per day. For the residential

portion of the 2018 Project, the level of vehicle travel was normalized by the expected number of residents to estimate a VMT per capita, which was then compared to the VMT per capita for the City of Pittsburg, as well as the Countywide and Bay Area wide average, as presented in Table 6-4. Home based trips per capita in Pittsburg are slightly lower than the Bay Area average and about 17 percent lower than the Contra Costa County average. The residential portion of the 2018 Project could slightly increase VMT per capita in the City of Pittsburg, although it would be less than the Bay Area or County-wide average.

Table 6-3: 2018 Project Generated VMT Summary

Land Use	Daily VMT (approx.)
Residential	14,812
Retail	34,263
Total	49,075
Source: Fehr & Peers 2018.	

Table 6-4: Average VMT Per Capita Existing Conditions (Residential Uses)

Land Use Type	Project	Pittsburg	Contra Costa County	Bay Area
Home Based VMT	15.2	14.9	18.0	15.3
Source: Fehr & Peers 2018.				

The retail portion of the 2018 Project has the potential to generate approximately 34,263 vehicle miles of travel on an average daily basis, and accounting for patrons, employees and deliveries. However, as noted in the Technical Advisory, "lead agencies should analyze the effects of a retail project by assessing the change in total VMT because retail projects typically re-route travel from other retail destinations. A retail project might lead to increases or decreases in VMT, depending on previously existing retail travel patterns."

To assess the retail portion of the 2018 Project's effect on vehicle miles of travel, the VMT was evaluated for the "without retail" and "with retail" conditions for the cumulative scenario, with the results presented in Table 6-5. The analysis results indicate that the retail portion of the 2018 Project could increase overall vehicle miles of travel, although the net change in VMT at the City-wide level is less than the total VMT generated by the proposed retail uses.

Table 6-5: Citywide VMT—Cumulative Condition (With/Without Retail)

Scenario	Daily VMT (approx.)
Year 2040 without Retail	2,715,787
Year 2040 with Retail	2,739,759
Net Change	23,972
Source: Fehr & Peers 2018.	

Results of the VMT analysis indicate that the 2018 Project would contribute to an increase in vehicle miles of travel on a per-capita basis. The planned provision of a grocery use at the project site would reduce VMT, as residents would not need to travel as far to purchase groceries. Therefore, although the proposed commercial uses could result in a slight increase in overall VMT, the net-change is less than the overall total generated by the commercial portion of the 2018 Project, as a result of the beneficial effect provided by the grocery/retail use.

As there are no thresholds of significance being applied here for the reasons set forth above, this analysis is being prepared for informational purposes only.

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SECTION 7: PERSONS AND ORGANIZATIONS CONSULTED/LIST OF PREPARERS

7.1 - Lead Agency

7.1.1 - City of Pittsburg

Community Development Department

Planning Manager..... Kristin Pollott, AICP
Senior Planner .....Jordan Davis

7.2 - List of Preparers

7.2.1 - Lead Agency

7.2.2 - Lead Consultant

FirstCarbon Solutions

Project Director .....Mary Bean
Project Manager ..... Kelsey Bennett
Assistant Project Manager.....Grant Gruber
Senior Air Quality Scientist .....Jason Paukovits
Air Quality Scientist ..... Kimber Johnson
Senior Noise Analyst.....Phil Ault
Biologist .....Brian Mayerle
Biologist .....Robert Carroll
Biologist .....Joaquin Meckler-Pacheco
Environmental Analyst.....Chinmay Damle
Environmental Analyst.....Spencer Pignotti
Technical Editor ..... Susie Harris
Word Processor .....Ericka Rodriguez
GIS/Graphics ..... Karlee McCracken
Reprographics..... Octavio Perez

7.2.3 - Technical Subconsultants

Fehr & Peers

Project Manager .....Kathrin Tellez

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SECTION 8: REFERENCES

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FIRSTCARBONSOLUTIONS™

FINAL
Supplemental Environmental Impact Report
2018 Alves Ranch Project
City of Pittsburg, Contra Costa County, California

Prepared for:
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565
925.252.4920

Contact: Kristin Pollot, Planning Manager

Prepared by:
FirstCarbon Solutions
1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597
925.357.2562

Contact: Mary Bean, Project Director
Grant Gruber, Project Manager

Date: May 24, 2019

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Appendix G: Alves Ranch Detention Basin Analysis Memo

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SECTION 1: INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Pittsburg has evaluated the comments received on the 2018 Alves Ranch Project Draft Supplemental Environmental Impact Report (Draft SEIR). The responses to the comments and errata which are included in this document, together with the Mitigation Monitoring and Reporting Program (MMRP), form the Final Supplemental EIR (Final SEIR) for use by the City of Pittsburg in its review.

This document is organized into three sections:

- **Section 1—Introduction.**
- **Section 2—Responses to Written Comments.** Provides a list of the agencies, organizations, and individuals who commented on the Draft SEIR. Copies of all of the letters received regarding the Draft SEIR and responses thereto are included in this section.
- **Section 3—Errata.** Includes an addendum listing minor refinements and clarifications on the Draft SEIR, which have been incorporated; these revisions merely amplify and clarify the analysis and do not trigger recirculation.

The Final SEIR consists of the following contents:

- Draft SEIR (provided under separate cover)
- Draft SEIR appendices (provided under separate cover)
- Responses to Written Comments on the Draft SEIR and Errata (Sections 2 and 3 of this document)
- MMRP (provided under separate cover)

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SECTION 2: RESPONSES TO WRITTEN COMMENTS

2.1 - List of Authors

A list of public agencies, organizations, and individuals that provided comments on the 2018 Alves Ranch Project Draft Supplemental Environmental Impact Report (Draft SEIR) is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be crossed-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Author **Author Code**

Federal Agencies

Federal Emergency Management Agency ..... FEMA

State Agencies

Contra Costa Area Department of California Highway Patrol ..... CHP
California Department of Fish and Wildlife ..... CDFW

Local Agencies

Contra Costa County Flood Control District ..... CCCFCD

Organizations

Contra Costa Mosquito & Vector Control District ..... CCMVCD

Individuals

Wilson Catalan ..... CATALAN
Jason Chi ..... CHI
Natasha Exner ..... EXNER
Hanson Bridgett, LLP ..... LAWSON
Bruce Ohlson ..... OHLSON
Kathleen West ..... WEST

2.2 - Responses to Comments

2.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Pittsburg, as the Lead Agency, evaluated the comments received on the Draft SEIR during the 45-day public comment period[1] for the 2018 Alves Ranch Project (2018 Project), and has prepared the

[1] The comment letter from CDFW (dated May 16, 2019) was received after the close of the 45-day public comment period. Although not required to do so under CEQA, the City, in its discretion, has determined to provide responses to the comments set forth therein.

following responses to the comments received. This Response to Comments document becomes part of the Final Supplemental Environmental Impact Report (Final SEIR) for the 2018 Project in accordance with CEQA Guidelines Section 15132.

2.2.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052

FEMA

April 8, 2019

Jordan Davis, Senior Planner
Community Development Department/Planning Division
City of Pittsburg
65 Civic Avenue
Pittsburg, California 94565

Dear Mr. Davis:

This is in response to your request for comments regarding the City of Pittsburg Notice of Availability 2018 Alves Ranch Project Draft Supplemental Environmental Impact Report, SCH 2004012097, March 2019.

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the County of Contra Costa County (Community Number 060025) and City of Pittsburg (Community Number 060033), Maps revised March 21, 2017. Please note that the City of Pittsburg, Contra Costa County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map. 1

- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any ***development*** must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at http://www.fema.gov/business/nfip/forms.shtm.

1 CONT

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Pittsburg floodplain manager can be reached by calling Fritz McKinley, Community Development Director/City Engineer, at (925) 252-4930. The Contra Costa County floodplain manager can be reached by calling Warren Lai, at (925) 313-2315.

If you have any questions or concerns, please do not hesitate to call Xing Liu of the Mitigation staff at (510) 627-7267.

Sincerely,

Gregor Blackburn, CFM, Branch Chief
Floodplain Management and Insurance Branch

cc:
Fritz McKinley, Community Development Director/City Engineer, City of Pittsburg
Warren Lai, Division Manager Engineer Services, Contra Costa County
Ray Lee, WREA, State of California, Department of Water Resources, North Central Region Office
Xing Liu, NFIP Planner, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

Federal Agencies

Federal Emergency Management Agency (FEMA)

Response to FEMA-1

Consistent with the comment, in conducting the environmental review for the 2018 Project, the City reviewed the current FEMA Flood Insurance Rate Maps (FIRMs) for Contra Costa County and the City of Pittsburg. As noted in the 2018 Alves Ranch Project Initial Study, page 64, the project site is located in Zone X, Area of Minimal Flood Hazard, as designated by the FEMA FIRM No. 06095C0690F effective 8/3/2016. As such, no impact would occur. Therefore, the 2018 Project would not introduce new significant environmental impacts or increase the severity of any previously identified significant environmental impacts beyond those analyzed in the 2004 FEIR. No further analysis is required. The remainder of the comment generally summarizes various National Flood Insurance Program (NFIP) floodplain building management requirements, and as such, does not require any response in this regard.

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State of California- Transportation Agency GAVIN C. NEWSOM, Governor

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
5001 Blum Road
Martinez, California 94553
(925) 646-4980
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)

May 8, 2019

File No.: 320.15370

Kristin Pollott
City of Pittsburg
65 Civic Avenue
Pittsburg CA 94565

Dear Ms. Pollott,

The Contra Costa Area Office of the California Highway Patrol recently received a "Notice of Completion & Environmental Document Transmittal" environmental document for the Alves Ranch Project - State Clearing House (SCH) #2004012097. After our review, we have concerns with the potential impact this project could have on traffic congestion and service delivery. 1

Our concerns relate to the proposed construction of 356 residential units with an additional 140,000 square feet of commercial space. This project is located in close proximity to State Route 4 (SR-4) which serves as an artery for the City of Pittsburg and the greater region for vehicles traveling to and from the central Bay Area. This location currently experiences heavy volumes of commute traffic, and the current configuration appears to not have the capacity to accommodate the expected increase in vehicular traffic. Additionally, SR-4 already experiences a significant amount of collisions due, in large part, to congested traffic. The Contra Costa Area would strongly recommend this project incorporate infrastructure improvements which would increase the vehicular volume capacity of SR-4, particularly to the on and off ramps in the area. Without substantial infrastructure upgrades this project could have a negative impact on our operations due to the increased traffic congestion; which could lead to a potential increase in traffic collisions, increased response times, delays in emergency services; and a negative impact to the safe movement of people, services, and commerce within our jurisdiction. Should you have any questions or need any additional information, please feel free to contact Lieutenant Knopf, of this command, directly at (925) 646-4980. 2

Sincerely,

D. G. SEAMAN, Captain
Commander

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State Agencies

State of California-Transportation Agency, Department of California Highway Patrol (CHP)

Response to CHP-1

This comment is introductory in nature and states general concerns regarding the 2018 Project's potential impact on traffic congestion and service provision. No response to these introductory comments is necessary; see also Response to CHP-2.

Response to CHP-2

The Draft SEIR, supported by the Traffic Impact Study (TIS), fully evaluated the potential impacts of the 2018 Project in accordance with CEQA mandates, as discussed more fully therein and below.

As discussed on page 3.5-62 of the Draft SEIR and page 53 of the TIS, State Route 4 (SR-4) currently operates beyond the desired Multimodal Transportation Planning Service Objective (MTSO) in the westbound direction during the morning peak-hour and the eastbound direction during the evening peak-hour. Approved and planned development in Eastern Contra Costa County, and beyond, is projected to further degrade the operations of the SR-4 corridor in the near-term and long-term condition. As disclosed in the Draft SEIR, the 2018 Project would also increase travel demand along the SR-4 corridor, resulting in a significant project impact—similar to the impact identified in the 2004 FEIR.

As part of their regional transportation planning efforts, the Contra Costa Transportation Authority (CCTA) and California Department of Transportation (Caltrans) have identified a number of transportation system improvements to the SR-4 and State Route 242 (SR-242) corridors that would increase capacity, including widening SR-4 from west of Interstate 680 (I-680) to east of SR-242. These identified improvements would also provide for adaptive ramp metering, incident management, transit information, and integration with the Interstate 80 (I-80) Integrated Corridor management (ICM) system. These improvements would be partially paid for through regional transportation impact fees, to which the 2018 Project would be required to contribute pursuant to Mitigation Measure (MM) TRANS-4. Additional improvements to provide increased capacity at the SR-4 Westbound Ramps Loop On-ramp from northbound San Marco Boulevard south of Evora Road/Willow Pass Road were also identified as part of the Draft SEIR, and could be funded through regional transportation impact fees imposed as part of MM TRANS-4. However, as the City of Pittsburg cannot assure the completion of regional roadway improvements on Caltrans facilities, these impacts were identified in the Draft SEIR as significant and unavoidable (Draft SEIR page 3.5-72, and TIS page 65).

Although the 2018 Project would increase traffic on the regional roadway system, it also provides opportunities for additional people to live within walking/biking distance of a Bay Area Rapid Transit (BART) station, such that those residents would have increased opportunities to use transit. Additionally, the planned commercial space would provide opportunities for locally serving retail uses, allowing for existing and future residents of the area to have additional opportunities to purchase goods and services closer to home, thereby helping to reduce travel demand on the SR-4 corridor.

Much of the forecasted growth in travel demand along the SR-4 corridor is from communities east of the project site, where there are limited transit options and limited employment centers that reduce the need to travel through the SR-4 corridor during the morning and evening commute periods.

Given the significant demand for housing in the San Francisco Bay Area, should additional housing opportunities not be provided, they would likely be provided elsewhere in the County, potentially on sites not as well served by transit and other mobility options, which would contribute to further traffic increases along the SR-4 corridor.

Regarding the comments about a potential increase in traffic collisions, increased response times, delays in emergency service, and potential impacts to the "safe movement of people, services and commerce," the commenter does not raise any specific Project design issue that would trigger any such safety concerns, but rather asserts the general proposition that increased traffic could increase the risk of these concerns occurring. Because these comments do not raise CEQA issues, but rather are comments on the merits of the 2018 Project, no further response is necessary. However, for information purposes, the following is noted.

The most recent available collision data provided by Caltrans staff as presented in the Interstate 680/SR-4 Interchange Phase 3 (SR-4 Widening) Project: Final Traffic Operations Analysis Report (Fehr & Peers, May 2015) is summarized below reflecting the 3-year period from April 1, 2010, to March 31, 2013, for both eastbound and westbound State Route 4 from Morello Avenue to Bailey Road. During this period, eastbound SR-4 had a total of 269 collisions, of which two were fatal. The westbound direction had a total of 266 collisions with two fatalities. Both directions of SR-4 had a lower overall collision rate than the statewide average for similar facilities. The collision history on eastbound and westbound SR-4 by type of collision is also presented below. The largest category is classified as rear-end collisions; these types of collisions are often associated with congested freeway conditions when traffic operates in a stop-and-go fashion. SR-4 also has relatively large percentages of sideswipe and hit-object collisions, but the overall accident rate remains below the statewide average.

Because the 2018 Project is increasing the number of traffic trips on these corridors, theoretically, this could contribute to an increase of the accident rate, particularly with respect to rear end collisions. However, beyond the general assumption that congested conditions are associated with more rear-end collisions, it would be speculative to estimate what, if any, increase would occur as a result of the 2018 Project, but it is unlikely to result in the corridor exceeding the Statewide Average. At any rate, there is no CEQA criteria related to collision rates, and as noted above, this does not give rise to a CEQA issue.

Table 1: Collision History for SR-4

	Number of Collisions			Collision Rate (collisions/million vehicle miles)					
				Actual			State Average		
Facility	Total	Fatal	Fatal + Injury	Fatality	Fatal + Injury	Total	Fatality	Fatal + Injury	Total
Eastbound	269	2	101	0.004	0.22	0.59	0.004	0.23	0.73
Westbound	266	2	99	0.004	0.22	0.59	0.004	0.23	0.73

Notes:
Extents of collisions reported on SR 4 are between the Morello Avenue and Bailey Road interchanges.
Source: *Interstate 680/SR 4 Interchange Phase 3 (SR 4 Widening) Project: Final Traffic Operations Analysis Report*, Fehr & Peers, May 2015.

Table 2: Types of Collisions for SR-4

Type of Collision	Eastbound		Westbound	
	Number	Percent	Number	Percent
Head On	1	0.4%	1	0.4%
Sideswipe	52	19.3%	46	17.3%
Rear End	130	48.3%	117	44.0%
Broadside	5	1.9%	10	3.8%
Hit Object	54	20.1%	67	25.2%
Overturn	22	8.2%	16	6.0%
Auto-Pedestrian	1	0.4%	4	1.5%
Other	2	0.7%	1	0.4%
Not Stated	2	0.7%	4	1.5%

Notes:
Types of collisions reported on SR 4 are between the Morello Avenue and Bailey Road interchanges.
Source: *Interstate 680/SR 4 Interchange Phase 3 (SR 4 Widening) Project: Final Traffic Operations Analysis Report*, Fehr & Peers, May 2015.

Regarding the comment about increases in response times and/or delays in the provision of emergency service due to a general increase in the number of trips on SR 4, the commenter offers no evidence of the 2018 Project contributing to such circumstances (beyond the general reference to an increase in trips). Moreover, State Route 4 through the study area provides 10-foot shoulders on both sides of the roadway, in both directions of travel. Caltrans routinely clears the shoulders of debris to facilitate use of the shoulder area by emergency vehicles. While the 2018 Project is projected to increase the levels of vehicle traffic on SR-4 in the immediate project area, it would not substantially change the ability of emergency responders to access the shoulder lane, or otherwise materially increase response times.

With respect to the comment regarding the potential impact on safe movement of people, services and commerce, as noted above, this does not raise a CEQA issue and there is no CEQA criteria to evaluate any such purported impacts. For informational purposes, see above responses.

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

May 16, 2019

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

Dear Mr. Davis:

Subject: 2018 Alves Ranch Project, Supplemental Environmental Impact Report, SCH #2004012097, City of Pittsburg, Contra Costa County

The California Department of Fish and Wildlife (CDFW) received a draft Supplemental Environmental Impact Report (SEIR) from the City of Pittsburg (City) for the 2018 Alves Ranch Project (Project) pursuant the California Environmental Quality Act (CEQA).

CDFW is submitting comments on the SEIR to inform the City, as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project. CDFW is providing these comments and recommendations regarding those activities involved in the Project that are within CDFW's area of expertise and relevant to its statutory responsibilities (Fish and Game Code, § 1802), and/or which are required to be approved by CDFW (CEQA Guidelines, §§ 15086, 15096 and 15204).

CDFW ROLE

1

CDFW is a Trustee Agency with responsibility under CEQA (Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as a California Endangered Species Act (CESA) Permit, a Lake and Streambed Alteration (LSA) Agreement, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

REGULATORY REQUIREMENTS

California Endangered Species Act
Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c), 21083; CEQA Guidelines, §§ 15380, 15064, and 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code section 2080.

Lake and Streambed Alteration
CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et. seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW will consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement (or ITP) until it has complied with CEQA as a Responsible Agency. 1 CONT

PROJECT DESCRIPTION SUMMARY

Proponent: City of Pittsburg

Description and Location: The Project site is located in the City of Pittsburg, Contra Costa County, California. The Project is located within the incorporated limits of the City of Pittsburg, north of West Leland Road between San Marco Boulevard and Bailey Road. The Project is a revised portion of the 2004 Alves Ranch Project, later amended in 2009. The Project consists of the development of 346 single-family dwelling units and 10 accessory dwelling units on approximately 25.93 acres, and the rezoning of approximately 12 acres of the Project site for up to 140,000 square feet of commercial uses.

COMMENTS AND RECOMMENDATIONS

CDFW offers the below comments and recommendations to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Western Burrowing Owl (*Athene cunicularia*)
The SEIR should evaluate the potential for burrowing owls to be present within and adjacent to the Project area by documenting the extent of fossorial mammals that may provide burrows used by owls during the nesting and/or wintering seasons. Burrowing owls may also use unnatural features such as debris piles, culverts and pipes for nesting, roosting or cover. If suitable burrowing owl habitat is present, CDFW recommends that surveys be conducted following the methodology described in Appendix D: Breeding and Non-breeding Season Surveys of the CDFW Staff Report on Burrowing Owl Mitigation (Staff Report), which is available at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843. 2

Burrowing owl surveys should be conducted by a qualified biologist (i.e. someone with multiple years of experience conducting species-specific surveys). In accordance with the Staff Report, a minimum of four survey visits should be conducted within 500 feet of the Project area during the owl breeding season which is typically between February 1 and August 31. A minimum of three survey visits, at least three weeks apart, should be conducted during the peak nesting period, which is between April 15 and July 15, with at least one visit after June 15. Pre-construction surveys should be conducted no-less-than 14 days prior to the start of construction activities with a final survey conducted within 24 hours prior to ground disturbance.

Please be advised that CDFW does not consider exclusion of burrowing owls or "passive relocation" in and of itself sufficient to reduce the permanent loss of habitat to a level of less-than-significant. The long-term demographic consequences of exclusion techniques have not been thoroughly evaluated, and the survival rate of evicted or excluded owls is unknown. All possible avoidance and minimization measures should be considered before temporary or permanent exclusion and closure of burrows is implemented in order to avoid "take". 2 CONT

The CEQA document for the Project should also include measures to avoid or minimize loss of burrowing owl foraging habitat, and mitigation for loss of habitats that cannot be fully avoided. Please note that the permanent loss of habitat (foraging, nesting, etc.) is considered significant in and of itself, and should be mitigated regardless of current level of disturbance or reconnaissance survey results. To offset this significant permanent impact, the Project proponent should be required to purchase and protect in perpetuity compensatory mitigation lands at a minimum of a 1:1 mitigation ratio (or a minimum mitigation ratio of 3:1 if active burrows or winter roosts are identified on-site) or as a condition of Project approval. If active burrows or winter roosts are found on-site or take cannot be avoided, the mitigation ratio should be increased to a minimum of 3:1 (mitigation: loss).

Swainson's Hawk (*Buteo swainsoni*)
CDFW recommends that a qualified biologist conduct surveys prior to any construction activities that may impact Swainson's hawk in accordance with the Swainson's Hawk Technical Advisory Committee's (TAC) *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (2000), available on CDFW's webpage at https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds.

Survey methods should be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys should be conducted: 1) within a minimum 0.25-mile radius of the Project area or a larger area if necessary to identify potentially impacted active nests, and 2) for at least the two survey periods immediately prior to initiating Project-related construction activities. Surveys should occur annually for the duration of the Project. The qualified biologist should have a minimum of two years of experience implementing the TAC survey methodology. If an active nest is identified, a 0.25-mile buffer shall be maintained around the nest until the young fledge. If Swainson's hawk activity (foraging or courtship, not just nests) is noted within 0.25 miles of the project site and a non-disturbance buffer of 0.25 miles cannot be implemented, 3

the Project proponent should be required to obtain a CESA ITP and pursue further compensatory mitigation as a condition of Project approval.

Avoidance and minimization measure *MM BIO-1b* indicates that Swainson's hawk foraging habitat shall be mitigated at a 1:1 ratio for each acre developed if nests are located and determined to be occupied. However, the Project site is within 10 miles of documented Swainson's hawk nests and provides suitable foraging habitat for the species and other special-status raptors [e.g., golden eagle (*Aquila chrysaetos*)]. Nesting Swainson's hawks will travel up to 10 miles to suitable foraging habitat, but the likelihood of both adult and nest survival decreases with greater travel distances to suitable foraging habitat (Briggs et al. 2011). Therefore, the permanent loss of habitat is considered significant and should be mitigated for, regardless of current level of disturbance or reconnaissance survey results. Mitigation lands should be protected in perpetuity under a conservation easement and be managed in perpetuity through an endowment with an appointed land manager. The easement should be held by a governmental entity, special district, non-profit organization, for-profit entity, person, or another entity to hold title to and manage the property provided that the district, organization, entity, or person meets the requirements of Government Code sections 65965-65968, as amended. As the state's trustee for fish and wildlife resources, CDFW should be named as a third-party beneficiary under the conservation easement. 3 CONT

Migratory and Nesting Birds

Avoidance and minimization measure *MM BIO-1c* (page 11) specifies a 300-foot non-disturbance radius around an active raptor nest and a 50-foot non-disturbance radius around an active migratory bird nest. Depending on the species, nest stage, and site conditions, 50 to 300 feet may not be sufficient to prevent disturbance-related nest failure. If nests are found in or near the Project area, CDFW can provide guidance on establishing appropriate buffers to minimize the potential for take and to reduce potential impacts to less-than-significant. As such, CDFW recommends *MM BIO-1c* be revised to require nest buffer approval from the State's trustee for fish and wildlife (CDFW) **prior** to Project construction. 4

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs., tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). 5

CONCLUSION

To ensure significant impacts are adequately mitigated to a level less-than-significant, the feasible mitigation measures described above should be incorporated as enforceable conditions into the final CEQA document for the Project. CDFW appreciates the opportunity to comment on the SEIR to assist the City in identifying and mitigating Project impacts on biological resources. 6

Questions regarding this letter or further coordination should be directed to Ms. Jennifer Rippert, Environmental Scientist, at (707) 428-2069 or Jennifer.Rippert@wildlife.ca.gov; or Ms. Melissa Farinha, Senior Environmental Scientist (Supervisory), at (707) 944-5579.

Sincerely,

Gregg Erickson

Gregg Erickson
Regional Manager
Bay Delta Region

Cc: State Clearinghouse

REFERENCES

Briggs, C.W., B. Woodbridge, and M.W. Collopy. 2011. Correlates of Survival in Swainson's Hawks Breeding in Northern California. Journal of Wildlife Management 75 (6): 1307-1314.

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State of California-Department of Fish and Wildlife (CDFW)

Response to CDFW-1
This comment provides introductory text and restates the Project Description. No response is necessary.

Response to CDFW-2
Draft SEIR Section 3-2, Biology, evaluated potential impacts to burrowing owl resulting from to implementation of the 2018 project in accordance with the mandates of CEQA. The Draft SEIR determined that there is a low potential for burrowing owl to exist on-site due the marginal habitat, such as dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation. As required by the 2004 Final EIR, MM BIO-1a, a qualified biologist shall be required to conduct a pre-construction burrowing owl survey no more than 30 days prior to construction to confirm the presence or absence of burrowing owls. The survey shall take place near the sunrise or sunset in accordance with applicable CDFW guidelines. All burrows or burrowing owls (if any) shall be identified and mapped. During the breeding season (February 1–August 31), surveys shall document whether burrowing owls (if any) are nesting on or directly adjacent to disturbance areas. During the non-breeding season (September 1–January 31), surveys shall document whether burrowing owls (if any) are using habitat on or directly adjacent to any disturbance area.

To reinforce the requirements of the CDFW guidelines, in accordance with the commenter's recommendation, MM BIO-1a is revised to specifically reflect the requirements for surveys, with a minimum of three survey visits to be conducted at least 3 weeks apart during the peak nesting period, which is between April 15 and July 15, with at least one visit after June 15. Please refer to Section 4, Errata, for the revised text of the mitigation measure.

Regarding the purported need for compensatory mitigation lands requested by CDFW, the City notes that this is not a regulatory requirement and the City has not imposed this heightened level of mitigation on other projects where the impacts have been determined to be similar. Consistent with the City's approach on other recent projects, the City has determined, in its discretion and based on scientific evidence, industry standard protocols, and expert consultation, that the recommended mitigation, which requires pre-construction surveys and the use of exclusion devices, where needed, to encourage passive relocation. Passive relocation minimizes potential impacts and enables safe relocation without the use of trapping techniques. Passive relocation is a commonly used method and reduces potential impacts to a less than significant level.

Response to CDFW-3
SEIR Section 3-2, Biology, evaluated potential impacts to Swainson's hawk as a result of 2018 project construction in accordance with the mandates of CEQA. The SEIR determined that Swainson's hawk has the potential to occur on-site due to the presence of suitable foraging habitat such as open, dry grassland with little to no ground cover and lack of tree coverage. As required by the 2004 Final EIR, a qualified biologist would conduct a pre-construction survey no more than 30 days prior to construction to establish whether there are any Swainson's hawk nests within 1,000 feet of the project site. The mitigation measure is revised to reflect the CDFW specific guidance requiring the number of surveys and the qualifications of the biologist. Please refer to Section 4, Errata, for the revised text of the mitigation measure. These revisions merely clarify and amplify the analysis and

recommended mitigation, and further ensure that identified impacts are adequately mitigated, and therefore do not trigger recirculation.

Regarding the need for compensatory mitigation, MM BIO-1b already includes the requirement for acquisition of a conservation easement or other instrument suitable to preserve foraging habitat, as determined by the CDFW. Please refer to the complete text of MM BIO-1b. No further revision is required.

Response to CDFW-4
Section 3-2 Biology of the SEIR evaluated potential impacts to migratory and nesting birds as a result of 2018 Project construction in accordance with the mandates of CEQA. Consistent with the recommendations of the commenter, MM BIO-1c is revised to reflect the need to obtain CDFW input on the size of the buffer area around any active nest, prior to project construction. Please refer to Section 4, Errata, for the revised text of the mitigation measure. These revisions merely clarify and amplify the analysis and recommended mitigation, and further ensure that identified impacts are adequately mitigated, and therefore do not trigger recirculation.

Response to CDFW-5
The Lead Agency would pay all applicable CDFW filing fees consistent with California Code of Regulations Title 14, Fish and Game Code 711.4, and Public Resource Code 21089. No further response is necessary.

Response to CDFW-6
This comment summarizes the letters conclusion and does not require any further response.

From: "Jorge Hernandez"
<jorge.hernandez@pw.cccounty.us<mailto:jorge.hernandez@pw.cccounty.us>>
To: "Jordan Davis" <jdavis@ci.pittsburg.ca.us<mailto:jdavis@ci.pittsburg.ca.us>>
Cc: "Teri Rie" <teri.rie@pw.cccounty.us<mailto:teri.rie@pw.cccounty.us>>, "'Alex Azar (aazar@rja-gps.com<mailto:aazar@rja-gps.com>)'" <aazar@rja-gps.com<mailto:aazar@rja-gps.com>>, "'mandy.leung@lyonhomes.com<mailto:mandy.leung@lyonhomes.com>'" <mandy.leung@lyonhomes.com<mailto:mandy.leung@lyonhomes.com>>
Subject: RE: Alves Ranch Subdivision Notice of Availability Draft Supplemental Environmental Impact Report-Flood Control District Comments

Dear Mr. Davis:

We received the Notice of Availability for the Draft Supplemental Environmental Impact Report (DSEIR) for the Alves Ranch Subdivision and Commercial Development (Project No: 18-1348), located between Highway 4 and West Leland Road (APN's 097-700-001, −002, -005), north of the Vista Del Mar subdivision (Sub 8448). We previously provided comments on this development in our January 22, 2019 email and letter dated August 15, 2018 (a copy of which is attached). We received the notice on April 1, 2019, and submit the following comments:

1. This development drains into the Drainage Area 48B Basin (Basin) that was constructed by William Lyon Homes and analyzed by RJA Engineers in their work on the Vista Del Mar Subdivision (located upstream of this project). Construction of the detention Basin is a mitigation measure of the Vista Del Mar Environmental Impact Report. The Initial Study for the SEIR stated that the existing water quality storage volume of the Basin is proposed to be increased from 5 acre-feet to 6.2 acre-feet to address this development's water quality requirements; however it did not further explain that increasing the Basin's water treatment capabilities will decrease the Basin's flood control storage capacity. This proposed reduction in flood control storage capacity could create or contribute runoff water that would exceed the capacity of the existing stormwater drainage system. Since our January 22, 2019 comments on the Notice of Preparation, we have reviewed a drainage study, with an updated hydrology map, dated February 26, 2019, prepared Schaaf & Wheeler, that analyzes the feasibility of increasing the on−site basin's water treatment volumes and the impacts these proposed modifications will have on the basin's Flood Control storage capacity. Based on the study provided, we are satisfied that the existing basin will have enough storage capacity to accommodate the proposed modifications to the basin outlet. We do however request that the developer's engineer provide the Flood Control District with a hard copy of the Schaaf & Wheeler drainage study for our Drainage Area 48B hydrology files. 1

2. This project is located within Drainage Area 48B (DA 48B), for which a drainage fee is due in accordance with Flood Control Ordinance Number 2002-28. By ordinance, all building permits or subdivision maps filed in this area are subject to the provisions of the drainage fee ordinance. Effective January 1, 2019, the current fee in DA 48B is $0.57 per square foot of newly created impervious surface area. The drainage area fee for this development should be collected by the City prior to recording the Final Map. 2

3. The FC District is not the approving local agency for this project as defined by the Subdivision Map Act. As a special district, the FC District has an independent authority to collect drainage fees that is not restricted by the Subdivision Map Act. The FC District reviews the drainage fee rate every year that the ordinance is in effect and adjusts the rate annually on January 1 to account for inflation. The drainage 3

fee rate does not vest at the time of tentative map approval. The drainage fees due and payable will be based on the fee in effect at the time of fee collection. 3 CONT

4. The FC District entered into a Reimbursement Agreement (dated September 27, 2011) with the Vista Del Mar Developer, William Lyon Homes, for the construction of planned drainage lines "B" and "B-1" in DA 48B. Per the Reimbursement Agreement, the Alves Ranch Development was afforded a credit of $449,231 in DA 48B fees for construction of these planned drainage facilities. The agreement also stipulates that "In the event there are changes in the land use, density, or impervious surfaces on the Alves property, Alves or its successor(s) in interest shall be responsible for paying the FC District additional drainage fees based on the drainage fee ordinance applicable at that time." Should changes to the original site plan incur additional DA 48B fees, they should be collected prior to recordation of the Final Map. Please note that we will be following up this email with a revised fee estimate should the proposed changes incur additional DA 48B fees. 4

5. The FC District previously provided comments on the Basin's emergency spillway, the 60−inch diameter secondary spillway standpipe, and the proposed Operation and Maintenance Manual in our e-mail from Craig Standafer, dated August 13, 2008 (attached). To our knowledge, these comments have not all been addressed. In light of the proposed flood control storage capacity reduction and potential increase in reliance on these secondary and emergency spillways, we recommend that the City require the developer to incorporate some of the recommendations from our August 13, 2008 email, specially our recommendation regarding safety and maintenance of the basin, to reduce the potential for flooding. These recommendations include, but are not limited to: 5

a. Ensuring that Caltrans does not construct any structure that would block the basin's emergency spillway. 6

b. Providing access to the secondary spillway trash rack so that loose material can be removed from above. A path, road, or otherwise defined relatively flat corridor to the top of the trash rack needs to be provided to properly maintain the facility. 7

c. Ensuring that the emergency spillway concrete slab can support truck loads. The 6" thick with #4 bars at 12" O.C. shown on the plans appears to be too thin. 8

d. Providing an adequate access road from the basin to the pubic road. The longitudinal slope of the fifteen foot wide access road should not exceed 10 percent. If the longitudinal slope of the access road should exceed 10 percent, the road should be paved with asphalt concrete or other similar surface. The structural section shall be designed to withstand the loads imposed by a 35 ton truck mounted crane. If any portion of the road requires asphalt concrete, the total length of the road should also be so paved. Access roads with longitudinal slope of less than 10 percent slope shall be paved with crushed run gravel, unless otherwise directed by the Chief Engineer or designee. 9

e. The dewatering outlet ¼-inch mesh debris screen shown on the plans could promote clogging and require additional maintenance. We note that other projects done by Caltrans have used ½-inch screen. 10

f. The last set of plans we have for the dewatering outlet call for 2-rows of 8 or, 16 total holes in the riser, however the last hydrologic analysis of the basin (Schaaf & Wheeler Memorandum, dated June 5, 2018) indicates that the riser has eight 1-1/2" diameter holes controlling the outflow. This discrepancy needs to be resolved. 11

We appreciate the opportunity to review projects involving drainage matters and welcome continued coordination. If you have any questions, please call me at (925) 313-2346 or e-mail me at jorge.hernandez@pw.cccounty.us<mailto:jorge.hernandez@pw.cccounty.us>.

Thank you,

[Flood Control Logo-hoz left img]

Jorge Hernandez | Staff Engineer
Contra Costa County Public Works: Flood Control & Water Conservation District
255 Glacier Drive, Martinez, CA 94553
p: 925.313.2346 | f: 925.313.2333 | e:
jorge.hernandez@pw.cccounty.us<mailto:jorge.hernandez@pw.cccounty.us> | cccpublicworks.org
<http://cccpublicworks.org/>

From: Jorge Hernandez <jorge.hernandez@pw.cccounty.us>
Sent: Tuesday, January 22, 2019 5:02 PM
To: jdavis@ci.pittsburg.ca.us
Cc: Teri Rie <teri.rie@pw.cccounty.us>; Alex Azar (aazar@rja-gps.com) <aazar@rja-gps.com>; mandy.leung@lyonhomes.com; Michelle Cordis <michelle.cordis@pw.cccounty.us>
Subject: Alves Ranch Subdivision NOP for SEIR-Flood Control District Comments

Dear Mr. Davis:

We received the Notice of Preparation (NOP) of a Supplemental Environmental Impact Report (SEIR) and Initial Study for the Alves Ranch Subdivision and Commercial Development (Project No: 18-1348), located between Highway 4 and West Leland Road (APN's 097-700-001, -002, -005), north of the Vista Del Mar subdivision (Sub 8448). We previously provided comments on this development in our letter dated August 15, 2018, a copy of which is attached. We received the notice on December 20, 2018, and submit the following comments:

1. This development drains into the Drainage Area 48B Basin (Basin) that was constructed by William Lyon Homes and analyzed by RJA Engineers in their work on the Vista Del Mar Subdivision (located upstream of this project). Construction of the detention Basin is a mitigation measure of the Vista Del Mar Environmental Impact Report. The Initial Study for the SEIR states that the existing water quality storage volume of the Basin is proposed to be increased from 5 acre-feet to 6.2 acre-feet to address this development's water quality requirements; however it does not further explain that increasing the Basin's water treatment capabilities will decrease the Basin's flood control storage capacity. This proposed reduction in flood control storage capacity could create or contribute runoff water that would exceed the capacity of the existing stormwater drainage system. We recommend that the SEIR include mitigation measures to address this drainage capacity concern. As a proposed mitigation measure, we recommend that the applicant's engineer submit to the City and the Contra Costa County Flood Control and Water District (FC District), for review and approval, a drainage study, with an updated hydrology map (stamped and signed by a registered Civil Engineer), that analyzes the feasibility of increasing the on-site basin's water treatment volumes and the impacts these proposed modifications will have on the basin's Flood Control storage capacity. 12

2. The FC District previously provided comments on the Basin's emergency spillway, the 60-inch diameter secondary spillway standpipe, and the proposed Operation and Maintenance Manual in our e-mail from Craig Standafer, dated August 13, 2008 (attached). To our knowledge, these comments have not all been addressed. In light of the proposed flood control storage capacity reduction and potential increase in reliance on these secondary and emergency spillways, the SEIR should include the recommendations from our August 13, 2008 email, as a mitigation measures to reduce the potential for flooding. These recommendations include, but are not limited to:

a. Ensuring that Caltrans does not construct any structure that would block the basin's emergency spillway.

b. Providing access to the secondary spillway trash rack so that loose material can be removed from above. A path, road, or otherwise defined relatively flat corridor to the top of the trash rack needs to be provided to properly maintain the facility.

c. Ensuring that the emergency spillway concrete slab can support truck loads. The 6" thick with #4 bars at 12" O.C. shown on the plans appears to be too thin.

d. Providing an adequate access road from the basin to the pubic road. The longitudinal slope of the fifteen foot wide access road should not exceed 10 percent. If the longitudinal slope of the access road should exceed 10 percent, the road should be paved with asphalt concrete or other similar surface. The structural section shall be designed to withstand the loads imposed by a 35 ton truck mounted crane. If any portion of the road requires asphalt concrete, the total length of the road should also be so paved. Access roads with longitudinal slope of less than 10 percent slope shall be paved with crushed run gravel, unless otherwise directed by the Chief Engineer or designee. 12 CONT

e. The dewatering outlet ¼-inch mesh debris screen shown on the plans could promote clogging and require additional maintenance. We note that other projects done by Caltrans have used ½-inch screen.

f. The last set of plans we have for the dewatering outlet call for 2-rows of 8 or, 16 total holes in the riser, however the last hydrologic analysis of the basin (Schaaf & Wheeler Memorandum, dated June 5, 2018) indicates that the riser has eight 1-1/2" diameter holes controlling the outflow. This discrepancy needs to be resolved.

We appreciate the opportunity to review projects involving drainage matters and welcome continued coordination. If you have any questions, please call me at (925) 313-2346 or e-mail me at jorge.hernandez@pw.cccounty.us.

Thank you,

Jorge Hernandez | **Staff Engineer**

Contra Costa County Public Works: Flood Control & Water Conservation District

255 Glacier Drive, Martinez, CA 94553

p: 925.313.2346 | f: 925.313.2333 | e: jorge.hernandez@pw.cccounty.us | cccpublicworks.org

3 attachments

image002.png

1K

TM FCD Comments 8-15-18.pdf
1780K

E-mail from Craig Standafer, dated 8-13-08.pdf
2865K

Contra Costa County
Flood Control
& Water Conservation District

Brian M. Balbas,
ex officio Chief Engineer
Mike Carlson,
Deputy Chief Engineer

August 15, 2018

Jordan Davis
City of Pittsburg
Community Development—Planning Division
65 Civic Avenue
Pittsburg, CA 94565

RE: The Alves Ranch Subdivision
Project No: 18-1348
Our File: 1002-9235; x-ref: 1002-8448

Dear Mr. Davis:

We have reviewed the proposed amended Site Plan and Tentative Map for the Alves Ranch Subdivision and Commercial Development (Project No: 18-1348) dated July 19, 2018, located between Highway 4 and West Leland Road (APN's 097-700-001, -002, -005), north of the Vista Del Mar subdivision (Sub 8448). We offer the following general comments and recommended conditions of approval for this development:

Completeness Issues:

1. Before the City of Pittsburg (City) deems the application complete, we recommend that the applicant's engineer submit to the City and the Contra Costa County Flood Control and Water District (FC District), for review and approval, a drainage study, with an updated hydrology map, that analyzes the feasibility of increasing the on-site basin's water treatment volumes and the impacts these proposed modifications will have on the basin's Flood Control storage capacity. The developer will need to enter into the Fee-for-Service program for FC District review of the drainage study.

13

General Comments:

1. This project is located within Drainage Area 48B (DA 48B), for which a drainage fee is due in accordance with Flood Control Ordinance Number 2002-28. By ordinance, all building permits or subdivision maps filed in this area are subject to the provisions of the drainage fee ordinance. Effective January 1, 2018, the current fee in DA 48B is $0.56 per square foot of newly created impervious surface area. The drainage area fee for this development should be collected by the City prior to recording the Final Map.

2. The FC District is not the approving local agency for this project as defined by the Subdivision Map Act. As a special district, the FC District has an independent authority to collect drainage fees that is not restricted by the Subdivision Map Act. The FC District reviews the drainage fee rate every year that the ordinance is in effect and adjusts the rate annually on January 1 to account for inflation. The drainage fee rate does not vest at the time of tentative map approval. The drainage fees due and payable will be based on the fee in effect at the time of fee collection.

13 CONT

3. The FC District entered into a Reimbursement Agreement (dated September 27, 2011) with the Vista Del Mar Developer, William Lyon Homes, for the construction of planned drainage lines "B" and "B-1" in DA 48B. Per the Reimbursement Agreement, the Alves Ranch Development was afforded a credit of $449,231 in DA 48B fees for construction of these planned drainage facilities. The agreement also stipulates that "In the event there are changes in the land use, density, or impervious surfaces on the Alves property, Alves or its successor(s) in interest shall be responsible for paying the FC District additional drainage fees based on the drainage fee ordinance applicable at that time." Should changes to the original site plan incur additional DA 48B fees, they should be collected prior to recordation of the Final Map.

4. The proposed project drains into the DA 48B Basin (Basin) that was constructed by William Lyon Homes and analyzed by RJA Engineers in their work on the Vista Del Mar Subdivision. Construction of the detention Basin is a mitigation measure of the Vista Del Mar Environmental Impact Report. The FC District has reviewed several drafts of the Basin hydrology and hydraulics report, and we were in the process of reviewing, under our Fee-for-Service program, a revised report that dealt with increasing the Basin's water treatment capabilities and its potential impacts on the Basin's flood control storage capacity. Our review of the revised report was never completed and the Fee-for-Service account for our review was closed and the outstanding balance returned, at the developer's request. Before the City deems the application complete, we recommend that the feasibility of the proposed modification to the water treatment volume be evaluated to determine there are no adverse impacts on the Basin's flood control storage capacity. The developer should be required to submit to the City and the FC District, for review and approval, a drainage study, with an updated hydrology map (stamped and signed by a registered Civil Engineer) detailing the impacts this modification will have. The developer will need to enter into the Fee-for-Service program for FC District review of the drainage study.

5. The FC District previously provided comments on the emergency spillway, the 60-inch diameter secondary spillway standpipe, and the proposed Operation and Maintenance Manual in our e-mail from Craig Standafer, dated August 13, 2008 (enclosed). To our knowledge, these comments have not all been addressed, and since the outlet and dewatering structures are to be modified to accommodate the new treatment volume, we recommend that the City require the developer to incorporate some of the comments in our August 13, 2008 e-mail, specifically our comments regarding safety and maintenance of the Basin.

6. We recommend that the City condition the developer to design and construct storm drain facilities to adequately collect and convey stormwater entering or originating within the development to the nearest adequate man-made drainage facility or natural watercourse, without diversion of the watershed.
7. The developer should be required to submit hydrology and hydraulic calculations to the City that prove the adequacy of the in-tract drainage system. We defer review of the local drainage to the City. However, the FC District is available to provide technical review under our Fee-for-Service program.

13 CONT

Recommended Conditions of Approval

1. Applicant shall pay DA 48B fees prior to filing the Final Map.

We appreciate the opportunity to review projects involving drainage matters and welcome continued coordination. If you have any questions, please call me at (925) 313-2346 or e-mail me at jorge.hernandez@pw.cccounty.us.

Sincerely,

Jorge Hernandez
Staff Engineer
Contra Costa County Flood Control
& Water Conservation District

JH:cw
\\PW-DATA\grpdata\fldctl\CurDev\CITIES\Pittsburg\Sub 9235 Alves Ranch Commercial\Letters\TM FCD Comments 8-15-18.docx
Enclosure

c: Michelle Cordis, Flood Control
Teri E. Rie, Flood Control
Marsha Brown, Finance
c/enc: Mandy Leung, William Lyon Homes
2603 Camino Ramon, Suite 450
San Ramon, CA 94583
Joseph Azar, Ruggeri-Jensen-Azar & Associates
4690 Chabot Dr., Suite 200
Pleasanton, CA 94588

Jorge Hernandez

From: Craig Standafer
Sent: Wednesday, August 13, 2008 4:06 PM
To: Keith Halvorson
Cc: Tim Jensen; Teri Rie; Joseph Azar; 'Peter Hellmann'
Subject: Subs 9235 and 8448; Basin Study; O&M Manual; District Review

Keith

This email is in response to items sent to the Flood Control District for review regarding the Alves Ranch Commercial Subdivision (Subdivision 9235) and Vista del Mar (Subdivision 8448) located in the western portion of the City of Pittsburg within Formed Drainage Area 48B.

We received and reviewed the following documents:

- Detention Basin Design Study, by RJA, Revised June 5, 2008 (Basin Study)
- Memorandum from Mike Taylor to Tim Jensen and Keith Halvorson, June 18, 2008
- Detention/Water Quality Basin Operation and Maintenance Manual, by ENGEO, June 18, 2008 (O&M Manual)
- Letter from Keith Halvorson to Joseph Azar, June 24, 2008

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DETENTION BASIN DESIGN STUDY

The District previously offered comments to the Basin Study in an email to Keith Halvorson dated May 13, 2008. The memorandum from Mike Taylor addresses comments 1 through 8 and 13. Comments 9 through 12 were specific to the preparation of an Operation & Maintenance Manual (O&M Manual), which do not directly apply to the Basin Study. Comments 9 through 12 do, however, apply to the overall function of the basin, and the basin should not be accepted by the City or the GHAD until they are resolved.

The purpose of the Basin Study is as follows:

- To provide the analysis for the detention basin (formerly known as Basin C of the DA 48B plan) that serves the Vista del Mar subdivision.
- To demonstrate that the basin and the Line B-1 diversion structure effectively reduces the 10-year peak flow rate below values accepted for the Lines B and B-1 culverts under State Highway 4, which are part of the DA 48B plan.
- To address the hydrology and hydraulics of the flood control mitigation features and function of the basin and the Line B-1 diversion structure. The features include a primary, secondary, and emergency spillway.
- To provide design criteria to a separate document for the lower portion of the basin that is reserved for water quality treatment. The Basin Study does not address the water quality treatment features and function required for c.3 compliance.
- To demonstrate that the embankment fill of Highway 4 meets the requirements of the California State Division of Safety of Dams.

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The Basin Study adequately meets its stated purpose and addresses all of our comments from our May 13, 2008 email except the following additional comments:

1. Section E, Number 1 should be revised to state "**4.4 acre-feet below elevation 126.0 feet"** is reserved for water quality use to be consistent with Appendix 13. This is design criteria to the separate analysis for the Water Quality Basin Analysis for Subdivision 9235.
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2. Comment 13a was not resolved, but we defer it to the City of Pittsburg. We acknowledge that the developer and RJA have made numerous attempts to have Caltrans enter into an agreement to assure that no structure like a soundwall or barrier rail would be constructed that could block the basin emergency spillway that opens onto Highway 4. We agree that despite the protection such an agreement could provide to the City and the GHAD, acquiring this agreement is burdensome. We also acknowledge that the risk Caltrans would construct such a facility is relatively remote. Nonetheless, we recommend that the City of Pittsburg and the GHAD include in their inspection checklist to ensures that the spillway remains unblocked. The City and the GHAD should maintain a relationship with the Caltrans Maintenance Division. Joseph Azar suggested meeting with us on this subject, which we would welcome but feel is no longer necessary.

3. In light of Comment 2, it is very important to ensure that the 60-inch diameter secondary spillway standpipe be maintainable due to the potential for actions outside the control of the GHAD. Although Comments 9 through 12 do not directly relate to the hydraulic capacity and function of the basin (the purpose of the Basin Study), the ability for the City and GHAD to keep the facilities properly maintained is a key assumption to the calculations that needs to be addressed. These comments are repeated in a separate section of this email related to the O&M Manual.

We are prepared to make these the final comments that the District will offer to the Basin Study. Except for the comments above, we find the Study complete and that it meets its stated purpose. At your direction, we can prepare a letter addressed to City of Pittsburg, Engineering that repeats the information stated in this email with the comments noted above. Alternatively, we are open to further discussing issues related to maintenance of the secondary spillway. 14 CONT

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O&M MANUAL

Our understanding is that the City of Pittsburg has hired Balance Hydrologics to review the water quality treatment feature of the detention basin. We submit the following comments and notes numbered for ease of response.

1. The District is reviewing the O&M manual at the City's request to provide comments related to the maintenance requirements. The District has not reviewed the water quality treatment features or function of the basin.
2. It is not our intent for the report prepared by ENGEO to be separate report from the GHAD Plan of Control, which the District was not involved in reviewing. The GHAD should be offered the opportunity to review the O&M manual from a maintainability viewpoint.
3. We note that other reports, including Storm Water Control Plan, were prepared by ENGEO for review and comment by the City and Balance Hydrologics. The District did not receive a copy and thus has no comments to offer. Review of water quality features are usually beyond the scope of review for the Flood Control District except as they relate to conformance to a formed drainage area plan for peak flow mitigation.
4. We understand that Balance Hydrologics will perform a thorough review of the issues related to the c.3 compliance for the Alves Ranch Commercial portion as it relates to the City of Pittsburg and the GHAD.
5. The inspection check list should include a line item for inspection of the emergency spillway as discussed separately in comments to the RJA Basin Study.
6. The City and the GHAD should proactively locate a contact in the Caltrans Maintenance Division regarding the emergency spillway.
7. Please discuss how the 60-inch diameter secondary spillway will be maintained. The basin outlet plan and profile on Sheet 11 of Appendix 10 of the Basin Study shows the access road to be five feet in elevation above the top of pipe at a 3:1 slope, which is a 15-foot distance. This is a large span for equipment that would ordinarily be employed. We recommend constructing a platform or other appurtenance to make maintenance easier. Addressing this comment may require revising the Basin Study.
8. We did not receive a response letter or email to comments 9 through 12 that were addressed toward the O&M manual. It does not appear that all of our comments were addressed, especially those that may require reconstruction of physical facilities. The comments are renumbered and repeated below.
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9. REPEAT -- Appendix 8 — Plan 1 – Conceptual Detention Basin Plan. We recognize that the basin has already been constructed and the facilities are in place. The comments listed below relate to maintenance issues and can be addressed in the forthcoming Operations and Maintenance Manual.

    a. Our Detention Basin Design Guidelines state:

    "All trash racks shall be designed to be readily accessible by hand or by a piece of medium sized equipment. Access must be from above the trash rack so the loose material can be removed upward."

    The layout shown does not provide access to the top of the trash rack; access being assumed as a path, road, or otherwise defined relatively flat corridor to the top of the trash rack; however, the 4:1 slopes may allow small machinery to access the trash rack.

    b. The emergency spillway slab, 6" thick with #4 bars at 12" O.C. each way, appears a bit thin to support truck loads. The O&M manual should address spillway inspection and repair.

    c. Plan 1 and the Mass Grading Plans are not clear as to the proposed surface treatments and I calculate the slope to be ±12.5%. Our Detention Basin Design Guidelines should be followed. For access they state:

    "A fifteen foot wide access road shall be provided between the basin and a publicly maintained road. The longitudinal slope of this road shall not exceed 10 percent.

    Access roads with a longitudinal slope greater than 10 percent shall be paved with asphaltic concrete or other surfacing. The structural section shall be designed to withstand the loads imposed by a 35 ton truck mounted crane. If one portion of the road requires asphalt the total length of the road shall be so paved. Access roads with a longitudinal slope of less than 10 percent shall be paved with crushed run gravel unless otherwise directed by the Chief Engineer or designee. 14 CONT

    The cross slope of the road shall be 2 percent and sloped away from the low ground adjacent to the road.

    Wherever possible the basin's primary perimeter access strip shall be located on the basin side slopes approximately 18 inches above the basin floor. The secondary basin perimeter access shall be outside the excavation limits. Both of these strips shall be at least 15 feet in width and graded to be passable by maintenance vehicles. A minimum 6-foot strip shall be provided along the top of the basin.

    Any storm water concentrated due to the grading of the access strip(s) shall be conveyed to a point of adequate discharge in a manner acceptable to the District. The facilities handling the concentrated storm water shall be considered as storm drains and shall be designed. A B-50 outlet structure is required if the pipe discharges into a channel or the detention basin. Erosion protection shall be installed at the lower terminus of the pipe.

    If a basin is to double as a park during the dry months, it must have at least three (3) public points of access."

10. REPEAT-- **In light of comment 9c, above, we recommend paving the access road.** The as-built plans should be revised to show the access road slope.

11. REPEAT -- Appendix 12 — Sheet S-2 shows an **undrained** volume in the manhole below the elevation of the 30" RCP leading from the diversion structure to the basin. This volume should be filled in, the manhole floor raised, or a small orifice/weep hole should be put in the weir wall to allow drainage back to the other side. This would help reduce or eliminate stagnant water, which is a significant vector control issue. **Resolution of this comment requires repair or modification to a facility already constructed.**

12. REPEAT --Appendix 14 — Sheet 12 — Dewatering Structure. These comments are made to a structure that has already been constructed. We advise the City to inspect the facility, in light of these comments, to monitor its performance now that the basin has been in use for two winter seasons.

    a. The mesh of the debris screen is only ¼ inch in size. This seems too small, which could promote clogging. We note other projects done by Caltrans that used ½ inch screen.

b. The screen is shown to go all the way around the riser. We suggest the screen be made so that it is easy to remove for maintenance. Possibly two half circles (in plan view) that overlap slightly could be bolted or tied together at the ends.

c. Per the design, water will pond below the lowest hole in the CMP Riser. Putting the lowest holes down near the CMP interface with the concrete slab (as shown in the detail above) would enhance drainage and deter stagnation. A note on the plans indicating this would be appropriate.

d. The report calls for 14 holes in the riser, yet the plans call for 2-rows of 8 or, 16 total. The calculations for the CMP riser out flow are based on one orifice at elevation 120. The report should be revised to reflect the plan configuration.

e. The elevations of the holes are not shown on the plans. Place holders appear where elevations should be.

f. The screen vertical dimension (or top elevation) is not shown on the plans. It appears to be relative to the hole placement. The hole elevation information is needed to determine the screen size and if there are enough openings in the screen to function if it were partially blocked.

13. REPEAT -- (Formerly letter g) The overflow structure (secondary spillway) may need to be designed with more safety features. It has a fence planned around it, but once inside the fence, the 60" opening is almost flush with the ground and has a 30 foot drop inside. We advise a cable railing or other means of protecting maintenance workers or trespassers once they go inside the chain-link fence. We suggest Caltrans Standard Plans showing cable railing, a "Riser Safety Cage" and a similar "Debris Rack Cage". A barrier like one of these is warranted for safety reasons.

14 CONT

Please forward these comments to the appropriate party to have them addressed. We look forward to receiving responses to these comments and a revised O&M manual (or other document like a GHAD Plan of Control).

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LETTER FROM KEITH HALVORSON REGARDING SUB 9235
Our understanding is that the City of Pittsburg has selected Balance Hydrologics to review the water quality treatment features and function of the detention basin. We have held telephone conversations with Ed Ballman and provided input to him for a letter that he is preparing to send to the City. In general, we concur with their concerns about the selection of runoff coefficients and inconsistent treatment volume (See Comment 2 about to the RJA Basin Study.)

At this time, we offer no further comments to the water quality treatment facilities and function provided the input criteria from the RJA Basin Study is used appropriately (Comment 2 to the Basin Study). We defer further review of the water quality treatment facilities and function to the City of Pittsburg and its consultant, Balance Hydrologics. However, we would appreciate being left in the communication loop regarding the interface between the water quality and flood control function of the basin (above and below elevation 126.0 feet.)

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Please forward these comments to the appropriate parties. Let us know your decision regarding a letter for the Basin Study. Also let us know if you still are planning a meeting with the developer.

We appreciate the opportunity to review plans involving the drainage matters that affect drainage area facilities and welcome continued coordination. If you have any questions, please contact me by e-mail at cstan@pw.cccounty.us or by phone at (925) 313-2018; alternatively, you can reach Teri Rie at trie@pw.cccounty.us or (925) 313-2363.

Craig M. Standafer
Civil Engineer
Flood Control Engineering
Contra Costa County Public Works Dept.

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Local Agencies

Contra Costa County Flood Control and Water Conservation District (CCCFCD)

Response to CCCFCD-1

After summarizing the existing basin's history and describing the commenter's initial question as to whether the increase in water quality storage would result in sufficient flood control capacity, the comment acknowledges that , per analysis provided in the Schaaf & Wheeler Drainage Study, dated February 26, 2019, the existing basin will provide adequate storage capacity (both water quality and flood control) for the 2018 Project. As requested, the applicant will provide a hard copy of the Schaaf & Wheeler Drainage Study for the comment's files. The report is included as Appendix G of this Final EIR.

Response to CCCFCD-2

The comment does not raise any CEQA issues or question the environmental analysis, and therefore no response is necessary. For informational purposes, however, the following is noted. The City will collect the required applicable drainage fee prior to recordation of the final map for the 2018 Project. To ensure this occurs, the City will impose this as a mandatory condition of approval.

Response to CCCFCD-3

The comment does not raise any CEQA issues or question the environmental analysis, and therefore no response is necessary. For informational purposes, however, the following is noted. The City recognizes the commenter's status as a special district with independent authority to impose impact fees, and confirms that the 2018 Project will not vest into any drainage fees pursuant to applicable laws. The City will collect the required applicable drainage fee based on the current fees in effect at the time of final map recordation for the 2018 Project, as required by MM 9-2 of the 2004 Vista Del Mar EIR, which remains applicable and is included in the Mitigation Monitoring and Reporting Program prepared for the 2018 project.

Response to CCCFCD-4

The comment does not raise any CEQA issues or question the environmental analysis, and therefore no response is necessary. For informational purposes, however, the following is noted. The City will collect the required applicable drainage fee based on the approved site plan, in accordance with the referenced Reimbursement Agreement, at the time of final map recordation. The payment of all applicable drainage fees is also required by MM 9-2 of the 2004 Vista Del Mar EIR, which remains applicable and is included in the Mitigation Monitoring and Reporting Program prepared for the 2018 project.

Response to CCCFCD-5

The comment does not raise any CEQA issues or question the environmental analysis, and therefore no response is necessary. For informational purposes, and to ensure that the commenter's previous comments were not addressed, responses to specific recommendations are provided below in responses 6 through 11.

Response to CCCFCD-6

The comment does not raise any CEQA issues or question the environmental analysis, and therefore no response is necessary. For informational purposes, however, the following is noted. The applicant

will include an inspection checklist for the emergency spillway in the detention basin Operations and Maintenance manual. The City does not have any jurisdiction over what Caltrans may construct within the SR 4 right-of-way. Any project proposed within the City limits would be subject to review and approval by the City, at which time potential impacts on the spillway would be reviewed.

Response to CCCFCD-7

The comment does not raise any CEQA issues or question the environmental analysis, and therefore no response is necessary. For informational purposes, however, the following is noted. Consistent with the recommendation, an existing gravel access road provides access to the spillway trash rack, which will allow loose material to be removed from above. The existing slope from the access road to the concrete apron and fence of the spillway is close to 5:1 and is easily walkable for maintenance personnel to ensure proper maintenance can be performed. The final design improvements to the basin are subject to review and approval by the City Engineer. In addition, maintenance for the basin shall be performed by the GHAD District, with oversight by the City.

Response to CCCFCD-8

The comment does not raise any CEQA issues or question the environmental analysis, and therefore no response is necessary. For informational purposes, however, the following is noted. The existing concrete slab was constructed in 2005 and there is no evidence (based on recent visual inspection) that it is insufficient to support anticipated truck maintenance traffic; accordingly, consistent with the recommendation, the slab to be used by the 2018 Project is reasonably anticipated to be adequate to support the minimum truck loads, and no additional changes are warranted The final design improvements to the basin are subject to review and approval by the City Engineer. In addition, maintenance for the basin shall be performed by the GHAD District, with oversight by the City.

Response to CCCFCD-9

The comment does not raise any CEQA issues or question the environmental analysis, and therefore no response is necessary. For informational purposes, however, the following is noted. The 2018 Project includes an appropriately designed access road from the basin to the public right of way, which meets the applicable design standards. See, generally, the pavement design chart as shown on sheet 4 of the Vista Del Mar approved mass grading plans, dated 2005. As detailed more fully therein, the design chart shows a 3-inch AC and 10-inch AB section for that portion of the access road that is more than 10 percent in longitudinal grade. The design chart shows an 8-inch AB for the part of the access road that is less than 10 percent in longitudinal grade. These sections meet design standards. The final design improvements to the basin are subject to review and approval by the City Engineer. In addition, maintenance for the basin shall be performed by the GHAD District, with oversight by the City.

Response to CCCFCD-10

The comment does not raise any CEQA issues or question the environmental analysis, and therefore no response is necessary. For informational purposes, however, the following is noted. Based on recent visual inspection, it is noted that the existing detention basin has performed adequately since its construction more than 15 years ago, with no evidence of clogging such that additional maintenance would be required. Maintenance procedures for all detention basin structures will be

included in the detention basin operations and maintenance manual, and will be mandated to ensure adequate maintenance. The final design improvements to the basin are subject to review and approval by the City Engineer. In addition, maintenance for the basin shall be performed by the GHAD District, with oversight by the City.

Response to CCCFCD-11
The comment does not raise any CEQA issues or question the environmental analysis, and therefore no response is necessary. For informational purposes, however, the following is noted. The minor discrepancy was remedied in the updated Schaaf & Wheeler Drainage Study dated February 26, 2019. Specifically, see page 2, item 2, dewatering outlet, of the report show two rows of eight 1.5-inch diameter holes. The Schaaf & Wheeler report is included as Appendix G of this Final SEIR. The final design improvements to the basin are subject to review and approval by the City Engineer. In addition, maintenance for the basin shall be performed by the GHAD District, with oversight by the City.

Response to CCCFCD-12
This comment repeats statements that are addressed in responses CCCFCD-1 and 5-11 above. As noted more fully therein, the Contra Costa County Flood Control and Water Conservation District is now satisfied with the proposed modifications, and confirms that the basin will provide adequate storage capacity for the 2018 Project. As requested, the applicant will provide a hard copy of the Schaaf & Wheeler Drainage Study for its records. See responses 5 through 11, which address the commenter's specific recommendations.

Response to CCCFCD-13 (appended comment letter dated August 15, 2018)
In regards to the "Completeness Issues," these items are addressed by response to CCCFCD-1 above. As explained more fully therein, the Contra Costa County Flood Control and Water Conservation District is now satisfied with the proposed modifications, and confirms that the basin will provide adequate storage capacity for the project. As requested, the applicant will provide a hard copy of the Schaaf & Wheeler Drainage Study for its records.

In regards the "General Comments" listed as GC 1 through GC 7 below, these comments repeat topics raised in responses CCCFCD-1 through 11 above, as further indicated below:

- **GC-1.** See response CCCFCD-2. .
- **GC-2.** See response CCCFCD-3.
- **GC-3.** See response CCCFCD-4.
- **GC-4.** See response CCCFCD-1.
- **GC-5.** See responses CCCFCD-5-11.
- **GC-6.** The comment does not raise any CEQA issues or question the environmental analysis, and therefore no response is necessary. For informational purposes, however, the following is noted. As recommended by the comment, the project has been designed to adequately collect and convey stormwater without diversion of the watershed, as documented by the updated Schaaf & Wheeler report. The requested information will be included as part of the construction document submittal package.

- **GC-7.** The comment does not raise any CEQA issues or question the environmental analysis, and therefore no response is necessary. For informational purposes, however, the following is noted. The requested information will be included as part of the construction document submittal package; to ensure this occurs, the City will require satisfaction via the imposition of a conditional of approval.

Response to CCCFCD-14 (Comment Letter dated August 13, 2008)
In regard to the comments subtitled "Detention Basin Design Study," per CCCFCD-1 above, the District acknowledges that the updated Schaaf & Wheeler Drainage Study, dated February 26, 2019, confirms that the basin will provide adequate storage capacity for the project. As a standard part of the City Engineering Division's review of the project prior to issuance of grading or building permits, the applicant will be required to provide an inspection checklist for the emergency spillway in the detention basin Operations and Maintenance (O&M) Manual for its record. The O&M Manual will include all of the items listed in the commenter's letter.

As noted previously, an existing gravel access road provides access to the spillway trash rack. The existing slope from the access road to the concrete apron and fence of the spillway is close to 5:1 and is easily walkable for maintenance personnel.

CONTRA COSTA MOSQUITO & VECTOR CONTROL DISTRICT

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April 15, 2019

Jordan Davis
City of Pittsburg
Community Development Dept. – Planning Div.
65 Civic Avenue
Pittsburg, CA 94565

Re: 2018 Alves Ranch Project Draft Supplemental Environmental Impact Report

Dear Mr. Davis,

Thank you for the opportunity to express the position of the Contra Costa Mosquito & Vector Control District (the District) regarding the 2018 Alves Ranch Project Draft SEIR located in the City of Pittsburg, CA.

As a bit of background, the District is tasked with reducing the risk of diseases spread through vectors in Contra Costa County by controlling them in a responsible, environmentally-conscious manner. A "vector" means any animal capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury, including, but not limited to, mosquitoes, flies, mites, ticks, other arthropods, and rodents and other vertebrates. Under the California Health and Safety Code, property owners retain the responsibility to ensure that the structure(s), device(s), other project elements, and all additional facets of their property do not breed or harbor vectors, or otherwise create a nuisance. Owners are required to take measures to abate any nuisance caused by the structure(s), device(s), or other feature(s) on their property. Failure by the property owner to properly address a nuisance may lead to abatement by the Contra Costa Mosquito & Vector Control District and civil penalties of up to $1,000 per day pursuant to California Health & Safety Code §2060-2067.

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While climate-sensitive diseases and mosquitoes are briefly mentioned in the "Human Health Effects of GHG Emissions" under section 3.3 – Greenhouse Gas Emissions, the potential impact to human health by disease vectors is not properly addressed in this document, nor under CEQA—an oversight that has created problems for mosquito abatement and vector control agencies throughout the state. All mosquitoes require water to complete their life cycle. Projects that construct impervious surface, alter water flow or drainage, introduce irrigation, contain water conveyance or treatment elements, produce mitigation wetlands or ponds, etc. have the potential to produce standing water and vector breeding habitat, creating a potential health hazard for area citizens, pets, and wildlife. Vector species that may breed in such locales have the ability to not only affect nearby individuals, but potentially spread disease viruses to persons and other animals several miles away. The existing stormwater basin in its current state has produced *Culex tarsalis* mosquitoes—a primary vector for West Nile virus in Contra Costa County—multiple times per year in 2016, 2017, and 2018. This project's increasing of the basin volume and runoff to the site will likely increase water retention times which may, in turn, increase mosquito production and public health threats to area inhabitants. Additional concerns come in the form of

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stormwater conveyance systems. The catch basins and associated lines have been observed in the past to be prolific sources of mosquito production if not designed and constructed properly.

Addressing these concerns in the review and planning phases can not only better protect public health and reduce the need for pesticide applications for control efforts, but avoid costly retrofits and fines for property owners in the future. Attached to this letter is a white paper produced by the Mosquito and Vector Control Association of California that provides a tool for governments and agencies to manage, analyze, and address the impacts of vector production inherent to certain projects that require CEQA review that may be useful. Please don't hesitate to contact me should you have any questions or need anything further. 1 CONT

Sincerely,

Jeremy Shannon
Vector Control Planner
925-771-6119
jshannon@contracostamosquito.com

MVCAC
MOSQUITO AND VECTOR CONTROL ASSOCIATION OF CALIFORNIA

According to the Mosquito and Vector Control Association of California (MVCAC), the state's leading advocate for mosquito and vector control, new development projects that do not take into account vector breeding potential have created an increased threat to public health.

Public health experts believe that much more can be done to prevent mosquitoes, which are responsible for an estimated 725,000 deaths worldwide each year. There are a number of factors that play a role in this devastating figure, however, urbanization itself has become a significant risk factor as populations rise and infrastructure designed to accommodate dense populations is built. Current California Environmental Quality Act (CEQA) Statues and Guidelines neglect to directly address vector and mosquito threats.

While many local governments have done a good job improvising from existing CEQA guidelines and other planning tools to begin to address this issue, a significant gap exists between state regulations and the resources that most local planning agencies need to address vector issues in the planning process. To address this concern, MVCAC has developed the enclosed white paper, "How Better Planning and Use of the California Environmental Quality Act Can Prevent Mosquitoes and Vector-Borne Disease," that discusses the benefits for developers, natural resources and public health when adding vector control considerations to local government project planning and design.

MVCAC's White Paper presents a number of case studies that identify problems and recommended solutions specific to the local planning and CEQA review process and is intended to be a tool for local governments and other lead agencies to manage, analyze, and address the impacts of mosquito and vector breeding inherent in certain types of projects.

We encourage you to read this white paper to learn more about local proactive measures and best practices that can be employed to further protect public health. If you have any questions or comments, please let me know.

Sincerely,

Bob Achermann, Executive Director
Mosquito and Vector Control Association of California (MVCAC)
Phone: 916-440-0826
Email: mvcac@mvcac.org

How Better Planning and Use of the California Environmental Quality Act Can Prevent Mosquitoes and Vector-Borne Diseases

Benefits for Developers, Natural Resources and Public Health

August 2014

MVCAC
MOSQUITO AND VECTOR CONTROL ASSOCIATION OF CALIFORNIA

Worldwide, the dramatic rise in the incidence of emerging and resurging vector-borne disease has been associated with ecological and climate change that favors increased vector densities (vectors are animals that can carry a disease agent from one person or animal to another, like mosquitoes transmitting malaria or West Nile virus). Urbanization itself has become a risk factor as populations rise and infrastructure designed to accommodate dense populations is built. International travel and global commerce daily connects disparate regions of the world providing avenues for introductions of new vector species and emerging vector-borne disease. Today, mosquitoes alone are responsible for an estimated 725,000 deaths worldwide each year.

California is not immune from these changes. In fact, recent introductions of new vector-borne diseases and invasive mosquito species have altered the public health landscape such that the 'status quo' must change. Development projects which affect the movement, collection, or management of water that do not account for vector breeding potential will negatively impact public health, and owners/managers of these projects are accountable.

California is home to one of the most extensive mosquito and vector control networks in the United States. Mosquito abatement and vector control districts are charged in Sections 2000-2067 of the California Health and Safety Code (HSC) with managing and controlling populations of mosquitoes and other vectors to protect residents from nuisance and disease. Historically, these districts have worked behind the scenes to manage vector populations as required; but as this White Paper documents, this approach is no longer sustainable nor is it in the best interest of the environment.

Proactive design and maintenance can dramatically reduce the risk of vector production and vector-borne disease transmission, improve water quality and habitat benefits, and result in more sustainable development in the long run. In California, significant mosquito and vector breeding habitat exists today which can be attributed to a correctable oversight in the California Environmental Quality Act (CEQA). Too often, the potential impacts on public health are overlooked in project planning stages and are not recognized in local General Plans, site Specific Plans, or other planning documents. According to Sections 2060-2067 of the HSC, property owners are ultimately responsible for the abatement of a public nuisance and may be held liable for all costs necessary to abate the nuisance, prevent its recurrence, and civil penalties of up to $1000 per day that the nuisance exists.

This White Paper is a tool for local governments and other lead agencies to manage, analyze, and address the impacts of mosquito and vector breeding inherent in certain types of projects subject to CEQA analysis. In this regard, consulting local vector control agencies on the front-end of planning and project approval is recommended to save time, resources, and improve the health of Californians.

Mosquito abatement and vector control districts use Integrated Vector Management (IVM) programs to implement the most environmentally-sound and economically feasible methods to control mosquitoes and other vectors. IVM programs incorporate education, physical control and source reduction, biological and chemical control, and favor integrated planning efforts to manage vector populations and disease risk.

The Mosquito and Vector Control Association of California (MVCAC) recommends that policy-makers, planning officials, and project proponents incorporate relevant considerations from the Best Management Practices for Mosquito Control publication into the planning and review process. This BMP guidance was developed by the California Department of Public Health in collaboration with MVCAC to reduce the spread of diseases and reduce the need to use pesticides. A copy of the most recent update (July 2012) can be viewed here: http://www.cdph.ca.gov/HealthInfo/discond/Documents/BMPforMosquitoControl07-12.pdf.

Issue:

Current CEQA Statutes and Guidelines neglect to specifically address public health pests or provide protections from mosquitoes and other important public health vectors. In some instances, this has led to an avoidable proliferation of project sites that breed mosquitoes and expose Californians, domestic animals, pets, and wildlife to disease risks including the dangerous West Nile virus and emerging threats such as dengue and chikungunya viruses. Some sites also provide harborage for other vectors and nuisance pests, including flies and rodents. ***This oversight has resulted in projects that fail to meet the design or land use objectives necessary for compliance with Sections 2000-2067 of the HSC.***

> Section 2060 Article 5 (b) of the HSC states:
>
> *The person or agency claiming ownership or title, or right to property or who controls the diversion, delivery, conveyance, or flow of water shall be responsible for the abatement of a public nuisance that is caused by, or as a result of, that property or the diversion, delivery, conveyance, or control of that water.*

A public nuisance is in the HSC Section 2002 is defined as:

(j) "Public nuisance" means any of the following:

(1) Any property, excluding water that has been artificially altered from its natural condition so that it now supports the development, attraction, or harborage of vectors. The presence of vectors in their developmental stages on a property is prima facie evidence that the property is a public nuisance.

(2) Any water that is a breeding place for vectors. The presence of vectors in their developmental stages in the water is prima facie evidence that the water is a public nuisance.

(3) Any activity that supports the development, attraction, or harborage of vectors, or that facilitates the introduction or spread of vectors.

As a result, these non-compliant projects needlessly put the public, sensitive wildlife, water quality, and other resources at greater risk. Managing vectors from these sites has resulted in increased pesticide use, liability for project proponents, costly retrofits, fines to property owners, and disproportionate burden to taxpayers.

For example, countless stormwater BMPs have been designed and installed over the last 20 years to manage stormwater discharges without applying basic knowledge of vector ecology. Many poorly designed or inadequately maintained mitigation sites have unintentionally become significant sources of mosquito production, adversely impacting communities, businesses and recreational open spaces. These have also disrupted the balance and diversity of natural environments. Had these projects considered the long-term implications of mosquito production in the planning, design, and maintenance objectives at the onset, these deleterious impacts would have been largely avoided at little or no cost to the project proponent.

Solution:

Inclusion of appropriate language and considerations in local General Plans, local CEQA guidelines and planning guidelines will assist project planners to minimize or avoid mosquito and vector production in CEQA approved projects. This is increasingly essential in light of tightened pesticide regulations, the encroachment of development into wetlands and wildlands, on-site water retention required by Low Impact Development standards (LID) and grey-water recycling and water conservation efforts.

Discussion:

Under existing California law, property or water rights owners are responsible for public nuisances they create and are subject to abatement, including control costs and fines. Fortunately, Best Management practices (BMPs) have been developed to reduce or prevent vector production and harborage. It is also recognized that climate change may further enhance the spread of vectors and increase the outbreak of vector-borne diseases. With proactive planning and incorporation of BMPs into local planning guidelines, the entitlement process, and CEQA, abatement costs are avoided and public health is protected.

The failure to properly address this critical concern within the CEQA Statutes and Guidelines has resulted in the following problems:

Case Studies

Problem 1

Increased urbanization brings mosquitoes closer to where people live and work. Hardscape environments force everyday urban runoff to pool and stagnate in structures designed to convey storm flows and filter out pollutants. Many of these systems are old and in disrepair, especially gutters, retention basins and underground storm drain systems (USDS). Urban runoff from landscape and agriculture irrigation occurs year-round and increases in warmer months. These discharges stagnate and create favorable mosquito breeding conditions. The dispersal of blood-feeding mosquitoes from these sites into the surrounding urban environment increases the risk factor for humans, domestic animals, and wildlife for infection with diseases like West Nile virus.

For example: one northern California city utilizes natural streams and created detention facilities to accommodate pulse storm flows as well as upstream seasonal agricultural drainage and urban runoff. High beaver populations coupled with limited maintenance has allowed dense vegetation to create blockages allowing water to stagnate and breed mosquitoes near heavily used walking paths and residential properties. Each new housing project located along these stream corridors further impacts the drainage issues and contributes additional non-storm flows to the system already at full capacity.

Solution:

When new or redevelopment projects undergo a CEQA review, consideration should be given to the project's potential to produce mosquitoes or other vectors in 1) stormwater treatment/ conveyance structures, 2) year-round runoff flows from the project, 3) any other features (like ornamental lakes or creeks) designed to hold or convey water, and 4) cumulative impacts of projects on current or potential vector-borne disease risks in the area.

The HSC establishes that property and water rights owners are responsible for conditions that support a "public nuisance." Therefore, it is imperative to evaluate the potential of a proposed project to create or prevent such a nuisance. Under most circumstances production of mosquitoes, other vectors, and nuisance pests can be avoided or minimized through proper planning and design or maintenance elements. *The CEQA review process should require the project proponent to examine the potential that water holding or conveyance features may create a public nuisance and then seek the advice of vector control professionals as necessary and mitigate for any significant impacts.*

Problem 2

Under the National Pollution Discharge Elimination System (NPDES) permits, storm water BMPs and Low Impact Development (LID) features are mandated to improve water quality. Most often, these features are designed to capture and retain or infiltrate stormwater. Certain BMPs, like vortex separators, media filter chambers, treatment wetlands, underground storage tanks, and rain barrels hold water for extended periods, creating ideal mosquito breeding conditions, especially if not regularly maintained. Maintenance schedules rarely include recommendations to limit vector breeding. The sheer number of these features, lack of location data, lack of public awareness, and the proliferation of year-round runoff has created a complex and increasing challenge for public health mosquito and vector control programs. The few inches of highly organic water standing in these systems can produce thousands of mosquitoes every week.

Solution:

Few Multiple Separate Stormwater Sewer System (MS4) permits have requirements that address mosquito and vector production from these systems and, in those that do, the language and requirements are quite variable. *The State Water Board and regional water boards should seek state-wide consistency in addressing this issue.* Here is a link to an MS4 permit that got it right: http://www.waterboards.ca.gov/coloradoriver/board_decisions/adopted_orders/orders/2013/0011cv_ms4.pdf

Problem 3

State and federal resource management agencies require project proponents to mitigate project impacts to natural resources like wetlands, riparian creeks, or sensitive species. This mitigation is often in the form of a 2:1 ratio for habitat creation. Wetland/habitat mitigation sites are commonly incorporated as aesthetic elements into housing developments and commercial complexes.

Created wetlands/riparian features often have poor water quality and low species diversity since they are typically fed by urban runoff flows directed from the development. This creates ideal mosquito breeding habitat, often in close proximity to where people live and work. Conflicting resource agency management objectives often result in sites that are frequently not maintained and become filled in with sediment, invasive vegetation, and pestiferous mosquitoes. These conditions make mosquito inspection and treatment difficult and may require the property owner to acquire resource agency permits to have maintenance work performed, so that access and treatments can be effective. Consequently, when effective non-chemical control options such as water management or vegetation reduction cannot be—or are not—used, more frequent pesticide applications may be required to protect public health from mosquitoes and mosquito-borne diseases.

Solution:

If the potential for mosquito and vector production were addressed in the CEQA Statutes and Guidelines, project planners could effectively articulate what vector production avoidance measures would be incorporated into the site design and prescribe long-term maintenance measures. This consideration at the onset of the project is highly cost-effective for the project proponent and/or property owner who otherwise has to pay for expensive remediation and large scale maintenance costs that could have been “designed out” of the project.

Problem 4

Mosquito abatement and vector control programs often do not have discretionary approval or permitting authority, and are not routinely made aware of impending new projects within their jurisdictions by city/county planning or permitting departments. New sources of vectors are typically discovered after a complaint is filed by a member of the public, allowing vector populations to grow unchecked and requiring additional labor and often multiple pesticide applications.

Solution:

Having location and type data on potential new sources would allow mosquito control agencies to keep the sites under surveillance for mosquito production and proactively prevent breeding problems. This is another element that can be addressed by local planning guidelines as project planners would be made aware of these needs and directed to resources like the California Department of Public Health document, titled “Best Management Practices for Mosquito Control in California,” a manual of cost-effective IVM guidelines and design parameters. Consulting vector control agencies when projects have certain features like holding water would also help address this problem.

Problem 5

Public health mosquito and vector control agencies often do not have safe access to sites for inspection and possible treatment. Some project sites have paths and access roads that are used for multiple purposes, but most do not. Routine maintenance and access to creek banks and flooded areas specifically for vector control often are not analyzed under CEQA or are not included in the management plans, thus complicating the local District's efforts for safe and permissive access especially during fire season.

Solution:

Access to properties could be readily planned into a project and integrated with its objectives. This is especially critical for large, vegetated water features. This can also be addressed at the local planning level as project proponents would be made aware of these needs and directed to resources like the California Department of Public Health document, titled "Best Management Practices for Mosquito Control in California," a manual of cost-effective IVM guidelines and design parameters.

Problem 6

Poorly designed projects often breed mosquitoes and other vectors. After installation, pesticide applications are often needed because of design flaws, lack of planning, lack of maintenance, etc. Even with planning, changes in projects can result in the need for coordination from mosquito control professionals.

For example, a sanitation district in southern California constructed wastewater treatment wetlands to treat primary treated wastewater prior to discharging it to a local river. The local mosquito control district consulted on the Initial Study and Mitigated Negative Declaration and entered into a Memorandum of Understanding with the sanitation district to prevent and control mosquito and midge (fly) breeding. The mosquito control district provides the sanitation district with information on its control efforts and coordinates on water flow strategies, vegetation management, and biological resources. In return, the sanitation district provides access to the wetlands, manages vegetation, allows for a chicken flock to be kept for disease surveillance on the property, maintains sprinklers at the edges of the ponds for spraying at dawn and dusk to reduce egg-laying by mosquitoes, and reimburses the mosquito control district for chemical products and supplies used to control mosquitoes in the wetlands. In order to reduce mosquito breeding, the sanitation district even switched to secondary treatment, using the wetlands to provide tertiary treatment of the water, which removes more bio solids and thus provides cleaner water. But poor design could not be overcome and the project has experienced ongoing mosquito activity at unacceptable levels. All of these measures were implemented post design of the project and thus were aimed at mitigation, not prevention.

In 2013, the mosquito control district used $22,068.03 of chemical products and supplies; the sanitation district spent another $100,000 on vegetation management. The wetlands require weekly treatments from March through November to control the mosquitoes and protect the residents from West Nile virus. The wetlands have also become a wild bird sanctuary which requires additional consideration for control product selection and use on the property. While this wild bird sanctuary is an attractive feature, it further complicates the application of chemicals to control mosquito populations.

Solution:

The IVM approach was not followed in the example above. As previously discussed, the IVM approach looks at all available options to manage mosquito and vector populations, and integrates the most effective options to protect public health. A key component of an effective IVM program is to prevent or minimize the need for ongoing control efforts, which reduces the amount of pesticide that is applied. Today, less pesticide would be used if more existing projects had considered mosquito and vector control issues during the design phase. Had this approach been taken in the design phase of the wetlands project in this example by reducing or eliminating features and conditions that would likely result in vector problem, there would have been a substantial savings of time, money and energy and a public health benefit of less mosquitos and reduced need for chemical usage. For example, designing the wetlands with consideration for how far land-based larval mosquito pesticide application equipment can effectively treat mosquitoes would have increased the efficacy of those applications, allowing for better protection of people and wildlife.

Problem 7

In neighborhoods with higher density residential and/or commercial property use, the activities of a redevelopment or construction project may disturb structures, debris and vegetation that have significant rodent populations. These rodent vectors disperse to the surrounding properties or buildings, to the disadvantage of the owner/occupants. There have been significant rodent infestations of neighborhoods caused when large rodent populations are dispersed from old buildings and/or neglected properties that are demolished or cleared.

Solution:

It would be appropriate for the cost of de-populating a vacant property of rodents prior to demolition to be borne by the property owners, saving the neighbors from the consequences of rodent dispersal. In projects where CEQA analysis is necessary, a vermin assessment and abatement plan should be considered and then applied when and where appropriate. Consulting vector control agencies when projects have rodent-dispersing potential would also help address this problem, as the agency could assess the site and propose a best management solution.

Problem 8

The Centers for Disease Control and Prevention reported that 2012 was the deadliest year on record, in the United States, for West Nile virus, reaching 286 fatalities and 5,674 reported infections; 51% of these patients had the neuroinvasive form of the disease, and many will endure long-lasting or permanent neurological impairment as a consequence of their illness. According to a 2006 study that examined the cost-effectiveness of a West Nile virus vaccine, the estimated baseline cost of a neuroinvasive disease was $27,500, and for each infection that resulted in a long-term disability, the cost averaged $210,000. The cost associated with each West Nile virus infection includes health care, lost wages, loss of productivity, and other significant economic ramifications.

Solution:

Reducing the number of potential mosquito and vector breeding sources through cost-effective planning measures may reduce the number of human disease cases and reduce healthcare and other cost burdens both public and private.

Needed Action

The inclusion of mosquito and vector control considerations as a preventive planning measure in the CEQA Statutes and Guidelines, specifically in Appendix G – Environmental Checklist Form will address the aforementioned problems with state-wide consistency. This will also help to synchronize multiple state resource agency objectives, better protect Californians from vectors and vector-borne diseases, reduce costs for project proponents and property owners, and save taxpayer resources.

Below is an example of mosquito and vector related questions that should be considered in a project's CEQA analysis. These can be included as a stand-alone addition to a lead agency's Initial Study Checklist or modified to fit under an existing section of the checklist like Public Services, Biological Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, or Mandatory Findings of Significance depending on the nature of the project:

> *Vector Control — The analysis for a project must consider evidence of potential environmental impacts, even if such impacts are not specifically listed on the Appendix G checklist. [State CEQA Guidelines, § 15063(f)] To determine whether Public Health & Safety may be significantly impacted, lead agencies should refer to the California Health & Safety Code § 2000-2093 for definitions and liabilities associated with the creation of habitat conducive to vector production and to guidance provided by the local mosquito and vector control districts/agencies in their determination of environmental impacts.* ***Would the project:***
>
> *a) Increase the potential exposure of the public to disease vectors (e.g., mosquitoes, flies, ticks, and rats)?*
>
> *b) Increase potential mosquito/vector breeding habitat (i.e., areas of prolonged standing/ponded water like wetlands or stormwater treatment control BMPs and LID features)?*

Having these public health vector control considerations added to lead agency CEQA environmental checklists would be an important first step in ensuring that vector issues are appropriately addressed early in the project planning process in environmental documents. This has been done successfully by the County of San Diego, Department of Planning and Land Use, since 2007. When enacted it translates into preventive planning, compatible design, and effective long-term maintenance that avoids or reduces vectors. Beyond the important benefit to public health, it also results in a substantial cost savings to taxpayers and reduces pesticide applications into the environment.

The MVCAC believes that taking these proactive measures will correct a pervasive planning oversight and better ensure protection of the environment and the public health for the citizens of California.

A Short History of Mosquito Control in California – How It Began

The first recorded mosquito control efforts in California were under the direction of University of California professors and employed against the salt marsh mosquitoes of the San Francisco Bay marshlands at San Rafael (1904) and at Burlingame (1905). The devastating effects of malaria in California's Central Valley in 1908 led to an education and demonstration program on malaria and anopheline mosquito control conducted by professor William B. Herms of the University of California, Berkeley, and sponsored by the Southern Pacific Railway. The first organized anti-malaria program was undertaken at Penryn in the Sacramento Valley in 1910, and later the same year an anti-malaria program was started in nearby Oroville.

Abatement Agencies

Enabling legislation for the creation of organized mosquito control agencies was passed May 29, 1915, when the State Legislature approved the Mosquito Abatement Act. Legislation authorizing the creation of pest abatement districts was passed in 1935, but only a few such districts have been formed for mosquito control. In pest abatement districts, the powers and legal bases are very similar to mosquito abatement districts, but the former provide for abatement of "any plant, animal, insect, fish, or other matter or material" as deemed a pest.

Role of the State Department of Public Health

The State Department of Public Health (Department of Health Services) created a Bureau of Vector Control (Environmental Management Branch) in 1946. The Branch was staffed with experts who assisted in the formation of many new mosquito abatement districts. The Branch also provided a number of technical services including disease surveillance and research studies throughout California. Today, CDPH, Infectious Diseases Branch, Vector-Borne Disease Section continues this mission of providing technical assistance and research that promotes vector-borne disease prevention.

Status of Mosquito Abatement and Vector Control Agencies

As of 2012, there were 82 organized mosquito and vector control agencies; these agencies had a combined operating budget totaling 75.8 million dollars. They provide control measures against mosquitoes, chaoborids (phantom midges), chironomids (non-biting midges), yellow jackets, black flies, red imported fire ants, rodents, and other pests and vectors for 37.3 million California residents. The state association that represents these agencies is the Mosquito and Vector Control Association of California (MVCAC). MVCAC is the leading advocate for mosquito and vector control in the California Legislature, among regulatory agencies and for the general public.

Organizations

Contra Costa Mosquito & Vector Control District (CCMVCD)

Response to CCMVCD-1

As noted in the comment, CEQA does not address disease vectors. Because the comment does not raise any CEQA issues or question the environmental analysis, no response is necessary. For informational purposes, however, the following is noted. The project site currently includes a detention basin, the footprint of which is not being expanded as a result of the 2018 Project. As described within the Initial Study, the 2018 Project would be consistent with the C.3 plan currently in place, and would not further alter the drainage patterns of the 2018 Project, and no new mitigation or wetlands ponds would be created as part of the 2018 Project. All work to the catch basins and associated lines will be subject to plan review and inspection to ensure proper construction.

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Subject: Alves Ranch development plan

Wilson Catalan <wilsoncatalan53@gmail.com> Sat, May 4, 1:38 AM (6 da

to Jordan Davis

You are viewing an attached message Firstcarbon Solutions International Mail can't verify the authenticity of attached messages.

Hi
When is this project starting? An when is the estimated completion date? 1

Thank you so much.

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Individuals

Wilson Catalan (CATALAN)

Response to CATALAN-1

As shown in the Draft SEIR, Section 3.1, Air Quality, Table 3.1-7, Construction Schedule, the analysis conservatively assumed that the earliest date for the start of construction is June 1, 2019, and the estimated completion date would be December 30, 2021. Given that the City Council would not consider the 2018 Project until June 2019, and assuming the 2018 Project is approved, construction would not be anticipated to commence until later in 2019 after all mitigation measures and conditions of approval are met, with completion of construction occurring approximately 30 months thereafter.

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Subject: Jordan Ranch development

Jason Chi <156oakpoint@gmail.com>
to Jordan Davis

Fri, May 3, 7:35 PM (7 da

You are viewing an attached message Firstcarbon Solutions International
Mail can't verify the authenticity of attached messages.

Hi Mr. Davis:

How this development could be recommended without proper environmental impact study? 1

Where are library and parks and trails and retail? Do you think the park off Leland and San Marcos can be called a park? The Safeway off Bailey built and serving community over 50 years ago is only major grocery chain willing to say in Pittsburg. 2 3

Please get these essential needs of community addressed first before any more housing expansion with Seeno family. 4

I will looking forward hearing from you and further community discussion with the rest of city council as well as mayor and concerned citizens.

BR

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Jason Chi (CHI)

Response to CHI-1

The comment is noted. Pursuant to California Public Resources Code, Section 21000, *et seq*., the City has conducted the appropriate level and scope of environmental review for purposes of considering the 2018 Project. Specifically, the City prepared an Initial Study and the Draft SEIR in order to determine, disclose, and mitigate to the extent feasible, the 2018 Project's impacts. In accordance with CEQA, these documents are intended to provide the public and decision makers with information related to its potential environmental impacts, as well as to identify mitigation, as necessary, which could reduce potential impacts to the maximum extent feasible.

Response to CHI-2

The issues regarding the provision of libraries and parks addresses the merits of the 2018 Project and do not raise any issues with the environmental analysis provided in the Draft SEIR, and therefore no further response is required. However, for informational purposes, the following is noted. As described in Section 2, Project Description, the 2018 Project could result in the development of up to 140,000 square feet of commercial retail space, as well as a 0.9-acre, Class I bicycle and pedestrian facility, and 1.28 acres of recreation and/or landscaped open space. Ray Giacomelli Community Park is located near the southern corner of West Leland Road and San Marcos Boulevard and would serve the project site residents and surrounding area. The Initial Study discussed existing park and library facilities at pages 82 through 86, noting that, similar to the conclusions in the 2004 FEIR, the 2018 Project would not directly result in a need to construct new or expanded park facilities. Therefore, the 2018 Project would not introduce new significant environmental impacts or increase the severity of any previously identified significant environmental impacts beyond those analyzed in the 2004 EIR. Implementation of the relevant 2004 FEIR MM 8-8 (pursuant to the adopted MMRP, which will be required to be implemented as mandated conditions of approval) requiring compliance with park dedication requirements of Chapter 17.32 of the City's Municipal Code, would ensure the impacts are less than significant.

Response to CHI-3

The issues regarding the availability of grocery uses addresses the merits of the 2018 Project and do not raise any issues with the environmental analysis provided in the Draft SEIR, and therefore no further response is required. However, for informational purposes, the following is noted. As described previously, the 2018 Project could include up to 140,000 square feet of retail commercial space on the project site. Pursuant to a memorandum of agreement executed by the developer, property owner, and City, development of these commercial uses would be required to include an approximately 40,000-square-foot grocery store, or otherwise the commercial developer would be required to pay a penalty to the City.

Response to CHI-4

The issues raised by the comment address the merits of the 2018 Project and do not raise any issues with the environmental analysis provided in the Draft SEIR, and therefore no further response is required. However, these comments are noted and will be taken into consideration by decision makers as part of their deliberations regarding the 2018 Project as a whole. For purposes of clarity, the City also notes that the residential developer of the 2018 Project is William Lyon Homes.

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From: Natasha Exner <natashaexner@icloud.com>
Sent: Wednesday, March 27, 2019 11:31 PM
To: Jordan Davis
Subject: 2018 Alves Ranch Project Comments

Hello Jordan,

Thank you for taking comments on the proposed Alves Ranch Project. Of course, as a resident of Pittsburg for more than 20 years I would prefer if nothing was built at all. However, I know that's not an option, therefore, I would like to give some suggestions for the retail space: Trader Joe's, Home Goods, Target, Whole Foods, Sephora, Nothing Bunt Cakes, Petco, and 24 hr fitness.

I am not well versed in city planning but I do know that retailers have to want to open in the location... I also know that the residents within the new developments (and the old ones) travel to the others cities to visit the stores I mentioned above. If I don't shop online I spend most of my money in Concord or Pleasant Hill. 1

*Pittsburg does not need more gas stations or auto part stores.

On a side note I would love if the dog park near this development could be expanded. It is way too small with no amenities (water fountains, fake fire hydrants etc). 2

Thank you and I hope you can make some of my suggestions come to life.

Natasha Exner
Sent from my iPhone

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Individuals

Natasha Exner (EXNER)

Response to EXNER-1

The commenter's preference for specific retailers is noted; however, the market as well as other considerations will dictate what types of users ultimately occupy the commercial space. Because the issues raised in the comment regarding suggested potential tenants for the proposed commercial space address the merits of the 2018 Project and do not raise any issues with the environmental analysis provided in the Draft SEIR, no further response is required.

However, for informational purposes, the following is noted. As described in Section 2, Project Description, page 2-13, up to 140,000 square feet of commercial floor area could be developed. Pursuant to a memorandum of agreement executed by the developer, the property owner, and the City, the 2018 Project would be required to include an approximately 40,000-square-foot grocery store, or otherwise the commercial developer would be required to pay a penalty to the City.

Response to EXNER-2

Regarding the commenter's desired expansion of a nearby dog park, this facility is located outside of the project site boundaries; the 2018 Project developer has no control over this use; and it is not part of the project being considered in the Draft SEIR. Accordingly, the comment is noted, and no further response is required.

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KRISTINA D. LAWSON
PARTNER
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HansonBridgett

May 10, 2019

VIA E-MAIL AND FACSIMILE (925) 252-4814 jdavis@ci.pittsburg.ca.us

Jordan Davis
Senior Planner
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565

Re: Comments on the Supplemental Environmental Impact Report for the 2018 Alves Ranch Project

Dear Mr. Davis:

On behalf of Discovery Builders, Inc. and West Coast Home Builders, Inc. we submit the following comments regarding the March 27, 2019 Supplemental Environmental Impact Report prepared for the 2018 Alves Ranch Project (the "SEIR"). We previously provided comments on the December 2018 Notice of Preparation for the SEIR by letter dated January 17, 2019, and provided extensive comments on the initially prepared 3rd Addendum to the 2004 Vista Del Mar EIR dated August 16, 2018, by letters dated September 4, 2018 and August 21, 2018. 1

1. At a Minimum, Preparation of a Subsequent EIR is Required

While the City has determined that conditions triggering the requirements for subsequent review preclude the City from proceeding with the 3rd Addendum initially prepared for the Project, because those changed and new conditions require more than minor additions or changes to the 2004 EIR, a subsequent rather than supplemental EIR must be prepared. Under the California Environmental Quality Act, Public Resources Code Section 21000, *et seq*., if major changes are required to make a previous EIR adequate, the agency must prepare a subsequent EIR. (Pub. Resources Code Sec. 21166; 14 Cal Code Regs., Sec. 15162)

In contrast, preparation of a supplemental EIR is appropriate when "[o]nly minor additions or changes would be necessary to make the previous EIR adequate for the project as revised."(14 Cal Code Regs Sec. 15163(a)). A supplemental EIR may be prepared to respond to a limited set of issues or project changes. However, changes in circumstances or the receipt of new information trigger the need to prepare a subsequent EIR under CEQA Guidelines §15162, where, as here, the previous EIR must be significantly revised in order to make its environmental analysis adequate. 2

Here, changes to the Project that have been made since the 2004 EIR was prepared for the larger, 293-acre Vista Del Mar project site include a rezoning to change the permitted land uses within the 57.81-acre Project site, a change in unit count and residential density, and a reconfiguration of the circulation system. The surrounding circumstances that have changed

since the preparation of the 2004 EIR include several nearby development projects that have been approved and constructed over the last 15 years, and those currently in the pipeline for approval. The 2004 EIR requires more than minor additions or changes to be relied upon by the City in its consideration of the proposed Project.

2 CONT

Substantive portions of the SEIR are largely comprised of the same information and analysis contained in the previously prepared 3rd Addendum. In addition, the SEIR fails to address previously submitted comments, including those supported by expert opinion, raising concerns of potentially significant environmental impacts.

2. The SEIR Fails to Include Additional Analysis in All of the Required Impact Areas

The SEIR limits its analysis to the areas of Air Quality, Biological Resources, Greenhouse Gas Emissions, Noise, and Transportation. As pointed out by commenters on the Notice of Preparation for the SEIR, additional analysis is required in the areas of Cultural Resources and Hydrology and Water Quality.

3

a. Cultural Resources

We reiterate our previous comment (on the proposed draft 3rd Addendum for the Project) regarding the need for further environmental review in the area of Cultural Resources and submit that the SEIR must identify or otherwise take into consideration any archaeological/cultural resource reports associated with the previous developments of the site. If no reports were completed, the SEIR must identify and analyze any other subsurface information, e.g., soils reports, from the previous development projects.

4

The SEIR does not mention archaeological studies or cultural resource surveys other than referencing conclusions from the Initial Study. While the Initial Study essentially relies on the 2004 EIR determination that impacts are less than significant with mitigation measures, the SEIR appears to fail to incorporate Mitigation Measure 12-1, which requires an archaeological resource to monitor the project.

b. Hydrology and Water Quality

As indicated in the comment letter submitted by the Contra Costa County Public Works, Flood Control and Water Conservation District dated January 22, 2019, the proposed Project will drain into the drainage basin constructed for the development of the Vista Del Mar project, located upstream of the Project site, as a mitigation measure of the 2004 EIR. The Initial Study for the SEIR states that the existing water quality storage volume of the basin is proposed to be increased from 5 acre-feet to 6.2 acre-feet to address the proposed Project's water quality requirements (SEIR, pp. 2-12, 2-14; Initial Study, p. 61). However, it fails to explain that increasing the water treatment capabilities will decrease the flood control storage capacity. This proposed reduction in flood control storage capacity could create or contribute runoff water that would exceed the capacity of the existing stormwater drainage system.

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Accordingly, the District recommended that a mitigation measure be imposed to address this drainage capacity concern that would require the applicant to submit a drainage study for review and approval by the City and the District, with an updated hydrology map that analyzes the

feasibility of increasing the on-site basin's water treatment volumes and the impacts these proposed modifications will have on the basin's flood control storage capacity.

In addition, the District commented on the basin's emergency spillway, the 60-inch diameter secondary spillway standpipe, and the proposed Operation and Maintenance Manual. In light of the proposed flood control storage capacity reduction and potential increase in reliance on secondary and emergency spillways, the District recommended the SEIR include, as mitigation measures to reduce the potential for flooding, the following recommendations:

- Ensuring that Caltrans does not construct any structure that would block the basin's emergency spillway.
- Providing access to the secondary spillway trash rack so that loose material can be removed from above. A path, road, or otherwise defined relatively flat corridor to the top of the trash rack needs to be provided to properly maintain the facility.
- Ensuring that the emergency spillway concrete slab can support truck loads. The 6" thick with #4 bars at 12" O.C. shown on the plans appears to be too thin.
- Providing an adequate access road from the basin to the pubic road per the specifications recommended by the District.

These recommendations appear to have been ignored. The Initial Study concludes there would be a less than significant impact with applicable 2004 EIR mitigation measures incorporated, and the SEIR provides no additional analysis in the area of Hydrology and Water Quality.

Relatedly, as we previously commented, any application for a tentative subdivision map in the City requires the preparation of a stormwater control plan in accordance with current re-issued Municipal Regional Stormwater NPDES permit (MRP-2.0). The City's Municipal Code Section 13.28.050 requires that "[e]very application for a development project, including…a rezoning, tentative map, parcel map…design review, or building permit that is subject to the development runoff requirements in the city's NPDES permit **shall be accompanied by a stormwater control plan** that meets the criteria in the most recent version of the Contra Costa Clean Water Program Stormwater Section C.3 Guidebook." (Emphasis added). This requirement has not been adhered to.

5
CONT

There is no legal basis for the City's conclusion that the Project cannot be required to submit a stormwater control plan because it is "grandfathered" under the terms of the NPDES Permit and Development Agreement. Again, since 2004, the original project has been significantly reconfigured, through three amendments to the development agreement, and development plan changes and as proposed, will be further revised to rezone the portion of the Project site zoned High Density Residential-Master Plan Overlay as Community Commercial zoning and the remaining portion of the site as Planned Development, to allow high density residential uses, including where commercial uses were originally approved. The Project is an application for a development project within the meaning of Section 13.28.050, and there is no basis or allowance for relying on an over 15 year old C.3 Plan for compliance.

3. The Analysis Provided in the SEIR Remains Inadequate to Make the 2004 EIR Adequate

a. Biological Resources

We reiterate our comments regarding the inadequacy of the biological resource discussion and impact analysis. For special-status wildlife, the SEIR cites 2004 EIR determinations regarding habitat in the Vista Del Mar site's southern portion and provides additional information about the potential for certain species to be on-site. The California Tiger Salamander (CTS), a protected species, is referenced as potentially impacted in the 2004 EIR, yet no additional CTS discussion is in the SEIR. The determination in Appendix D that CTS is unlikely to occur is not supported by the evidence, primarily the aestivation habitat located on-site. Adding in the fact that CTS are listed as threatened by US FWS and a species of special concern by the California Department of Fish and Wildlife, it is clear that additional new mitigation measures are needed and must be identified through a subsequent EIR. 6

b. Traffic and Circulation

The SEIR's response to our previous traffic and circulation comments (which are incorporated herein) is incomplete. In particular, no reasonable standard would indicate that even a minimal on-ramp metering queue increase constitutes a significant project impact. Further, analyzing individual freeway segments rather than the entire segment evaluated in the East County Action Plan is a flawed methodology. 7

We appreciate your consideration and look forward to reviewing a subsequent EIR that responds to the concerns outlined above.

Very truly yours,

Kristina D. Lawson

KDL:rsc

cc: Louis Parsons

Hanson Bridgett, LLP, Kristina Lawson (LAWSON)

Response to LAWSON-1

This comment is introductory in nature, and therefore no response is necessary. For informational purposes, the following is noted. The Initial Study and the Draft Supplemental EIR (Draft SEIR) appropriately considered the comments made regarding the scope of environmental review in the letter from the commenter dated January 17, 2019. With respect to letters dated August 21, 2018, and September 4, 2018, referenced by the commenter, that correspondence does not involve any comments on the Draft SEIR and therefore no further response is necessary. It is noted, however, that in an abundance of caution, the City has prepared the Initial Study and Draft SEIR (and related appendices) to ensure that the potential environmental impacts of the 2018 Project are fully analyzed, disclosed, and mitigated to the extent feasible. As noted, the Draft SEIR includes additional analysis related to Air Quality, Biological Resources, Greenhouse Gas (GHG) Emissions, Noise, and Transportation and Traffic, including impacts to surrounding roadways and cumulative traffic volumes. The analysis of cultural resources contained in the Initial Study was based on field survey and research by a qualified archaeologist, Dr. Dana DePietro, PhD.

Response to LAWSON-2

As discussed more fully therein, the Draft SEIR has been prepared in accordance with CEQA (California Public Resources Code [PRC], § 21000 *et seq*.) and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, § 15000 *et seq*.) to evaluate the minor changes to the 2018 Alves Ranch Project originally analyzed in the Vista Del Mar EIR, State Clearinghouse No. 2004012097, certified on October 18, 2004.

The environmental impacts of the 2018 Project are analyzed in the Draft SEIR to the appropriate degree of specificity, in accordance with CEQA Guidelines Section 15146. It is the scope of the underlying analysis contained in the CEQA document at issue, rather than the title of the CEQA document, that is dispositive. The City's discretionary decision to prepare a supplemental EIR rather than a subsequent EIR is reasonable, with this decision focusing on "the substance of the EIR, not its nominal title." *City of Irvine v. County of Orange*, 238 Cal. App. 4th 526, 540 (2015). Here, the reasons for the City's decision to prepare a supplement to the 2004 FEIR is described in detail in the Introduction of the Draft SEIR and more fully below, as well as being supported throughout the substantive environmental topic discussion in the Draft SEIR. In summary, because major changes were not required to make the 2004 FEIR adequate, the City was not required to prepare a subsequent EIR. A supplement to an EIR is a document that contains additions or changes needed to make the previous EIR adequate. For purposes of the 2018 Project, as discussed more fully therein and below, only limited additions and changes were required to make the 2004 FEIR; accordingly, a supplemental EIR was proper. (*See* CEQA Guidelines § 15163(a).) A supplemental EIR need only contain the information necessary to make the previous EIR adequate for the project as revised. (*See* CEQA Guidelines § 15163(b).) Because the 2004 FEIR did not need to be rewritten from the ground up to makes its environmental analysis adequate for purposes of the 2018 Project, a subsequent EIR was not required.

In accordance with CEQA Guidelines Section 15163, the Draft SEIR addresses whether: (1) changes to the Alves Ranch Project; (2) a change in circumstances under which the original Alves Ranch Project was undertaken; or (3) new information of substantial importance exists, which would result in any new significant impacts or an increase in severity of previously identified significant impacts. It also identifies

appropriate and feasible mitigation measures that, if adopted, may significantly reduce or avoid certain of these impacts.

The Alves Ranch Project was originally analyzed and approved in 2004, pursuant to the certified 2004 EIR. The City adopted a Statement of Overriding Considerations prior to approving the original Alves Ranch Project. As documented in the Initial Study prepared for the 2018 Project, after considering the 2004 Final EIR and the nature of the changes at issue with respect to the 2018 Project as well as any relevant changes circumstances, coupled with the limited changes and additions necessary to make the 2004 Final EIR adequate for purposes of the 2018 Project, the City determined that a supplemental EIR was appropriate and complies with CEQA's mandate.

The factors used to evaluate whether further environmental review is necessary are set forth in CEQA Guidelines 15162 and 15163 and relate to whether "substantial changes" to the EIR are required. As identified in CEQA Guidelines Section 15162, substantial changes to the EIR are those that are required:

1. Due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Where mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative, or

Where mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.
With respect to the 2018 Project, in an abundance of caution, the City decided to conduct further environmental review. The City then needed to determine whether to prepare a supplemental or subsequent EIR. As noted above, Section 15163 of the CEQA Guidelines provides that the City may choose to prepare a supplement to an EIR rather than a subsequent EIR if any of the conditions described in Section 15162 would require further environmental review, but only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.

As described in Section 1, Introduction of the Draft Supplemental EIR, the 2018 Project proposes the same types of land uses on the project site, residential and commercial, just in slightly reduced densities and relocated to a certain degree within the original development footprint. As part of the overall development program analyzed as part of the Vista Del Mar project, the 2004 EIR contemplated high density residential and business commercial land uses, as well as a regional stormwater basin, on the approximately 57.81-acre portion of the Alves property north of West Leland Road (i.e., the "project site"). The 2004 FEIR assumed that this northern portion of the Vista Del Mar development would include 563 housing units on 32.1 acres and 257,500 square feet of commercial building space on 14.78 acres, along with the aforementioned stormwater basin site.

The 2018 Project consists of the development of 346 single-family dwelling units and 10 accessory dwelling units on approximately 25.93 acres and the rezoning of approximately 12 acres of the project site for up to 140,000 square feet of future neighborhood- and community-serving commercial uses. As the 2018 Project would include merely a shifting of the same types of uses and would only reduce the density compared to the 2004 EIR, these changes would be considered minor in nature, and would not trigger substantial changes to the 2004 FEIR, as evidenced in the substantive environmental topic chapters in the Draft SEIR and the related Initial Study, a supplemental EIR was proper and satisfies CEQA.

Response to LAWSON-3
This comment generally states additional analysis is required for cultural resources and hydrology and water quality. These comments are addressed in Responses 4 and 5. No further response is necessary.

Response to LAWSON-4
In accordance with applicable CEQA requirements, the City evaluated the issue of whether further environmental review was necessary with respect to cultural resources. As explained more fully below and in the Initial Study, the City concluded that no new significant impacts would occur nor would the severity of any previously identified significant impacts increase as a result of the 2018 Project, and thus no further analysis was required.

As described in the Initial Study, the 2004 FEIR required implementation of MM 12-2, ensuring that an historical resources survey would be conducted for all on-site structures meeting the requirements of Section 5024.1(g) of the State Public Resources Code. MM 12-2 further requires that, to the extent any historic resources are on-site, the survey would identify appropriate measures to mitigate any significant impacts. At the time of the 2004 FEIR, the City concluded that, with incorporation of MM 12-2, impacts would be reduced to less than significant. This mitigation measure was fully implemented as part of the construction of the 2004 Vista Del Mar Project.

The 2018 Project involves development within the same general footprint that was analyzed in the 2004 EIR. As part of the preparation of the Initial Study and the Draft SEIR, FirstCarbon Solutions (FCS) performed a number of additional cultural studies to evaluate whether there was consistency with the findings of the 2004 FEIR. In connection therewith, FCS conducted an updated California Historical Resources Information Center (CHRIS) records search on June 25, 2018, and found that no additional archeological resources have been recorded at the site since 2004. In addition, FCS contacted the Native American Heritage Commission (NAHC) on June 15, 2018, requesting that it perform a search of its Sacred Lands File. The NAHC issued a letter on June 25, 2018, which did not identify any known Tribal Cultural Resources at the site. The City sent letters to the six tribal representatives identified by the NAHC on September 27, 2018, to determine the potential for Native American sites on the project site, and no replies have been received to date. FCS Archaeologist, Dana DePietro, PhD, conducted an updated pedestrian survey for cultural resources at the site on June 25, 2018. The survey failed to identify any unrecorded historical structures or archaeological resources within the project site boundaries, as described more fully in Appendix B to the Initial Study.

As described more fully in the Initial Study, because there are no known archaeological or historic resources on the project site, the 2018 Project would not result in any new significant impacts or increase the severity of any previously identified significant impacts beyond those analyzed in the 2004 FEIR. The 2004 FEIR and 2018 Initial Study included MM 12-1, which requires the presence of an archaeological monitor during on-site excavation, and associated requirements in the event that subsurface cultural resources are uncovered during approved ground-disturbing activities. In addition, the Mitigation Monitoring and Reporting Program (MMRP) will be incorporated into the 2018 Project's conditions of approval, which would ensure implementation and enforcement of MM 12-1.

Response to LAWSON-5
In accordance with applicable CEQA requirements, the City evaluated the issue of whether further environmental review was necessary with respect to hydrology and water quality. As explained more fully below and in the Initial Study, the City concluded that no new significant impacts would occur nor would the severity of any previously identified significant impacts increase as a result of the 2018 Project, and thus no further analysis was required.

As described in the Initial Study, the 2004 FEIR included mitigation that required the construction of a 7-acre stormwater detention basin on the 2018 project site that was to be designed and constructed with the intent of serving the project site and surrounding area with flood control and water quality treatment. The 2018 Project's stormwater system would be designed according to applicable State and local regulations, as well as MM 9-1 and MM 9-2 of the 2004 FEIR, in order to reduce peak runoff volume, prevent inundating downstream waterways, and reduce pollutant loads in accordance with applicable standards and requirements. Specifically, the 2018 Project would implement MM 9-1 and MM 9-2 by raising the outfall of this stormwater detention basin by 2 feet to yield a total storage capacity to 6.2 acre-feet.

The 2018 Project would raise the height of the outfall to provide additional flood control and treatment capacity, which was envisioned when the facility was designed and constructed. The 2018 Project does not propose to modify the other stormwater facilities, as they were permitted, designed, and constructed with the adopted standards in effect and do not need to be altered to serve the 2018 Project's runoff. All of the facilities associated with the stormwater detention basin (e.g., spillways, access roads, and trash racks) reflect the adopted design standards at the time of construction, as contemplated by the applicable laws and regulations. As noted in the comment letter from the Contra Costa County Flood Control District (District) on the Draft SEIR, the District confirms that the Basin has sufficient storage capacity to accommodate the 2018 Project. Please refer to responses CCCFCD-1 through CCCFCD-9

As described in the Initial Study, the City of Pittsburg is a permittee under the California Regional Water Quality Control Board for the San Francisco Bay Region's National Pollutant Discharge Elimination System (NPDES) Municipal Regional Stormwater Permit (MRP; NPDES Permit No. CAS612008). Pursuant to MRP Order No. R2-2015-0049, "Attachment A: Fact Sheet," issued November 19, 2015, Provision C.3.b ("Regulated Projects"), regulated projects with previously approved non-low impact development (LID) stormwater treatment measures that comply with the hydraulic sizing criteria of Provision C.3.d that have begun construction shall only be required to

comply with the Provision C.3 requirements in place at the time the project was originally approved (MSR, Attachment A, page A-34). The 2004 Project included a C.3 plan that was previously approved in compliance with the MRP in effect at the time of project approval and the hydraulic sizing criteria of Provision C.3.d, and construction was initiated as part of the Vista Del Mar single-family residential subdivision to the south. Additionally, the City has previously entered into a Development Agreement with William Lyon Homes and Alves Ranch, LLC, which vested the developers' right to construct the "project," inclusive of modifications and necessary subsequent approvals. As such, the C.3 plan currently in place functions as the applicable Stormwater Control Plan.

Response to LAWSON-6
In accordance with applicable CEQA requirements and in an abundance of caution, the City conducted additional environmental review with respect to biological resources. As explained more fully below and in the Draft SEIR and Appendix D (attached thereto), there was consideration of whether the 2018 Project would result in new significant impacts or an increase in the severity of previously identified significant impacts as these relate to biological resources. The Draft SEIR concluded that the 2018 Project is located north of West Leland Road and does not contain the sensitive habitats that were identified in the 2004 Final EIR (the sensitive habitats were identified south of West Leland Road, in the southern portions of the Vista Del Mar project).

As described in Appendix D of the Draft SEIR, Table 2: Special-status Wildlife Species Potentially Occurring within the Project, California tiger salamanders require underground refuges for aestivation, in particular ground squirrel burrows, and require vernal pools or other seasonal waters sources for breeding. None of these habitats were observed on site during field surveys conducted by FCS and LSA biologists, and as such the site does not support suitable breeding or aestivation habitat for the species. This table is based on the following sources: LSA's Memorandum, FCS's recent field visit, as well as review of data documenting the species that have been recorded to occur within the Honker Bay, California quadrangle, as recorded by the CNDDB and CNPSEI (CDFW 2018; CRPR 2018). Due to the lack of suitable nesting habitat, lack of burrows, and extremely high level of ground disturbance at the project site, California tiger salamanders were determined unlikely to occur on-site, and thus no further analysis in this regard is required.

Regarding other species, both LSA and FCS biologists concluded based on field surveys and related research and analysis that there is a low potential for burrowing owl, Swainson's hawk, and other nesting birds to occur on-site, and the Draft SEIR further determined none of the other species or habitats discussed in the 2004 Final EIR are present on the 2018 Project site.

Particularly with respect to the California tiger salamander, the 2004 Final EIR concluded that impacts to this species could occur in the southern portion of the Vista Del Mar site, located on the south side of West Leland Road. However, the 2018 Project is located north of West Leland Road and does not contain the sensitive habitats that were identified in the 2004 Final EIR. As described in Appendix D of the Draft SEIR, Table 2: Special-status Species Potentially Occurring within the Project, California tiger salamanders require underground refuges, in particular ground squirrel burrows, and vernal pools or other seasonal waters sources for breeding. This table is based on the following sources: LSA's Memorandum, FCS's recent field visit, as well as review of data documenting the species that have been recorded to occur within the Honker Bay, California quadrangle, as recorded

by the CNDDB and CNPSEI (CDFW 2018; CRPR 2018). Due to the lack of suitable nesting habitat, lack of burrows, and extremely high level of ground disturbance at the project site, California tiger salamanders were determined unlikely to occur on-site, and thus no further analysis in this regard is required.

Response to LAWSON-7
The Transportation and Circulation section of the Draft SEIR and accompanying TIS evaluated potential project impacts at 18 intersections, as well as SR 4 between Arnold Industrial Place and Railroad Avenue, and evaluated the effects on ramp meter queues at two locations. Additionally, an assessment of bicycle, pedestrian and transit impacts was also conducted. Previous comments provided by the commenter, related to significance criteria for ramp metering and the freeway analysis were incorporated in the Draft SEIR and TIS, and are further summarized below.

The commenter is correct in that no thresholds of significance related to Ramp Meter queues have been adopted by the City of Pittsburg. While the City has not formally adopted a threshold, the City, in its discretion, and in consultant with its expert traffic consultants and based on scientific evidence, developed a significance threshold in a good faith to effort to disclose the effects of project traffic on ramp meter queues were evaluated. In so doing, findings of significance were made for the purposes of presenting a conservative analysis and disclosure to decision makers. Based on the thresholds developed for the purposes of this Draft SEIR, a potentially significant ramp meter impact was identified where the addition of 2018 Project traffic resulted in ramp meter queues extending beyond the available ramp storage, or where existing queues already extended beyond the available ramp storage and the addition of 2018 Project traffic would increase queue spillback. Based on these criteria, ramp meter impacts were identified at the following locations:

1. SR-4 Westbound Ramps Loop On-ramp from northbound San Marco Boulevard south of Evora Road/Willow Pass Road
2. SR-4 Eastbound Ramps at Bailey Road

Mitigation measures were identified in the Draft SEIR (see MM TRANS-4), but since the City of Pittsburg does not have control over Caltrans facilities and therefore implementation of the identified measures cannot be assured, the impacts were identified as significant and unavoidable.

The commenter states that no reasonable standard would indicate that even a minimal level on-ramp metering queue increase constitutes a significant project impact. Based on the analysis results, at a minimum the 2018 Project would increase an existing ramp metering queue by approximately 5 vehicles (approximately 115-feet) at the Bailey Road interchange, and by even greater levels at the San Marco Ramp. Potential increases would grow over time as other development occurs and adds traffic to the transportation system. Other agencies who have adopted queue threshold criteria typically use an increase of more than 2 vehicles as a significant increase. As the commenter does not suggest alternative significance criteria, and the criteria used in the Draft SEIR presents a conservative assessment of potential project impacts, no changes were made.

The evaluation of freeway segments considers the portions of SR-4 within close proximity to the project site where the 2018 Project is expected to add more than 50-trips to the freeway system,

and significant freeway impacts were identified. Contrary to the commenter's suggestion, evaluating a much longer freeway segment could serve to dilute the 2018 Project's impacts to the freeway system closest to the project site and thus would not reflect a conservative or accurate disclosure of the 2018 Project's potential impacts in this regard, as discussed further below. The commenter does not state why evaluating specific freeway segments is a flawed methodology; moreover, the Draft SEIR and TIS utilize the guidance provided by CCTA, which suggests evaluating freeway segments where the 2018 Project could add more than 50 trips (which was conducted as part of the evaluation). Accordingly, no further analysis is necessary.

The CCTA has designated SR-4 from the Willow Pass Grade to the San Joaquin County Line as a Route of Regional Significance. Along this over 30 miles of roadway, SR-4 operates as a freeway, an expressway, and an arterial. And, much of this segment of SR-4, especially portions east of Antioch, operates with minimal congestion during peak-hours. Evaluating the 2018 Project's effects over this length of roadway segment, much of which operates at free-flow conditions during the morning and evening peak hours, could dilute the projects impact to the localized freeway system. Changes to the freeway evaluation methodology would likely not change the overall findings of significance, nor the resulting mitigation measure of the payment of local and regional transportation impact fees. Therefore, no changes to the freeway analysis methodology were made.

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From: Bruce 0le Ohlson <bruceoleohlson@hotmail.com>
Sent: Monday, April 15, 2019 4:20 PM
To: Jordan Davis
Cc: BEB Susie Hufstader
Subject: Traffic Mitigations for Alves Ranch Development

Dear Jordan,

Here are some possible traffic mitigations that may be applied to the Alves Ranch housing development. All, of course, improve the ability of people to walk and bicycle in and around the vicinity of the development.

- Install crosswalks in all four quadrants of every intersection that has to be "adjusted" because of the additional motor vehicle trips that this project will engender. "Adjusted" must be broadly interpreted. Any change at all (as small as changing the traffic signal timing) should trigger this condition of approval.
- Build a wide sidewalk complete with shade trees in front of the development fronting West Leland Road.
- (Note to Pittsburg Staff: Have the entity that is "storing" dirt on the property on the north side of West Leland Road across the street from Woodhill Drive adjust their K-rail and fencing so that pedestrians can walk along the edge of this segment of street without being forced to walk in the street.)
- All collector and arterial streets in this development must have sidewalks and bike lanes.
- As much as is feasible and possible, all arterial and collector streets in the area surrounding this development must have, or be provided with, bike lanes and sidewalks or an acceptable walking and biking path. 1
- Coordinate with the developer or the architect of the proposed shopping center so that a walking and biking connection between the housing development and the shopping development is not precluded from being built when the shopping development is constructed.
- The Alves Ranch developer must provide the necessary space so that a walking and biking pathway may be installed between this development and the Bay Point BART station. This pathway should be a relatively "direct shot." Direct the developer of the Alves Ranch property to communicate with and cooperate with the owner of the intervening property to the east so that the walking and biking path that will installed as a condition of approval of the adjacent development, and the walking path in the Alves Development coordinate. Have the Alves Ranch developer build the segment of trail to EBRPD standards up to property line. With proper and adequate safeguards, we can allow the Alves developer to postpone actual construction until the adjacent property is developed. However,

we want to see trees planted and maintained in the right of way beginning when the the Alves property is developed. Here's a thought: With the cooperation of the owner and developer of the adjacent property to the east, we might be able to construct this path along the edge of the freeway all the way to the BART property.

- Construct or contribute to the construction of a bridge over the Contra Costa Canal behind the John Henry Johnson Park so that the park can be connected to the paved canal maintenance road. (Following this maintenance road to the west will connect with the Delta de Anza Regional Trail at Ambrose Park. BART is planning to construct a path from the corner of Bailey Road where their entrance road meets the Delta de Anza Regional Trail up to the Bay Point BART station. I think Rachel Factor, rfactor@bart.gov, is the planner for this trail segment. If she isn't, she can put you in touch with the individual who is. Then, from the BART station, a pedestrian or bicyclist could walk along the path (above) to this development.) Note: The use of the canal maintenance road as a walking and biking path is called for in the 2001 Pittsburg General Plan.
- Have the developer construct a 10-foot-wide path on the west side of San Marco Boulevard that extends from the Delta de Anza Regional Trail on the north side of Highway 4, under the freeway, and along San Marco Boulevard all the way up to Lasater Park and Delta View Elementary School. Part of this path has already been constructed. Make any upgrades necessary to ensure that that the existing path meets current EBRPD trail-design standards. Part of this path will be used by children living in this development to walk or bike to school. (Note 1: The development agreement for the construction of the additional 109 apartments in the San Marco Villas Apartment complex included a condition to build this path along the side of their property between the south side of Highway 4 and the AM/PM gas station/mini mart property, but only if a different entity began construction of the segment of path under Highway 4 before the San Marco Development Agreement expires in, I think, 2020. Note 2: The AM/PM mini mart was conditioned to build this path along the east side of its property. This condition does not have an expiration date. The "sidewalk" that they installed does not meet the minimum requirements of the EBRPD.)
- Construct or contribute to the construction of the missing segment of the Delta de Anza Regional Trail along the south side of San Marco Boulevard between Port Chicago Highway and the westbound off-ramp of Highway 4 to San Marco Boulevard. There is sufficient space for the construction of this path over the entire distance requested. Coordinate with East Bay Regional Park District. Sean Dugan sdougan@ebparks.org is the Trails Development Coordinator.

1 CONT

Thank you, Jordan, for all the work you are doing to help the City of Pittsburg become a more walk-able and bike-able community and to reduce our dependence on private automobiles for short trips.

All best wishes,

~0le

Bruce "0le" Ohlson
Bike East Bay
Delta Pedalers Bicycle Club
Contra Costa Countywide Bicycle Advisory Committee
CCTA Bicycle & Pedestrian Advisory Committee
Caltrans District 4 Bicycle Advisory Committee
TRANSPLAN appointee to Highway 4 Integrated Corridor Management Study
Healthy and Livable Pittsburg Collaborative

Virus-free. www.avg.com

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Bruce Ohlson (OHLSON)

Response to OHLSON-1

The commenter's suggestions for improvements to enhance pedestrian and cyclist facilities are noted and will be considered by the decision-makers as part of their review and deliberation of the project as a whole. However, because these issues address the merits of the 2018 Project rather than raise any concerns regarding the environmental analysis in the Draft SEIR, no further response is necessary. However, for informational purposes, the following is noted.

As described in Section 2, Project Description, page 2-13, Trails, the 2018 Project would include a Class I bicycle and pedestrian facility consisting of a 12-foot wide paved path along the West Leland Road frontage. The 2018 Project would be constructed to applicable City standards and would not conflict with any City plans for multi-modal enhancements. The Transportation Impact Study did not identify any potentially significant impacts that would require implementation of further pedestrian or bicycle facilities, as implementation of the 2018 Project helps the City complete parts of the bicycle and pedestrian network identified for the area, as well as construct enhancements to existing infrastructure, such as the incorporation of bicycle detection and the addition of a crosswalk at the Alves Ranch Road at West Leland Road intersection to improve bicycle infrastructure and access to transit in the area.

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Subject: Alves Project

Steve West <skwest4@att.net>
to Jordan Davis

Mon, May 6, 6:48 AM (4 da

You are viewing an attached message Firstcarbon Solutions International
Mail can't verify the authenticity of attached messages.

Dear Mr. Davis

It seems that Pittsburg continues to allow development without an adequate plan to manage the traffic this development creates. Currently Leland road is overwhelmed during commute hours by the existing traffic. What plans-IF ANY?- have been made to manage the traffic that will be created by this project. the the time lines for start and competition of this project. 1

Thank you for your time

Kathleen West

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Kathleen West (WEST)

Response to WEST-1

The Draft SEIR evaluated the potential impacts of the project on local roadways, intersections, and on- and off-ramps of SR-4. Specifically, as listed at pages 3.5-3 and 3.5-4, the Draft SEIR evaluated 17 local intersections and six highway segments. The Draft SEIR evaluated conditions with and without the project in the existing, near-term, and cumulative (Year 2040) scenarios, providing a comprehensive analysis of potential effects related to transportation and traffic.

As described in the Draft SEIR, the West Leland Road at San Marco Boulevard intersection operates at a deficient LOS F during the AM peak hour prior to the addition of 2018 Project traffic in the Existing condition. The addition of 2018 Project traffic would worsen operations and increase average delay by more than 5 seconds. Based on the significance criteria, this is considered a significant impact. However, the 2018 Project would be required to implement MM TRANS-1 which would ensure the project applicant pays fair share fees that could be used to include widening the northbound portion of San Marco Boulevard north of West Leland Road to allow the westbound right movement to operate as a free tuning movement. This improvement is identified in the City's Capital Improvement Program as Project ST-9. With implementation of this measure, intersection operations would improve to an acceptable level, reducing the impact to a less-than significant level. Although the intersection improvement would increase capacity at the intersection, poor operations are experienced at the West Leland Road at San Marco Boulevard intersection in large part due to vehicle queue spillback from the SR-4 On-Ramp. On-Ramp improvements to reduce vehicle queue spillback through the West Leland Road at San Marco Boulevard intersection were identified, but full funding for these improvements has not been identified and the City of Pittsburg cannot assure implementation of improvements on a Caltrans facility. Therefore, this impact was identified as significant and unavoidable.

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SECTION 3: ERRATA

The following are revisions to the Draft Supplemental EIR (Draft SEIR) for the 2018 Alves Ranch Project (2018 Project). These revisions are minor modifications and clarifications to the document that amplify the analysis, and do not change the significance of any of the environmental issue conclusions within the Draft SEIR and do not trigger recirculation. The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

3.1 - Changes in Response to Specific Comments

Executive Summary

Table ES-1

The following typo is corrected in MM AIR-1 to reflect the correct municipality:

MM AIR-1 **Implement BAAQMD Best Management Practices During Construction**

The following text is a refinement of MM 15-1 from the 2004 Final EIR. The text is updated to reflect current BAAQMD best practices.

The following Best Management Practices (BMPs), as recommended by BAAQMD, shall be included in the project design and implemented during construction:

- All active construction areas shall be watered at least three times per day.
- All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least three times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of CCR). Clear signage regarding idling restrictions shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

- The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The City of Pittsburg ~~Napa~~ and the construction contractor shall take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations

Table ES-1

The following revisions are made to MM BIO-1a, BIO-1b, and BIO-1c to reflect recommended language suggested by California Department of Fish and Wildlife:

MM BIO-1a Burrowing Owl

No more than 30 days prior to the first ground-disturbing activities during breeding season (February 1 to August 31), the project applicant shall retain a qualified biologist to conduct ~~a~~ four preconstruction surveys on the project site per CDFW guidance and methodologies. A minimum of three survey visits shall be completed, at least 3 weeks apart, to be conducted during the peak nesting period, which is between April 15 and July 15, with at least one visit after June 15. ~~The~~ Preconstruction surveys shall be conducted no less than 14 days before construction with a final survey conducted within 24 hours of ground disturbance. Each survey shall establish the presence or absence of western burrowing owl and/or burrows, and evaluate any use by owls in accordance with applicable CDFW survey guidelines and methodologies.

On the portion of the project site where the ground disturbing activity is proposed, the biologist shall survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify whether any burrows and/or owls are present. Adjacent areas on the project site that are not being proposed for ground disturbance need not be surveyed. The survey shall take place near the sunrise or sunset in accordance with applicable CDFW guidelines. All burrows or burrowing owls (if any) shall be identified and mapped. During the breeding season (February 1–August 31), surveys shall document whether burrowing owls (if any) are nesting on or directly adjacent to disturbance areas. During the non-breeding season (September 1–January 31), surveys shall document whether burrowing owls (if any) are using habitat on or directly adjacent to any disturbance area. Survey results shall be valid only for the season during which the survey is conducted.

If burrowing owls are not discovered during the above-described pre-construction surveys, or if burrows are identified but are inactive, further mitigation is not required.

If burrowing owls are observed during the pre-construction surveys, the project applicant shall perform the following measures to limit the impact on the burrowing owls:

- Avoidance shall include establishment of a 160-foot non-disturbance buffer zone. Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation, or that the juveniles from the occupied burrows have fledged. During the non-breeding season (September 1-January 31), the project proponent shall avoid the owls and the burrows they are using, if possible. Avoidance shall include the establishment of a 160-foot non-disturbance buffer zone.
- If it is not possible to avoid occupied burrows, passive relocation shall be implemented. Owls shall be excluded from burrows in the immediate impact zone and within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors shall be in place for 48 hours prior to excavation. The project area shall be monitored daily for 1 week to confirm that the owl has abandoned the burrow. Whenever possible, burrows should be excavated using hand tools and refilled to prevent re-occupation. Plastic tubing or a similar structure shall be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow.

MM BIO-1b Swainson's Hawk

Prior to any ground disturbance that occurs during the nesting season for Swainson's hawk (March 15 to September 15), a qualified biologist shall conduct ~~a~~ preconstruction surveys no more than 30 days prior to construction to establish whether there are any Swainson's hawk nests within 1,000 feet of the project site, and if so, whether they are occupied. Pursuant to CDFW guidance and methodologies, the surveys shall be conducted early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest. Surveys shall be conducted within a minimum of 0.25-mile radius of the Project area, and for at least the two survey periods immediately prior to initiating Project-related construction activities. Surveys shall be conducted annually for the duration of project construction. If potentially occupied nests within 1,000 feet are located adjacent to but not on the project site, then their occupancy shall be determined by observation from public roads or other publicly accessible observation areas of Swainson's hawk activity (e.g., foraging) near the project site. If Swainson's Hawks are not discovered during the above-described pre-construction surveys, or if a nest is identified but is inactive, further mitigation is not required.

If nests are located and determined to be occupied, a 0.25-mile buffer shall be maintained around the nest until the young fledge. If a buffer of 0.25 miles cannot be implemented, the applicant shall obtain a California Incidental Take Permit prior to start of construction activities.

Furthermore, in order to mitigate for the loss of Swainson's hawk foraging habitat to a less than significant level the following measures shall be implemented: ~~minimization measures and construction monitoring are required as follows~~:

- ~~In order to mitigate for the loss of Swainson's hawk foraging habitat to a less than significant level,~~ the Project applicant shall acquire conservation easements or other instruments to preserve suitable foraging habitat for Swainson's hawk, as determined by the California Department of Fish and Game. The location of mitigation parcels as well as the conservation instruments protecting them shall be acceptable to the City and to the California Department of Fish and Game. The amount of land preserved shall be governed by a 1:1 mitigation ratio for each acre developed at the Project site. In deciding whether to approve the land proposed for preservation by the Project applicant, the City shall consider the benefits of preserving lands in proximity to other protected lands. The preservation of land shall be done prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first. In addition, the City shall impose the following minimum conservation easement content standards:
  - The land to be preserved shall be deemed suitable Swainson's hawk foraging habitat by the California Department of Fish and Wildlife.
  - All owners of the mitigation land shall execute the document encumbering the land.
  - The document shall be recordable and contain an accurate legal description of the mitigation land.
  - The document shall prohibit any activity which substantially impairs or diminishes the land's capacity as suitable Swainson's hawk foraging habitat.
  - If the land's suitability as foraging habitat is related to existing agricultural uses on the land, the document shall protect any existing water rights necessary to maintain such agricultural uses on the land covered by the document, and retain such water rights for ongoing use on the mitigation land.
  - The applicant shall pay to the City a mitigation monitoring fee to cover the costs of administering, monitoring and enforcing the document in an amount determined by the receiving entity, not to exceed 10% of the easement price paid by the applicant, or a different amount approved by the City Council, not to exceed 15% of the easement price paid by the applicant.
  - Interests in mitigation land shall be held in trust by an entity acceptable to the City and/or the City in perpetuity. The entity shall not sell, lease, or convey any interest in mitigation land which it shall acquire without the prior written approval of the City.
  - The City shall be named a beneficiary under any document conveying the interest in the mitigation land to an entity acceptable to the City.
  - If any qualifying entity owning an interest in mitigation land ceases to exist, the duty to hold, administer, monitor and enforce the interest shall be transferred to another entity acceptable to the City or to the City.

Before committing to the preservation of any particular land pursuant to this measure, the Project proponent shall obtain the City's approval of the land proposed for preservation. This mitigation measure may be fulfilled in combination with a

mitigation measure imposed on the project requiring the preservation of agricultural land as long as the agricultural land is determined by the Department of Fish and Wildlife to be suitable Swainson's hawk habitat.

MM BIO-1c Migratory and Nesting Birds

Prior to the start of construction, the implementation of the following avoidance and minimization measures would avoid or minimize potential effects to migratory birds and habitat in and adjacent to the project site. These measures shall be required to be implemented for construction work that occurs during the nesting season (February 15 through August 31). No mitigation measures shall be required during the non-nesting season (September 1 through February 14)

- If construction or tree removal is proposed during the nesting season for migratory birds (February 15 through August 31), a qualified biologist shall conduct pre-construction surveys for ground nesting birds and migratory species, such as the northern harrier, within the construction area, including a 300-foot survey buffer, no more than 3 days prior to the start of ground disturbing activities in the construction area.
- If an active nest of any of the above-identified migratory birds is located during pre-construction surveys, then the project applicant shall adhere to notification requirements to USFWS and/or CDFW (as appropriate) regarding the status of the nest as may be required under applicable laws and regulations. Furthermore, construction activities shall be restricted as necessary within any identified buffer area (as determined by the qualified biologist <u>in consultation with CDFW</u>) to avoid disturbance of the nest until it is abandoned or a qualified biologist deems disturbance potential to be minimal. Restrictions may include establishment of exclusion zones (no ingress of personnel or equipment at a minimum radius of 300 feet around an active raptor nest and 50-foot radius around an active migratory bird nest <u>or as otherwise determined to be an appropriate buffer area as determined by the qualified biologist in consultation with CDFW</u>) or alteration of the construction schedule.
- A qualified biologist <u>in consultation with CDFW</u> shall: determine the size of the appropriate buffer and delineate the identified buffer using nest buffer signs, ESA fencing, pin flags, and or flagging tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently, at which time no further mitigation shall be required.

Section 3.1 Air Quality

Page 3.1-53, Paragraph 11

The following typo is corrected in MM AIR-1 to reflect the correct municipality:

MM AIR-1 Implement BAAQMD Best Management Practices During Construction

The following text is a refinement of MM 15-1 from the 2004 Final EIR. The text is updated to reflect current BAAQMD best practices.

The following Best Management Practices (BMPs), as recommended by BAAQMD, shall be included in the project design and implemented during construction:

- All active construction areas shall be watered at least three times per day.
- All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least three times per day and/or non-toxic soil stabilizers shall be applied to exposed non-paved surfaces.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall maintain at least 2 feet of freeboard.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of CCR). Clear signage regarding idling restrictions shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- The prime construction contractor shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. The City of Pittsburg ~~Napa~~ and the construction contractor shall take corrective action within 48 hours. BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations

Section 3.2 Biological Resource

Pages 3.2-16 through 3.2-19

The following revisions are made to MM BIO-1a, BIO-1b, and BIO-1c to reflect recommended language suggested by California Department of Fish and Wildlife:

MM BIO-1a Burrowing Owl

No more than 30 days prior to the first ground-disturbing activities during breeding season (February 1 to August 31), the project applicant shall retain a qualified

biologist to conduct ~~a~~ four preconstruction surveys on the project site per CDFW guidance and methodologies. A minimum of three survey visits shall be completed, at least 3 weeks apart, to be conducted during the peak nesting period, which is between April 15 and July 15, with at least one visit after June 15. ~~The~~ Preconstruction surveys shall be conducted no less than 14 days before construction with a final survey conducted within 24 hours of ground disturbance. Each survey shall establish the presence or absence of western burrowing owl and/or burrows, and evaluate any use by owls in accordance with applicable CDFW survey guidelines and methodologies.

On the portion of the project site where the ground disturbing activity is proposed, the biologist shall survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify whether any burrows and/or owls are present. Adjacent areas on the project site that are not being proposed for ground disturbance need not be surveyed. The survey shall take place near the sunrise or sunset in accordance with applicable CDFW guidelines. All burrows or burrowing owls (if any) shall be identified and mapped. During the breeding season (February 1–August 31), surveys shall document whether burrowing owls (if any) are nesting on or directly adjacent to disturbance areas. During the non-breeding season (September 1–January 31), surveys shall document whether burrowing owls (if any) are using habitat on or directly adjacent to any disturbance area. Survey results shall be valid only for the season during which the survey is conducted.

If burrowing owls are not discovered during the above-described pre-construction surveys, or if burrows are identified but are inactive, further mitigation is not required.

If burrowing owls are observed during the pre-construction surveys, the project applicant shall perform the following measures to limit the impact on the burrowing owls:

- Avoidance shall include establishment of a 160-foot non-disturbance buffer zone. Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation, or that the juveniles from the occupied burrows have fledged. During the non-breeding season (September 1-January 31), the project proponent shall avoid the owls and the burrows they are using, if possible. Avoidance shall include the establishment of a 160-foot non-disturbance buffer zone.
- If it is not possible to avoid occupied burrows, passive relocation shall be implemented. Owls shall be excluded from burrows in the immediate impact zone and within a 160-foot buffer zone by installing one-way doors in burrow entrances. These doors shall be in place for 48 hours prior to excavation. The project area shall be monitored daily for 1 week to confirm that the owl has abandoned the burrow. Whenever possible, burrows should be excavated using

hand tools and refilled to prevent re-occupation. Plastic tubing or a similar structure shall be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow.

MM BIO-1b Swainson's Hawk

Prior to any ground disturbance that occurs during the nesting season for Swainson's hawk (March 15 to September 15), a qualified biologist shall conduct ~~a~~ preconstruction surveys no more than 30 days prior to construction to establish whether there are any Swainson's hawk nests within 1,000 feet of the project site, and if so, whether they are occupied. Pursuant to CDFW guidance and methodologies, the surveys shall be conducted early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest. Surveys shall be conducted within a minimum of 0.25-mile radius of the Project area, and for at least the two survey periods immediately prior to initiating Project-related construction activities. Surveys shall be conducted annually for the duration of project construction. If potentially occupied nests within 1,000 feet are located adjacent to but not on the project site, then their occupancy shall be determined by observation from public roads or other publicly accessible observation areas of Swainson's hawk activity (e.g., foraging) near the project site. If Swainson's Hawks are not discovered during the above-described pre-construction surveys, or if a nest is identified but is inactive, further mitigation is not required.

If nests are located and determined to be occupied, a 0.25-mile buffer shall be maintained around the nest until the young fledge. If a buffer of 0.25 miles cannot be implemented, the applicant shall obtain a California Incidental Take Permit prior to start of construction activities.

Furthermore, in order to mitigate for the loss of Swainson's hawk foraging habitat to a less than significant level the following measures shall be implemented: ~~minimization measures and construction monitoring are required as follows~~:

- ~~In order to mitigate for the loss of Swainson's hawk foraging habitat to a less than significant level,~~ the Project applicant shall acquire conservation easements or other instruments to preserve suitable foraging habitat for Swainson's hawk, as determined by the California Department of Fish and Game. The location of mitigation parcels as well as the conservation instruments protecting them shall be acceptable to the City and to the California Department of Fish and Game. The amount of land preserved shall be governed by a 1:1 mitigation ratio for each acre developed at the Project site. In deciding whether to approve the land proposed for preservation by the Project applicant, the City shall consider the benefits of preserving lands in proximity to other protected lands. The preservation of land shall be done prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements,

whichever occurs first. In addition, the City shall impose the following minimum conservation easement content standards:

- The land to be preserved shall be deemed suitable Swainson's hawk foraging habitat by the California Department of Fish and Wildlife.
- All owners of the mitigation land shall execute the document encumbering the land.
- The document shall be recordable and contain an accurate legal description of the mitigation land.
- The document shall prohibit any activity which substantially impairs or diminishes the land's capacity as suitable Swainson's hawk foraging habitat.
- If the land's suitability as foraging habitat is related to existing agricultural uses on the land, the document shall protect any existing water rights necessary to maintain such agricultural uses on the land covered by the document, and retain such water rights for ongoing use on the mitigation land.
- The applicant shall pay to the City a mitigation monitoring fee to cover the costs of administering, monitoring and enforcing the document in an amount determined by the receiving entity, not to exceed 10% of the easement price paid by the applicant, or a different amount approved by the City Council, not to exceed 15% of the easement price paid by the applicant.
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Before committing to the preservation of any particular land pursuant to this measure, the Project proponent shall obtain the City's approval of the land proposed for preservation. This mitigation measure may be fulfilled in combination with a mitigation measure imposed on the project requiring the preservation of agricultural land as long as the agricultural land is determined by the Department of Fish and Wildlife to be suitable Swainson's hawk habitat.

MM BIO-1c Migratory and Nesting Birds

Prior to the start of construction, the implementation of the following avoidance and minimization measures would avoid or minimize potential effects to migratory birds and habitat in and adjacent to the project site. These measures shall be required to be implemented for construction work that occurs during the nesting season (February 15 through August 31). No mitigation measures shall be required during the non-nesting season (September 1 through February 14)

- If construction or tree removal is proposed during the nesting season for migratory birds (February 15 through August 31), a qualified biologist shall conduct pre-construction surveys for ground nesting birds and migratory species, such as the northern harrier, within the construction area, including a 300-foot survey buffer, no more than 3 days prior to the start of ground disturbing activities in the construction area.
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- A qualified biologist in consultation with CDFW shall: determine the size of the appropriate buffer and delineate the identified buffer using nest buffer signs, ESA fencing, pin flags, and or flagging tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently, at which time no further mitigation shall be required.

Appendix G:
Alves Ranch Detention Basin Analysis Memo

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San Francisco, CA 94102-2906
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rlee@swsv.com

MEMORANDUM

TO:	Joseph Azar	DATE:	February 26, 2019
FROM:	Robin J. Lee, P.E.	JOB#:	RJAA.51.18
SUBJECT:	Alves Ranch Detention Basin Analysis		

Introduction

This memorandum summarizes the analysis Schaaf & Wheeler completed on the Vista Del Mar Project existing Detention Basin located on the Alves Ranch property north of West Leland Road in Pittsburg, CA (see Fig. 1).The Basin currently has a water quality storage volume capacity of 5 acre-feet. The water quality storage volume was sized to treat the post development runoff from the Vista Del Mar project.

In order to treat the additional post development runoff from the residential portion of the proposed Alves Ranch project and the existing runoff from the Vista Del Mar project, the existing water quality storage volume need to be increased from 5 acre-feet to 6.2 acre–feet based on the Directly Connected Impervious Area table provided by ENGEO on June 4, 2018. The updated analysis focused on modification to the primary low flow and dewatering outlets to provide additional water quality storage, while still meeting the 10 year peak flow design standards on a 12 hours duration discharge limits and ensuring that the 12-hr 100 year peak flow is contained within the basin per the approved Vista Del Mar Detention Basin Design Study prepared by Ruggeri-Jensen–Azar dated June 5th 2008.

Existing Basin Facilities

The Vista Del Mar detention basin was designed to mitigate the post development 10 year peak flow from the Vista Del Mar, San Marco and Alves Ranch developments within the drainage areas of Line B-1 and Line B. The Line B-1 drainage area drains a portion of the San Marcos project to an existing 30" RCP that runs under Highway 4. Line B drainage area drains the Vista Del Mar project and the Alves Ranch property to an existing 42" RCP that runs under Highway 4. The Detention Basin detains flow from approximately 0.4 square miles directly south (entering the basin from the "Line B" storm drain pipe) in addition to detaining high flows from a diversion structure on the "Line B-1" storm drain pipe to the west, which drains approximately 0.1 square miles.

Figure 1: Schematic and Aerial Map of Basin, Storm Drain Lines, and Flow Directions.

The basin has four primary means of evacuating stored water:

1. The primary, **low flow outlet** for the basin is a 2.6' x 1' rectangular opening controlling flow into the outlet structure and 42-inch diameter outlet pipe. This outlet currently has its center at approximately elevation 126 feet NGVD (6.0 feet above the basin invert).
2. A **dewatering outlet** structure lies near the basin invert (120 feet NGVD). This consists of a sealed riser pipe with two rows of eight 1-1/2" diameter holes controlling outflow. This structure allows the basin to dewater while meeting water quality requirements for the storage volume between the invert and the primary outlet.
3. A **60-inch diameter overflow outlet** connects to the same outflow structure and 42-inch pipe as the primary low flow outlet. This horizontal pipe opening allows water to enter the outlet structure as weir flow over the perimeter of the pipe, starting at elevation 142 feet NGVD.
4. Finally, the dam has a concrete-lined **emergency spillway** structure at its northeast corner that allows uncontrolled spill above 143.2 feet NGVD onto Highway 4 (for extreme inflow events).

The basin was previously designed using Contra Costa County methodology. In its current configuration, the basin detains 5 AF of water quality storage ("dead storage"). The basin's outlet structures were also designed to meet specific post-development peak storm discharge requirements, based on a 10-year design standard on 12-hr duration. Peak storm discharge limits to Highway 4 set by the June 2004 EIR for the Vista Del Mar development area were 50 cfs for Line B and 67 cfs for Line B-1.

Because of the height of the embankment at Highway 4, the Basin is considered by the State to be a reservoir, impounded by an earthen dam. Based on a letter from DSOD dated May 30, 2012, the State has accepted the Dam as constructed.

Analysis

With the proposed Alves Ranch development in the drainage area, the required water quality storage will increase to a total of 6.2 acre-feet. The analysis in HEC-HMS (Figure 2) focused on the modification of the primary outlet to provide additional water quality storage.

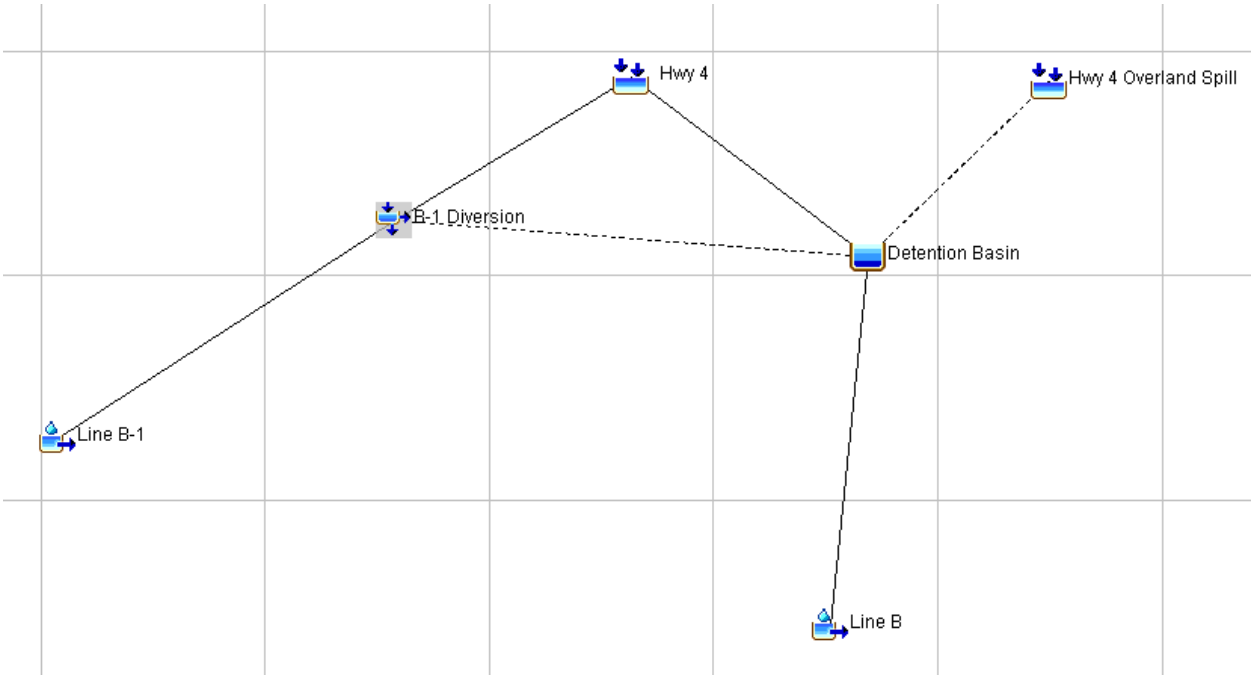


Figure 2. HEC-HMS Model Schematic of Study Area

Hydrologic Model

Input parameters for Watershed "B" and "B-1" were previously estimated based on full build-out of the Vista Del Mar, San Marco and Alves Ranch developments as originally planned based on the approved 2008 Detention Basin Design Study.

While the original model was created using Contra Costa County HYDRO 6 hydrographs and HEC-1 detention basin routing, hydrology standards in the County have since changed. Currently, Contra Costa County supplies a HEC-HMS template that has been utilized in this analysis for both the development of the hydrographs based on County rainfall patterns and for routing flow through the detention basin. HEC-HMS was used to model the project area and the detention basin.

Basin Infiltration Properties

The constant loss rates based on land use type have been provided by RJA, which were based on the approved Vista Del Mar Detention Basin Design Study (2008). These values are summarized in Table 1 and Table 2 and are considered typical impervious cover for each land use type. Attachment 1 shows these areas on a map.

Table 1: Updated Calculation of Constant Loss for Watershed "B"

Land Use	Area	Constant Loss (in/hr)	Product
Courtyard Homes – Area 4	11.0	0.05	0.55
4,000 SF lots – Area 3	24.2	0.06	1.452
6,000 SF lots – Area 1 & 2	63.1	0.06	3.786
Open Space (former Estate Lots) – Area 12 (portion)	7.2	0.17	1.224
Water Tank/ Pump Sta. – Area 16	0.2	0.06	0.012
West Leland Road – Area 6	6.5	0.02	0.130
Open Space – Area 11 & 12 (portion)	64.5	0.17	10.965
Freeway – Area 14 (portion)	7.0	0.02	0.140
Freeway Open Space – Area 15	2.9	0.17	0.493
Single family (Alley type) – Area 7	31.5	0.05	1.575
Open Space (north of Leland) – Area 13	5.9	0.017	1.003
Business Commercial – Area 9	12.0	0.03	1.003
School – Area 5 (portion)	6.3	0.08	0.504
Park – Area 5 (portion)	5.0	0.15	0.75
Detention Basin – Area 10	7.3	0.06	0.438
Total:	**254.6**		**23.382**
		Average	**0.092**

Table 2: Updated Calculation of Constant Loss for Watershed "B-1"

Land Use	Area	Constant Loss (in/hr)	Product
SF Homes – Area 17	36.7	0.06	2.202
Apartments – Area 18	16.7	0.04	0.668
SF Homes – Area 19	10	0.06	0.6
West Leland Road – Area 20	1.26	0.02	0.025
Open Space – Area 21	3.02	0.17	0.513
Freeway – Area 14 (portion)	0.67	0.02	0.013
Total:	**68.35**		**4.021**
		Average	**0.059**

Basin Lag Time

Original lag times of 0.13 hours for both basins were used per the approved 2008 Vista Del Mar Detention Basin Design Study.

Basin and Outlets

The detention basin was modeled in HEC-HMS with an elevation-storage curve along with the two outlets (low flow and dewatering) and two spillways (60 in overflow and emergency spillway). The HEC-HMS

model is capable of calculating the hydraulic rating curve for defined outlet openings, but it is also capable of utilizing user-defined rating curve for more complicated outlet structures. Outlets are input into the model as shown in Table 3. Because the 60-inch overflow first acts as a circular weir, then becomes pressurized with increasing water surface elevations, it is defined as a "Spillway" in the model with a user-defined rating curve reflecting this behavior.

Table 3: Detention Basin Model Element

Outlet	Model ID	Method	Modification
Low Flow Outlet	Outlet 1	Orifice Outlet (Defined Area/Coefficient)	Center El: 128.0 ft Area: 2.6 sq ft Coefficient 0.62
Dewatering Outlet	Outlet 2	Orifice Outlet (Defined Area/Coefficient)	Center El: 120.0 Area: 0.18 sq ft Coefficient 0.60
60-in Overflow	Spillway 1	Specified Spillway (Rating Curve)	60-in outlet at 142 ft Elevation- Discharge curve
Emergency Spillway	Spillway 2	Broad-Crested Spillway (Defined Length/Coefficient)	Elevation 143.2 ft Length 72 ft Coefficient 2.63

Model Design Storm Configuration

The HEC-HMS was calibrated to match the hydrographs produced from the HYDRO 6 model.

Previous Analysis Basin Parameters

The model was run with the existing catchment properties (land use, infiltration, areas, etc.) to ensure the results are similar to the original analysis. This provides a means of ensuring the HEC-HMS results have not diverged significantly from the previously used HYDRO6 results. The 10-year and 100-year, 3-hour and 12-hour runoff hydrographs are shown in Figure 4 – Figure 6 and match very well with the results produced by the County HYDRO model of these basins. The 10-year and 100-year, 24-hour HEC-HMS and HYDRO6 hydrographs do not match that well, as shown in Figure 7 and Figure 8. To calibrate the model to better match the HYDRO hydrographs, NOAA statistics were used, which results in a better match.

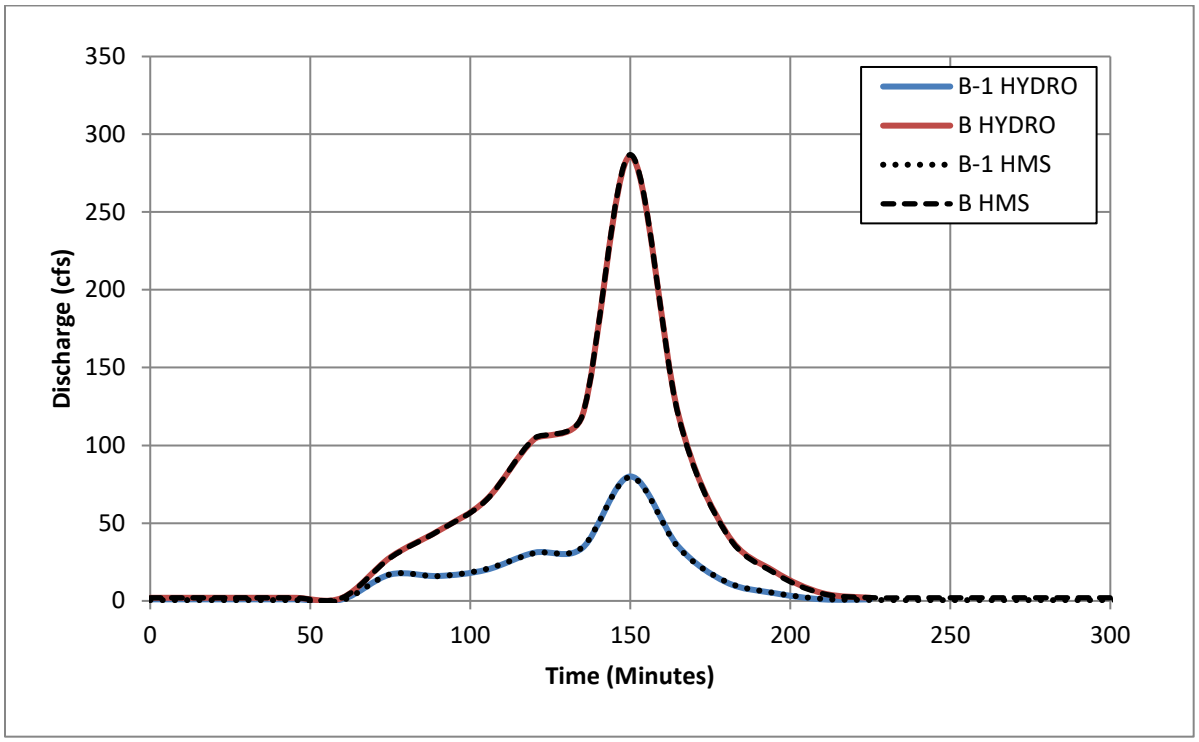


Figure 3. 10-year, 3 hour Runoff Hydrographs

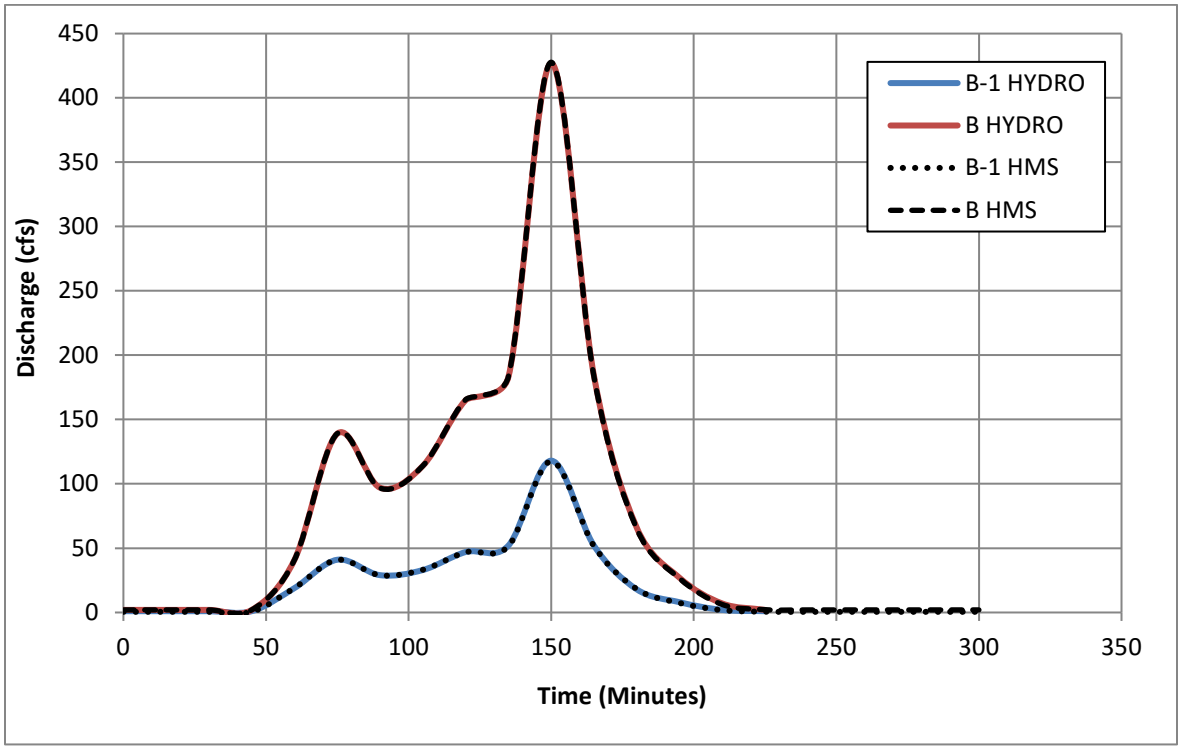


Figure 4: 100-year, 3-hour Runoff Hydrographs

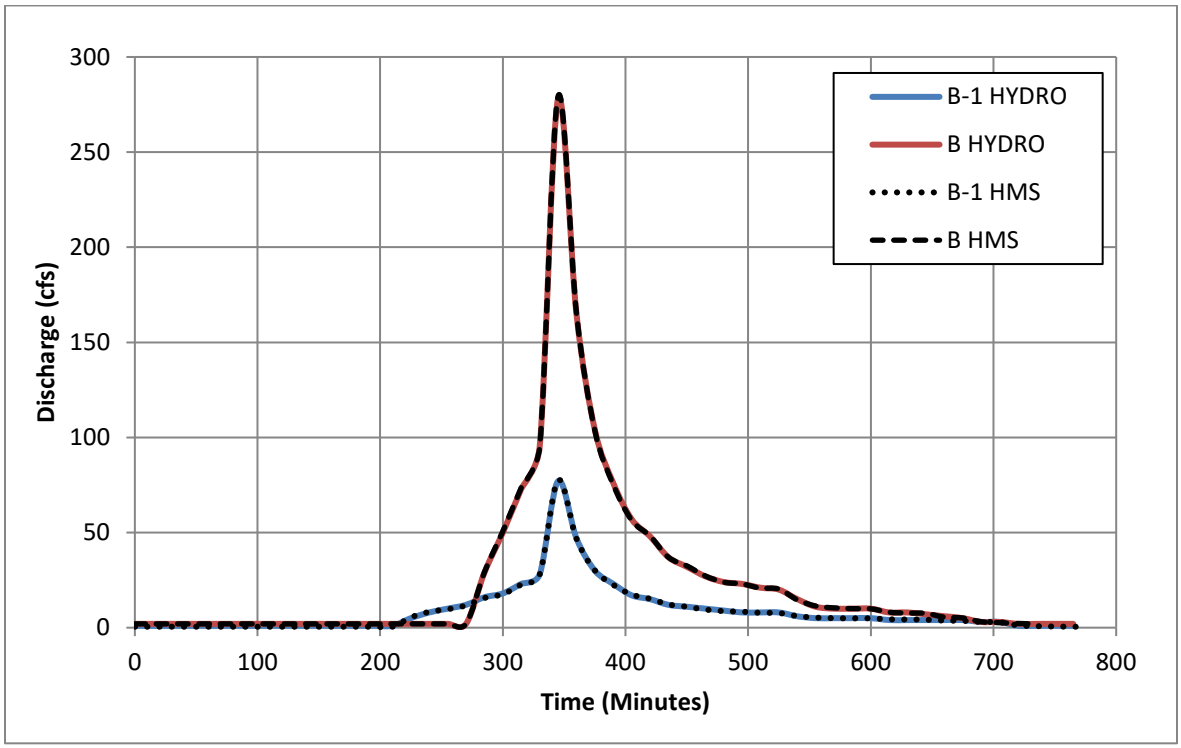


Figure 5. 10-yr, 12- hour Runoff Hydrograph

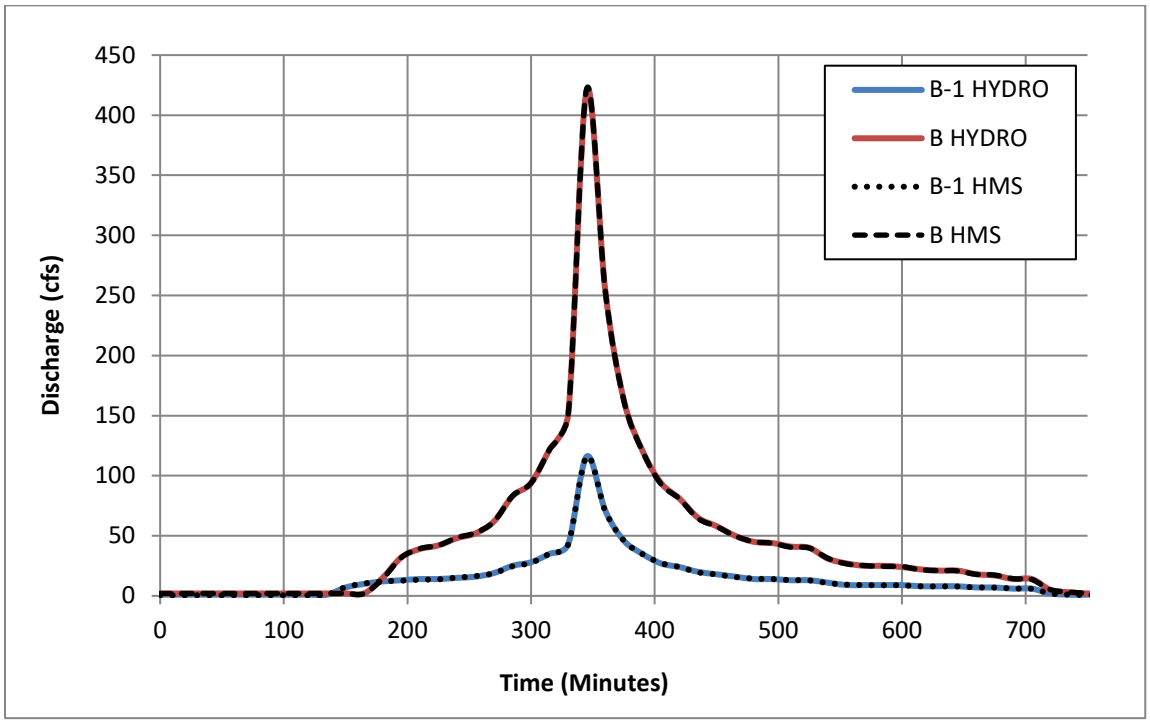


Figure 6. 100-yr, 12-hour Runoff Hydrograph

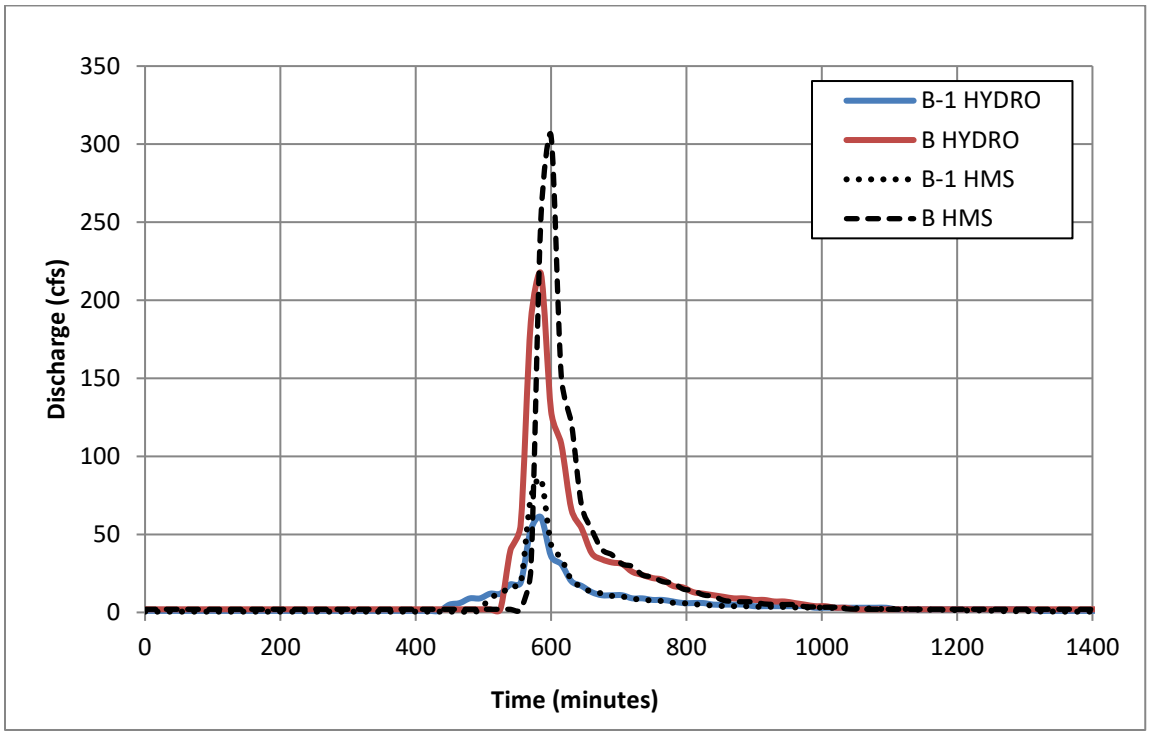


Figure 7. 10-yr, 24-hour Runoff Hydrograph

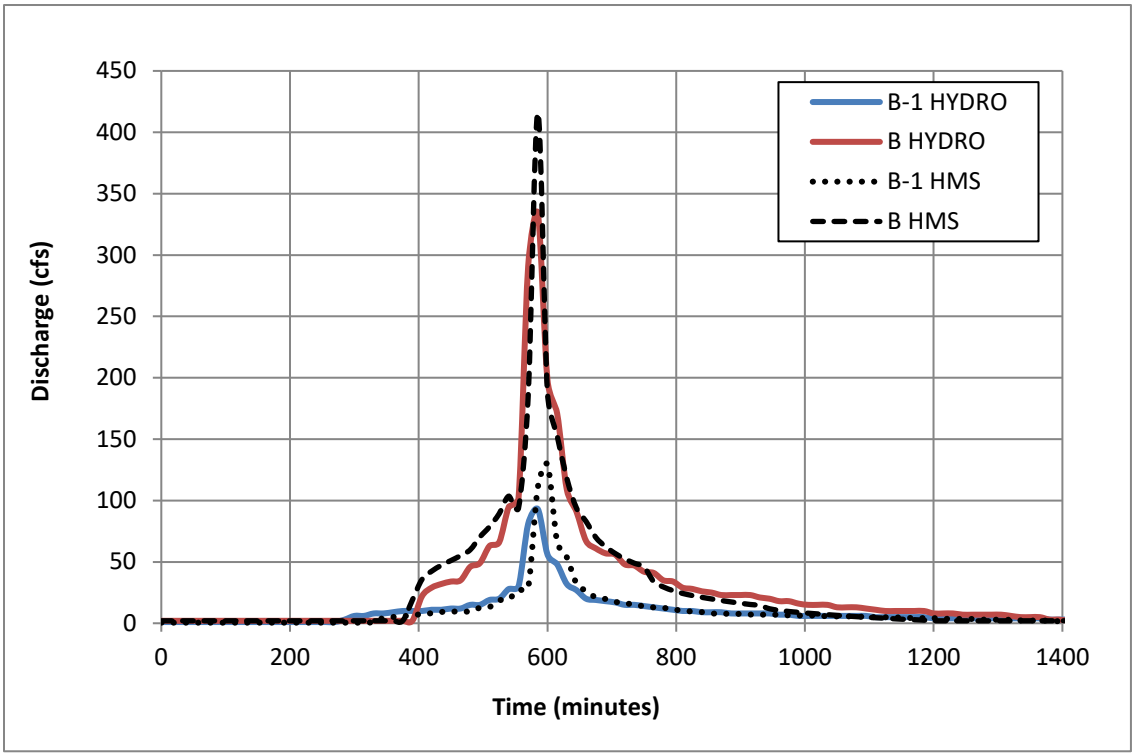


Figure 8: 100-year, 24-hour Runoff Hydrographs

Model Results

Dewatering Structure and Low Flow Outlet

To meet the required water quality storage, the low flow structure was modified so that the height of low flow outlet is at 128.0 NGVD. This configuration retains the required 6.2 ac-ft required for the water quality volume. The area of the dewatering structure was increased to 0.18 sq ft to allow the additional water to drain. The water quality volume drains in approximately 46.1 hours. This will require one (1) additional 1.5 inch diameter hole located at elevation 120 ft.

Basin Performance for Design Storms

The 12-hr 10-yr maximum discharge limits to Highway 4 set by the June 2004 Vista Del Mar EIR development area were 50 cfs for Line B. Table 4 summarizes the peak flow for Line B.

Table 4. Basin Performance for Design Storms

Location	10-yr (cfs)		100-yr (cfs)	
	Developed without Detention	Developed with Detention/ Diversion	Developed without Detention	Developed with Detention/ Diversion
Line B @ Freeway 3-hr	287.2	34.4	428.6	47.1
Line B @ Freeway 12-hr	279.5	36.9	422.9	51.9
Line B @ Freeway 24-hr	304.5	38.8	417.5	57.4

A summary of the peak water surface elevation for the 100-yr storm in the detention basin is summarized below.

Table 5. Detention Basin Peak Water Surface Elevations

Duration	10-yr		100-yr	
	Water Surface Elevation (ft, NGVD)	Freeboard from Concrete Spillway (143.2 ft)	Water Surface Elevation (ft, NGVD)	Freeboard from Concrete Spillway (143.2 ft)
3-hr	133.8	9.4	139.2	4.0
12-hr	134.7	8.5	141.7	1.5
24-hr	135.5	7.7	142.2	1.0

Diversion of Line B-1 Drainage System

The maximum allowable 12-hour 10-year design flow to Line B-1 at Highway is 67 cfs per the June 2004 Vista Del Mar EIR. Table 6 summarizes the peak flows at the diversion structure and at Highway 4.

Table 6. Diversion Structure Performance for Design Storms

Duration	10-yr Peak Flow (cfs)			100-yr		
	Line B-1 Peak Flow into Structure	Peak Discharge to HWY 4 (Line B-1)	Peak Flow to Basin from B-1 Diversion	Line B-1 Peak Flow into Structure	Peak Discharge to HWY 4 (Line B-1)	Peak Flow to Basin from B-1 Diversion
3-hr	79.4	**60.6**	18.8	117.3	68.8	48.5
12-hr	77.3	**60.1**	17.2	115.8	68.6	47.2
24-hr	85.4	**62.1**	23.3	114.6	68.3	46.3

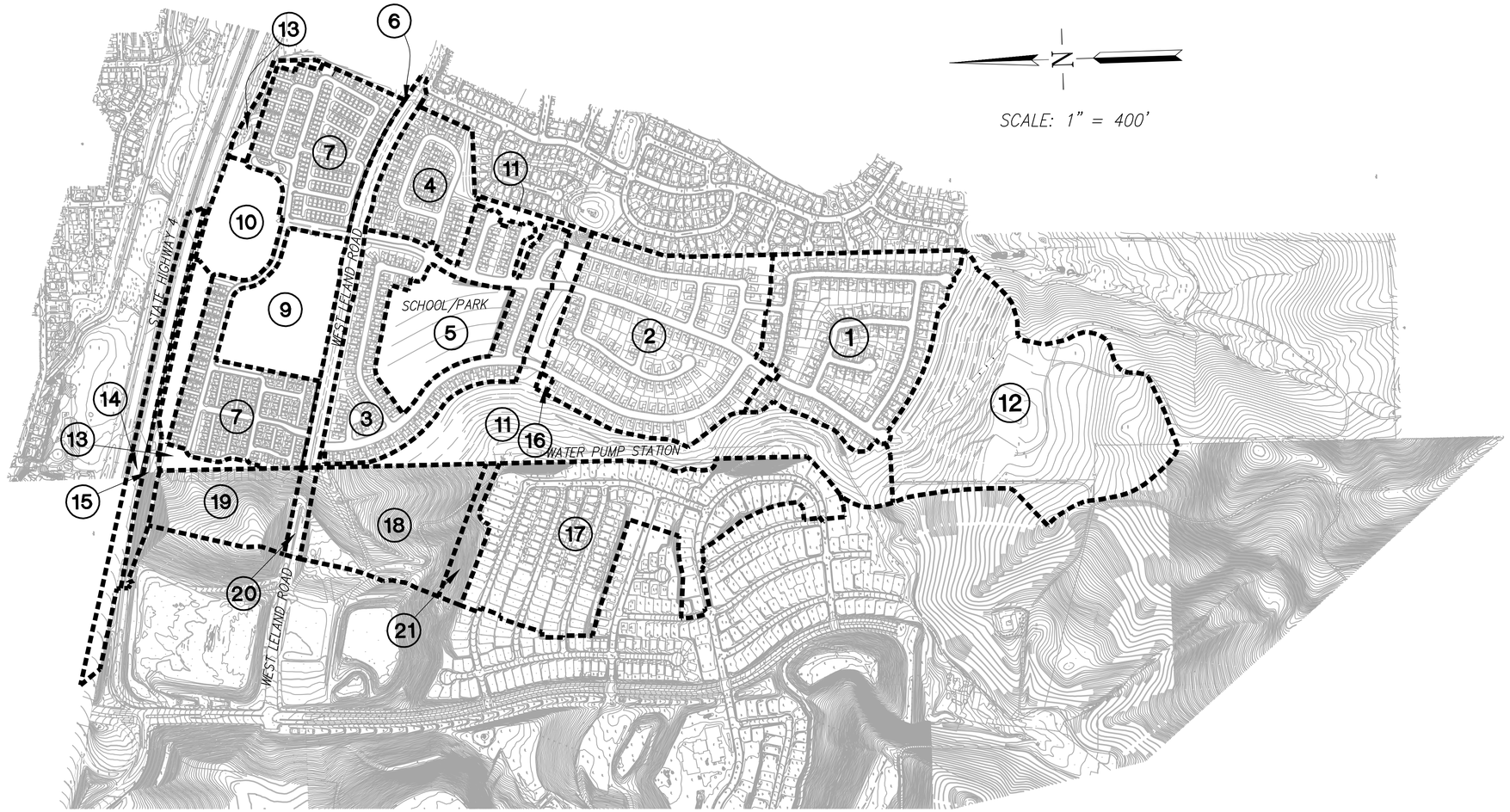
Conclusion

The HEC-HMS model was calibrated to the HYDRO6/HEC-1 modeling from the previous analysis. With the proposed Alves Ranch development plans as a basis for modification, the HMS model indicates that the low level outlet may be raised by 2.0 ft and still meets previously approved criteria per 2008 Vista Del Mar Detention Basin Design Study.

The 12-hr, 10-year storm peak discharge to Line B will be 36.9 cfs (50 cfs maximum allowable at HWY 4 per EIR). The 12-hr, 10-year storm peak discharge to Line B-1 will be 60.1 cfs (67 cfs maximum allowable at HWY 4 per EIR). The maximum 12-hr, 10-year storm peak discharge from Line B-1 to the basin is 17.2 cfs. And the 12-hr, 100-yr WSEL is contained within the basin.

ATTACHMENT 1

Drainage Area Map



WATERSHED B

COURTYARD HOMES	AREA 4	11.0 AC
4,000 SF LOTS	AREA 3	24.2 AC
6,000 SF LOTS	AREA 1 & 2	63.1 AC
OPEN SPACE (FORMER ESTATE LOTS)	AREA 12 (PORTION)	7.2 AC
WATER TANK/PUMP STATION	AREA 16	0.2 AC
WEST LELAND ROAD	AREA 6	6.5 AC
OPEN SPACE	AREA 11 & 12 (PORTION)	64.5 AC
FREEWAY	AREA 14 (PORTION)	7.0 AC
FREEWAY OPEN SPACE	AREA 15	2.9 AC
SINGLE FAMILY (ALLEY TYPE)	AREA 7	31.5 AC
OPEN SPACE (NORTH OF LELAND)	AREA 13	5.9 AC
BUSINESS COMMERCIAL	AREA 9	12.0 AC
SCHOOL	AREA 5 (PORTION)	6.3 AC
PARK	AREA 5 (PORTION)	5.0 AC
DETENTION BASIN	AREA 10	7.3 AC
TOTAL:		254.6 AC

WATERSHED B1

SF HOMES	AREA 17	36.7 AC
APARTMENTS	AREA 18	16.7 AC
SF HOMES	AREA 19	10 AC
WEST LELAND ROAD	AREA 20	1.26 AC
OPEN SPACE	AREA 21	3.02 AC
FREEWAY	AREA 14 (PORTION)	0.67 AC
TOTAL:		68.35 AC

DRAINAGE AREA MAP
VISTA DEL MAR DETENTION BASIN

CITY OF PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS ▪ PLANNERS ▪ SURVEYORS
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588
PHONE: (925) 227-9100 FAX: (925) 227-9300

DATE: FEBRUARY 21, 2019 JOB NO. 171084 SHEET 1 OF 1

G:\JOB2017\171084\CAD FILES\00-EXHIBITS\DRAINAGE MAP WATERSHED B.DWG 2/21/2019 10:34:02 AM ALEX AZAR

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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a Resolution Authorizing an Application to the Statewide Park Development and Community Revitalization Program Grant Funds for the Buchanan Park Renovation Project

MEETING DATE: July 1, 2019

EXECUTIVE SUMMARY

City Council approval is required for staff to proceed in a grant application to the Statewide Park Development and Community Revitalization Program Grant Funds for the Buchanan Park Renovation Project.

FISCAL IMPACT

None from this action. If the competitive grant application is successful, it may result in allocation of funds in an amount up to $8.5 million (grant program maximum) for design and construction of amenities at Buchanan Park. No matching funds are required.

RECOMMENDATION

City Council adopt the Resolution authorizing an application to the Statewide Park Development and Community Revitalization Program Grant Funds for the Buchanan Park Renovation Project and designating the City Manager as the City's authorized representative.

BACKGROUND

In 2006, California voters approved Proposition 84 to create, expand and renovate parks in critically underserved communities across the state. In 2018, voters approved Proposition 68 to continue the program with $650 million distributed across the state in multiple rounds. In 2019, nearly $255 million is available.

As administrator of the program, the California Department of Recreation developed guidelines for local agencies to apply and reviews the applications in a competitive grant process. Projects must create a new park, expand or renovate an existing park in a critically underserved area. Grantees must complete projects by June 30, 2022.

This resolution, if approved, will authorize staff to prepare an application to the Statewide Park Development and Community Revitalization Program Grant Funds for the Buchanan Park Renovation Project, and designates the City Manager as the City's representative for purposes of grant administration.

SUBCOMMITTEE FINDINGS

This item was presented before the Community Advisory Commission on June 5, 2019 for discussion and feedback.

STAFF ANALYSIS

Staff from the Recreation and Community Development departments completed required training in development of a competitive grant application for Proposition 68 funds, and recently completed a series of public meetings to solicit input on what amenities should be included in the park renovation.

Meetings included students and parents from Hillview Junior High School, neighbors of the park at an evening meeting at Buchanan Community Center, attendees at a Car Show, members of the Community Advisory Commission and customers at the Pittsburg Senior Center. Residents identified their preferred park amenities and indicated on a site map where the new features should be located.

Respondents submitted nearly 400 votes and indicated 28 locations for amenities in the park, ranging from a community center and splash pad water feature, to walking paths, athletic courts, drinking fountains and play structures. Also popular were safety improvements, such as lighting.

This feedback will be used by staff to develop a scope of work and budget for the grant project. The deadline for applications is August 5, 2019. Results of the grant process are expected in early 2020. Staff recommends approval of the attached resolution.

ATTACHMENTS: Resolution
Funding Agreement (sample)

Report Prepared By: Kolette Simonton, Assistant Director of Economic Development & Recreation

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Approving the Application for Statewide Park Development and Community Revitalization Program Grant Funds

RESOLUTION NO. 19-

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Statewide Park Development and Community Revitalization Grant Program, setting up necessary procedures governing the application; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of the application before submission of said application to the State; and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope project.

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

Section 1. The filing of an application for the Buchanan Park Renovation Project is approved.

Section 2. Certifies that said Applicant has or will have available, prior to commencement of any work on the project included in this application, the sufficient funds to complete the project if the grant is awarded.

Section 3. Certifies that if the project is awarded, the Applicant has or will have sufficient funds to operate and maintain the project.

Section 4. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the contract shown in the Grant Administration Guide.

Section 5. Delegates the authority to the City Manager to conduct all negotiations, sign and submit all documents, including, but not limited to applications, agreements, amendments and payment requests, which may be necessary for the completion of the Grant Scope.

Section 6. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

Section 7. Will consider promoting inclusion per Public Resources Code §80001(b)(8 A-G).

Section 8. 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 1st day of July, 2019, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

_____
Juan Antonio Banales, Mayor

ATTEST:

_____
Alice E. Evenson, City Clerk

Competitive Grant Program Contract

State of California – The Natural Resources Agency
DEPARTMENT OF PARKS AND RECREATION

Sample Grant Contract
Competitive Grant Program

Grantee: Grantee

Grant Performance Period is from July 1, 20xx through June 30, 20xx

CONTRACT PERFORMANCE PERIOD is from July 1, 20xx through June 30, 20xx

The GRANTEE agrees to the terms and conditions of this Contract, and the State of California, acting through its Director of the Department of Parks and Recreation, pursuant to the State of California, agrees to fund the total State grant amount indicated below.

The GRANTEE agrees to complete the GRANT SCOPE(s) as defined in the GRANT SCOPE/Cost Estimate Form for the application filed with the State of California.

Total State grant amount not to exceed $ Grant amount

The General and Special Provisions attached are made a part of and incorporated into the Contract.

STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

_____
GRANTEE

By _____

(Typed or printed name of Authorized Representative)

_____
(Signature of AUTHORIZED REPRESENTATIVE)

Title _____

Date _____

By_____

Date_____

CERTIFICATION OF FUNDING (FOR STATE USE ONLY)

AMOUNT OF ESTIMATE $		CONTRACT NUMBER	FUND		
ADJ. INCREASING ENCUMBRANCE $		APPROPRIATION			
ADJ. DECREASING ENCUMBRANCE $		ITEM VENDOR NUMBER			
UNENCUMBERED BALANCE $		LINE ITEM ALLOTMENT	CHAPTER	STATUTE	FISCAL YEAR
T.B.A. NO.	B.R. NO.	INDEX	Funding Source		OBJ. EXPEND
I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance.					
SIGNATURE OF ACCOUNTING OFFICER			DATE		

SAMPLE

I. RECITALS

This CONTRACT is entered into between the California Department of Parks and Recreation (hereinafter referred to as "GRANTOR," "DEPARTMENT" or "STATE") and [grantee name] (hereinafter referred to as "GRANTEE").

The DEPARTMENT hereby grants to GRANTEE a sum (also referred to as "GRANT MONIES") not to exceed $grant amount, subject to the terms and conditions of this CONTRACT and the 20xx/xx California State Budget, Chapter xx, statutes of 20xx, Item number – 3790-xxx-xxxx (appropriation chapter and budget item number hereinafter referred to as "COMPETITIVE GRANT PROGRAM GRANT"). These funds shall be used for completion of the GRANT SCOPE(S).

The Grant Performance Period is from July 1, 20xx to June 30, 20xx.

II. GENERAL PROVISIONS

A. Definitions

As used in this CONTRACT, the following words shall have the following meanings:

1. The term "ACT" means the California Drought, Water, Parks Climate, Coastal Protection, and Outdoor Access for All Act of 2018, as referred to in section I of this CONTRACT.
2. The term "APPLICATION" means the individual project APPLICATION packet for a project pursuant to the enabling legislation and/or grant program process guide requirements.
3. The term "DEPARTMENT" or "STATE" means the California Department of Parks and Recreation.
4. The term "DEVELOPMENT" means capital improvements to real property by means of, but not limited to, construction, expansion, and/or renovation, of permanent or fixed features of the property.
5. The term "GRANTEE" means the party described as the GRANTEE in Section I of this CONTRACT.
6. The term "GRANT SCOPE" means the items listed in the GRANT SCOPE/Cost Estimate Form found in each of the APPLICATIONS submitted pursuant to this grant.
7. The term "GUIDES" means (1) the document identified as the "Grant Administration Guide for California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 Competitive Grant Programs Capital Improvement Projects" and (2) The Application Guide that established the competitive procedures and policies for the selection of projects.

B. Project Execution

1. Subject to the availability of GRANT MONIES in the act, the STATE hereby grants to the GRANTEE a sum of money not to exceed the amount stated in Section I of this CONTRACT, in consideration of, and on condition that, the sum be expended in carrying out the purposes as set forth in the scope described in the enabling legislation and referenced in the APPLICATION, Section I of this CONTRACT, and under the terms and conditions set forth in this CONTRACT.

SAMPLE

The GRANTEE shall assume any obligation to furnish any additional funds that may be necessary to complete the GRANT SCOPE(S).

The GRANTEE agrees to submit any change or alteration from the original GRANT SCOPE(S) in writing to the STATE for prior approval. This applies to any and all changes that occur after STATE has approved the APPLICATION. Changes in the GRANT SCOPE(S) must be approved in writing by the STATE.

2. The GRANTEE shall complete the GRANT SCOPE(S) in accordance with the time of the Performance Period set forth in Section I of this CONTRACT, and under the terms and conditions of this contract.

   To maintain the integrity of the competitive grant program, the GRANTEE agrees that any other project changes or alterations which deviate from the intent of the project selection criteria provided by the GRANTEE in the original competitive APPLICATION must be submitted in writing to the STATE for prior approval.

3. The GRANTEE shall comply with the California Environmental Quality Act (Public Resources Code, §21000, et seq., Title 14, California Code of Regulations, §15000 et seq.).

4. The GRANTEE shall comply with all applicable current laws and regulations affecting DEVELOPMENT projects, including, but not limited to, legal requirements for construction contracts, building codes, health and safety codes, and laws and codes pertaining to individuals with disabilities, including but not limited to the Americans With Disabilities Act of 1990 (42 U.S.C. §12101 et seq.) and the California Unruh Act (California Civil Code §51 et seq.)

C. Procedural Guide

1. GRANTEE agrees to abide by the GUIDES.

2. GRANTEE acknowledges that STATE may make reasonable changes to its procedures as set forth in the GUIDES. If STATE makes any changes to its procedures and guidelines, STATE agrees to notify GRANTEE within a reasonable time.

D. Project Administration

1. If GRANT MONIES are advanced for DEVELOPMENT projects, the advanced funds shall be placed in an interest bearing account until expended. Interest earned on the advanced funds shall be used on the project as approved by the STATE. If grant monies are advanced and not expended, the unused portion of the grant and any interest earned shall be returned to the STATE within 60 days after project completion or end of the grant performance period, whichever is earlier.

2. The GRANTEE shall submit written project status reports within 30 calendar days after the STATE has made such a request. In any event, the GRANTEE shall provide the STATE a report showing total final project expenditures within 60 days of project completion or the end of the grant performance period, whichever is earlier. The grant performance period is identified in Section I of this CONTRACT.

3. The GRANTEE shall make property or facilities acquired and/or developed pursuant to this contract available for inspection upon request by the STATE.

SAMPLE

E. Project Termination

1. Project Termination refers to the non-completion of a GRANT SCOPE. Any grant funds that have not been expended by the GRANTEE shall revert to the STATE.

2. The GRANTEE may unilaterally rescind this CONTRACT at any time prior to the commencement of the project. The commencement of the project means the date of the letter notifying GRANTEE of the award or when the funds are appropriated, whichever is later. After project commencement, this CONTRACT may be rescinded, modified or amended only by mutual agreement in writing between the GRANTEE and the STATE, unless the provisions of this contract provide that mutual agreement is not required.

3. Failure by the GRANTEE to comply with the terms of the (a) GUIDES, (b) any legislation applicable to the ACT, (c) this CONTRACT as well as any other grant contracts, specified or general, that GRANTEE has entered into with STATE, may be cause for suspension of all obligations of the STATE unless the STATE determines that such failure was due to no fault of the GRANTEE. In such case, STATE may reimburse GRANTEE for eligible costs properly incurred in performance of this CONTRACT despite non-performance of the GRANTEE. To qualify for such reimbursement, GRANTEE agrees to mitigate its losses to the best of its ability.

4. Any breach of any term, provision, obligation or requirement of this CONTRACT by the GRANTEE shall be a default of this CONTRACT. In the case of any default by GRANTEE, STATE shall be entitled to all remedies available under law and equity, including but not limited to: a) Specific Performance; b) Return of all GRANT MONIES; c) Payment to the STATE of the fair market value of the project property or the actual sales price, whichever is higher; and d) Payment to the STATE of the costs of enforcement of this CONTRACT, including but not limited to court and arbitration costs, fees, expenses of litigation, and reasonable attorney fees.
5. The GRANTEE and the STATE agree that if the GRANT SCOPE includes DEVELOPMENT, final payment may not be made until the work described in the GRANT SCOPE is complete and the GRANT PROJECT is open to the public.

F. Budget Contingency Clause

If funding for any fiscal year is reduced or deleted by the budget act for purposes of this program, the STATE shall have the option to either cancel this contract with no liability occurring to the STATE, or offer a CONTRACT amendment to GRANTEE to reflect the reduced grant amount. This Paragraph shall not require the mutual agreement as addressed in Paragraph E, provision 2, of this CONTRACT.

G. Hold Harmless

1. The GRANTEE shall waive all claims and recourse against the STATE including the right to contribution for loss or damage to persons or property arising from, growing out of or in any way connected with or incident to this CONTRACT except claims arising from the concurrent or sole negligence of the STATE, its officers, agents, and employees.

2. The GRANTEE shall indemnify, hold harmless and defend the STATE, its officers, agents and employees against any and all claims, demands, damages, costs, expenses or liability costs arising out of the ACQUISITION, DEVELOPMENT, construction, operation or maintenance of the property described as the project which claims, demands or causes of action arise under

SAMPLE

California Government Code Section 895.2 or otherwise except for liability arising out of the concurrent or sole negligence of the STATE, its officers, agents, or employees.

3. The GRANTEE agrees that in the event the STATE is named as codefendant under the provisions of California Government Code Section 895 et seq., the GRANTEE shall notify the STATE of such fact and shall represent the STATE in the legal action unless the STATE undertakes to represent itself as codefendant in such legal action in which event the GRANTEE agrees to pay the STATE's litigation costs, expenses, and reasonable attorney fees.

4. The GRANTEE and the STATE agree that in the event of judgment entered against the STATE and the GRANTEE because of the concurrent negligence of the STATE and the GRANTEE, their officers, agents, or employees, an apportionment of liability to pay such judgment shall be made by a court of competent jurisdiction. Neither party shall request a jury apportionment.

5. The GRANTEE shall indemnify, hold harmless and defend the STATE, its officers, agents and employees against any and all claims, demands, costs, expenses or liability costs arising out of legal actions pursuant to items to which the GRANTEE has certified. The GRANTEE acknowledges that it is solely responsible for compliance with items to which it has certified.

H. Financial Records

1. The GRANTEE shall maintain satisfactory financial accounts, documents, including loan documents, and all other records for the project and to make them available to the STATE for auditing at reasonable times. The GRANTEE also agrees to retain such financial accounts, documents and records for five years following project termination or issuance of final payment, whichever is later.

2. The GRANTEE shall keep such records as the STATE shall prescribe, including records which fully disclose (a) the disposition of the proceeds of STATE funding assistance, (b) the total cost of the project in connection with such assistance that is given or used, (c) the amount and nature of that portion of the project cost supplied by other sources, and (d) any other such records that will facilitate an effective audit.

3. The GRANTEE agrees that the STATE shall have the right to inspect and make copies of any books, records or reports pertaining to this contract or matters related thereto during regular office hours. The GRANTEE shall maintain and make available for inspection by the STATE accurate records of all of its costs, disbursements and receipts with respect to its activities under this contract. Such accounts, documents, and records shall be retained by the GRANTEE for at least five years following project termination or issuance of final payment, whichever is later.

4. The GRANTEE shall use a generally accepted accounting system.

I. Use of Facilities

1. The GRANTEE agrees that the GRANTEE shall operate and maintain the property acquired or developed with the GRANT MONIES, for the duration of the Contract Performance Period.

2. The GRANTEE agrees that, during the Contract Performance Period, the GRANTEE shall use the property acquired or developed with GRANT MONIES under this contract only for the purposes of this grant and no other use, sale, or other disposition or change of the use of the

SAMPLE

property to one not consistent with its purpose shall be permitted except as authorized by the STATE and the property shall be replaced with property of equivalent value and usefulness as determined by the STATE.

3. The property acquired or developed may be transferred to another entity if the successor entity assumes the obligations imposed under this CONTRACT and with the approval of STATE.

4. Any real Property (including any portion of it or any interest in it) may not be used as security for any debt or mitigation, without the written approval of the STATE provided that such approval shall not be unreasonably withheld as long as the purposes for which the Grant was awarded are maintained. Any such permission that is granted does not make the STATE a guarantor or a surety for any debt or mitigation, nor does it waive the STATE'S rights to enforce performance under the Grant CONTRACT.

5. All real property, or rights thereto, acquired with GRANT MONIES shall be subject to an appropriate form of restrictive title, rights, or covenants approved by the STATE. If the project property is taken by use of eminent domain, GRANTEE shall reimburse STATE an amount at least equal to the amount of GRANT MONIES received from STATE or the pro-rated full market value of the real property, including improvements, at the time of sale, whichever is higher.

6. If eminent domain proceedings are initiated against GRANTEE, GRANTEE shall notify STATE within 10 days of receiving the complaint.

J. Nondiscrimination

1. The GRANTEE shall not discriminate against any person on the basis of sex, race, color, national origin, age, religion, ancestry, sexual orientation, or disability in the use of any property or facility developed pursuant to this contract.

2. The GRANTEE shall not discriminate against any person on the basis of residence except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence and pursuant to law.

3. All facilities shall be open to members of the public generally, except as noted under the special provisions of this project contract or under provisions of the enabling legislation and/or grant program.

K. Severability

If any provision of this CONTRACT or the application thereof is held invalid, that invalidity shall not affect other provisions or applications of the CONTRACT which can be given effect without the invalid provision or application, and to this end the provisions of this CONTRACT are severable.

L. Liability

1. STATE assumes no responsibility for assuring the safety or standards of construction, site improvements or programs related to the GRANT SCOPE. The STATE'S rights under this CONTRACT to review, inspect and approve the GRANT SCOPE and any final plans of

SAMPLE

implementation shall not give rise to any warranty or representation that the GRANT SCOPE and any plans or improvements are free from hazards or defects.

2. GRANTEE will secure adequate liability insurance, performance bond, and/or other security necessary to protect the GRANTEE's and STATE'S interest against poor workmanship, fraud, or other potential loss associated with completion of the grant project.

M. Assignability

Without the written consent of the STATE, the GRANTEE'S interest in and responsibilities under this CONTRACT shall not be assignable by the GRANTEE either in whole or in part.

N. Use of Grant Monies

GRANTEE shall not use any grant funds (including any portion thereof) for the purpose of making any leverage loan, pledge, promissory note or similar financial device or transaction, without: 1) the prior written approval of the STATE; and 2) any financial or legal interests created by any such leverage loan, pledge, promissory note or similar financial device or transaction in the project property shall be completely subordinated to this CONTRACT through a Subordination Agreement provided and approved by the STATE, signed by all parties involved in the transaction, and recorded in the County Records against the fee title of the project property.

O. Section Headings

The headings and captions of the various sections of this CONTRACT have been inserted only for the purpose of convenience and are not a part of this CONTRACT and shall not be deemed in any manner to modify, explain, or restrict any of the provisions of this CONTRACT.

P. Waiver

Any failure by a party to enforce its rights under this CONTRACT, in the event of a breach, shall *not* be construed as a waiver of said rights; and the waiver of any breach under this CONTRACT shall *not* be construed as a waiver of any subsequent breach.

_____
GRANTEE
By:_____
Signature of Authorized Representative

Title: _____
Date: _____

STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

By: _____

Date: _____

SAMPLE

CITY OF PITTSBURG
CITY COUNCIL/AGENCY CONCURRENT MEETING MINUTES

DATE: June 17, 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 7:00 P.M. in the City Council Chamber at City Hall, 65 Civic Avenue, Pittsburg, CA.

ROLL CALL

Member Scales-Preston was absent and excused.

PLEDGE OF ALLEGIANCE

Chief Addington led the Pledge of Allegiance.

PROCLAMATIONS

1. Relay for Life of the Delta

The Proclamation was presented to members of the Relay for Life organizers

PRESENTATIONS

2. Pittsburg Arts and Community Foundation Yearly Update

Janis Glover, Program Manager, introduced her team and they presented the yearly update of activities sponsored by the Pittsburg Arts and Community Foundation.

CITY MANAGER'S REMARKS

City Manager Evans announced upcoming events.

CITIZENS REMARKS

John Diaz Coker, Pittsburg, spoke in support of the Pittsburg Arts and Community Foundation.

Durie Foster, Pittsburg, spoke regarding the city's flag policy and asked for copies of the policies. He also questioned the law and enforcement regarding street vendors and food sales.

Dianna Schepers, Pittsburg, announced the 40th Anniversary of the Pittsburg Community Theater (PCT) and noted the upcoming event celebrating the anniversary, as well as the program for the coming year.

Charles Thomas, Contra Costa County Fire District Battalion Chief, gave an update on recent activities.

Zak Hemmer, Santa Rosa, owner of Wild Smiles in the North Park shopping center, spoke regarding issues with property vandalism, side shows, and vagrants.

Cindy Halvorson, Novato, property manager of the Wild Smiles business, also spoke regarding issues with property vandalism at the property.

Tom LaFleur, Pittsburg, spoke in support of the Pittsburg Arts and Community Foundation.

Lisa Maule, Pittsburg, spoke in support of the Pittsburg Arts and Community Foundation.

PUBLIC HEARING

6. Adoption of a City Council Urgency Ordinance Extending the Temporary Moratorium on the Commercial Use, Cultivation, Manufacturing, and Sale of Raw Hemp

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 adopt and carried by the following vote:

AYES: Craft, Killings, White, Banales
ABSENT: Scales-Preston

CONSIDERATION

7. Adoption of a Pittsburg Power Company Resolution for Approval of the Budget for Fiscal Year 2019-20 for the Pittsburg Power Company and Appropriation of Funds for Fiscal Year 2019-20

On Motion by Vice-Mayor Killings, seconded by Member White to adopt and carried by the following vote:

AYES: Killings, White, Banales
ABSTAINED: Craft
ABSENT: Scales-Preston

8. Adoption of a GHAD II Resolution for Approval of the Budget for Fiscal Year 2019-20 for the Southwest Pittsburg Geologic Hazard Abatement District II (GHAD II) and Appropriation of Funds for Fiscal Year 2019-20

On Motion by Vice-Mayor Killings, seconded by Member Craft to adopt and carried by the following vote:

AYES: Craft, Killings, White, Banales
ABSENT: Scales-Preston

9. Adoption of a City Council Resolution for Approval of the City of Pittsburg's Operating Budget for Fiscal Year 2019-20 and Appropriation of Funds for Fiscal Year 2019-20

On Motion by Vice-Mayor Killings, seconded by Member Craft to adopt and carried by the following vote:

AYES: Craft, Killings, White, Banales
ABSENT: Scales-Preston

10. Adoption of a City Council Resolution to Adopt the City of Pittsburg Community Outreach Plan

On Motion by Vice-Mayor Killings, seconded by Member White to adopt and carried by the following vote:

AYES: Craft, Killings, White, Banales
ABSENT: Scales-Preston

11. Adoption of a City Council Resolution Authorizing the City Manager to Execute a Parking Lot Lease Agreement with the Church of the Living God

On Motion by Vice-Mayor Killings, seconded by Member White to adopt and carried by the following vote:

AYES: Craft, Killings, White, Banales
ABSENT: Scales-Preston

CONFLICT OF INTEREST STATEMENT

There were no conflict of interest statements.

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

On Motion by Member Craft, seconded by Member White to adopt without Item 12 and carried by the following vote:

AYES: Craft, Killings, White, Banales
ABSENT: Scales-Preston

13. Adoption of a City Council Resolution Establishing the Appropriations Limit for the 2019-20 Fiscal Year in Accordance with Proposition III and Article XIII (B)

14. Adoption of a City Council Resolution Authorizing the Execution of an Agreement Between the City of Pittsburg and Cole Pro Media LLC

15. Adoption of a City Council Resolution Providing Excess Workers' Compensation Coverage for Police Officer Injuries Out-of-State

16. Adoption of a City Council Resolution to Amend the Consultant Services Agreement to Increase Compensation and Add Services for Management of the 2019-2029 Marina Dredge Project

17. Adoption of an Ordinance Adopting an Environmental Impact Report Addendum and Overlay District for the Public Storage Redevelopment at 525 California Avenue, AP-18-1315 (RZ)

The following item was considered separately:

12. Adoption of a City Council Resolution to Authorize the City Manager to Execute the Northern Waterfront Economic Development Initiative Memorandum of Understanding among the County of Contra Costa, the City of Antioch, the City of Concord, the City of Pittsburg, the City of Hercules, the City of Martinez, the City of Brentwood, and the City of Oakley

On Motion by Member White, seconded by Member Craft to adopt and carried by the following vote:

AYES: Craft, Killings, White, Banales
ABSENT: Scales-Preston

COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

18. Consideration of a City Council Request for a Future Agenda Item Related to Opportunity Zones (Requested by Vice-Mayor Killings)

On Motion by Vice Mayor/Chair Killings seconded by Member White to approve for a future agenda and carried by the following vote:

AYES: Killings, White, Banales
NOES: Craft
ABSENT: Scales-Preston

19. Consideration of a City Council Request for a Future Agenda Item Related to Flags That Can Be Flown on City Controlled Flag Poles (Requested by Mayor Banales)

On Motion by Member Craft, seconded by Member White to approve for a future agenda and carried by the following vote:

AYES: Craft, Killings, White, Banales
ABSENT: Scales-Preston

Member White asked for a future item to be brought forward to consider a five-year plan for the Pittsburg Arts and Community Foundation.

On Motion by Member White, seconded by Member Craft to approve consideration of a five-year plan for the Pittsburg Arts and Community Foundation for a future agenda and carried by the following vote:

AYES: Craft, Killings, White, Banales
ABSENT: Scales-Preston

COUNCIL MEMBER REPORTS AND REMARKS

Member Craft gave a Camp Stoneman celebration update. She also attended the 100 Black Men's Convention with four students from Pittsburg High School.

Member White thanked Kolette Simonton for her efforts in bringing Bombardier to Pittsburg.

Mayor Banales thanked staff as well as county and state offices for the tremendous effort in bringing the Bombardier facility to Pittsburg. He noted the regional efforts and collaboration with Delta 6 where concerns were sent to BART regarding TOD issues. He was happy to report this strong support for economic development in all of East County.

ADJOURNMENT

The City Council meeting was adjourned at 9:38 P.M. to July 1, 2019.

Respectfully submitted,

Alice E. Evenson, City Clerk

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

TO: Chair and Agency Members

FROM: Garrett Evans, Executive Director

SUBJECT: A Pittsburg Power Company Resolution Approving the 2018 Annual Power Source Disclosure Report to the California Energy Commission

MEETING DATE: July 1, 2019

EXECUTIVE SUMMARY

State Law, Public Utilities Code Section 398.1(b) requires all retail suppliers of electricity products to file an annual report to the California Energy Commission (CEC) to disclose resources or fuel types of power procured and sold to end use customers. The Pittsburg Power Company (PPC) provides electricity retail service on Mare Island, Vallejo in the name of Island Energy and is required by law to disclose the sources of its energy procurement and sales to its end users on Mare Island. The CEC requires the Governing Board of the Pittsburg Power Company to approve its 2018 Annual Power Source Disclosure Report (Report).

FISCAL IMPACT

Approval of the 2018 Annual Power Source Disclosure Report has no fiscal impact to the utility's Enterprise Fund or the City of Pittsburg's General Fund.

RECOMMENDATION

The Governing Board of the Pittsburg Power Company adopt the 2018 Annual Power Source Disclosure Report, attests the information contained in the report is true and accurate and the energy that PPC procured was sold once and only once to end use customers.

BACKGROUND

Electricity retail suppliers are required to report the resources or fuel types of power procured and sold in the form of a Power Source Disclosure Report developed by the CEC. The CEC also requires the power source disclosure report to be independently audited. A public agency is not required to comply with the audit requirements if the board of directors of the public agency approves the power source disclosure report at a public meeting and attests the information contained in the power source disclosure Report is accurate.

SUBCOMMITTEE FINDINGS

The 2018 Annual Power Source Disclosure Report was presented to the PPC Subcommittee on June 24, 2019.

STAFF ANALYSIS

Staff developed the 2018 Annual Power Source Disclosure Report using metered generation data from PPC's wholesale power supplier, the Western Area Power Administration. The generation data was used to represent scheduling, billing and settlement activities of PPC's wholesale power procurements during Calendar Year 2018. The sales and usage data were collected from PPC's automatic meter reading system. The use of metered generation, self-consumption and sales data in preparing the 2018 Annual Power Source Disclosure Report was consistent with the CEC's regulations of regulatory compliance report filing.

The 2018 Annual Power Source Disclosure report shows that for Calendar Year 2018, 55% of PPC's annual electricity sales to end users was purchased from specified sources and 45% was from unspecified sources. Within the 55% from specified sources, 23% was from large hydroelectric generation, 31% from solar generation, and 1% from eligible hydroelectric generation. The reason for the lower than usual large hydropower allocation was due to the interruption of transmission lines by the Carr fire.

The energy purchased from solar generation sources are eligible renewable resources under California's Renewable Portfolio Standard (RPS) and was purchased especially to meet PPC's RPS compliance requirements. The percentage of large hydroelectric generation was calculated using a formula developed by the CEC to discount large hydroelectric generation as large hydropower is not a CEC eligible renewable energy source under the RPS rules.

The 45% purchase from unspecific sources was power purchased from the California energy market and its sources of generation cannot be specified.

The 2018 Power Source Disclosure Report was submitted on May 17th, 2019 to meet the reporting deadline of June 1 set forth in CEC regulations. In Addition, the CEC regulations authorize a public agency electric retail provider that offers only one electricity product to approve submission of an attestation of the veracity of the annual report, in lieu of a requirement to provide a report from an auditor.

ATTACHMENTS: Resolution
2018 Annual Report of Power Source Disclosure Program

Report Prepared By: Vanessa Xie, Administrative Officer

BEFORE THE GOVERNING BOARD OF THE PITTSBURG POWER COMPANY

In the Matter of:

A Pittsburg Power Company Resolution Approving the 2018 Annual Power Source Disclosure Report to the California Energy Commission	))))	RESOLUTION NO. 19-

The Governing Board of the Pittsburg Power Company DOES RESOLVE as follows:

WHEREAS, the Pittsburg Power Company ("PPC"), a Joint Powers Authority under the City of Pittsburg, provides electricity and natural gas retail service at Mare Island, Vallejo in the name of Island Energy ("IE"); and

WHEREAS, State law (Public Utilities Code Section 398.1(b)) requires all retail suppliers of electricity products to file an annual report to the California Energy Commission (CEC) to disclose resources or fuel types of power procured and sold to end use customers; and

WHEREAS, PPC, in compliance with the State law, is disclosing the sources of its energy procurement and sales to its end users on Mare Island, Vallejo; and

WHEREAS, the 2018 Power Source Disclosure Report was submitted to the CEC on May 17th, 2019 to meet the reporting deadline; and

WHEREAS, the CEC regulations authorize a public agency electric retail provider that offers only one electricity product to approve submission of an attestation of the veracity of the annual report, in lieu of a requirement to provide a report from an auditor.

NOW, THEREFORE, the Governing Board 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.
The Executive Director of the Pittsburg Power Company hereby verifies that the information contained in the 2018 Power Source Disclosure Report is true and accurate.

Section 3.
PPC Board approves the 2018 Power Source Disclosure Report and attests to the veracity of the said report.

Section 4.
The Executive Director is hereby authorized to execute documents and take actions as may be necessary or appropriate to carry out PPC's obligations pursuant to this Resolution.

Section 5.
The Executive Secretary shall certify to the adoption of this Resolution.

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

PASSED AND ADOPTED by the Governing Board of the Pittsburg Power Company at a regular meeting on the 1st day of July 2019 by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

_____
Juan Antonio Banales, Chair

ATTEST:

_____
Garrett Evans, Executive Secretary

Version: April 2019

ANNUAL REPORT TO THE CALIFORNIA ENERGY COMMISSION:
Power Source Disclosure Program
Schedule 1 and 2, applicable to: Retail Suppliers
For the Year Ending December 31, 2018

Retail suppliers are required to use the posted template and are not allowed to make edits to this format. Please complete all requested information.

GENERAL INSTRUCTIONS

RETAIL SUPPLIER NAME
Pittsburg Power Company

ELECTRIC SERVICE PRODUCT NAME
Retail Electric Services on Mare Island

CONTACT INFORMATION	
Name	Vanessa Xie
Title	Administrative Officer
Mailing Address	65 Civic Avenue
City, State, Zip	Pittsburg CA 94565
Phone	925-252-4097
E-mail	vxie@ci.pittsburg.ca.us
Website URL for PCL Posting	www.islandenergy.com

This Annual Report Template includes Schedules 1 and 2, applicable to retail suppliers. Power pools are required to report using Schedules 3 and 4 provided in a separate reporting template. Submit the Annual Report and Attestation in PDF format with an Excel version of the Annual Report to PSDprogram@energy.ca.gov. Remember to fill in the Retail Supplier Name and Product Name above, and submit separate reports and attestations for each additional product if multiple electric service products were offered in the previous year.

NOTE: Information submitted in this report is not automatically held confidential. If your company wishes the information submitted to be considered confidential an authorized representative must submit an application for confidential designation (CEC-13), which can be found on the California Energy Commissions's website at http://www.energy.ca.gov/commission/chief_counsel/documents/CEC13.pdf.

If you have questions, contact PSD staff at PSDprogram@energy.ca.gov or (916) 653-0237.

INTRODUCTION

Each worksheet, with the exception of the Attestation, is identified by a schedule number and a title that describes the information to be entered. Retail suppliers of electricity are required to submit only those schedules that are relevant to their products. Templates for reporting as a power pool, are provided separately as Schedules 3 and 4 on the PSD webpage: http://www.energy.ca.gov/pcl/

The following schedules are required for retail suppliers:

Schedule #	Schedule Name
1	Power Procurements and Retail Sales
2	Annual Power Content Label Calculation
N/A	Attestation

INSTRUCTIONS

Schedule 1: Power Procurements and Retail Sales

Retail suppliers of electricty must complete this worksheet by entering information about all power purchases and generation that served the identified electric service product covered in this filing in the prior year. Insert additional rows as needed to report all procurements or generation serving the subject product. Provide the annual retail sales for the subject product in the appropriate space. **Any retail supplier that offered multiple electric service products in the prior year must submit separate Annual Reports, including Schedule 1, Schedule 2 and an attestation for each product offered.**

Specific Purchases: A Specific Purchase refers to procured electricity that is traceable to a specific generating facility. If a purchase was for unbundled Renewable Energy Credits (RECs), include the term "REC Only" in parentheses after the facility name in the Facility Name column, and categorize the power as the resource type of the generating facility from which the unbundled REC was derived. Any purchase of electricity from California Renewables Portfolio Standard (RPS) certified facilities for which the energy was procured without the associated RECs or for which the RECs were subsequenlty resold, must be categorized as "unspecified power." For specific purchases, include the following information for each line item:

- Facility Name - Provide the name used to identify the facility. For unbundled RECs, include the term "REC Only" in parentheses after the facility name.
- Unit Number - Provide the unit number if a facility has multiple generators that have been assigned unique identification numbers.
- Fuel Type - Provide the resource type (solar, natural gas, etc.) that this facility uses to generate electricity.
- Location - Provide the state or province in which the facility is located.
- RPS ID - Provide the RPS ID of the facility. Any procurement categorized as renewable must be from an RPS certified facility and must have an RPS ID.
- Identification Numbers - Provide **at least one** identification number from either WREGIS, the Energy Information Agency (EIA ID), or the Federal Energy Regulatory Commission (FERC QF ID); all are requested but at least one is required. If a purchase cannot be traced to a specific facility and therefore cannot provide a specific identification number, it must be categorized as an Unspecified Source of Power (see instructions below).
- Gross Megawatt Hours Procured - Provide the quantity of electricity procured in MWh from the generating facility.
- Megawatt Hours Resold or Consumed - Provide the quantity of electricity resold at wholesale or self-consumed.
- Net Megawatt Hours Procured - Provide the quantity of electricity procured minus resold and consumed electricity.

Unspecified Sources of Power: This refers to any purchase not traceable to specific generation sources by any auditable contract trail or equivalent, or to power purchases from a transaction that expressly transferred energy only and not the RECs associated from an RPS-eligible facility. For these purchases, indicate "Unspecified Power" as the Facility Name in Schedule 1. For unspecified sources of power, include the following information for each line item:

- Facility Name - Provide the seller of electricity or enter "unspecified" in the facility name field
- Megawatt Hours Procured - Provide the quantity of electricity procured in MWh.
- Megawatt Hours Resold or Consumed - Provide the quantity of electricty resold at wholesale or self-consumed.
- Net Megawatt Hours Procured - Provide the quantity of electricity procured minus resold and consumed electricity.

Retail Supplier Name: Enter the Retail Supplier Name in the cell to the left of the auto-filled Total Net Purchases cell.
Electric Service Product Name: Enter the Electric Service Product Name in the cell to the left of the Total Retail Sales cell.
Total Retail Sales: Enter the Total Retail Sales in the cell below the auto-filled Total Net Purchases cell.

Schedule 2: Power Content Label Calculator

This schedule is provided as an automated worksheet that uses the information from Schedule 1 to calculate the power content, or resource mix, for each electric service product. The "Percentages" column contains a formula that will proportionally reduce each non-renewable category in order to reconcile any discrepancies between total net purchases and total retail sales (these discrepancies generally arise due to the reporting of unbundled REC purchases). The percentages calculated on this worksheet should be used for your Power Content Label.

Attestation

This template provides the attestation that must be submitted with the Annual Report to the Energy Commission, stating that the information contained in the applicable schedules is correct and that the power has been sold "once and only once to retail consumers." For the electronic copy of this filing, fill out the information, then print, sign, and scan the document. This attestation must be included in the package that is transmitted to the Energy Commission. Please provide the annual report and attestation in PDF format and the annual report in Excel format.

Version: April 2019

ANNUAL REPORT TO THE CALIFORNIA ENERGY COMMISSION: Power Source Disclosure Program

For the Year Ending December 31, 2018
SCHEDULE 1: POWER PROCUREMENTS AND RETAIL SALES
Applicable to: Retail Suppliers

INSTRUCTIONS: Submit a separate annual report for each electric service product offered in 2018. List all purchases (Specific and Unspecified) made ONLY in the 2018 calendar year. Add additional rows if needed. If a purchase was for unbundled RECs include the term "REC Only" in parentheses after the facility name in the Facility Name column, and categorize the power as the fuel type of the generating facility from which the unbundled REC was derived. If power was purchased through a transaction that expressly transferred energy only and not the RECs associated with that energy, identify the power as "Unspecified Power" in the Fuel Type column. If purchased power was from a renewable electrical generation facility that is not certified for participation in California's RPS Program, identify the Fuel Type as "Other".

ALL PROCUREMENTS (Specific and Unspecified)

Facility Name	Unit No.	Fuel Type	Location (State or Province)	RPS ID	WREGIS GU ID	EIA ID	FERC QF ID	Gross MWh Procured	MWh Resold or Self-Consumed	Net MWh Procured
Lewiston Powerplant-Lewiston		Small Hydro	CA	61044	W1108			5	0	5
Niumbus Powerplant-Nimbus	2	Small Hydro	CA	61045	W1161			278	0	278
Stampede Powerplant-Stampede (2)	2	Small Hydro	CA	61046	W1177			24	0	24
Whitney Point Solar, LLC-Whitney Point Solar		solar	CA	6186C	W5441			6702		6702
Whitney Point Solar, LLC-Whitney Point Solar		Solar	CA	6186C	W5441				6702	-6702
Folsom Power Plant	1	Large Hydro	CA		W1156			350	0	350
Folsom Power Plant	2	Large Hydro	CA		W1157			451	0	451
Folsom Power Plant	3	Large Hydro	CA		W1158			388	0	388
New-Melones Powerplant	1	Large Hydro	CA		W1159			502	1	501
New-Melones Powerplant	2	Large Hydro	CA		W1160			579	1	578
J. F. Carr Powerplant	1	Large Hydro	CA		W1163			237	0	237
J. F. Carr Powerplant	2	Large Hydro	CA		W1164			224	0	224
Keswick Powerplant	3	Large Hydro	CA		W1165			668	1	667
Shasta Powerplant	1	Large Hydro	CA		W1168			474	1	473
Shasta Powerplant	2	Large Hydro	CA		W1169			628	1	627
Shasta Powerplant	3	Large Hydro	CA		W1170			786	1	785
Shasta Powerplant	4	Large Hydro	CA		W1171			885	1	884
Shasta Powerplant	5	Large Hydro	CA		W1172			878	1	877
Spring Creek Powerplant	1	Large Hydro	CA		W1173			145	0	145
Spring Creek Powerplant	2	Large Hydro	CA		W1174			144	0	144
Trinity Powerplant	1	Large Hydro	CA		W1175			355	0	355
Trinity Powerplant	2	Large Hydro	CA		W1176			257	0	257
O'Neill Powerplant	3	Large Hydro	CA		W1186			5	0	5
Gianelli Powerplant	2	Large Hydro	CA		W1288			344	0	344
Unspecified		Unspecified						16669	20	16649
										0
										0

Retail Supplier Name:	Pittsburg Power Company	Total Net Purchases	25,246
Electric Service Product Name:	Retail Electric Services	Total Retail Sales	21,954

ANNUAL REPORT TO THE CALIFORNIA ENERGY COMMISSION:
Power Source Disclosure Program
For the Year Ending December 31, 2018
SCHEDULE 2: ANNUAL POWER CONTENT LABEL CALCULATION
Applicable to: Retail Suppliers

INSTRUCTIONS: Total specific purchases by fuel type and enter these values in the first column. If purchased power was from a transaction that expressly transferred energy only and not the RECs associated with that energy, identify the power as "Unspecified Power". Total Retail Sales will autopopulate from Schedule 1. Any difference between total net purchases and total retail sales will be applied pro-rata to each non-renewable fuel type. Each fuel type total will then be divided automatically by retail sales to calculate fuel mix percentages.

	Net Purchases (MWh)	Percent of Total Retail Sales (MWh)
Specific Purchases		
Renewable	7,009	32%
Biomass & Biowaste		0%
Geothermal		0%
Eligible Hydroelectric	307	1%
Solar	6,702	31%
Wind		0%
Coal		0%
Large Hydroelectric	8,290	23%
Natural Gas		0%
Nuclear		0%
Other		0%
Total Specific Purchases	**15,299**	**55%**
Unspecified Power (MWh)	**16,649**	**45%**
Total	**31,948**	**100%**
Total Retail Sales (MWh)	**21,954**	

Version: April 2019

ANNUAL REPORT TO THE CALIFORNIA ENERGY COMMISSION:
Power Source Disclosure Program
For the Year Ending December 31, 2018

ATTESTATION FORM

Applicable to: All participants in the Power Source Disclosure Program

I, (print name) **Vanessa Xie**,
(title) **Administrative Officer**, **declare under penalty of perjury, that the statements contained in this report including Schedules 1 and 2 are true and correct and that I, as an authorized agent of** (print name of company) **Pittsburg Power Company**, **have authority to submit this report on the company's behalf. I further declare that the megawatt-hours claimed as specific purchases as shown in these Schedules were, to the best of my knowledge, sold once and only once to retail customers.**

Name: Vanessa Xie

Representing (Retail Supplier): Pittsburg Power Company

Signature: Vanessa Xie

Dated: 5/17/2019

Executed at: Pittsburg CA 94565

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 to Enter into a Contract with Contra Costa County Workforce Development Board for the Future Build's Cohort 16 and 17

MEETING DATE: July 1, 2019

EXECUTIVE SUMMARY

The Pittsburg Power Company (PPC) proposes to enter into a contract (Contract 18-426-1) with Contra Costa County Workforce Development Board (WDB) for Future Build's Cohorts 16 and 17 for July 1, 2019 through June 30, 2020 for $200,000.

FISCAL IMPACT

PPC was awarded a twelve-month, $200,000 contract from WDB which will be used to reimburse PPC for payments made for efforts associated with the Future Build Program, Project No. 5907.

The approved Future Build budget for fiscal year 2019-2020 is $455,000 which includes $200,000 from WDB along with other various grants received and revenue from services provided

RECOMMENDATION

PPC Board adopt the Resolution for Contract 18-426-1 for Cohort 16 for July 1, 2019 through December 31, 2019 and Cohort 17 for January 1, 2020 through June 30, 2020. It is recommended that the Executive Director be authorized to take any and all administrative actions to ensure that the funds are utilized appropriately by Future Build.

BACKGROUND

Future Build is a partnership of the PPC, WDB, Pittsburg Adult Education Center (PAEC), Environmental Protection Agency (EPA), Contra Costa Building and Construction Trades Council, GRID Alternatives, Northern California Laborers Training, San Francisco Foundation, Y & H Soda Foundation, Rubicon, and Open Opportunities, Inc. (OOI) to provide East County residents with 16+ weeks of pre-apprenticeship training in the building

trades and solar theory, construction, and installation. Each training session is referred to as a cohort.

Future Build's managing partner and fiscal agent is the PPC. OOI provides case management and day to day program supervision and administration of the skill-based instructional staff. PAEC provides the general academic and life skills instruction. Northern California Laborers provide the solar and safety training. The Contra Costa Building and Construction Trades Council provides tools and instruction from its member trade unions as well as general orientations into the construction related trades. GRID Alternatives provides solar installation training while providing local lower income area residents with free solar panels.

PPC and WDB have been partnering to provide Future Build training since 2012 and have completed 15 successful cohorts.

SUBCOMMITTEE FINDINGS

Contract 18-426-1 was discussed at the PPC Subcommittee meeting on June 24, 2019.

STAFF ANALYSIS

Future Build provides a life changing experience for the trainees that leads to reengagement in the workforce and post-secondary educational opportunities. Pre-apprenticeship training, classroom and laboratory are combined in practical applications in the field. The practical applications can also be referred to as "community benefit projects". Community benefit projects are where the trainees exercise what they have learned by improving facilities in public housing projects, solar installations of homes for low income residents, schools, and public recreational facilities such as parks. Some of Future Build's efforts may be seen at Small World Park, City Park, and Highlands Ranch Park. Most recently Future Build trainees rebuilt the lighthouse at Small World Park and installed solar panels on four homes that were owner occupied and belonging to low income local residents.

PPC proposes to enter into Contract Number 18-426-1 for Cohort 16 for July 1, 2019 through December 31, 2019 and Cohort 17 for January 1, 2020 through June 30, 2020, whereby WDB will reimburse PPC up to $200,000 for Future Build's program. Funding from outside sources such as WDB, EPA, the aforementioned foundations and Rubicon enable PPC to continue Future Build's program and help those individuals interested in a career in the construction and solar industries.

ATTACHMENTS: Resolution
Contract

Report Prepared By: Melaine Venenciano, Senior Administrative Analyst

BEFORE THE GOVERNING BOARD OF THE PITTSBURG POWER COMPANY

In the Matter of:

Adoption of a Pittsburg Power Company	)	
Resolution to Enter into a Contract with	)	
Contra Costa County Workforce Development	)	RESOLUTION NO. 19-
Board for Future Build's Cohorts 16 and 17	)	

The Governing Board of the Pittsburg Power Company DOES RESOLVE as follows:

WHEREAS, the Future Build Program (Future Build) is a partnership of the Pittsburg Power Company (PPC), Contra Costa Workforce Development Board (WDB), Pittsburg Adult Education Center, Environmental Protection Agency, Contra Costa Building and Construction Trades Council, GRID Alternatives, Northern California Laborers Training, San Francisco Foundation, Y & H Soda Foundation, Rubicon, and Open Opportunities, Inc. to provide East County residents with 16+ weeks of pre-apprenticeship training in the building trades and solar theory, construction, and installation; and

WHEREAS, Future Build's managing partner and fiscal agent is the PPC; and

WHEREAS, PPC and WDB executed the initial contract for April 2012 and was later amended and extended through June 2013. PPC and WDB executed subsequent contracts in the following years, continuing the funding for the Future Build Program; and

WHEREAS, PPC proposes to enter into a new contract (Contract 18-426-1) with WDB for Future Build's Cohort 16 for July 1, 2019 through December 31, 2019 and Cohort 17 for January 1, 2020 through June 30, 2020 to include an allocation of $200,000 which will be used to reimburse PPC for payments made for efforts associated with the Future Build Program; and

WHEREAS, the approved Future Build budget for fiscal year 2019-2020 is $455,000 which includes the $200,000 from WDB along with other various grants received and revenue from services provided.

NOW, THEREFORE, the Governing Board finds and determines as follows:

Section 1.
The 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.
The Board hereby approves this Resolution to enter into Contract 18-426-1 for Future Build's Cohort 16 for July 1, 2019 through December 31, 2019 and Cohort 17 for January 1, 2020 through June 30, 2020 and accepts a grant of $200,000 from WDB.

Section 3.
The Executive Director or his designee is hereby authorized to take such further actions as may be necessary or appropriate to carry out PPC's obligations pursuant to this Resolution

and to allocate any additional unanticipated revenue dedicated to Future Build and to execute any future contracts between the County's WDB, or other external funding sources related to PPC's Future Build and its subcontractors.

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 Board of Directors at a regular meeting on the 1st day of July 2019, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

_____
Juan Antonio Banales, Chair

ATTEST:

_____
Garrett Evans, Executive Secretary

Contra Costa County
Standard Form L-1
Revised 2014

STANDARD CONTRACT
(Purchase of Services – Long Form)

CONTRACTOR'S COPY

Number: 18-426-1
Fund/Org: 5608
Account: 2310
Other: W06
CFDA#: 17.258

1. **Contract Identification**.

   Department: Employment and Human Services

   Subject: Pre-Apprenticeship Construction Program for Workforce Innovation and Opportunity Act (WIOA) Eligible Clients

2. **Parties.** The County of Contra Costa, California (County), for its Department named above, and the following named Contractor mutually agree and promise as follows:

   Contractor: Pittsburg Power Company

   Capacity: Public Entity

   Address: 65 Civic Avenue, Pittsburg, CA 94565

3. **Term.** The effective date of this Contract is July 1, 2019. It terminates on June 30, 2020 unless sooner terminated as provided herein.

4. **Payment Limit.** County's total payments to Contractor under this Contract shall not exceed

   $ 200,000.00.

5. **County's Obligations.** County shall make to the Contractor those payments described in the Payment Provisions attached hereto which are incorporated herein by reference, subject to all the terms and conditions contained or incorporated herein.

6. **Contractor's Obligations.** Contractor shall provide those services and carry out that work described in the Service Plan attached hereto which is incorporated herein by reference, subject to all the terms and conditions contained or incorporated herein.

7. **General and Special Conditions.** This Contract is subject to the General Conditions and Special Conditions (if any) attached hereto, which are incorporated herein by reference.

8. **Project.** This Contract implements in whole or in part the following described Project, the application and approval documents of which are incorporated herein by reference.

   N/A

Contra Costa County
Standard Form L-1
Revised 2014

STANDARD CONTRACT
(Purchase of Services – Long Form)

Number: 18-426-1
Fund/Org: 5608
Account: 2310
Other: W06
CFDA#: 17.258

9. **Legal Authority.** This Contract is entered into under and subject to the following legal authorities:

California Government Code section 26227

10. **Signatures**. These signatures attest the parties' agreement hereto:

COUNTY OF CONTRA COSTA, CALIFORNIA

BOARD OF SUPERVISORS	ATTEST: Clerk of the Board of Supervisors
By: _____ Chair/Designee	By: _____ Deputy

CONTRACTOR

Signature A	Signature B
Name of business entity: Pittsburg Power Company, a Public Entity	Name of business entity: Pittsburg Power Company, a Public Entity
By: _____ (Signature of individual or officer)	By: _____ (Signature of individual or officer)
_____ (Print name and title A, if applicable)	_____ (Print name and title B, if applicable.

Note to Contractor: For corporations (profit or nonprofit) and limited liability companies, the contract must be signed by two officers. Signature A must be that of the chairman of the board, president, or vice-president; and Signature B must be that of the secretary, any assistant secretary, chief financial officer or any assistant treasurer (Civil Code Section 1190 and Corporations Code Section 313). All signatures must be acknowledged as set forth on Form L-2.

Contra Costa County
Standard Form L-2
Revised 2014.2

ACKNOWLEDGMENT/APPROVALS
(Purchase of Services – Long Form)

Number: 18-426-1

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)
COUNTY OF CONTRA COSTA)

On _____ (Date),

before me, _____ (Name and Title of the Officer),

personally appeared, _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL.

_____
Signature of Notary Public

Place Seal Above

ACKNOWLEDGMENT (by Corporation, Partnership, or Individual)
(Civil Code §1189)

APPROVALS

RECOMMENDED BY DEPARTMENT

By: _____
Designee

FORM APPROVED BY COUNTY COUNSEL

By: Ke Papp
Deputy County Counsel

APPROVED: COUNTY ADMINISTRATOR

By: _____
Designee

Contra Costa County
Standard Form L-2
Revised 2014.2

ACKNOWLEDGMENT/APPROVALS
(Purchase of Services – Long Form)

Number: 18-426-1

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)
COUNTY OF CONTRA COSTA)

On _____ (Date),

before me, _____ (Name and Title of the Officer),

personally appeared, _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL.

_____
Signature of Notary Public

Place Seal Above

ACKNOWLEDGMENT (by Corporation, Partnership, or Individual)
(Civil Code §1189)

APPROVALS

RECOMMENDED BY DEPARTMENT

By: _____
Designee

FORM APPROVED BY COUNTY COUNSEL

By: KePapa
Deputy County Counsel

APPROVED: COUNTY ADMINISTRATOR

By: _____
Designee

PAYMENT PROVISIONS
(Cost Basis Contracts - Long and Short Form)

Number 18-426-1

1. Payment Basis. Subject to the Payment Limit, payments to Contractor for all services provided for County under this Contract shall only be for allowable costs that are actually incurred in the performance of Contractor's obligations under this Contract.

2. Payment Amounts. Subject to later adjustments in total payments as provided below and subject to the Payment Limit of this Contract, County will pay Contractor as full compensation for all services, work, expenses or costs provided or incurred by Contractor:
[Check one alternative only]

☐ a. $ monthly, or
☐ b. $ per unit, as defined in the Service Plan, or
☒ c. An amount equal to Contractor's allowable costs that are actually incurred each month, but subject to the "Budget of Estimated Program Expenditures" included in the Service Plan.
☐ d. As set forth in Paragraph 1. of the Service Plan.

3. Allowable Costs. Contractor's allowable costs are only those which are determined in accordance with:

[Check applicable alternative]

☐ a. Such State regulations and documents as are set forth in the Service Plan regarding accounting guidelines, including standards for determining allowable or non-allowable costs.

☐ b. Department of Health and Human Services Administration of Grants Federal Regulations Title 45 Part 74 including any amendments thereto and the applicable Subpart listed hereunder; and other documents specified in the Service Plan regarding principles for determining and allocating the allowable costs of providing the services; and any standards set forth in the Service Plan for determining the allowability of selected items of costs of providing the services. Place a checkmark next to the applicable subsection.

☐ (1) Federal Management Circular A-87, including any amendments to the circular published in the Federal Register by OMB is to be used for determining allowable costs of activities conducted by state and local governmental agencies.
☐ (2) OMB Circular A-122, including any amendments to the Circular published in the Federal Register by OMB is to be used for determining allowable costs of activities conducted by nonprofit organizations (other than government agencies, educational institutions, and hospitals).
☐ (3) 41 CFR Subpart 1-15.2 shall be used for profit organizations other than hospitals.
☐ (4) OMB Circular No. A-21, including any amendments to the Circular published in the Federal Register by OMB shall be the principles to be used for determining allowable costs by educational institutions (other than for-profit institutions).
☐ (5) Appendix E Subpart Q Section 74.173 shall be used for determining costs of research, development work, and other activities for determining allowable costs.

Initials: _____ _____
Contractor County Dept.

☒ c. Part IV Department of Labor, Employment and Training administration, 20 CFR Part 674, Section 674.402 and any amendments thereto; and California Department of Aging Title V Operations Handbook, 1987, Section 505.4 and any amendments thereto.

4. Payment Demands. Contractor shall submit written demands on County Demand Form D-15 in the manner and form prescribed by County. Contractor shall submit demands for payment no later than 30 days from the end of the month in which the contract services upon which such demand is based were actually rendered. Upon approval of said payment demands by the head of the County Department for which this Contract is made, or his designee, County will make payments as specified in Paragraph 2. (Payment Amounts) above.

5. Penalty for Late Submission. If County is unable to obtain reimbursement from the State of California as a result of Contractor's failure to submit to County a timely demand for payment as specified in Paragraph 4. (Payment Demands) above, County shall not pay Contractor for such services to the extent County's recovery of funding is prejudiced by the delay even though such services were fully provided.

6. Right to Withhold. County has the right to withhold payment to Contractor when, in the opinion of County expressed in writing to Contractor, (a) Contractor's performance, in whole or in part, either has not been carried out or is insufficiently documented, (b) Contractor has neglected, failed or refused to furnish information or to cooperate with any inspection, review or audit of its program, work or records, or (c) Contractor has failed to sufficiently itemize or document its demand(s) for payment.

7. Cost Report and Settlement. No later than forty-five (45) days following the termination of this Contract, Contractor shall submit to County a cost report in the form required by County, showing the allowable costs that have actually been incurred by Contractor under this Contract. If the cost report shows that the allowable costs actually incurred by Contractor under this Contract exceed the payments made by County, subject nevertheless to the payment limit of this Contract, County will remit any such excess amount to Contractor, provided that the payments made, together with any such excess amount, may not exceed the contract payment limit. If the cost report shows that the payments made by County exceed the allowable costs actually incurred by Contractor under this Contract, Contractor shall remit any such excess amount to County.

8. Audits. The records of Contractor may be audited by the County, State, or United States government, in addition to any certified cost report or audit required by the Service Plan. Any certified cost report or audit required by the Service Plan shall be submitted to County by Contractor within such period of time as may be expressed by applicable state or federal regulations, policies or contracts, but in no event later than 18 months from the termination date of this Contract. If such audit(s) show that the payments made by County exceed the allowable costs that have actually been incurred by Contractor under this Contract, including any adjustments made pursuant to Paragraph 7. (Cost Report and Settlement), then Contractor shall pay County within 30 days of demand by County any such excess amount. If such audit(s) show that the allowable costs that have actually been incurred by Contractor under this Contract exceed the payments made by County, including any adjustments made pursuant to Paragraph 7. (Cost Report and Settlement), then County agrees to pay Contractor any such excess amount, provided that payments made, together with any such excess payment, may not exceed the contract payment limit.

Initials: _____ _____
Contractor County Dept.

9. Audit Exceptions. In addition to its obligations under Paragraph 8. (Audits) above, Contractor agrees to accept responsibility for receiving, replying to, and/or complying with any audit exceptions by appropriate county, state or federal audit agencies resulting from its performance of this Contract. Within 30 days of demand, Contractor shall pay County the full amount of County's obligation, if any, to the state and/or federal government resulting from any audit exceptions, to the extent such are attributable to Contractor's failure to perform properly any of its obligations under this Contract.

I. Purpose

This Service Plan sets forth the respective responsibilities of Pittsburg Power Company (Contractor) and the Contra Costa County Employment and Human Services Department (EHSD or County) on behalf of the Workforce Development Board of Contra Costa County (WDBCCC) to manage and implement a pre-apprenticeship construction program targeting low-income underserved individuals in East Contra Costa County (Program).

II. Contractor Obligations

Contractor must perform the following:

A. **Program Regulations**. Contractor shall administer and operate a pre-apprenticeship construction program for individuals who meet the criteria for Workforce Innovation and Opportunity Act (WIOA) adult eligibility as outlined in the WIOA legislation of 2014 and provide effective programmatic and administrative oversight of same.

B. **Program Overview**. Contractor's service activities during the period of this Contract will focus on providing services to individuals with barriers to employment who are interested in developing practical job and life skills to better equip them to succeed in their educational and career endeavors. Contractor will provide eligible participants who encounter multiple barriers to employment with a network of services and support that facilitate access to and success in academic and career preparation.

C. **Project Management**. Elements of Contractor's Project/Management Program shall include:

1. Working with key partners to complete training design details that address high school credit deficiencies, GED preparation, and pathways to post-secondary options including Registered Apprenticeships. These key partners will be identified by either Contractor, or the WDBCCC, and as new partnerships evolve through programmatic development.
2. Adoption and integration of the Building Trades Multi-Craft Core Curriculum (MC3) into Program design and delivery.
3. Adhering to the terms of the signed Memorandum of Understanding (MOU) between the Building Trades Council and Contractor for use of MC3.
4. Establishing collaborative processes among partnering entities.
5. **Service Levels**. Contractor will continue to serve existing WIOA enrolled participants and enroll and serve a minimum of forty (40) new WIOA eligible adult participants (target age 18-30 years old) in East Contra Costa County. Only enrolled participants engaged in legitimate WIOA activities will count toward service levels.

D. **Direct Service Elements**. Contractor shall provide the following direct services to all eligible participants served under this Contract. Direct Service Elements shall include:

1. Recruitment of participants and related outreach and orientation.

Initials:_____ _____
Contractor County

2. Eligibility determination and enrollment in the Program of at least forty or more (40+) individuals, who are receiving public assistance or otherwise meet eligibility requirements under the WIOA adult definition.

3. Objective Assessment of each participant's academic level, skill levels, employment barriers and service needs. The assessment should include a review of basic skills, occupational skills, prior work experience, employability, interests, aptitudes, supportive service needs, and developmental needs. Contractor will conduct pre-employment and post-employment assessments using the tools designated by local, state, and federal policy. Contractor must use assessment tools approved by the Department of Labor (DOL), the California Employment Development Department (EDD) and/or the WDBCCC.

4. Individual employment plans that identify an employment and an educational goal.

5. Provision of sixteen (16) week pre-apprenticeship training courses to all eligible participants in the building trades, solar theory, construction and installation.

6. Delivery of the full-scope of the MC3.

7. Classroom training combined with on the job training/work-based learning resulting in the opportunity for participants to earn industry-recognized certificates.

8. Training that follows the 75/25 approach for instruction: student will be engaged in hands-on learning 75% of the time and 25% of the time will be in lecture, group discussion or workbook exercises.

9. Practical hands-on work will be provided by supervised on-site work at various East County locations providing a community benefit.

10. Training referrals including basic skills remediation, General Equivalency Diploma (GED) preparation, contextualized English as a second Language (ESL), if not directly provided by the Program.

11. Educational and pre-vocational services that prepare individuals to meet the entry requisites of one or more Registered Apprenticeship programs, job search seminars and job development workshops.

12. Employment referrals.

13. Job placement and tracking.

14. Supportive services such as transportation assistance, childcare assistance, work-related tools, or any other supportive service that is allowable under WIOA (these services may be provided through referrals).

15. Information and referral services, including resources for additional assessment to all eligible participants regardless of enrollment status. This will include information on services available through local America's Job Center of California (AJCC) Career Centers, Contractor partners, and/or other service providers and referral to appropriate training and educational programs.

Initials:_____ _____
Contractor County

16. Post Program follow-up services as appropriate for a minimum of one (1) year including provision of support services, referrals to other resources, employment retention services, and additional job search assistance.

E. **Reporting Requirements**.

1. **Management Information System Information/Tracking**. Contractor shall create and maintain a case file for every WIOA Program participant, which shall include information on and documentation required by WIOA, EDD or the WDBCCC. Contractor will use the CalJOBS System (electronic case management system) to record all Program activities, services and outcomes. Contractor will make sure participant information in the CalJOBS System is current and accurate at all times.

2. **Presentation to the Board**. Contractor shall present an in-person report to the WDBCCC Full Board or to an appropriate Committee, as determined by WDBCCC, at least once during the Contract term.

3. **Monthly Reports**. A written participant information monthly report summarizing the previous month's services/activities will be provided to WDBCCC staff no later than the 20th of the following month, including:

   i. Number of active enrollments;

   ii. Number of participants receiving follow-up services;

   iii. Documentation of referral to partner agencies; and

   iv. Number of partnerships in place.

4. **Additional Reporting Requirements**. Additional reports may be required by the WDBCCC. Presentation format and timelines for additional reports will be coordinated by WDBCCC staff and Contractor.

F. **Partnerships**.

1. Contractor shall support current partnerships and seek the development of new partnerships to provide the best possible array of services to participants. Contractor shall participate in the East County Workforce Integration Network (WIN) meetings at least once during the Contract term. WIN is a group of partners committed to working together to create a broader, more integrated, seamless system of workforce services designed to leverage public and private resources, enhance access to WIN member services, and improve long-term outcomes for individuals using these services.

2. Contractor shall participate in discussions related to any programmatic re-design with the WDBCCC, the local Building Trades Council, and other partners to ensure the most effective Program possible.

G. **Performance Outcomes**.

1. Contractor shall achieve the proposed Program Performance Outcomes (reference **Appendix B**). Achievement of 90% of the proposed goal will be considered meeting performance.

Initials:_____ _____
Contractor County

H. This Contract does not establish an exclusive Contract between County and Contractor. The WDBCCC and County expressly reserves all of its rights, including but not limited to the right to utilize others to perform services of the type specified in this Contract.

III. County Obligations

County will:

A. Review Contractor Program operations reports, evaluate the use of Contract funds and ability to meet outcome goals and objectives. County may elect to amend this Contract based upon its review of Contractor's Program and fiscal operations.

B. Conduct at least one (1) monitoring visit during the term of this Contract. Visit shall include, but will not be limited to, review of participant files and Contractor fiscal records.

C. Designate WDBCCC staff to provide technical assistance on programmatic and/or regulatory issues. WDBCCC staff shall respond to Contractor requests for information in a timely manner, not to exceed five (5) business days.

IV. Payment Provisions

A. The Contract Payment Limit shall not exceed **$200,000.00**.

B. All payments under this Contract must conform to **Appendix A**, Budget of Estimated Program Expenditures. Specific budget line items may vary up to 10% (one time for the Contract term) without prior WDBCCC/County approval. Items that vary more than 10% will require approval from County and the WDBCCC prior to expenditure and not to exceed the total Contract payment limit.

1. This is a cost reimbursement contract and monthly claiming must be accurate and based on actual costs; and at no time are unexpended funds carried over or available beyond the period stated in the Contract.

C. Demands for payment shall be submitted on a monthly basis using County Demand Form D-15. Contractor must submit demands for payment on or before the 20th of the month, and no later than twenty (20) days from the end of the month in which the contracted services upon which such demand is based were actually rendered. Demands submitted after the twenty (20) day deadline will be processed during the following month cycle.

D. Payment to Contractor shall be linked to timely receipt by County of all appendices noted in this Service Plan, reports required of Contractor under Section II.E. (Reporting Requirements), and Contractor's delivery of service. Contractor agrees to provide satisfactory documentation of participant enrollment and service activities. County retains the right to reasonably withhold payment until it can reconcile expense details with required reports.

E. Under no circumstances shall Contractor's administrative/indirect costs exceed 10% of the total Contract Payment Limit.

F. Contractor must send the original signed demands, with the appropriate documentation to the address noted under Paragraph VI. (Authorized Contact Information), below.

Initials:_____ _____
Contractor County

V. Additional Provisions

A. **Monitoring**. Contractor may be visited at any time by County, State of California, DOL, or agents of these units of government, and others who have a direct concern in administration of WIOA programs. All WIOA participant-related records should be available for review. All program areas will be subject to examination including, but not limited to, review of participant files and applications, and WIOA program financial records and original source documents. WIOA participants may be interviewed to verify eligibility, to ensure compliance with WIOA requirements and to ensure provision of adequate service as prescribed by this Contract. In addition, monitoring may include interviews with employers, supervisors, instructors, and staff of agencies partnering with the Contractor to ensure provision of agreed upon services.

B. **Corrective Action Notice and Probationary Status**. Contractor agrees to perform in a competent and timely manner all of its obligations under this Contract.

1. If the Contractor fails to properly perform any of its obligations under this Contract, WDBCCC staff shall send a written Corrective Action Notice to the Contractor. The Corrective Action Notice shall list areas of noncompliance and corrective action required to resolve the noncompliance items noted.

2. No later than fifteen (15) days after mailing of the Corrective Action Notice, Contractor shall submit a written corrective action plan, which shall respond to each of the items of noncompliance identified in the Corrective Action Notice, and state whether the noncompliance has been resolved.

3. Failure to resolve those items noted in the Corrective Action Notice will result in the following: 1) written notification to the WDBCCC that Contractor failed to comply with the Corrective Action Notice; and 2) a letter indicating the County's intent to terminate the Contract as provided in Paragraph 5 of the General Conditions.

C. **Subrecipient Monitoring.** If Contractor further passes through federal funds of this subaward, Contractor shall make case-by-case determinations whether each agreement it makes for the disbursement casts the party receiving the funds in the role of a subrecipient or a Contractor.

1. Contractor must include information required by 2 CFR §200.331 (Requirements for pass through entities) in each subrecipient's Contract.

2. Contractor must monitor its subrecipients consistent with the requirements outlined in the Federal rules and applicable sections of the Code of Federal Regulations including 2 CFR §200 (Uniform Guidance).

3. Contractor must evaluate each subrecipient's risk of noncompliance to determine the appropriate fiscal monitoring level, monitor the fiscal activities of subrecipient organizations to ensure that the subaward is in compliance with applicable Federal

Initials:_____ _____
Contractor County

statutes and regulations and terms of the subaward, and verify that subrecipients are audited as required by Subpart F of 2 CFR §200.

4. Contractor must retain documentation to prove that determinations and monitoring were conducted during the Contract term.

EHSD, as a pass-through entity, may request these documents during fiscal monitoring.

VI. Authorized Contact Information

Both parties agree to use the following contacts for all communication related to this Contract:

Workforce Development Board
Attn: Workforce Services Specialist
300 Ellinwood Way, Suite 300
Pleasant Hill, CA 94523
Telephone: 925-602-6800
Fax: 925-602-6802

Pittsburg Power Company
Administrator
65 Civic Avenue
Pittsburg, CA 94565
Telephone: 831-566-3514

Appendix A, Budget of Estimated Program Expenditures
Appendix B, Performance Outcomes Table - Proposed

Initials:_____ _____
Contractor County

I. The contract meets the conditions of a Federal subaward and the Contractor is subject to the Subrecipient provisions in 2 CFR § 200.

II. Definitions:

A. CFR means Code of Federal Regulations

B. CFDA means Catalog of Federal Domestic Assistance

C. Subrecipient – – Title 2 CFR section 200.93
Subrecipient means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

D. Subaward – – Title 2 CFR section 200.92
Subaward means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

E. Pass-through Entity – – Title 2 CFR section 200.74
Pass-through entity means a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.

III. The pass-through entity is the County of Contra Costa.

IV. The Subrecipient is Pittsburg Power Company.

V. The Subrecipient's unique identification number is: 179275128

VI. If applicable, the Federal Award Date is: 07/01/2018

VII. If applicable, the Federal Award Identification Number (FAIN) is: AA-32213-18-55-A-6.

VIII. The Subaward Period of Performance is from: 07/01/2019 to 06/30/2020.

IX. The total amount of Federal Funds Obligated to the subrecipient in this Federal subaward award is: $200,000.

X. The CFDA Number is: 17.258

XI. The Federal Program Title is: WIOA Adult Prog.

XII. The Subrecipient's federally approved indirect cost rate agreement is incorporated by reference if the Subrecipient's budget submitted includes a federally approved indirect cost.

XIII. The Subrecipient shall use the Federal award in accordance with Federal statutes, regulations and the terms and conditions of the Federal award.

SPECIAL CONDITIONS
(Purchase of Services - Long Form)
Workforce Innovation and Opportunity Act of 2014

1. **Compliance.** In performance of this subaward agreement, Contractor or Subrecipient will fully comply with:

   A. The provisions of the Workforce Innovation and Opportunity Act (WIOA).

   B. 29 U.S.C. §§ 3101- 3361 (2014), WIOA Final Regulations, and all legislation, regulations, directives, policies, procedures and amendments issued pursuant thereto.

   C. All State legislation and regulations to the extent permitted by federal law and all policies, directives and/or procedures, which implement WIOA.

   D. Title 2, Code of Federal Regulations (CFR) Part 200 (Office of Management and Budget Guidance) and Appendices. [OMB Guidance].

   E. Title 2, CFR Part 2900 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) [Uniform Requirements].

   F. The provisions of the Jobs for Veterans Act (38 U.S.C. § 4215 (a)) as the law applies to Department of Labor (DOL) job training programs.

   G. Contractor or Subrecipient will ensure diligence in managing programs under this subaward agreement, including performing appropriate monitoring activities and taking prompt corrective action against known violations of WIOA.

2. **Nondiscrimination Clause:** As a condition to the award of financial assistance from the DOL under Title I of WIOA, the Contractor or Subrecipient assures that it has the ability to comply with the nondiscrimination and equal opportunity provisions of the following laws and will remain in compliance for the duration of the award of federal financial assistance:

   A. Section 188 of the WIOA, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status and gender identity), national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity;

   B. Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;

   C. Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;

   D. The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age;

   E. Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs; and

   F. Equal Employment Opportunity provisions identified in 41 CFR Part 60, including 41 CFR § 60-1.4

SPECIAL CONDITIONS
(Purchase of Services – Long Form)
Workforce Innovation and Opportunity Act of 2014

The Contractor or Subrecipient also assures that, as a recipient of WIOA Title I financial assistance, it will comply with 29 CFR Part 38 and all other regulations implementing the laws listed above. This assurance applies to the Contractor's or Subrecipient's operation of the WIOA Title I-financially assisted program or activity, and to all agreements the Contractor or Subrecipient makes to carry out the WIOA Title I-financially assisted program or activity. The Contractor or Subrecipient understands that the United States has the right to seek judicial enforcement of this assurance.

3. **Drug-Free Workplace Requirement:** Contractor or Subrecipient will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:

A. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited, and specifying actions to be taken against employees for violations.

B. Establish a Drug-Free Awareness Program to inform employees about:

1) the dangers of drug abuse in the workplace;

2) the person's or organization's policy of maintaining a drug-free workplace;

3) any available counseling, rehabilitation and employee assistance programs; and

4) penalties that may be imposed upon employees for drug abuse violations.

C. Every employee who works on the proposed subaward agreement will:

1) receive a copy of the company's drug-free workplace policy statement; and

2) agree to abide by the terms of the company's statement as a condition of employment on the subaward agreement.

D. Failure to comply with these requirements may result in suspension of payments under this subaward agreement or termination of the subaward agreement or both, and Contractor or Subrecipient may be ineligible for award of any future subaward agreements if the Pass-through Entity determines that any of the following has occurred: the Contractor or Subrecipient has made false certification; or violated the certification by failing to carry out the requirements as noted above. (Gov. Code § 8350, et seq.)

4. **Additional Assurances**

A. Contractor or Subrecipient will comply with the provisions of the Hatch Act of 1939, which limit the political activity of certain State and local government employees.

B. Air/Water Pollution violation certification: Under the State laws, the Contractor or Subrecipient shall not be:

1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district;

2) subject to cease and desist order not subject to review issued pursuant to the California Water Code § 13301 for violation of waste discharge requirements or discharge prohibitions; or

3) finally determined to be in violation of provisions of federal law relating to air or water pollution.

C. Clean Air Act: Contractor or Subrecipient agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. §§ 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. §§ 1251-1387).

D. Solid Waste Disposal Act: Contractor or Subrecipient shall comply with Section 6002 of the Solid Waste Disposal Ac, as amended t and 40 CFR Part 247 for procurement items in excess of $10,000.

5. **Property Management Requirements**. Contractor or Subrecipient shall comply with applicable requirements established by County or under 2 CFR § 200.310 through 200.316, regarding the ownership, use, and disposition of equipment purchased with WIOA funds. Contractor or Subrecipient shall establish a control system to ensure adequate safeguards to prevent loss, damage, or theft to such property, including equipment. Contractor or Subrecipient shall investigate and fully document any loss, damage, or theft to property.

6. **Procurement Standards**. The Contractor or Subrecipient must use the methods of procurement in accordance with 2 CFR § 200.320.

7. **Nepotism**. Contractor or Subrecipient shall comply with the Federal restriction prohibiting nepotism (5 U.S.C. § 3110). Pursuant thereto, Contractor or Subrecipient shall not hire any person in an administrative capacity or staff position funded under this Agreement if a member of the person's immediate family is already employed in an administrative capacity by Contractor or Subrecipient.

8. **Sectarian Activities**. The Contractor or Subrecipient certifies that this subaward agreement does not provide for the advancement or aid to any religious sect, church or creed, or sectarian purpose, nor does it help to support or sustain any school, college, university, hospital or other institution controlled by any religious creed, church, or sectarian denomination whatsoever, as specified by Article XVI, Section 5, of the California Constitution, regarding separation of church and state.

9. **Davis-Bacon Wage Rates**. Contractor or Subrecipient shall comply with applicable regulations of the DOL regarding payment of prevailing wage rates to all laborers and mechanics employed by Contractor or Subrecipient or any subcontractor or Subrecipient in any construction, alteration, or repair, including painting and decorating, of projects, buildings or works which are assisted under this Agreement, in accordance with the Davis-Bacon Act (40 U.S.C. § 3141, et. seq.). Compliance with Davis-Bacon Act (40 U.S.C. § 3141 – 3144 and §3141 – 3148) is required for prime construction contracts in excess of $2,000.

10. **Contract Work Hours and Safety Standards.** Contractor or Subrecipient shall comply with the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 3701-3708) for contracts in excess of $100,000 that involve the employment of mechanics or laborers.

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11. **WIOA Participants Complaints**. Contractor or Subrecipient shall provide a process through which WIOA participants shall have the opportunity to express and have considered their views, grievances, and complaints regarding the delivery of services.

12. **Debarment and Suspension Certification**. By signing this subaward agreement, the Contractor or Subrecipient hereby certifies under penalty of perjury under the laws of the State of California that the Contractor or Subrecipient will comply with regulations implementing Executive Orders 12549 and 12689, Debarment and Suspension and OMB Guidance 2 CFR Part 180, that the prospective participant (i.e., Contractor or Subrecipient), to the best of its knowledge and belief, that it and its principals:

    A. Are not presently debarred, suspended, proposed for debarment, declared ineligible (such as being listed on the Excluded Parties List System in the System for Award Management, or SAM), or voluntarily excluded from covered transactions by any federal department or agency.

    B. Have not within a three-year period preceding this subaward agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction, violation of federal or state anti-trust statutes, or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property.

    C. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (federal, state or local) with commission of any of the offenses enumerated in Section 2 of this certification.

    D. Have not within a three-year period preceding this subaward agreement had one or more public transactions (federal, state or local) terminated for cause of default. Where the Contractor or Subrecipient is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this Agreement.

13. **Lobbying Restriction**. By signing this subaward agreement, the Contractor or Subrecipient hereby assures and certifies to the lobbying restrictions in 2 CFR § 200.450, 29 CFR Part 93 and in the Byrd Anti-Lobbying Amendment (31 U.S.C. § 1352).

    A. No federal appropriated funds have been paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress, in connection with this federal contract, grant loan, or cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

    B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of

Congress, in connection with this subaward agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying" in accordance with its instructions.

C. The undersigned shall require that the language of the lobbying restrictions be included in the award documents for subaward agreement transactions over $100,000 (per OMB) at all tiers (including subaward agreements, contracts and subcontracts, under grants, loan, or cooperative agreements), and that all Contractor or Subrecipients shall certify and disclose accordingly.

D. This certification is a material representation of fact upon which reliance is placed when this transaction is executed. Submission of the Lobbying Certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each failure.

14. **Assurance of Non-Duplicative Billing**. Contractor or Subrecipient shall ensure that all amounts billed for services under this Agreement shall not be billed under any other contract that provides the same services to the same clients.

15. **Intangible and Intellectual Property Provisions.**

Federal Funding

A. Pursuant to 2 CFR § 200.315, if any subaward, funded in whole or in part by the federal government, acquires the title to intangible property, as defined in 2 CFR § 200.59 as including Intellectual Property, which results directly or indirectly from the subaward, the federal government shall have a royalty-free, non-exclusive and irrevocable right to reproduce, publish, or otherwise use the Intellectual Property for Federal purposes, and to authorize others to do so. Additionally, pursuant to 2 CFR § 2900.13, Intellectual Property developed under this subaward will be licensed under a Creative Commons Attribution license, which allows subsequent users to copy, distribute, transmit and adapt the copyrighted work and requires such users to attribute the work in the manner specified by the Pass-through Entity.

B. The non-Federal entity may copyright any work that is subject to copyright and was developed, or for which ownership was acquired, under a Federal award. The Federal awarding agency reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so.

C. The non-Federal entity is subject to applicable regulations governing patents and inventions, including government-wide regulations issued by the Department of Commerce at 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Awards, Contracts and Cooperative Agreements."

D. The Federal Government has the right to:

1) Obtain, reproduce, publish, or otherwise use the data produced under a Federal award; and

2) Authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

E. Freedom of Information Act (FOIA).

1) In response to a FOIA request for research data relating to published research findings produced under a Federal award that were used by the Federal Government in developing an agency action that has the force and effect of law, the Federal awarding agency must request, and the non-Federal entity must provide, within a reasonable time, the research data so that they can be made available to the public through the procedures established under the FOIA. If the Federal awarding agency obtains the research data solely in response to a FOIA request, the Federal awarding agency may charge the requester a reasonable fee equaling the full incremental cost of obtaining the research data. This fee should reflect costs incurred by the Federal agency and the non-Federal entity. This fee is in addition to any fees the Federal awarding agency may assess under the FOIA (5 U.S.C. § 552(a)(4)(A)).

2) Published research findings means when:

a. Research findings are published in a peer-reviewed scientific or technical journal; or

b. A Federal agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law. "Used by the Federal Government in developing an agency action that has the force and effect of law" is defined as when an agency publicly and officially cites the research findings in support of an agency action that has the force and effect of law.

3) Research data means the recorded factual material commonly accepted in the scientific community as necessary to validate research findings, but not any of the following: preliminary analyses, drafts of scientific papers, plans for future research, peer reviews, or communications with colleagues. This "recorded" material excludes physical objects (e.g., laboratory samples). Research data also do not include:

a. Trade secrets, commercial information, materials necessary to be held confidential by a researcher until they are published, or similar information which is protected under law; and

b. Personnel and medical information and similar information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study.

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F. Title to intangible property and debt instruments acquired under an award or subaward vests upon acquisition in the recipient. The recipient shall use that property for the originally-authorized purpose, and the recipient shall not encumber the property without written approval of the grant officer. When no longer needed for the originally authorized purpose, disposition of the intangible property shall occur in accordance with the provisions of 29 CFR § 95.36(e).

16. **Confidentiality Requirements**: The State of California and the Contractor or Subrecipient will exchange various kinds of information pursuant to this subaward agreement. That information will include data, applications, program files, and databases. These data and information are confidential when they define an individual or an employing unit or when the disclosure is restricted or prohibited by any provision of law. Confidential information requires special precautions to protect it from unauthorized use, access, disclosure, modification, and destruction. The sources of information may include, but are not limited to, the EDD, the California Department of Social Services, the California Department of Education, the California Department of Corrections and Rehabilitation, the County Welfare Department(s), the County IV-D Directors Office of Child Support, the Office of the District Attorney, the California Department of Mental Health, the California Office of Community Colleges and the Department of Alcohol and Drug Programs.

The Pass-through Entity and Contractor or Subrecipient agree that:

A. Each party shall keep all confidential information that is exchanged between them in the strictest confidence and make such information available to their own employees only on a "need-to-know" basis.

B. Each party shall provide security sufficient to ensure protection of confidential information from improper use and disclosures, including sufficient administrative, physical, and technical safeguards to protect this information from reasonable unanticipated threats to the security or confidentiality of the information.

C. The Contractor or Subrecipient agrees that information obtained under this subaward agreement will not be reproduced, published, sold or released in original or in any other form for any purpose other than those specifically identified in this agreement.

1) Aggregate Summaries: All reports and/or publications developed by the Contractor or Subrecipient based on data obtained under this Agreement shall contain confidential data in aggregated or statistical summary form only. "Aggregated" refers to a data output that does not allow identification of an individual or employer unit.

2) Publication: Prior to publication, Contractor or Subrecipient shall carefully analyze aggregated data outputs to ensure the identity of individuals and/or employer units cannot be inferred pursuant to California Unemployment Insurance Code Section 1094(c). Personal identifiers must be removed. Geographic identifiers should be specified only in large areas and as needed, and variables should be recorded in order to protect confidentiality.

3) Minimum Data Cell Size: The minimum data cell size or derivation thereof shall be three participants for any data table released to outside parties or to the public.

D. Each party agrees that no disaggregate data, identifying individuals or employers, shall be released to outside parties or the public.

E. The Contractor or Subrecipient shall notify Pass-through Entity's Information Security Office of any actual or attempted information security incidents, within 24 hours of initial detection, by telephone at (925) 677-3001. Information security incidents include, but are not limited to, any event (intentional or unintentional), that causes the loss, damage, or destruction, or unauthorized access, use, modification, or disclosure of information assets.

The Contractor or Subrecipient shall cooperate with the Pass-through Entity in any investigation of security incidents. The system or device affected by an information security incident and containing confidential data obtained in the administration of this program shall be immediately removed from operation upon confidential data exposure or a known security breach. It shall remain removed from operation until correction and mitigation measures are applied. If the Contractor or Subrecipient learns of a breach in the security of the system which contains confidential data obtained under this Subaward, then the Contractor or Subrecipient must provide notification to individuals pursuant to California Civil Code Section 1798.82.

F. The Contractor or Subrecipient shall provide for the management and control of physical access to information assets (including personal computer systems, computer terminals, mobile computing devices, and various electronic storage media) used in performance of this Subaward. This shall include, but is not limited to, security measures to physically protect data, systems, and workstations from unauthorized access and malicious activity; the prevention, detection, and suppression of fires; and the prevention, detection, and minimization of water damage.

G. At no time will confidential data obtained pursuant to this Agreement be placed on a mobile computing device, or on any form of removable electronic storage media of any kind unless the data are fully encrypted.

H. Each party shall provide its employees with access to confidential information with written instructions fully disclosing and explaining the penalties for unauthorized use or disclosure of confidential information found in Section 1798.55 of the California Civil Code, Section 502 of the California Penal Code, Section 2111 of the California Unemployment Insurance Code, Section 10850 of the California Welfare and Institutions Code, and other applicable local, state and federal laws and regulations.

I. Each party shall (where it is appropriate) store and process information in electronic format, in such a way that unauthorized persons cannot reasonably retrieve the information by means of a computer.

J. Each party shall promptly return to the other party confidential information when its use ends, or destroy the confidential information utilizing an approved method of destroying

confidential information, such as, shredding, burning, or certified or witnessed destruction. Magnetic media are to be degaussed or returned to the other party.

K. If the Pass-through Entity or Contractor or Subrecipient enters into an agreement with a third party to provide WIOA services, the Pass-through Entity or Contractor or Subrecipient agrees to include these data and security and confidentiality requirements in the agreement with that third party. In no event shall said information be disclosed to any individual outside of that third party's authorized staff, subcontractor or Subrecipient(s), service providers, or employees.

L. The Contractor or Subrecipient may, in its operation of the America's Job Center of California (AJCC), permit an AJCC Operator to enter into a subcontract to manage confidential information. This subcontract may allow an individual to register for resume distribution services at the same time the individual enrolls in CalJOBS. Contractor or Subrecipient shall ensure that all such subcontracts comply with the intellectual property requirements of this subaward agreement, the confidentiality requirements of this subaward agreement and any other terms of this subaward agreement that may be applicable. In addition, the following requirements must be included in the subcontracts:

1) All client information submitted over the internet to the subcontractor or Subrecipient's databases must be protected, at a minimum, by 128-bit Secure Socket Layer (SSL) encryption. Clients' Social Security numbers must be stored in a separate database within the subcontractor or Subrecipient's network of servers, and protected by a firewall and a secondary database server firewall or AES data encryption. If a subcontractor or Subrecipient receives client Social Security numbers or other confidential information in the course of business, for example a resume-distribution service that provides enrollment in CalJOBS, Social Security numbers must be destroyed within two days after the client registers for CalJOBS. If a subcontractor or Subrecipient obtains confidential information as an agent of the Contractor or Subrecipient, the subcontract must specifically state the purpose for the data collection and the term of records retention must be stated, and directly related, to the purpose and use of the information. Social security numbers and other client specific information shall not be retained for more than three years after a client completes services.

2) Client information (personal information that identifies a client such as name and Social Security number) and/or demographic information of a client (such as wage history, address, and previous employment) shall not be used as a basis for commercial solicitation during the time the client or agency is using the subcontractor or Subrecipient's services. Client information and/or demographic information shall not be used for any purposes other than those specific program purposes set forth in the subcontract.

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3) An AJCC client must still be given the option to use the AJCC's services, including CalJOBS, even if he or she chooses not to use any services of the subcontractor or Subrecipient. This option shall be prominently, clearly and immediately communicated to the client upon registration within the AJCC or for CalJOBS, the subcontractor or Subrecipient's resume-distribution services, or any other services subcontractor or Subrecipient offers to the client or the AJCC Operator.

4) The subcontractor or Subrecipient must clearly disclose all of its potential and intended uses of the client's personal and/or demographic information for the services the client seeks and for any other services the subcontractor or Subrecipient offers. The subcontractor or Subrecipient shall not use a client's personal and/or demographic information without the client's prior permission. A link to the subcontractor's or Subrecipient's Privacy Policy shall appear prominently on the registration screens that list the potential and intended uses of the client's personal and/or demographic information.

5) When the Pass-through Entity modifies State automated systems such as the State CalJOBS System, it shall provide reasonable notice of such changes to the Contractor or Subrecipient. The Contractor or Subrecipient shall be responsible to communicate such changes to the AJCC Operator(s) in the local area.

M. Each party shall designate an employee who shall be responsible for overall security and confidentiality of its data and information systems and each party shall notify the other of any changes in that designation.

Contra Costa County, Employment and Human Services Department designee is:

CCC-EHSD
Information Security Officer, Information Systems Manager II
300 Ellinwood Way
Pleasant Hill, CA 94523
Telephone: (925) 677-3001

Contra Costa County
Standard Form L-5
Revised 2016

GENERAL CONDITIONS
(Purchase of Services - Long Form)

1. **Compliance with Law**. Contractor is subject to and must comply with all applicable federal, state, and local laws and regulations with respect to its performance under this Contract, including but not limited to, licensing, employment, and purchasing practices; and wages, hours, and conditions of employment, including nondiscrimination.

2. **Inspection**. Contractor's performance, place of business, and records pertaining to this Contract are subject to monitoring, inspection, review and audit by authorized representatives of the County, the State of California, and the United States Government.

3. **Records**. Contractor must keep and make available for inspection and copying by authorized representatives of the County, the State of California, and the United States Government, the Contractor's regular business records and such additional records pertaining to this Contract as may be required by the County.

   a. **Retention of Records**. Contractor must retain all documents pertaining to this Contract for five years from the date of submission of Contractor's final payment demand or final Cost Report; for any further period that is required by law; and until all federal/state audits are complete and exceptions resolved for this Contract's funding period. Upon request, Contractor must make these records available to authorized representatives of the County, the State of California, and the United States Government.

   b. **Access to Books and Records of Contractor, Subcontractor**. Pursuant to Section 1861(v)(1) of the Social Security Act, and any regulations promulgated thereunder, Contractor must, upon written request and until the expiration of five years after the furnishing of services pursuant to this Contract, make available to the County, the Secretary of Health and Human Services, or the Comptroller General, or any of their duly authorized representatives, this Contract and books, documents, and records of Contractor necessary to certify the nature and extent of all costs and charges hereunder.

   Further, if Contractor carries out any of the duties of this Contract through a subcontract with a value or cost of $10,000 or more over a twelve-month period, such subcontract must contain a clause to the effect that upon written request and until the expiration of five years after the furnishing of services pursuant to such subcontract, the subcontractor must make available to the County, the Secretary, the Comptroller General, or any of their duly authorized representatives, the subcontract and books, documents, and records of the subcontractor necessary to verify the nature and extent of all costs and charges thereunder.

   This provision is in addition to any and all other terms regarding the maintenance or retention of records under this Contract and is binding on the heirs, successors, assigns and representatives of Contractor.

4. **Reporting Requirements**. Pursuant to Government Code Section 7550, Contractor must include in all documents and written reports completed and submitted to County in accordance with this Contract, a separate section listing the numbers and dollar amounts of all contracts and subcontracts relating to the preparation of each such document or written report. This section applies only if the Payment Limit of this Contract exceeds $5,000.

Contractor _____ County Dept. _____

GENERAL CONDITIONS
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5. **Termination and Cancellation**.

   a. **Written Notice**. This Contract may be terminated by either party, in its sole discretion, upon thirty-day advance written notice thereof to the other, and may be cancelled immediately by written mutual consent.

   b. **Failure to Perform**. County, upon written notice to Contractor, may immediately terminate this Contract should Contractor fail to perform properly any of its obligations hereunder. In the event of such termination, County may proceed with the work in any reasonable manner it chooses. The cost to County of completing Contractor's performance will be deducted from any sum due Contractor under this Contract, without prejudice to County's rights to recover damages.

   c. **Cessation of Funding**. Notwithstanding any contrary language in Paragraphs 5 and 11, in the event that federal, state, or other non-County funding for this Contract ceases, this Contract is terminated without notice.

6. **Entire Agreement**. This Contract contains all the terms and conditions agreed upon by the parties. Except as expressly provided herein, no other understanding, oral or otherwise, regarding the subject matter of this Contract will be deemed to exist or to bind any of the parties hereto.

7. **Further Specifications for Operating Procedures**. Detailed specifications of operating procedures and budgets required by this Contract, including but not limited to, monitoring, evaluating, auditing, billing, or regulatory changes, may be clarified in a written letter signed by Contractor and the department head, or designee, of the county department on whose behalf this Contract is made. No written clarification prepared pursuant to this Section will operate as an amendment to, or be considered to be a part of, this Contract.

8. **Modifications and Amendments**.

   a. **General Amendments**. In the event that the total Payment Limit of this Contract is less than $100,000 and this Contract was executed by the County's Purchasing Agent, this Contract may be modified or amended by a written document executed by Contractor and the County's Purchasing Agent or the Contra Costa County Board of Supervisors, subject to any required state or federal approval. In the event that the total Payment Limit of this Contract exceeds $100,000 or this Contract was initially approved by the Board of Supervisors, this Contract may be modified or amended only by a written document executed by Contractor and the Contra Costa County Board of Supervisors or, after Board approval, by its designee, subject to any required state or federal approval.

   b. **Minor Amendments**. The Payment Provisions and the Service Plan may be amended by a written administrative amendment executed by Contractor and the County Administrator (or designee), subject to any required state or federal approval, provided that such administrative amendment may not increase the Payment Limit of this Contract or reduce the services Contractor is obligated to provide pursuant to this Contract.

9. **Disputes**. Disagreements between County and Contractor concerning the meaning, requirements, or performance of this Contract shall be subject to final written determination by the head of the county department for which this Contract is made, or his designee, or in accordance with the applicable procedures (if any) required by the state or federal government.

Contractor _____ County Dept. _____

GENERAL CONDITIONS
(Purchase of Services - Long Form)

10. **Choice of Law and Personal Jurisdiction**.

    a. This Contract is made in Contra Costa County and is governed by, and must be construed in accordance with, the laws of the State of California.

    b. Any action relating to this Contract must be instituted and prosecuted in the courts of Contra Costa County, State of California.

11. **Conformance with Federal and State Regulations and Laws**. Should federal or state regulations or laws touching upon the subject of this Contract be adopted or revised during the term hereof, this Contract will be deemed amended to assure conformance with such federal or state requirements.

12. **No Waiver by County**. Subject to Paragraph 9. (Disputes) of these General Conditions, inspections or approvals, or statements by any officer, agent or employee of County indicating Contractor's performance or any part thereof complies with the requirements of this Contract, or acceptance of the whole or any part of said performance, or payments therefor, or any combination of these acts, do not relieve Contractor's obligation to fulfill this Contract as prescribed; nor is the County thereby prevented from bringing any action for damages or enforcement arising from any failure to comply with any of the terms and conditions of this Contract.

13. **Subcontract and Assignment**. This Contract binds the heirs, successors, assigns and representatives of Contractor. Prior written consent of the County Administrator or his designee, subject to any required state or federal approval, is required before the Contractor may enter into subcontracts for any work contemplated under this Contract, or before the Contractor may assign this Contract or monies due or to become due, by operation of law or otherwise.

14. **Independent Contractor Status**. The parties intend that Contractor, in performing the services specified herein, is acting as an independent contractor and that Contractor will control the work and the manner in which it is performed. This Contract is not to be construed to create the relationship between the parties, or between County and any Contractor employee, of agent, servant, employee, partnership, joint venture, or association. Neither Contractor, nor any of its employees, is a County employee. This Contract does not give Contractor, or any of its employees, any right to participate in any pension plan, workers' compensation plan, insurance, bonus, or similar benefits County provides to its employees. In the event that County exercises its right to terminate this Contract, Contractor expressly agrees that it will have no recourse or right of appeal under any rules, regulations, ordinances, or laws applicable to employees.

15. **Conflicts of Interest**. Contractor covenants that it presently has no interest and that it will not acquire any interest, direct or indirect, that represents a financial conflict of interest under state law or that would otherwise conflict in any manner or degree with the performance of its services hereunder. Contractor further covenants that in the performance of this Contract, no person having any such interests will be employed by Contractor. If requested to do so by County, Contractor will complete a "Statement of Economic Interest" form and file it with County and will require any other person doing work under this Contract to complete a "Statement of Economic Interest" form and file it with County. Contractor covenants that Contractor, its employees and officials, are not now employed by County and have not been so employed by County within twelve months immediately preceding this Contract; or, if so

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employed, did not then and do not now occupy a position that would create a conflict of interest under Government Code section 1090. In addition to any indemnity provided by Contractor in this Contract, Contractor will indemnify, defend, and hold the County harmless from any and all claims, investigations, liabilities, or damages resulting from or related to any and all alleged conflicts of interest. Contractor warrants that it has not provided, attempted to provide, or offered to provide any money, gift, gratuity, thing of value, or compensation of any kind to obtain this Contract.

16. **Confidentiality**. To the extent allowed under the California Public Records Act, Contractor agrees to comply and to require its officers, partners, associates, agents and employees to comply with all applicable state or federal statutes or regulations respecting confidentiality, including but not limited to, the identity of persons served under this Contract, their records, or services provided them, and assures that no person will publish or disclose or permit or cause to be published or disclosed, any list of persons receiving services, except as may be required in the administration of such service. Contractor agrees to inform all employees, agents and partners of the above provisions, and that any person knowingly and intentionally disclosing such information other than as authorized by law may be guilty of a misdemeanor.

17. **Nondiscriminatory Services**. Contractor agrees that all goods and services under this Contract will be available to all qualified persons regardless of age, gender, race, religion, color, national origin, ethnic background, disability, or sexual orientation, and that none will be used, in whole or in part, for religious worship.

18. **Indemnification**. Contractor will defend, indemnify, save, and hold harmless County and its officers and employees from any and all claims, demands, losses, costs, expenses, and liabilities for any damages, fines, sickness, death, or injury to person(s) or property, including any and all administrative fines, penalties or costs imposed as a result of an administrative or quasi-judicial proceeding, arising directly or indirectly from or connected with the services provided hereunder that are caused, or claimed or alleged to be caused, in whole or in part, by the negligence or willful misconduct of Contractor, its officers, employees, agents, contractors, subcontractors, or any persons under its direction or control. If requested by County, Contractor will defend any such suits at its sole cost and expense. If County elects to provide its own defense, Contractor will reimburse County for any expenditures, including reasonable attorney's fees and costs. Contractor's obligations under this section exist regardless of concurrent negligence or willful misconduct on the part of the County or any other person; provided, however, that Contractor is not required to indemnify County for the proportion of liability a court determines is attributable to the sole negligence or willful misconduct of the County, its officers and employees. This provision will survive the expiration or termination of this Contract.

19. **Insurance**. During the entire term of this Contract and any extension or modification thereof, Contractor shall keep in effect insurance policies meeting the following insurance requirements unless otherwise expressed in the Special Conditions:

    a. **Commercial General Liability Insurance.** For all contracts where the total payment limit of the contract is $500,000 or less, Contractor will provide commercial general liability insurance, including coverage for business losses and for owned and non-owned automobiles, with a minimum combined single limit coverage of $500,000 for all damages, including consequential damages, due to bodily injury, sickness or disease, or death to any person or damage to or destruction of property, including the loss of use thereof, arising from each occurrence. Such insurance must be endorsed to include County and its officers and employees as additional insureds as to all

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services performed by Contractor under this Contract. Said policies must constitute primary insurance as to County, the state and federal governments, and their officers, agents, and employees, so that other insurance policies held by them or their self-insurance program(s) will not be required to contribute to any loss covered under Contractor's insurance policy or policies. Contractor must provide County with a copy of the endorsement making the County an additional insured on all commercial general liability policies as required herein no later than the effective date of this Contract. For all contracts where the total payment limit is greater than $500,000, the aforementioned insurance coverage to be provided by Contractor must have a minimum combined single limit coverage of $1,000,000.

b. **Workers' Compensation**. Contractor must provide workers' compensation insurance coverage for its employees.

c. **Certificate of Insurance**. The Contractor must provide County with (a) certificate(s) of insurance evidencing liability and worker's compensation insurance as required herein no later than the effective date of this Contract. If Contractor should renew the insurance policy(ies) or acquire either a new insurance policy(ies) or amend the coverage afforded through an endorsement to the policy at any time during the term of this Contract, then Contractor must provide (a) current certificate(s) of insurance.

d. **Additional Insurance Provisions.** No later than five days after Contractor's receipt of: (i) a notice of cancellation, a notice of an intention to cancel, or a notice of a lapse in any of Contractor's insurance coverage required by this Contract; or (ii) a notice of a material change to Contractor's insurance coverage required by this Contract, Contractor will provide Department a copy of such notice of cancellation, notice of intention to cancel, notice of lapse of coverage, or notice of material change. Contractor's failure to provide Department the notice as required by the preceding sentence is a default under this Contract

20. **Notices**. All notices provided for by this Contract must be in writing and may be delivered by deposit in the United States mail, postage prepaid. Notices to County must be addressed to the head of the county department for which this Contract is made. Notices to Contractor must be addressed to the Contractor's address designated herein. The effective date of notice is the date of deposit in the mails or of other delivery, except that the effective date of notice to County is the date of receipt by the head of the county department for which this Contract is made.

21. **Primacy of General Conditions**. In the event of a conflict between the General Conditions and the Special Conditions, the General Conditions govern unless the Special Conditions or Service Plan expressly provide otherwise.

22. **Nonrenewal**. Contractor understands and agrees that there is no representation, implication, or understanding that the services provided by Contractor under this Contract will be purchased by County under a new contract following expiration or termination of this Contract, and Contractor waives all rights or claims to notice or hearing respecting any failure to continue purchasing all or any such services from Contractor.

23. **Possessory Interest**. If this Contract results in Contractor having possession of, claim or right to the possession of land or improvements, but does not vest ownership of the land or improvements in the same person, or if this Contract results in the placement of taxable improvements on tax exempt land (Revenue & Taxation Code Section 107), such interest or improvements may represent a possessory interest subject to property tax, and Contractor may be subject to the payment of property taxes levied on such interest. Contractor agrees that this provision complies with the notice

requirements of Revenue & Taxation Code Section 107.6, and waives all rights to further notice or to damages under that or any comparable statute.

24. **No Third-Party Beneficiaries**. Nothing in this Contract may be construed to create, and the parties do not intend to create, any rights in third parties.

25. **Copyrights, Rights in Data, and Works Made for Hire**. Contractor will not publish or transfer any materials produced or resulting from activities supported by this Contract without the express written consent of the County Administrator. All reports, original drawings, graphics, plans, studies and other data and documents, in whatever form or format, assembled or prepared by Contactor or Contractor's subcontractors, consultants, and other agents in connection with this Contract are "works made for hire" (as defined in the Copyright Act, 17 U.S.C. Section 101 et seq., as amended) for County, and Contractor unconditionally and irrevocably transfers and assigns to Agency all right, title, and interest, including all copyrights and other intellectual property rights, in or to the works made for hire. Unless required by law, Contractor shall not publish, transfer, discuss, or disclose any of the above-described works made for hire or any information gathered, discovered, or generated in any way through this Agreement, without County's prior express written consent. If any of the works made for hire is subject to copyright protection, County reserves the right to copyright such works and Contractor agrees not to copyright such works. If any works made for hire are copyrighted, County reserves a royalty-free, irrevocable license to reproduce, publish, and use the works made for hire, in whole or in part, without restriction or limitation, and to authorize others to do so.

26. **Endorsements**. In its capacity as a contractor with Contra Costa County, Contractor will not publicly endorse or oppose the use of any particular brand name or commercial product without the prior written approval of the Board of Supervisors. In its County-contractor capacity, Contractor will not publicly attribute qualities or lack of qualities to a particular brand name or commercial product in the absence of a well-established and widely accepted scientific basis for such claims or without the prior written approval of the Board of Supervisors. In its County-contractor capacity, Contractor will not participate or appear in any commercially produced advertisements designed to promote a particular brand name or commercial product, even if Contractor is not publicly endorsing a product, as long as the Contractor's presence in the advertisement can reasonably be interpreted as an endorsement of the product by or on behalf of Contra Costa County. Notwithstanding the foregoing, Contractor may express its views on products to other contractors, the Board of Supervisors, County officers, or others who may be authorized by the Board of Supervisors or by law to receive such views.

27. **Required Audit**.

a. If Contractor expends $750,000 or more in federal grant funds in any fiscal year from any source, Contractor must provide to County, at Contractor's expense, an audit conforming to the requirements set forth in the most current version of Code of Federal Regulations, Title 2, Part 200, Subpart F.

b. If Contractor expends less than $750,000 in federal grant funds in any fiscal year from any source, but the grant imposes specific audit requirements, Contractor must provide County with an audit conforming to those requirements.

c. If Contractor expends less than $750,000 in federal grant funds in any fiscal year from any source, Contractor is exempt from federal audit requirements for that year except as required by Code of Federal Regulations, Title 2, Part 200, Subpart F. Contractor shall make its records available for, and an audit may be required by, appropriate

officials of the federal awarding agency, the General Accounting Office , the pass-through entity and/or the County. If an audit is required, Contractor must provide County with the audit.

d. With respect to the audits specified in sections (a), (b) and (c) above, Contractor is solely responsible for arranging for the conduct of the audit, and for its cost. County may withhold the estimated cost of the audit or 10 percent of the contract amount, whichever is greater, or the final payment, from Contractor until County receives the audit from Contractor.

28. **Authorization**. Contractor, or the representative(s) signing this Contract on behalf of Contractor, represents and warrants that it has full power and authority to enter into this Contract and to perform the obligations set forth herein.

29. **No Implied Waiver**. The waiver by County of any breach of any term or provision of this Contract will not be deemed to be a waiver of such term or provision or of any subsequent breach of the same or any other term or provision contained herein.

APPENDIX A CONTRACT #18-426-1

Budget of Estimated Program Expenditures
Pittsburg Power Company
July 1, 2019 - June 30, 2020

Descriptions	Budget	%
Personnel: Direct Service to Participants Case Management; Instructors/Job Developer/Project Manager	$ 130,678	65%
Facilities/Infastructure: program facilities, utilities, internet, supplies	$ 8,276	4%
Participant Costs: Training materials, specialized courses, certifications, assessments	$ 32,000	16%
Participant Costs/Other: Insurance/Support Services/Transportation	$ 29,046	15%
TOTAL	**$ 200,000**	**100%**

Initials: _____ _____
Contractor County Dept.

Attachment D
Performance Outcomes Table - Proposed

Proposed number of Individuals to be served: A minimum of 40

Performance Measure	Definition	Proposed
Employment Rate – 2nd Quarter After Exit	The percentage of participants who are in unsubsidized employment during the 2nd quarter after program exit.	85%
Employment Rate – 4th Quarter After Exit	The percentage of participants who are in employment, education, or training during the 4th quarter after program exit.	85%
Median Earnings – 2nd Quarter After Exit	The median earnings of participants who are in employment during the 2nd quarter after program exit.	$18 ph
Credential Attainment	The percentage of participants enrolled in an education or training program who obtain a recognized credential or secondary diploma/equivalent during participation or within 1 year after program exit.	95%
Measurable Skills Gain	Percentage of participants in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving measurable skill gains, defined as documented academic, technical, occupational or other forms of progress towards such a credential or employment.	95%
Effectiveness in Serving Employers	TBD – definition and target to be negotiated at contract award.	
Other: California Driver's License	The percentage of participants who enter the training program without a valid driver's license but who exit the training with one.	95%
Other: Relevant Certifications (related to credential/measurable skills gains)	The percentage of participants who receive all of the possible certifications including OSHA 10, HAZWOPER 40, Construction Math, MC3, PACT, Refinery Safety card, Forklift certification, Solar Technology Certification, Traffic Control, , Emergency Response, and Confined Space Entry	90%

Initials: _____ _____

Contractor County Dept.

Contra Costa County

To: Board of Supervisors

From: Kathy Gallagher, Employment & Human Services Director

Date: May 21, 2019

Subject: Contract with Pittsburg Power Company

RECOMMENDATION(S):

APPROVE and AUTHORIZE the Employment and Human Services Director, or designee, on behalf of the Workforce Development Board, to execute a contract with Pittsburg Power Company, a public entity, in an amount not to exceed $200,000 for the provision of comprehensive Workforce Innovation and Opportunity Act (WIOA) services to eligible adults in East Contra Costa County for the period of July 1, 2019 through June 30, 2020.

FISCAL IMPACT:

The funds allocated for this contract are 100% from the Federal Workforce Innovation and Opportunity Act.

BACKGROUND:

Pittsburg Power Company (Contractor) shall administer and operate a pre-apprenticeship construction program for individuals that meet the criteria for Workforce Innovation and Opportunity Act (WIOA) Adult eligibility, as outlined in the WIOA legislation of 2014. The Contractor will focus on providing a network of services and support to individuals with barriers to employment who are interested in developing practical job and life skills, to better equip participants to succeed in their educational and career endeavors. These services will be provided in East Contra Costa County, defined as the region from Bay Point to the eastern boundary of the County.

☑ APPROVE ☐ OTHER

☑ RECOMMENDATION OF CNTY ADMINISTRATOR ☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **05/21/2019** ☑ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: May 21, 2019

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Laura Cassell, Deputy

Contact: V. Kaplan, (925) 608-4963

cc:

CONSEQUENCE OF NEGATIVE ACTION:

Adult participants will not receive case management, employment referrals, and job placement services.

CHILDREN'S IMPACT STATEMENT:

This contract supports all of the community outcomes established in the Children's Report Card: (1) "Children Ready for and Succeeding in School"; (2) "Children and Youth Healthy and Preparing for Productive Adulthood"; (3) "Families that are Economically Self Sufficient"; (4) "Families that are Safe, Stable and Nurturing"; and (5) "Communities that are Safe and Provide a High Quality of Life for Children and Families," by assisting individuals with training and employment services to encourage self-sufficiency.

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 for the 2019-2020 Consultant Agreement with Open Opportunities Incorporated

MEETING DATE: July 1, 2019

EXECUTIVE SUMMARY

Pittsburg Power Company (PPC) is seeking approval for the 2019-2020 consultant agreement (Agreement) with Open Opportunities Incorporated (OOI) in the amount of $312,000 for the case management and day to day program supervision of the Future Build Program.

FISCAL IMPACT

The Agreement between PPC and OOI will be for the amount of $312,000. PPC, through Contract Number 18-426-1, will be receiving a grant from Workforce Development Board (WDB) up to the amount of $200,000 in FY 2019-2020 which will reimburse PPC's budget. In addition to the WDB grant, Future Build receives grants from the Environmental Protection Agency and the Y & H Soda Foundation.

RECOMMENDATION

PPC Board adopt the Resolution for the Agreement. It is recommended that the PPC Board authorize the Executive Director or his designee to amend future agreements and budgets as required by subsequent contracts and amendments with external funding sources. The Executive Director is authorized to execute other documents and take such further actions as may be necessary or appropriate to ensure that funds are utilized appropriately by Future Build.

BACKGROUND

Future Build is a partnership of the PPC, WDB, OOI, Pittsburg Adult Education Center (PAEC), Contra Costa Building and Construction Trades Council, GRID Alternatives, and Northern California Laborers Training to provide East County residents with 16+ weeks of pre-apprenticeship training in the building trades and solar theory, construction, and installation. Each training session is referred to as a cohort.

Future Build's managing partner and fiscal agent is the PPC. OOI provides case management and day to day program supervision and administration of the skill-based instructional staff. PAEC provides the general academic and life skills instruction. Northern California Laborers provide the solar and safety training. The Contra Costa Building and Construction Trades Council provides tools and instruction from its member trade unions as well as general orientations into the construction related trades.

PPC and WDB executed the initial contract for April 2012 and was later amended and extended through June 2013. PPC and WDB executed subsequent contracts in the following years, continuing the funding for the Future Build Program.

Rubicon has a contract with Contra Costa County to provide services to low risk, recently released ex-offenders. One of the services offered by Rubicon is referral to Future Build for assessment for possible entry into the Future Build Program. Since 2014, Rubicon and PPC have an agreement whereby Rubicon's candidates are assessed and those admitted, receive training through Future Build. Rubicon reimburses PPC for the cost of that training.

SUBCOMMITTEE FINDINGS

Contract 18-426-1 was discussed at the PPC Subcommittee meeting on June 24, 2019.

STAFF ANALYSIS

PPC proposes to enter into Contract Number 18-426-1 with WDB for Cohort 16 for July 1, 2019 through December 31, 2019 and Cohort 17 for January 1, 2020 through June 30, 2020. The Agreement will allow OOI to continue providing the Future Build Program with case management and day to day program supervision and administration of the skill-based instructional staff.

Future Build provides a life changing experience for the trainees that leads to re-engagement in the workforce and post-secondary educational opportunities. Pre-apprenticeship training (classroom and laboratory) are married to practical applications in the field. The practical applications are community benefit projects where the trainees exercise what they have learned in the classroom and lab by improving facilities in public housing projects and rehabilitating homes for low-income residents, schools, and public recreational facilities such as parks.

ATTACHMENTS: Resolution
Contract for Services

Report Prepared By: Melaine Venenciano, Senior Administrative Analyst

BEFORE THE GOVERNING BOARD OF THE PITTSBURG POWER COMPANY

In the Matter of:

Adoption of a Pittsburg Power Company)
Resolution for the 2019-2020 Consultant) RESOLUTION NO. 19-
Agreement Open Opportunities Incorporated)

The Governing Board of the Pittsburg Power Company DOES RESOLVE as follows:

WHEREAS, the Pittsburg Power Company (PPC) is seeking approval for 2019-2020 consultant agreement (Agreement) with Open Opportunities Incorporated (OOI) for the case management and day to day program supervision of the Future Build Program; and

WHEREAS, the Future Build Program is a partnership of the PPC, Workforce Development Board (WDB), OOI, Pittsburg Adult Education Center (PAEC), Contra Costa Building and Construction Trades Council, GRID Alternatives, and Northern California Laborers Training to provide East County residents with 16+ weeks of pre-apprenticeship training in the building trades and solar theory, construction, and installation. Each training session is referred to as a cohort; and

WHEREAS, Future Build's managing partner and fiscal agent is the PPC. OOI provides case management and day to day program supervision of the skill-based instructional staff. PAEC provides the general academic and life skills instruction. Northern California Laborers provide the solar and safety training. The Contra Costa Building and Construction Trades Council provides tools and instruction from its member trade unions as well as general orientations into the construction related trades; and

WHEREAS, PPC and WDB executed the initial contract for April 2012 and was later amended and extended through June 2013. PPC and WDB executed subsequent contracts in the following years, continuing the funding for the Future Build Program; and

WHEREAS, the Agreement between PPC and OOI will be for the amount of $312,000; and

WHEREAS, PPC proposes to enter into Contract Number 18-426-1 with WDB for Cohort 16 for July 1, 2019 through December 31, 2019 and Cohort 17 for January 1, 2020 through June 30, 2020; and

WHEREAS, PPC will be receiving a grant from WDB up to the amount of $200,000 in FY 2019-2020. In addition to the WDB grant, Future Build receives grants from the Environmental Protection Agency and the Y & H Soda Foundation; and

WHEREAS, the Agreement will allow OOI to continue providing case management and day to day program supervision for the Future Build Program.

NOW, THEREFORE, the Governing Board does RESOLVE as follows:

Section 1.
The 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.
The Executive Director is hereby authorized to approve the Agreement between PPC and OOI in the amount of $312,000.

Section 3.
Board hereby authorizes the Executive Director or his designee to amend future agreements and budgets as required by subsequent contracts and amendments with external funding sources. The Executive Director is authorized to execute other documents and take such further actions as may be necessary or appropriate to carry out PPC'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 Board of Directors at a regular meeting on the 1st day of July 2019, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

_____
Juan Antonio Banales, Chair

ATTEST:

_____
Garrett Evans, Executive Secretary

CONTRACT FOR SERVICES

THIS CONTRACT is made on July 1, 2019, between the Pittsburg Power Company (PPC) and Open Opportunities, Incorporated, a California 501c3 Non-Profit Corporation (Consultant).

WITNESSETH:

WHEREAS, this Contract is an extension of the original contract dated April 1, 2012 by and between the PPC and Consultant; and

WHEREAS, the PPC operates the program known as Future Build as memorialized in 2012 by Contract No. 18-290-0 with the Contra Costa County Workforce Development Board (WDB) and its successor amendments including the current contract 18-426-1; and

WHEREAS, the Future Build program will train Workforce Innovation and Opportunity Act (WIOA) eligible people in the construction trades to the pre-apprentice level and in green energy efficient trades; allow them to gain valuable experience in the industry through a 16-week training program that is recognized by the Home Builder's Institute (HBI) and the Multi-Craft Core Curriculum (MC3); and

WHEREAS, a goal of the Future Build program is to provide job training within the City and to include energy efficiency retrofit components to existing buildings or work with local employers to hire trainees and graduates to work on new and retrofitted buildings that will incorporate alternative energy upgrades and to provide trained workers for alternative energy projects and area of manufacturing opportunities; and

WHEREAS, the PPC, a municipal utility, is the Fiscal Agent and administrator of Future Build and has the overall management responsibility for its operation. This includes activities prior to training, during training, and after training; and

WHEREAS, Consultant is the daily onsite supervisor of Future Build taking those actions necessary to ensure an effective operation of Future Build as described in the WDB's Contract No. 18-426-1 and the current successor amendment with the PPC.

NOW, THEREFORE, the Parties hereto mutually agree as follows:

I. SCOPE OF SERVICES:

A. Consultant shall do all work, attend all meetings, produce all reports and carry out all activities necessary to completion of the services described in the

Work Program, attached hereto and incorporated herein by this reference as Exhibit "A". This Contract and its exhibits shall be known as the "Contract Documents." Terms set forth in any Contract Document shall be deemed to be incorporated in all Contract Documents as if set forth in full therein. In the event of conflict between terms contained in these Contract Documents, the more specific term shall control. If any portion of the Contract Documents shall be in conflict with any other portion, provisions contained in the Contract shall govern over conflicting provisions contained in the exhibits to the Contract.

B. Consultant enters into this Contract as an independent contractor and not as an employee of the PPC. The Consultant shall have no power or authority by this Contract to bind the PPC in any respect. Nothing in this Contract shall be construed to be inconsistent with this relationship or status. All employees, agents, and contractors or subcontractors hired or retained by the Consultant are employees, agents, contractors or subcontractors of the Consultant and not of the PPC. The PPC shall not be obligated in any way to pay any wage claims or other claims made against Consultant by any such employees, agents, contractors or subcontractors, or any other person resulting from performance of this Contract.

C. The Consultant agrees it has satisfied itself by its own investigation and research regarding the conditions affecting the work to be done and labor and materials needed, and that its decision to execute this Contract is based on such independent investigation and research.

D. The Consultant certifies that it is a California 501c3 Non-Profit Corporation in good standing and has not been disbarred, suspended or found to have disallowable costs.

E. The Consultant agrees that it is a subrecipient as defined by CFR 200.331 and the attached executed subrecipient agreement as set forth in Exhibit “C” and further understands that all requirements placed on the PPC by the WDB are also requirements placed on the OOI.

II. TIME OF PERFORMANCE:

A. The services of Consultant are to commence on July 1, 2019 and shall be undertaken and completed in a prompt and timely manner, no later than June 30, 2020.

B. The PPC Executive Director or his or her designee may, by written instrument signed by the Parties, extend the duration of this Contract for an additional period not to exceed the lesser of six months or the original term of this Contract, provided that the extension does not require the payment of compensation in excess of the maximum compensation set forth in Section III, Compensation.

III. COMPENSATION:

A. The Consultant shall be paid for the actual fees, costs and expenses for all time and materials required and expended, pursuant to the Budget and Payment Plan incorporated herein as Exhibit "B" but in no event shall total compensation exceed Three Hundred Twelve Thousand Dollars ($312,000) without PPC's prior written approval.

B. Said amount shall be paid upon submittal of a billing in accordance with the Budget and Payment Plan showing completion of the tasks that month.

C. If the work is halted at the request of the PPC, compensation shall be based upon the proportion that the work performed bears to the total work required by this Contract.

IV. TERMINATION:

This Contract may be terminated, without cause, at any time by the PPC upon thirty (30) days written notice. Upon receipt of such notice, Consultant shall cease all work under this Contract. In the event of any such termination, the Consultant shall be compensated as provided for in this Contract. Upon such termination, the PPC shall be entitled to all work, including but not limited to, appraisals, inventories, studies, analyses, drawings and data estimates performed to date in accordance with Section VII hereof. The obligations of paragraph/section XV of this Contract relating to Consultant's obligations to defend and indemnify the PPC shall survive any termination of this Contract.

Notwithstanding any provisions of this Contract, Consultant shall not be relieved of liability to the PPC for damages sustained by the PPC by virtue of any breach of this Contract by Consultant and the PPC may withhold any payments due to Consultant until such time as the exact amount of damages, if any, due the PPC from Consultant is determined.

V. CHANGES:

The PPC may, from time to time, request changes in the scope of the services of Consultant to be performed hereunder. Such changes, including any increase or decrease in the amount of Consultant's compensation and/or changes in the schedule must be authorized in advance by the PPC in writing. Mutually agreed changes shall be incorporated in written amendments to this Contract, or the attached work program.

VI. EXTENSIONS OF TIME:

Consultant may, for good cause, request extensions of time to perform the

services required hereunder. Such extensions shall be authorized in advance by the PPC in writing and shall be incorporated in written amendments to this Contract or the attached work program.

VII. PROPERTY OF PPC:

It is mutually agreed that all materials prepared by the Consultant under this Contract shall become the property of the PPC and the Consultant shall have no property right there in whatsoever. Immediately upon termination, the PPC shall be entitled to, and the Consultant shall deliver to the PPC, all data, drawings, specifications, reports, estimates, summaries, and other such materials and commission as may have been prepared or accumulated to date by the Consultant in performing this Contract which is not Consultant's privileged information, as defined by law or Consultant's personnel information.

VIII. COMPLIANCE WITH LOCAL LAW:

Consultant shall comply with all applicable laws, ordinances, and codes of federal, state and local governments, and shall commit no trespass on any public or private property in performing any of the work authorized by this Contract.

IX. WARRANTY:

Consultant agrees and represents that it is qualified to properly provide the services set forth in Exhibit "A" in a manner which is consistent with the generally accepted standards of Consultant's profession. Consultant further represents and agrees that it will perform said services in a legally adequate manner in conformance with applicable federal, state and local laws and guidelines.

X. SUBCONTRACTING:

Except as set forth in Exhibit "A" for work to be performed, no other services covered by this Contract shall be subcontracted without the prior written consent of the PPC, which will not be unreasonably withheld. Consultant shall be as fully responsible to the PPC for the negligent acts and omissions of its contractors and subcontractors and of persons either directly or indirectly employed by them, as it is for the negligent acts and omissions of persons directly employed by Consultant.

XI. ASSIGNABILITY:

Consultant shall not assign or transfer any interest in this Contract whether by assignment or novation, without the prior written consent of the PPC which will not be unreasonably withheld. However, claims for money due or to become due Consultant from the PPC under this Contract may be assigned to a financial

institution, or to a trustee in bankruptcy, without such approval. Consultant shall promptly furnish notice of any assignment or transfer, whether voluntary or involuntary, in writing to the PPC.

XII. INTEREST IN CONTRACT:

Consultant covenants that neither it, nor any of its employees, agents, contractors, or subcontractors has any interest, nor shall they acquire any interest, direct or indirect, in the subject of the Contract, nor any other interest which would conflict in any manner or degree with the performance of its services hereunder.

Consultant shall make all disclosures required by the PPC's conflict of interest code in accordance with the category designated by the PPC, unless the Executive Director determines in writing that Consultant's duties are more limited in scope than is warranted by the category designated by the PPC code and that a narrower disclosure category should apply. Consultant also agrees to make disclosure in compliance with the PPC conflict of interest code if, at any time after the execution of this agreement, PPC determines and notifies Consultant in writing that Consultant's duties under this agreement warrant greater disclosure by Consultant than was originally contemplated. Consultant shall make disclosures in the time, place and manner set forth in the conflict of interest code and as directed by the PPC.

XIII. CONFIDENTIAL MATERIALS:

All of the materials prepared or assembled by Consultant pursuant to performance of this Contract are confidential and Consultant agrees that they shall not be made available to any individual or organization without the prior written approval of the PPC, except by court order.

XIV. LIABILITY OF CONSULTANT-NEGLIGENCE:

Consultant shall be responsible for performing the work under this Contract in a manner which is consistent with the generally accepted standards of the Consultant's profession and shall be liable for its own negligence and the negligent acts of its employees, agents, contractors, and subcontractors. The PPC shall have no right of control over the manner in which the work is to be done but only as to its outcome and shall not be charged with the responsibility of preventing risk to Consultant or its employees, agents, contractors or subcontractors.

XV. INDEMNITY AND LITIGATION COSTS:

Consultant shall indemnify, defend, and hold harmless the PPC, its officers, officials, agents, and employees from and against any and all claims, damages, demands, liability, costs, losses and expenses, including without limitation court costs and reasonable attorneys' fees arising out of or in connection with Consultant's

negligent performance of work hereunder or its negligent failure to comply with any of its obligations contained in the Contract Documents, except such loss or damage which was caused by the sole negligence, or willful misconduct of the PPC.

XVI. INSURANCE REQUIREMENTS:

Consultant shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

1. Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than $1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability: Insurance Services Office Form Number CA 0001 covering, Code 1 (any auto), or if Consultant has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than $1,000,000 per accident for bodily injury and property damage.
3. Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than $1,000,000 per accident for bodily injury or disease.

   No workers' compensation insurance shall be required for the Consultant's independent contractors.

"I certify that I, Consultant, have employees for whom I provide workers' compensation insurance. I also have independent contractors for which I am exempt from the legal requirement that I provide worker's compensation insurance."

_____ (Signature) _____
(Print Name)

4. Professional Liability (Errors and Omissions) Insurance appropriates to the Consultant's profession, with limit no less than $2,000,000 per occurrence or claim, $2,000,000 aggregate.

If the Consultant maintains broader coverage and/or higher limits than the minimums shown above, the PPC requires and shall be entitled to the broader coverage and/or the higher limits maintained by the contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the Entity.

Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions:

Additional Insured Status

The PPC, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Consultant including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Consultant's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10, CG 20 26, CG 20 33, or CG 20 38; and CG 20 37 forms if later revisions used).

Primary Coverage

For any claims related to this contract, the Consultant's insurance coverage shall be primary insurance primary coverage at least as broad as ISO CG 20 01 04 13 as respects the PPC, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the PPC, its officers, officials, employees, or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

Notice of Cancellation

Each insurance policy required above shall state that coverage shall not be canceled, except with notice to the PPC.

Waiver of Subrogation

Consultant hereby grants to PPC a waiver of any right to subrogation which any insurer of said Consultant may acquire against the PPC by virtue of the payment of any loss under such insurance. Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the PPC has received a waiver of subrogation endorsement from the insurer.

Self-Insured Retentions

Self-insured retentions must be declared to and approved by the PPC. The PPC may require the Consultant to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or PPC.

Acceptability of Insurers

Insurance is to be placed with insurers authorized to conduct business in the state with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the PPC.

Claims Made Policies

If any of the required policies provide coverage on a claims-made basis:

1. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
2. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the contract of work.
3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of five (5) years after completion of contract work.

Verification of Coverage

Consultant shall furnish the PPC with original Certificates of Insurance including all required amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of the CGL policy listing all policy endorsements to PPC before work begins. However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant's obligation to provide them. The PPC reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

Subcontractors

Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that PPC is an additional insured on insurance required from subcontractors.

Special Risks or Circumstances

PPC reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

XVII. MISCELLANEOUS PROVISIONS:

A. The Consultant shall designate a project manager who at all times shall represent the Consultant before the PPC on all matters relating to this Contract. The project manager shall continue in such capacity unless and until he or she is removed at the request of the PPC, is no longer employed by Consultant, or

replaced with the written approval of the PPC, which approval shall not be unreasonably withheld.

B. The Consultant shall keep itself fully informed of, shall observe and comply with, and shall cause any and all persons, firms or corporations employed by it or under its control to observe and comply with, applicable federal, state, county and municipal laws, ordinances, regulations, orders and decrees which in any manner affect those engaged or employed on the work described by this Contract or the materials used or which in any way affect the conduct of the work.

C. Consultant shall not engage in unlawful employment discrimination. Such unlawful employment discrimination includes, but is not limited to, employment discrimination based upon a person's race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, gender, citizenship or sexual orientation.

D. The Consultant shall maintain and make available for inspection by the PPC and its auditors accurate records of all of its costs, disbursements and receipts with respect to any work under this Contract. Such inspections may be made during regular office hours at any time until thirty-six (36) months after the final payments under this Contract are made to the Consultant.

E. This Contract constitutes the entire agreement between the parties relative to the services specified herein and no modification hereof shall be effective unless and until such modification is evidenced by a writing signed by both parties to this Contract. There are no understandings, agreements, conditions, representations, warranties or promises, with respect to this Contract, except those contained in or referred to in the writing.

F. Drug-Free Workplace and Training Site – By Signing this Agreement, Contractor hereby certifies under penalty of perjury under the laws of the State of California that the Contractor will comply with the requirements of the Drug-Free Workplace Act of 1990 (Government Code section 8350 et seq.) and will provide a drug-free workplace. The Contractor agrees that graduating trainees must be certified as drugfree and that any trainee without such certification will be ineligible to receive any certificates of completion, diploma or any other evidence that the trainee has satisfied Future Build's criteria for completion.

G. All notices that are required to be given by one party to the other under this Contract shall be in writing and shall be deemed to have been given if delivered personally or enclosed in a properly addressed envelope and deposited in a United States Post Office for delivery by registered or certified mail addressed to the parties at the following addresses:

PPC: Pittsburg Power Company
65 Civic Avenue
Pittsburg, CA 94565
ATTN: Garrett Evans

Consultant: Open Opportunities, Incorporated
2555 Harbor Street
Pittsburg, CA 94565
ATTN: Michelle E. Stewart, Chair

H. This Contract shall be interpreted and governed by the laws of the State of California.

I. Any action arising out of this Contract shall be brought in Contra Costa County, California, regardless of where else venue may lie.

J. In any action brought by either party to enforce the terms of this Contract, the prevailing party shall be entitled to recover its reasonable attorney's fees.

Executed the day and year first above written, by the parties as follows:

PITTSBURG POWER COMPANY	CONSULTANT
By: _____	By: _____
Garrett Evans, Executive Director	Michelle E. Stewart, Chair

I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract.

CONSULTANT

By: _____
Michelle E. Stewart, Chair

EXHIBIT A
WORK
PROGRAM

I
Roles

1. The PPC, a municipal utility, is the Fiscal Agent and administrator of Future Build and has the overall management responsibility for its operation. This includes activities prior to training, during training, and after training.

2. Open Opportunities, Incorporated, a California 501(c)(3) a Non-profit Corporation ("OOI"), is the daily onsite supervisor of Future Build taking those actions necessary to ensure an effective operation of Future Build as described in the RFI 1160 and the subsequent contract and any successor amendments with the County. The contract number for Fiscal Year 2019-2020 is 18-426-1.

3. The parties agree that the PPC is the administrator of Future Build. The administrator is the final authority on Future Build revenues, expenditures, operations, fiscal records, participant records, chart of accounts, accounting procedures, leases, rents, participant supportive services, any subcontracts, subcontractor expenditures, records retention, communication with funding sources, or any other activities necessary to ensure the administration and continued operation of Future Build. This authority is restricted to Future Build and does not apply to other activities that the PPC or OOI may be involved in the furtherance of their respective missions, roles or responsibilities.

4. The PPC enters into this agreement with OOI to utilize OOI's resources and abilities in community building, community resources, participant outreach, participant-referral to community resources, daily operational coordination of Future Build activities, daily on-site supervision of Future Build activities, contributing to the development of participant Individualized Employment Plans (IEP), gathering information and data necessary for entry into the Management Information System (MIS) system administered by the Work Force Development Board (WDB) OOI is responsible for completing any required reports that are based on the MIS data.

   OOI is responsible for the daily site and participant supervision of Future Build in the absence of the administrator. OOI assures that whenever trainees are in the training facility using equipment there will be a minimum of one OOI staff member supervising the training facility. OOI and the PPC will jointly conduct the follow up activities for Future Build graduates as described in the RFI 1160 and the subsequent contract and as amended in Contract No. is 18-426-1 and its successor amendments.

5. The parties agree that the respective roles of the PPC and OOI are also outlined, in a chronological fashion in the Program Timeline section of RFI 588, the provisions of which are incorporated herein by reference.

6. The parties agree that Future Build is a training endeavor that involves a number of agencies, as described in RFI 1160 and Contract No. 18-426-1 and its successor amendments, and that great care must be exercised to respect the rights and roles of the various entities to promote the effectiveness of Future Build. The parties agree that if corrective action is required with any of the entities involved with Future Build's effectiveness that it will be the PPC that determines what form that action takes.

II
Responsibilities

1. The parties agree that the PPC is the fiscal agent for Future Build and is responsible for submitting funding applications, establishing accounts to receive funds, establishing accounts for expenditures, and performing accounting tasks to track revenues and expenditures using generally approved accounting practices.

2. The parties agree that OOI, a nonprofit corporation, and may receive funds dedicated to the Future Build program and that those funds will be deposited in an account maintained by OOI. When this occurs OOI is to secure these funds and insure that they are used solely for the benefit of Future Build as determined by the Future Build administrator. To maintain the integrity of Future Build's accounting, OOI will provide the PPC with a timely accounting of such funds when requested.

3. The parties agree that the funds referred to in this Section II are funds not anticipated at this time and are more commonly known as donations made for the specific benefit of Future Build. The parties further agree that the OOI may charge a reasonable administrative fee for maintaining and accounting for these dedicated donations not to exceed 2% of the donated cash amount.

4. The parties agree that the PPC is responsible for any audits of Future Build and any audit responses and that OOI will supply the PPC with any and all information it has to meet this responsibility. The PPC and OOI will fully cooperate with any authorized internal and external auditors.

5. The parties agree that Future Build's success is dependent upon their close coordination of activities, establishment of priorities and timeframes for accomplishing tasks. Should either party know of an issue affecting Future Build's success it is to immediately communicate, preferably via email, that

issue to the other party.

III
Property

The parties agree that all materials, equipment, supplies, records and other tangibles, acquired for the benefit of Future Build, shall be the property of the PPC for the benefit of Future Build, or its successor program.

IV
Operational Notifications

1. The parties agree that all daily operational notices that are necessary to given by one party to the other shall be in writing via email.

2. The email address for operational communiques to PPC shall be gldcop@yahoo.com.

3. The email address for operational communiques to OOI shall be merl@futurebuildec.com.

Exhibit B
Future Build
Budget and Payment Plan
Open Opportunities, Incorporated

OOI shall deliver on the Contract and attached Work Plan as directed and provide PPC a monthly status report. OOI agrees to invoice the PPC on a monthly basis Subject to III C.OOI may also invoice in advance to address costs associated with the Work Plan.

In the event that no charges or expenses are disputed by the PPC, then the invoice shall be approved and paid within thirty (30) days of receipt of OOI's invoice. In the event any charges or expenses are disputed by the PPC, the invoice shall be returned by the PPC to OOI for correction and resubmission.

Payment to OOI for work performed pursuant to this Contract for Services shall not be deemed to waive any defects in work performed by OOI.

Project Budget

Object Class Categories	Budgeted Amount
a. Personnel: Instructors, Case Manager	$202,800
b. Operating Expenses: Utilities, Rent, Supplies	$18,720
c. Participant Cost: Training Supplies, etc.	$37,440
d. Participant Cost: Other – Safety equipment, tools, supportive services	$53,040
Total Direct Charges	$312,000

Exhibit C
Subaward Agreement

Article 1. Subaward Agreement between the Pittsburg Power Company and Open Opportunities incorporated, a non-profit corporation, for the purpose of providing services that improve and enhance the employability of Future Build enrollees and graduates.

Article 2. Specific services to be provided by Open Opportunities Inc. include but are not limited to:

- Program Management and Record Keeping
- Employment Counseling aka “Job Coaching”
- Follow-up Services on graduates
- All services outline in the contract between the Pittsburg Power Company and County of Contra Costa, Contract No. 18-426-1

Article 3. Unique Entity Identification for Open Opportunities Inc. is 036694799 (DUNS number)

Article 4. County Contract No. 18-426-1

Article 5. Contract Commencement Date: July 1, 2019

Article 6. Subaward Period of Performance, i.e. approximate start and end date for performance utilizing these grant funds: July 1, 2019 to June 30, 2020.

Article 7. Total amount of Federal funds obligated by the action: Two Hundred Thousand Dollars ($200,000).

Article 8. Total amount of Federal funds awarded to the Pittsburg Power Company: $200,000.

Article 9. Award project description: This project provides funding for the Pittsburg Power Company/Future Build to recruit, train, and place unemployed and underemployed residents of East Contra Costa County with skills needed to qualify for entry level construction related occupations, as well as appropriate training in solar panel technology and installation.

Article 10. Awarding Agency: Workforce Development Board (WDB) of Contra Costa County.

WDB Contact:	Ms. Noramah Burch
Pass Through Entity:	Pittsburg Power Company (PPC)
PPC Contact:	Gerald L. Dunbar

Article 11: This subaward agreement is not for research and development.

Article 12: There are no indirect costs associated with this subaward, all costs are direct.

Article 13: Incorporated into this subaward agreement by reference is the attached Contract No. 18-426-1 which outlines administrative requirements of the Pittsburg Power

Company and Open Opportunities Inc., when accepting Federal funds distributed by the Department of Labor. Specifically see the “SPECIAL CONDITIONS Federal Subaward Conditions”, page 1 of 1, revised 2016.

IN WITNESS WHEREOF, the parties have executed this agreement as of the date first shown in Article 6 above.

PITTSBURG POWER COMPANY, CALIFORNIA

By: _____
Gerald L. Dunbar
Future Build Administrator

OPEN OPPORTUNITIES INCORPORATED

By: _____
Michelle E. Stewart
Board Chair

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

TO: Mayor/Chair and Council/Agency Members

FROM: Garrett Evans, Executive Director/City Manager

SUBJECT: Approving a City Council and Pittsburg Power Company Resolution Authorizing the City of Pittsburg to Enter into a Three-Year Agreement with Craft Community Care Center, Inc. Doing Business as Success Through Self Academy to Provide Youth Programs

MEETING DATE: July 1, 2019

EXECUTIVE SUMMARY

The City of Pittsburg and Craft Community Care Center, Inc. doing business as Success Through Self (STS) Academy propose to enter into a three-year agreement (Agreement) for youth based programs (Program) from 2019 through 2022 (Term). The Agreement includes the use of the community rooms on a portion of 60 Civic Avenue (Premises) and a flat fee charge of $500 annually for the use of Buchanan Swim Center by STS in the summer months. In addition, in the event of a proclaimed or declared disaster City will require STS to provide childcare to children of City employees.

FISCAL IMPACT

The total cost of the Agreement for each fiscal year is $110,000 ($80,000 for the Program and up to $30,000 for the electricity, gas, and water). The Agreement will be funded by Pittsburg Power Company fund 590-47101-2199.

STS's annual payments of $500 for the use of Buchanan Swim Center will be paid to the Recreation Department.

RECOMMENDATION

City Council and Governing Board approve the City Council and PPC Resolutions.

BACKGROUND

On May 11, 2009, Resolution 09-11211 authorized the City Manager to execute an agreement (Original Agreement) with STS Academy to provide the Program. The Program consists of after school recreational services for Pittsburg teens who attended schools in the Pittsburg Unified School District, playground programs when school is not in session, and

tiny tot program that included flag football, t-ball, soccer, and basketball for children ages 3-6. The term of the Original Agreement commenced June 16, 2009 and expired August 31, 2014. On September 16, 2013, the Original Agreement was amended by Resolution 13-12033 which authorized $80,000 to fund the Program for fiscal year 2013-2014.

The City and STS continued this partnership, providing youth services to the community in the subsequent years following the Original Agreement.

SUBCOMMITTEE FINDINGS

The Agreement was discussed at the PPC Subcommittee on June 24, 2019.

STAFF ANALYSIS

STS has been in existence since 2004, providing numerous youth programs. STS provides the following services: before- and after-school care from 6 am to 6 pm for kindergarten through 5th grade students each day classes are in session at Pittsburg schools; transportation to and from school; hot meals; academic assistance; and enrichment and recreation activities.

Enrichment and recreation activities include arts and crafts, gardening, cooking, performance arts, internships, and a variety of games and sports. STS serves over 1,500 students, from kindergarten to 12th grade, at twelve locations.

STS receives its funding from various sources such as low-cost fees charged to participants, donations, sponsorships, fundraisers, and negotiated contracts. The City recognizes the efforts put forth by STS and the benefits the community receives and proposes to continue supporting STS' efforts. The proposed Agreement will commence on July 1, 2019 and will expire on June 30, 2022. The terms of the Agreement may be amended or terminated with six months notice upon written agreement by both parties.

The Agreement authorizes STS' use of the Premises during the Term. PPC will pay for PG&E and water used within the Premises, up to $30,000.

Since the City has limited programs offered through its Recreation Department, STS assists with providing various youth programs for the community. In addition, in the event of a proclaimed or declared disaster City will require STS to provide childcare to children of City employees.

ATTACHMENTS: City Resolution
PPC Resolution
2019-2022 Agreement

Report Prepared By: Melaine Venenciano, Senior Administrative Analyst

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Adoption of a City Council Resolution Authorizing the City of Pittsburg to Enter into a Three-Year Agreement with Craft Community Care Center, Inc. Doing Business as Success Through Self Academy for Youth Programs	RESOLUTION NO. 19-

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, on May 11, 2009, by City Council Resolution 09-11211, the City of Pittsburg authorized the City Manager to execute an agreement (Original Agreement) with Craft Community Care Center, Inc. doing business as Success Through Self (STS) Academy to provide youth based programs (Program) and said Original Agreement was later amended by City Resolution 13-12033 on September 16, 2013; and

WHEREAS, the City and STS continued this partnership, providing youth services to the community in the subsequent years following the Original Agreement; and

WHEREAS, the Program consists of before- and after-school care from 6 am to 6 pm for kindergarten through 5th grade students each day classes are in session at schools within the Pittsburg Unified School District Pittsburg; transportation to and from school; hot meals; academic assistance; and enrichment and recreation activities; and

WHEREAS, enrichment and recreation activities include arts and crafts, gardening, cooking, performance arts, internships, and a variety of games and sports; and

WHEREAS, STS serves over 1,500 students, from kindergarten to 12th grade, at twelve locations; and

WHEREAS, since the City has limited programs offered through its Recreation Department, STS assists with providing various youth programs for the community; and

WHEREAS, the City proposes to continue allowing STS the use of the community rooms on a portion of 60 Civic Avenue (Premises); and

WHEREAS, the City seeks to allow STS to provide youth programs on the Premises, and in the event of a proclaimed or declared disaster, require STS to provide childcare to children of City employees at the Premises; and

WHEREAS, City and STS propose to enter into a three-year agreement for 2019-2022 whereby STS will operate and administer the Program for $110,000 for each fiscal year ($80,000 for the Program and up to $30,000 for the electricity, gas, and water); and

WHEREAS, STS will make annual payments of $500 to the Recreation Department for the use of the Buchanan Swim Center; and

WHEREAS, the 2019-2022 agreement will commence on July 1, 2019 and will expire

on June 30, 2022 (Term).

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

Section 1.
All the recitals above are true and correct and incorporated herein.

Section 2.
City Council hereby authorizes the City to enter a three-year Agreement with STS for the Term.

Section3.
The City Council authorizes the expenditure of $110,000 for each fiscal year ($80,000 for the Program and up to $30,000 for the electricity, gas, and water) during the Term of the Agreement with STS to operate and administer the Program to the youth.

Section 4.
The City hereby authorizes the use of the Premises.

Section 5.
The City Manager is hereby authorized to take such further actions as may be necessary or appropriate to carry out the City's obligations pursuant to this Resolution.

Section 6.
The City Clerk shall certify to the adoption of this Resolution.

Section 7.
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 1st day of July 2019, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

_____
Juan Antonio Banales, Mayor

ATTEST:

_____
Alice E. Evenson, City Clerk

BEFORE THE GOVERNING BOARD OF THE PITTSBURG POWER COMPANY

In the Matter of:

Adoption of a Resolution Allocating $110,000 Per Fiscal Year to Pay For the 2019-2022 Agreement by and Between the City of Pittsburg and Craft Community Care Center, Inc. Doing Business as Success Through Self Academy	RESOLUTION NO. 19-

The Governing Board of the Pittsburg Power Company DOES RESOLVE as follows:

WHEREAS, on May 11, 2009, by City Council Resolution 09-11211, the City of Pittsburg authorized the City Manager to execute an agreement (Original Agreement) with Craft Community Care Center, Inc. doing business as Success Through Self (STS) Academy to provide youth based programs (Program) and said Original Agreement was later amended by City Resolution 13-12033 on September 16, 2013; and

WHEREAS, the City and STS continued this partnership, providing youth services to the community in the subsequent years following the Original Agreement; and

WHEREAS, the Program consists of before- and after-school care from 6 am to 6 pm for kindergarten through 5th grade students each day classes are in session at schools within the Pittsburg Unified School District; transportation to and from school; hot meals; academic assistance; and enrichment and recreation activities; and

WHEREAS, enrichment and recreation activities include arts and crafts, gardening, cooking, performance arts, internships, and a variety of games and sports; and

WHEREAS, STS serves over 1,500 students, from kindergarten to 12th grade, at twelve locations; and

WHEREAS, since the City has limited programs offered through its Recreation Department, STS assists with providing various youth programs for the community; and

WHEREAS, the City desires to continue allowing STS the use of the community rooms on a portion of 60 Civic Avenue (Premises); and

WHEREAS, the City seeks to allow STS to provide youth programs on the Premises and in the event of a proclaimed or declared disaster require STS to provide childcare to children of City employees at the Premises; and

WHEREAS, City and STS propose to enter into a three-year agreement for 2019-2022 whereby STS will operate and administer the Program for $110,000 for each fiscal year ($80,000 for the Program and up to $30,000 for the electricity, gas, and water); and

WHEREAS, STS's annual payments of $500 will be paid to the Recreation Department for the use of the Buchanan Swim Center; and

WHEREAS, the 2019-2022 Agreement will commence on July 1, 2019 and will expire on June 30, 2022 (Term).

NOW, THEREFORE, the Governing Board does RESOLVE as follows:

Section 1.
All the recitals above are true and correct and incorporated herein.

Section 2.
PPC hereby allocates $110,000 for each fiscal year ($80,000 for the Program and up to $30,000 for the electricity, gas, and water) during the Term of the Agreement with STS to operate and administer the Program to the youth.

Section 3.
The Executive Director is hereby authorized to take such further actions as may be necessary or appropriate to carry out PPC's obligations pursuant to this Resolution.

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 Board of Directors at a regular meeting on the 1st Day of July 2019, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

_____
Juan Antonio Banales, Chair

ATTEST:

_____
Garrett Evans, Executive Secretary

AGREEMENT FOR YOUTH AND TEEN SERVICES
BETWEEN THE CITY OF PITTSBURG AND
CRAFT COMMUNITY CARE CENTER, INC.
(dba SUCCESS THROUGH SELF ACADEMY)

This Youth and Teen Services Agreement (this Agreement) is made on July 1, 2019 by and between the City of Pittsburg, a California municipal corporation (City), and Craft Community Care Center, Inc., a 501(c)(3) nonprofit corporation doing business as Success Through Self Academy (STS).

RECITALS

WHEREAS, on May 11, 2009, by City Council Resolution 09-11211, authorized the City Manager to execute an agreement (Original Agreement) with STS to provide youth based programs (Program) and said Original Agreement was later amended by City Resolution 13-12033 on September 16, 2013; and

WHEREAS, the Program consists of before- and after-school care from 6 am to 6 pm for kindergarten through 5th grade students each day classes are in session at Pittsburg schools; transportation to and from school; hot meals; academic assistance; and enrichment and recreation activities; and

WHEREAS, enrichment activities include arts and crafts, math, science projects, writing, and a variety of games and sports; and

WHEREAS, STS serves over 1,500 students, from Kindergarten to 12th grade, at twelve locations; and

WHEREAS, since the City has limited programs offered through its Recreation Department, STS assists with providing various youth programs for the community; and

WHEREAS, on June 16, 2014, City Council Resolution 14-12136, Successor Agency Resolution 14-019 and Pittsburg Power Company (PPC) Resolution 14-296 authorized the execution and funding of the 2014-2015 Agreement with STS to operate and administer the Program; and

WHEREAS, on July 6, 2015, City Council Resolution 15-13069 and PPC Resolution 15-319 authorized the execution and funding of the 2015-2016 Agreement with STS to operate and administer the Program. The 2015-2016 Agreement provided STS with two (2) one-year options to extend the term. The second option to extend expired on June 30, 2018; and

WHEREAS, on July 18, 2018, City Council Resolution 18-13493 and PPC Resolution 18-160 authorized the execution and funding of the 2018-2019 Agreement with STS to operate and administer the Program; and

WHEREAS, since the City has limited programs offered through its Recreation Department, STS assists with providing various youth programs for the community; and

WHEREAS, the City seeks to allow STS to provide youth programs in the community rooms at 60 Civic Avenue by the entrance of City Park and in the event of a proclaimed or declared disaster require STS to provide childcare to children of City employees; and

WHEREAS, City and STS propose to enter into a three-year agreement for 2019-2022 whereby STS will operate and administer the Program for $110,000 for each fiscal year ($80,000 for the Program and up to $30,000 for the electricity, gas, and water); and

WHEREAS, the 2019-2022 agreement will commence on July 1, 2019 and will expire on June 30, 2022 (Term).

NOW, THEREFORE, City and STS agree as follows:

1. Scope of Services.

1.1. STS shall do all work and carry out all activities necessary to provide, at minimum, the youth and teen services (Youth Services) described in the Scope of Work, attached hereto and incorporated herein by this reference as Exhibit A. City intends for the following services to be made available to residents of the City, but realizes that people have friends and visiting acquaintances from other cities whose attendance at youth events listed below with City residents would be normal and natural events in the lives of the City's residents. Therefore, incidental inclusion of non-City residents in the Youth Services is also contemplated by this Agreement. The Youth Services provided by STS under this Agreement shall include, but are not limited to, the following:

(A) Operation of the Teen Center. STS shall provide teen programs for middle school and high school students at the community rooms at 60 Civic Avenue by the entrance of City Park (Premises). At a minimum, STS shall provide the Teen Center programs and services identified on the attached Scope of Work. The Teen Center shall be open to teenagers on the following schedule: Monday through Friday from 2 pm through Friday 6 pm.

(B) After School Programs. STS shall provide after school programs for elementary and junior high school students. These programs shall be open to City elementary school children and teens enrolled in school on days a majority of Pittsburg Unified School District schools offer a full schedule of classes for students (specifically excluding summer school and weekends). At a minimum, STS shall provide the after school programs identified on the attached Scope of Work.

(C) Youth Recreation Programs. STS shall provide, at minimum, playground programs and various sports programs for Pittsburg youth ("Youth Recreation Programs") identified on the attached Scope of Work.

1.2. Within fifteen (15) days of the end of each calendar quarter (March 31, June 30, September 30, December 31), STS shall provide City with a report related to the provision of Youth Services under this Agreement ("Report") that includes: (a) the specific elements of the After School Programs, Youth Recreation Programs and Teen Center programs provided by STS in the prior three calendar months; (b) the total number of students served by each program in the prior calendar month (including attendance records); and (c) STS' plans for community outreach and teen programs in the next calendar quarter. The Report shall be submitted in a form satisfactory to City.

2. Term. This Agreement shall commence on July 1, 2019 ("Effective Date") and shall extend through June 30, 2022.

3. Compensation. City shall pay STS for the provision of Youth Services under this Agreement as follows:

3.1. Payment: City shall pay STS pursuant to the following schedule:

PAYMENT SCHEDULE

July 1, 2019;2020;2021:	Forty Thousand Dollars ($40,000)
January 1, 2020;2021;2020:	Forty Thousand Dollars ($40,000)

3.2. The Payments identified above are intended to compensate STS in full for all Youth Services provided under this Agreement, including After School Programs, Youth Recreation Programs and operation of the Teen Center. The parties agree that City's Regular Payments are intended to fund Youth Services in the following proportions: Fifty percent (50%) for operations of the Teen Center and fifty percent (50%) for the operations of the Youth Recreation programs. There is no City financial contribution for After School Programs.

3.3 STS may charge, collect, and retain fees for services form participants of Youth Services.

4. Use of City Facilities. City shall allow STS to utilize certain City facilities for the provision of Youth Services consistent with the requirements of this Agreement. City agrees to: (i) provide access to STS at no cost; and (ii) provide major maintenance at no cost to STS; and (iii) pay for electricity, gas, and water at the Premises; up to $30,000. STS agrees to: (i) pay for the operational costs, including the administration, supervision and security of the facility; (ii) pay for or otherwise provide basic janitorial services at the facility; and (iii) operate each facility in a clean and presentable manner, consistent with the standard of care provided by City at other City facilities. City shall provide STS, for its use in the Youth Programs, one complete set of keys to the Premises. City will distribute additional keys to the Premises to those STS

representatives designated by STS. STS will promptly return keys to the City when any representative is no longer designated by STS to possess keys. No duplication by STS or other non-City persons or entities is permitted. City reserves the right to restrict STS use upon thirty (30) days prior written notice to STS, which notice shall state reasonable basis for any restrictions and the terms of the restrictions, if not permanent. STS shall have and maintain the right, during said thirty (30) day notice period, to meet and confer with the City regarding the reasonableness of the restrictions and satisfy City's concerns regarding reasonable restrictions so as to eliminate the restrictions.

4.1. Community Rooms on a Portion of 60 Civic Avenue. STS shall be authorized to use Premises for the continuous operation of the Teen Center. STS is responsible for any costs associated with telephone, television, or Internet services provided to and routine maintenance at the Premises. STS shall ensure that the Teen Center is operational and open to the community Monday through Thursday from 2:00 p.m. until 8:00 p.m. and Fridays from 2:00 p.m. to 6:00 p.m. STS is further authorized to utilize City's inventory of goods and equipment (Inventory) located at the Premises. City makes no representations as to the quality or use of the items in the Inventory. The Inventory shall be used at STS' own risk and for the sole purpose of providing Youth and Teen Services. City retains ownership of the Inventory and STS is responsible for the replacement of any lost, damaged, or stolen Inventory items at their depreciated value and at STS's sole expense.

In the event of a proclaimed or declared disaster, STS will be required to provide childcare to children of City employees. STS will track time and materials used by its employees for managing the childcare facility and will be reimbursed by any outside agency or the City. In the event that City must manage the childcare facility with its own disaster service worker(s), City will utilize its reimbursement process.

4.2. Summer Playground Sites and Storage. STS shall be authorized to use certain summer playground sites (Playgrounds) and storage facilities mutually agreed upon by City and STS. City and STS shall coordinate a schedule for STS' use of Playgrounds by May 1 for June to January use and by November 1 for December to July use during the term of this agreement. STS may use the Buchanan Swim Center for a fixed fee of $500 annually for its summer program.

5. Discontinued Youth Services. Throughout the term of this Agreement, City may, at its sole option, require STS to discontinue any Youth Services under this Agreement that, in the City's sole discretion, are not providing sufficient benefit to City residents. Specifically, if enrollment in the After School Programs falls below an average of twenty-five (25) Pittsburg resident daily users in any given calendar month, City may elect to discontinue the program. In the event that the use of the Teen Center falls below an average of twenty-five (25) Pittsburg resident daily users in any given calendar month, the City may elect to discontinue the operation of the Teen Center. In the event that Youth Recreation Programs enrollment drops below an average of fifty (50) Pittsburg resident users in any given calendar month, the City may elect to discontinue the Youth Recreation Programs. City shall notify STS thirty (30) days in advance of

discontinuing any Youth Service. City's determination as to discontinued services is final.

In the event that any Youth Services are discontinued pursuant to this Section 5, City may reduce any subsequent Regular Payments to STS in accordance with proportions established in Section 3.2 and restrict STS' further use of City facilities, including 60 Civic in accordance with Section 4 of this Agreement.

6. Termination.

6.1. City may terminate this Agreement, with or without cause, at any time by giving one hundred eighty (180) days written notice of termination to STS. STS may terminate this Agreement, with or without cause, at any time by giving one hundred eighty (180) days written notice of termination to City and repayment of last Regular Payment on a pro-rata basis based on the number of days remaining under this Agreement after date of termination.

6.2 If City or STS fail to perform, or otherwise breaches, any material obligation under this Agreement, then, in addition to any other remedies available under law, the aggrieved party may terminate this Agreement by giving ten (10) days written notice to the non-aggrieved party. The written notice shall specify the nature of the non-performance or breach of the material obligation and allow twenty (20) days in which the non-aggrieved party may cure the non-performance or breach.

6.3 Upon termination of this Agreement by City or STS, all property belonging exclusively to City which is in STS possession shall be returned to City and STS shall vacate any City facility used by STS under this Agreement for the provision of Youth Services.

7. Insurance.

STS shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by STS, its agents, representatives, or employees.

7.1 Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than $1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.

7.2 Automobile Liability: Insurance Services Office Form Number CA 0001 covering, Code 1 (any auto), or if STS has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than $1,000,000 per accident for bodily injury and property damage.

7.3 Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than $1,000,000 per accident for bodily injury or disease.

7.4 Professional Liability (Errors and Omissions) Insurance appropriates to STS's profession, with limit no less than $2,000,000 per occurrence or claim, $2,000,000 aggregate.

7.5 Fire, property and casualty insurance. STS shall obtain fire, property and casualty insurance in an amount of at least Five Hundred Thousand Dollars ($500,000) or more per occurrence for the replacement cost of facilities utilized by STS under this Agreement (including 60 Civic).

If the STS maintains broader coverage and/or higher limits than the minimums shown above, the City requires and shall be entitled to the broader coverage and/or the higher limits maintained by the contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the Entity.

7.6 Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions:

7.7 Additional Insured Status

The City its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of STS including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to STS 's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10, CG 20 26, CG 20 33, or CG 20 38; and CG 20 37 forms if later revisions used).

7.8 Primary Coverage

For any claims related to this contract, STS's insurance coverage shall be primary insurance primary coverage at least as broad as ISO CG 20 01 04 13 as respects the City, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be excess of STS's insurance and shall not contribute with it.

7.9 Notice of Cancellation

Each insurance policy required above shall state that coverage shall not be canceled, except with notice to the City.

7.10 Waiver of Subrogation

STS hereby grants to City a waiver of any right to subrogation which any insurer STS may acquire against the City by virtue of the payment of any loss under such insurance. STS agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

7.11 Self-Insured Retentions

Self-insured retentions must be declared to and approved by the City. The City may require STS to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or City.

7.12 Acceptability of Insurers

Insurance is to be placed with insurers authorized to conduct business in the state with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

7.13 Claims Made Policies

If any of the required policies provide coverage on a claims-made basis:

a. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.

b. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the contract of work.

c. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the STS must purchase "extended reporting" coverage for a minimum of five (5) years after completion of contract work.

7.14 Verification of Coverage

STS shall furnish the City with original Certificates of Insurance including all required amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of the CGL policy listing all policy endorsements to City before work begins. However, failure to obtain the required documents prior to the work beginning shall not waive the STS's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

7.15 Subcontractors

STS shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that CITY is an additional insured on insurance required from subcontractors.

7.16 Special Risks or Circumstances

City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

8. No Employment Relationship. City and STS acknowledge and agree that STS is being retained by City as an independent contractor, not as an employee, partner or co-venturer, only for the purposes and to the extent set forth in this Agreement. Neither STS nor any of its employees shall be considered as having any employee or agent status with City.

9. Indemnification.

9.1. STS shall indemnify, defend (with counsel reasonably acceptable to the City), and hold harmless the City, its officers, officials, agents, and employees from and against any and all claims, damages, demands, liability, costs, losses and expenses, including without limitation court costs and reasonable attorneys' fees arising out of or in connection with STS's negligent performance of work arising out of this Agreement or its negligent failure to comply with any of its obligations contained in this Agreement, except such loss or damage which was caused by the sole negligence or willful misconduct of City.

9.2. This Section 9 shall constitute a separate agreement and shall survive the termination of this Agreement.

10. Compliance with Laws. STS shall comply with all applicable laws, ordinances, and codes of federal, state and local governments when providing the Youth Services pursuant to this Agreement.

11. Assignment. The parties hereto agree that the experience of STS in providing Youth Services is a material consideration for City's agreement to execute this Agreement. Therefore, the parties agree that STS may not assign or otherwise delegate its rights, duties and obligations under this Agreement without the prior written consent of the City, which consent shall not be unreasonably withheld. Any such assignment or delegation without such prior written approval of City shall be void, and shall, at the option of the City, terminate all duties and obligations of STS and City under this Agreement.

12. Employment Discrimination. STS shall not engage in unlawful employment discrimination. Such unlawful employment discrimination includes, but is not limited to, employment discrimination based upon a person's race, religious creed, color, national

origin, ancestry, physical handicap, mental condition, marital status, gender, citizenship or sexual orientation.

13. Fundraising. The City's City Manager shall waive any parks or facility rental fees to STS for up to four (4) events per calendar year, provided, STS' use of the park or facility rental is for the purpose of raising funds which support the administration or operation of STS' programs under this Agreement. STS shall comply with the City's reservation and facility use requirements.

14. Governing Law & Forum. This Agreement shall be construed in accordance with the laws and judicial decisions of the State of California and venue for any legal or equitable action shall be in the County of Contra Costa.

15. Successors. This Agreement shall be binding on and inure to the benefit of the parties hereto and their respective successors and permitted assigns.

16. Notices. All notices that are required to be given by one party to the other under this Agreement shall be in writing and shall be deemed to have been given if delivered personally or enclosed in a properly addressed envelope and deposited in a United States Post Office for delivery by registered or certified mail addressed to the parties at the following addresses:

STS:
STS Academy
Attn: Executive Director
PO Box 1355
Pittsburg, CA 94565

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

17. Severability. If any term, condition, or covenant of this Agreement is declared of determined by any court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall not be affected thereby and the Agreement shall be read and construed without the invalid, void or unenforceable provision(s).

18. Entire Agreement. This Agreement contains the entire agreement between the parties with respect to the subject matters contained herein and supersedes all prior understandings, whether written or oral, with respect thereto.

19. Relationship of Parties. The parties do not intend that this Agreement constitute, and this Agreement shall not be interpreted under any circumstances as, a partnership, joint venture or other business association, nor shall this Agreement be

interpreted as creating a landlord-tenant relationship. This Agreement does not, and is not intended to, create any rights for parties who are not signators hereto.

20. Interpretation of Agreement. The headings within this Agreement are for the purpose of reference only and shall not limit or otherwise affect any of the terms of this Agreement. The parties have had an equal opportunity to participate in the drafting of this Agreement; therefore the normal construction as against the drafting party shall not apply to this Agreement.

IN WITNESS HEREOF, the parties hereto have executed this Agreement for Youth and Teen Services on the date first above written.

CITY:

CITY OF PITTSBURG

By: _____
Garrett Evans, City Manager

Attest:

_____
Alice Evenson, City Clerk

Approved as to form:

_____
Donna Mooney, City Attorney

CRAFT COMMUNITY CARE CENTER, INC.
dba “SUCCESS THROUGH SELF ACADEMY”

By: _____

Approved as to form:

_____
Counsel for Craft Community Care Center, Inc.

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 Amend the Master Pay Schedule as Required by California Public Employees' Retirement System

MEETING DATE: July 1, 2019

EXECUTIVE SUMMARY

To comply with CalPERS' interpretation of the requirements of California Code of Regulations, Title 2, Section 570.5 by amending the single master pay schedule already on the City's website representing all previously approved actions on the individual classifications of the pay schedule. The single master pay schedule will be submitted to Council for approval each time any single MOU or compensation plan is brought to the City Council for approval.

FISCAL IMPACT

The amendment of previously approved separate pay schedules as a single master pay schedule has no fiscal impact to the City for preparation or distribution, as the actions already occurred.

RECOMMENDATION

The City Council adopt a resolution to amend the City of Pittsburg's master pay schedule for all employee classifications, so the City is in compliance with the requirements of the California Code of Regulations, Title 2, Section 570.5 and the California Public Employees' Retirement System (CalPERS) relating to publicly available pay schedules for purposes of determining the amount of "compensation earnable" pursuant to Government Code Sections 20630, 20636, and 20636.1.

BACKGROUND

CalPERS, pursuant to their interpretation of California Code of Regulations, Title 2, Section 570.5, recommends all CalPERS employers to maintain their compensation levels in one publicly available document, approved and adopted by the governing body, which must meet all of the following requirements:

•Has been duly approved and adopted by the employer's governing body in accordance with requirements of applicable public meetings laws;
•Identifies the position title for every employee position;
•Shows the pay rate for each identified position, which may be stated as a single amount or as multiple amounts within a range;
•Indicates the time base, including, but not limited to, whether the time base is hourly, daily, bi-weekly, monthly, bi-monthly, or annually;
•Is posted at the office of the employer or immediately accessible and available for public review from the employer during normal business hours or posted on the employer's internet website;
•Indicates an effective date and date of any revisions;
•Is retained by the employer and available for public inspection for not less than five years; and
•Does not reference another document in lieu of disclosing the pay rate.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

The change to the master pay schedule reflects a two-point five percent (2.5%) cost of living increase effective July 14, 2019 for positions covered within the Police Officers' Association and Police Management Group collective bargaining agreements and positions covered within the Senior Executive Team and Management Group Salary and Benefits Schedule. The bargaining agreements and salary and benefits schedules were adopted by the City Council in 2017 and 2018.

The adoption of the resolution will comply with CalPERS' interpretation of the requirements of Code of Regulations section 570.5 by amending the single master pay schedule already on the City's website representing all previously approved actions on the individual classifications of the pay schedule.

ATTACHMENTS:

1. **Resolution**
2. **Pay Schedule**

Report Prepared By: Griselda Clift, Senior Human Resources Analyst

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Adoption of a City Council Resolution)
Amending Previously Adopted Employee) RESOLUTION No. 19-
Pay and Listing All Employee Compensation)
on a Publicly Available Master Pay Schedule)

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, the California Public Employees' Retirement System (CalPERS), has requested all CalPERS employers list their compensation levels on one document, approved and adopted by the governing body, in accordance with California Code of Regulations section 570.5, and meeting all of the following requirements thereof:

- Has been duly approved and adopted by the employer's governing body in accordance with requirements of applicable public meetings laws;
- Identifies the position title for every employee position;
- Shows the pay rate for each identified position, which may be stated as a single amount or as multiple amounts within a range;
- Indicates the time base, including, but not limited to, whether the time base is hourly, daily, bi-weekly, monthly, bi-monthly, or annually;
- Is posted at the office of the employer or immediately accessible and available for public review from the employer during normal business hours or posted on the employer's internet website;
- Indicates an effective date and date of any revisions;
- Is retained by the employer and available for public inspection for not less than five years; and
- Does not reference another document in lieu of disclosing the pay rate; and

WHEREAS, the City now desires to amend previously approved compensation levels for all bargaining groups and all compensation plans of the City of Pittsburg in one publicly available master pay schedule.

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

Section 1. The recitals set forth above are true and correct statements and are hereby incorporated.

Section 2. The City Council adopts this Resolution amending previously approved compensation levels for all bargaining groups and all compensation plans of the City of Pittsburg in one publicly available master pay schedule.

Section 3. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Pittsburg on the 1st day of July 2019, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

_____
Juan Antonio Banales, Mayor

ATTEST:

_____
Alice E. Evenson, City Clerk

CLASSIFICATION	RANGE	START	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	STEP G	Max/w all incentives	UNIT
Account Clerk (Part 1 of 2)	109	07/01/18	3,719	3,905	4,100	4,305	4,520			4,570	AFSCME
Account Clerk (Part 2 of 2)	170	07/01/18	4,266	4,479	4,703	4,938	5,185			5,235	AFSCME
Accountant I	350	07/01/18	5,639	5,921	6,217	6,528	6,854			6,904	MPC
Accountant II	500	07/01/18	6,312	6,628	6,959	7,307	7,672			7,722	MPC
Accounting Technician	220	07/01/18	4,981	5,230	5,492	5,767	6,055			6,105	AFSCME/MPC
Administrative Analyst I	390	07/01/18	5,826	6,117	6,423	6,744	7,081			7,131	MPC
Administrative Analyst II	700	07/01/18	6,746	7,083	7,437	7,809	8,199			8,249	MPC
Administrative Assistant (Part 1 of 2)	100	07/01/18	3,711	3,897	4,092	4,297	4,512			4,562	AFSCME
Administrative Assistant (Part 2 of 2)	160	07/01/18	4,297	4,512	4,738	4,975	5,224			5,274	AFSCME/MPC
Administrative Officer	860	07/01/18	9,137	9,594	10,074	10,578	11,107			11,157	MPC
Administrative Coordinator	350	12/17/18	5,639	5,921	6,217	6,528	6,854			6,904	MPC
Administrative Specialist	290	07/01/18	5,324	5,590	5,870	6,164	6,472			6,522	MPC
Assistant City Engineer	920	07/01/18	10,272	10,786	11,325	11,891	12,486			12,536	MPC
Assistant City Manager	950	07/14/19	14,744				18,815			18,815	Sr. Exec Team
Assistant Director of Economic Development and Recreation	887	07/14/19	10,700				13,004			13,004	Mgmt Group
Assistant Director of Finance	887	07/14/19	10,700				13,004			13,004	Mgmt Group
Assistant Director of Public Works	895	07/01/18	11,195	11,755	12,343	12,960	13,608			13,658	MPC
Assistant Planner	450	07/01/18	6,212	6,523	6,849	7,191	7,551			7,979	MPC
Assistant to the City Manager	835	07/14/19	10,278				12,492			12,492	Mgmt Group
Associate Planner	740	07/01/18	7,191	7,551	7,929	8,325	8,741			9,228	MPC
Building Inspection Supervisor	810	07/01/18	8,755	9,193	9,653	10,136	10,643			10,693	MPC
Business Development Manager	860	07/01/18	9,137	9,594	10,074	10,578	11,107			11,157	MPC
Business License Coordinator	315	07/01/18	5,500	5,775	6,064	6,367	6,685			6,735	AFSCME
Chief Building Official	895	07/01/18	11,195	11,755	12,343	12,960	13,608			13,658	MPC
Chief of Police	955	07/14/19	15,022				18,991			23,074	Sr. Exec Team
City Attorney	943	07/01/18					15,417			15,417	Contract
City Clerk							470			470	Elected Official
City Council							500			500	Elected Official
City Council -- member of a different governing board											
if serving on Tri Delta Transit		$100 per meeting		visit www.TriDeltaTransit.com							
if serving on Delta Diablo Sanitation District		$209 per meeting			visit ddsd.org						
City Engineer	935	07/14/19	11,455				13,923			13,923	Mgmt Group
City Manager	960	02/04/19					20,551			20,551	Contract
City Treasurer							470			470	Elected Official
Civil Engineer I	510	07/01/18	6,494	6,819	7,160	7,518	7,894			8,339	MPC
Civil Engineer II	780	07/01/18	7,519	7,895	8,290	8,705	9,140			9,647	MPC
Combination Building Inspector	520	07/01/18	6,522	6,848	7,190	7,549	7,926			7,976	AFSCME
Community Outreach Coordinator	315	07/01/18	5,500	5,775	6,064	6,367	6,685			6,735	AFSCME
Community Relations Manager	700	07/01/18	6,746	7,083	7,437	7,809	8,199			8,249	MPC
Community Services Specialist	258	07/01/18	5,184	5,443	5,715	6,001	6,301			6,351	AFSCME
Compliance Principal	830	07/01/18	8,261	8,674	9,108	9,563	10,041			10,593	MPC
Contract Analyst	390	07/01/18	5,826	6,117	6,423	6,744	7,081			7,131	MPC
Crime Analyst	700	07/01/18	6,746	7,083	7,437	7,809	8,199			8,249	MPC
Customer Service Representative	95a	07/01/18	3,372	3,541	3,718	3,904	4,099			4,149	AFSCME

***Please see Benefit Matrix for education incentives, holiday pay and shift differential.**

Council Approved: 7/1/19

CLASSIFICATION	RANGE	START	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	STEP G	Max/w all incentives	UNIT
Deputy City Clerk	330	07/01/18	5,590	5,870	6,164	6,472	6,796			6,846	MPC
Development Manager	890	07/01/18	10,272	10,786	11,325	11,891	12,486			12,536	MPC
Director of Community Development	940	07/14/19	12,608				15,936			15,936	Sr. Exec Team
Director of Community Services	940	07/14/19	12,608				15,936			15,936	Sr. Exec Team
Director of Finance	940	07/14/19	12,608				15,936			15,936	Sr. Exec Team
Director of Human Resources	940	07/14/19	12,608				15,936			15,936	Sr. Exec Team
Director of Public Works	945	07/14/19	13,624				16,562			16,562	Sr. Exec Team
Director of Records and Council Service	8351	07/14/19	10,278				12,492			12,492	Sr. Exec Team
Director of Recreation and Maintenance Ser	920	07/14/19	11,455				13,923			13,923	Mgmt Group
Director of Water Utilities	935	07/14/19	13,112				15,936			15,936	Mgmt Group
Electrician	420	07/01/18	6,011	6,312	6,628	6,959	7,307			7,892	Teamsters
Electrician Apprentice	200	07/01/18	4,801	5,041	5,293	5,558	5,836			6,303	Teamsters
Engineering Analyst	820	07/01/18	7,809	8,199	8,609	9,039	9,491			9,541	MPC
Engineering Technician I	310	07/01/18	5,444	5,716	6,002	6,302	6,617			6,667	AFSCME
Engineering Technician II	460	07/01/18	6,304	6,619	6,950	7,297	7,662			7,712	AFSCME
Environmental Affairs Manager	890	07/01/18	10,272	10,786	11,325	11,891	12,486			12,536	MPC
Environmental Health Specialist	470a	07/01/18	6,243	6,555	6,883	7,227	7,588			7,638	AFSCME
Equipment Mechanic	270	07/01/18	5,310	5,576	5,855	6,148	6,455			6,971	Teamsters
Equipment Shop Supervisor	530	07/01/18	6,601	6,931	7,278	7,642	8,024			8,074	MPC
Executive Assistant	400	07/14/19	6,018				7,314			7,314	Mgmt Group
Executive Secretary to the Chief of Polic	330	07/01/18	5,590	5,870	6,164	6,472	6,796			6,846	MPC
Finance Division Manager	855	07/01/18	8,985	9,434	9,906	10,401	10,921			10,971	MPC
Financial Analyst	580	07/01/18	7,083	7,437	7,809	8,199	8,609			8,659	MPC
GIS Coordinator	760	07/01/18	7,328	7,694	8,079	8,483	8,907			8,957	MPC
Harbormaster	830	07/01/18	8,261	8,674	9,108	9,563	10,041			10,091	MPC
Housing Inspector	315	07/01/18	5,500	5,775	6,064	6,367	6,685			6,735	AFSCME
Housing Manager	855	07/01/18	8,985	9,434	9,906	10,401	10,921			10,971	MPC
Housing Specialist	210	07/01/18	4,898	5,143	5,400	5,670	5,954			6,004	AFSCME
Human Resources Analyst	700	07/01/18	6,746	7,083	7,437	7,809	8,199			8,249	MPC
Human Resources Manager	890a	07/14/19	10,278				12,492			12,492	Mgmt Group
Human Resources Specialist	330	07/01/18	5,590	5,870	6,164	6,472	6,796			6,846	MPC
Information Technology Manager	855	10/01/18	8,985	9,434	9,906	10,401	10,921			10,971	MPC
Finance Division Manager	855	07/01/18	8,985	9,434	9,906	10,401	10,921			10,971	MPC
Lead Community Services Specialist	415	07/01/18	6,001	6,301	6,616	6,947	7,294			7,344	AFSCME
Lead Marina Services Worker	320	07/01/18	5,558	5,836	6,128	6,434	6,756			7,094	Teamsters
Lead Police Records Clerk	255	07/01/18	5,225	5,486	5,760	6,048	6,350			6,400	AFSCME
Lead Public Works Superintendent	885	07/01/18	10,685	11,219	11,780	12,369	12,987			13,037	MPC
Maintenance Assistant	95	07/01/18	3,372	3,541	3,718	3,904	4,099			4,304	Teamsters
Maintenance Lead Worker - Env. Services/F	320	07/01/18	5,558	5,836	6,128	6,434	6,756			7,296	Teamsters
Maintenance Worker I - Env. Services/Fac. U	140	07/01/18	4,148	4,355	4,573	4,802	5,042			5,445	Teamsters
Maintenance Worker II - Env. Services/Fac.	200	07/01/18	4,801	5,041	5,293	5,558	5,836			6,303	Teamsters
Office Assistant	95a	07/01/18	3,372	3,541	3,718	3,904	4,099			4,149	AFSCME
Payroll Specialist	330	07/01/18	5,590	5,870	6,164	6,472	6,796			6,846	MPC

***Please see Benefit Matrix for education incentives, holiday pay and shift differential.**

CLASSIFICATION	RANGE	START	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	STEP G	Max/w all incentives	UNIT
Permit Technician	260	07/01/18	5,253	5,516	5,792	6,082	6,386			6,436	AFSCME
Pest Control Specialist	470	07/01/18	6,243	6,555	6,883	7,227	7,588			7,967	Teamsters
Planning Manager	890	07/01/18	10,272	10,786	11,325	11,891	12,486			12,536	MPC
Planning Technician	260	07/01/18	5,253	5,516	5,792	6,082	6,386			6,436	AFSCME
Police Captain	650	07/14/19	12,730	13,366	14,034	14,736	15,473	16,247		20,552	PMG
Police Evidence Technician	260	07/01/18	5,253	5,516	5,792	6,082	6,386			6,436	AFSCME
Police Lieutenant	640	07/14/19	11,097	11,652	12,235	12,847	13,489	14,163		17,916	PMG
Police Officer	600	07/14/19	6,053	6,356	6,674	7,008	7,358	7,726	8,112		POA
Police Officer (Continuation of Steps H & I)	600	07/14/19						8,518	8,944	12,479	POA
Police Records Clerk (Part 1 of 2)	110	07/01/18	3,898	4,093	4,298	4,513	4,739			4,789	AFSCME
Police Records Clerk (Part 2 of 2)	180	07/01/18	4,512	4,738	4,975	5,224	5,485			5,535	AFSCME
Police Records Supervisor	540	07/01/18	6,590	6,920	7,266	7,629	8,010			8,060	MPC
Police Sergeant	625	07/14/19	8,599	9,029	9,480	9,954	10,452	10,975		16,078	POA
Police Services Administrator	830	07/01/18	8,261	8,674	9,108	9,563	10,041			10,091	MPC
Power Company Manager	920a	07/14/19	11,455				13,923			13,923	Mgmt Group
Property and Evidence Coordinator	410	07/01/18	5,999	6,299	6,614	6,945	7,292			7,342	AFSCME
Public Works Superintendent	880	07/01/18	9,230	9,691	10,176	10,685	11,219			11,269	MPC
Public Works Supervisor	530	07/01/18	6,601	6,931	7,278	7,642	8,024			8,074	MPC
Purchasing Analyst	720	07/01/18	7,037	7,389	7,758	8,146	8,553			8,603	MPC
Records Specialist	330	07/01/18	5,590	5,870	6,164	6,472	6,796			6,846	AFSCME
Recreation Coordinator	230	07/01/18	5,055	5,308	5,573	5,852	6,145			6,195	AFSCME
Recreation Supervisor	550	07/01/18	6,603	6,933	7,280	7,644	8,026			8,076	MPC
Redevelopment Project Manager	820	07/01/18	7,809	8,199	8,609	9,039	9,491			9,541	MPC
Revenue Operations Supervisor	745	10/15/18	7,238	7,600	7,980	8,379	8,798			8,848	MPC
Senior Administrative Analyst	820	07/01/18	7,809	8,199	8,609	9,039	9,491			9,541	MPC
Senior Civil Engineer	860	07/01/18	9,137	9,594	10,074	10,578	11,107			11,157	MPC
Senior Combination Building Inspector	760	07/01/18	7,328	7,694	8,079	8,483	8,907			8,957	MPC
Senior Financial Analyst	790	07/01/18	8,200	8,610	9,040	9,492	9,967			10,017	MPC
Senior Human Resources Analyst	820	07/01/18	7,809	8,199	8,609	9,039	9,491			9,541	MPC
Senior Planner	840	07/01/18	8,326	8,742	9,179	9,638	10,120			10,676	MPC
Senior Redevelopment Project Manager	860	07/01/18	9,137	9,594	10,074	10,578	11,107			11,157	MPC
Sweeper Operator	140	07/01/18	4,148	4,355	4,573	4,802	5,042			5,294	Teamsters
Utility Lineworker	420	02/19/19	6,011	6,312	6,628	6,959	7,307			7,453	Teamsters
Utility Supervisor	810	07/01/18	8,755	9,193	9,653	10,136	10,643			10,693	MPC
Utility Technician - (Electric/Gas)	805	07/01/18	7,711	8,097	8,502	8,927	9,373			9,842	Teamsters
Water Instrument/Maintenance Technici	480	07/01/18	7,040	7,392	7,762	8,150	8,558			8,986	Teamsters
Water Instrument/Maintenance Technici	750	07/01/18	8,150	8,557	8,985	9,434	9,906			10,401	Teamsters
Water Maintenance Mechanic I	480	07/01/18	7,040	7,392	7,762	8,150	8,558			8,986	Teamsters
Water Maintenance Mechanic II	750	07/01/18	8,150	8,557	8,985	9,434	9,906			10,401	Teamsters
Water Plant Apprentice Operator	200	07/01/18	4,801	5,041	5,293	5,558	5,836			6,128	Teamsters
Water Plant Operator	560	07/01/18	7,071	7,425	7,796	8,186	8,595			9,755	Teamsters
Water Plant Superintendent	883	07/01/18	9,692	10,177	10,686	11,220	11,781			12,231	MPC
Water Plant Supervisor	810	07/01/18	8,755	9,193	9,653	10,136	10,643			11,935	MPC
Water Quality Analyst I	380	07/01/18	6,198	6,508	6,833	7,175	7,534			7,911	Teamsters
Water Quality Analyst II	710	07/01/18	7,462	7,835	8,227	8,638	9,070			9,524	Teamsters

***Please see Benefit Matrix for education incentives, holiday pay and shift differential.**

CLASSIFICATION	RANGE	START	STEP A	STEP B	STEP C	STEP D	STEP E	STEP F	STEP G	Max/w all incentives	UNIT
SEASONAL CLASSIFICATIONS ARE NOT ELIGIBLE FOR INCENTIVES											
Expert Consultant	0910	03/16/15	30.00				100.00				n/a
High School Intern	0550	01/01/19					12.00				n/a
Intern (college-level)	0510	01/01/19	13.50		15.00		16.50		18.00		n/a
Maintenance Aide	0530	01/01/19	12.37	13.03	13.74	14.48	15.25	16.06	16.92	17.82(H) 18.76(I)	19.76(J) 20.81(K)
Maintenance Helper	0520	01/01/19					12.00				n/a
Police Officer Trainee	6009	07/01/18	29.10	20% less than Police Officer Step A							n/a
Recreation Leader I	0550	01/01/19					12.00				n/a
Recreation Leader II	0560	01/01/19	12.50		13.00		13.50				n/a
Recreation Leader III	0570	06/17/13	13.00	14.00	15.00	16.00	17.00	18.00	19.00		20.00 (H)

***Please see Benefit Matrix for education incentives, holiday pay and shift differential.**

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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Resolution Authorizing the Negotiation and Execution of an Agreement between the City of Pittsburg and Peregrine Technologies

MEETING DATE: July 1, 2019

EXECUTIVE SUMMARY

Resolution authorizing the City Manager, or his designee, to negotiate and execute an Agreement between the City of Pittsburg and Peregrine Technologies for the purchase of Peregrine software and waiver of the formal bidding requirement. Peregrine software is an advanced analytic platform that provides a single point of access to view and analyze large-scale data from various data sources.

FISCAL IMPACT

The cost of Peregrine Technologies software license for one year shall not exceed $100,000. Appropriation of $100,000 will cover the quoted cost of the software license for Peregrine Technologies for one year which will enable the Police Department to maximize available technology and provide greater operational efficiency.

The Police Department proposes to appropriate $80,000 in Supplemental Law Enforcement Grant funds (SLESF) for the software. The SLESF Grant is mandated and defined by Government code 30061(b)(3)(i) wherein the County shall remit a minimum of $100,000 annually to be spent on frontline law enforcement. Grant revenues have accumulated and are available for appropriation. The remaining $20,000 will be appropriated from the Police Department's FY 2019/20 departmental budget.

RECOMMENDATION

Approval of the Resolution for the negotiation and execution of an Agreement with Peregrine Technologies.

BACKGROUND

Peregrine is an advanced analytic platform that provides a single point of access to view and analyze large-scale data from various data sources. The software performs several critical functionalities, including: data integration, search and information retrieval, advanced analytics, data management, collaboration, access control, and security. The software was developed to enhance investigatory capabilities, streamline criminal analysis, and generate intelligence products for Law Enforcement. Peregrine creates a unique and extremely efficient method for turning large amounts of raw data into useful analysis products and with significant reduction in staff time.

There are over one million records of data residing in the Sheriff Department's current records management system (RMS), which houses the Police Department's records. This RMS system does not integrate other data sources such as body-worn camera, Shot Spotter, and ALPR data. Furthermore, there is currently no geographical information system (GIS) data for staff to utilize that integrates into these other data streams, making internal searches and analysis of RMS data time-consuming and cumbersome. Staff currently must search multiple fields in multiple data bases for accurate analysis of crime trends, identifying priorities, Public Records Acts and subpoena responses.

The Peregrine mobile field investigation (Mobile FI) application was first developed to assist law enforcement staff in developing relationships with individuals suffering from homelessness to facilitate resources and assistance. By 2023, the Police Department will be mandated to report 16 points of data for every police stop, pursuant to the Racial and Identity Profiling Act ("RIPA," AB 953). The Peregrine Mobile FI application will allow the Police Department to be fully integrated, trained and prepared to meet RIPA requirements quickly. This application will replace the antiquated process of handwriting information, submitting it for review and approval, and have staff manually enter each data point for every contact.

Peregrine software uniquely allows network-wide collaboration that is supported by Peregrine's security model; which allows analysts, investigators, and command staff to share data and analyze products and briefs that are finished or in progress, including underlying data. Because of this security model, agencies that use Peregrine software can seamlessly and securely share or exchange information.

Peregrine software analytics will be developed specifically for the the Police Department's needs. The procurement of the Peregrine Technologies software should be exempted from City bidding requirements because the unique platform is offered by one company. Acquisition pursuant to the sole source justification are met because the goods and services required to satisfy the agency's specific technology needs and product integration are only developed and available for purchase from Peregrine Technologies. Peregrine Technologies is the sole developer and vendor of the proprietary Peregrine software and Mobile FI application.

SUBCOMMITTEE FINDINGS

This item was not presented before a subcommittee.

STAFF ANALYSIS

The City of Pittsburg has been committed to enhancing technology within the Police Department that enables staff to provide a higher quality level of service and increased public safety.

Recent changes in law and the evolving climate of police work demands have increased the burden on staff to efficiently access multiple data sets and analyze that data in a short period of time. This is true of not only sworn personnel during criminal investigations, but also with professional staff fulfilling Public Records Act, subpoena requests and general records management. The Police Department has recognized the essential need for the delivery of information in today's law enforcement setting. This has become increasingly challenging as rapid changes in technology, and staff relying on technology services, has impacted work flow and efficiency which creates a necessity for a data integration platform.

Peregrine software is currently used successfully by the San Pablo, Pinole and Hercules Police Departments.

ATTACHMENTS:

Report Prepared By: Brian Addington, Chief of Police

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the matter of:

Authorizing the Negotiation and Execution)
Of an Agreement between the City of) RESOLUTION NO. 19-
Pittsburg and Peregrine Technologies)

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, the City of Pittsburg has been committed to enhancing technology within the Police Department that enables staff to provide a higher quality level of service and increased public safety; and

WHEREAS, the Police Department is seeking City Council authorization for the City Manager to negotiate and execute an Agreement between the City of Pittsburg and Peregrine Technologies for the purchase of Peregrine software license for one year not to exceed $100,000, including training, support and services; and

WHEREAS, Peregrine Technologies has proprietary software that is unique in addressing multiple data platforms for law enforcement and therefore requires the waiver of the Formal Bidding Requirement.

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

Section 1. All of the recitals are true and correct and are incorporated herein.

Section 2. The City Manager, or his designee, is hereby authorized to negotiate and execute the Agreement and necessary documents and take such further actions as may be necessary or appropriate to carry out the City's obligations, including but not limited to appropriation of funds, under this Resolution.

Section 3. The City Council waives the Formal Bidding Requirement for the Agreement with Peregrine Technologies.

Section 4. The City Clerk shall certify to the adoption of this Resolution.

Section 5. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 1st day of July, 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: Resolution Authorizing the Execution of an Agreement between the City of Pittsburg and the Contra Costa County Office of the Sheriff Forensic Services Division

MEETING DATE: July 1, 2019

EXECUTIVE SUMMARY

The Police Department is seeking City Council approval of the Resolution to execute an Agreement between the City of Pittsburg and Contra Costa County Office of the Sheriff Forensic Services Division for forensic services to assist the Police Department in the investigation of criminal matters.

FISCAL IMPACT

The cost of forensic services for the two-year agreement shall not exceed $650,000. The Police Department's budget includes $252,000 for FY 2019-20 and anticipates another $252,000 for FY 20120-21. The requested authorization for $650,000 exceeds expected total cost, but actual costs will be dependent upon events that are unknown at this time. Although staff does not anticipate the cost of forensic services to exceed $252,000 annually, the two-year agreement was proposed at $650,000 to allow for unforeseen events, such as an officer-involved incident, in which the County is obligated to respond and the City is obligated to pay.

RECOMMENDATION

Approval of the Resolution to execute an Agreement between the City of Pittsburg and Contra Costa County Office of the Sheriff Forensic Services Division.

BACKGROUND

Without an internal crime lab, the Police Department must rely on outside sources to process evidence that assists the department in the investigation of criminal matters. For many decades, the Police Department has utilized the Contra Costa Crime lab for forensic

analysis of evidence. The Contra Costa Crime lab serves all law enforcement agencies within the County.

While the Police Department collects, handles and stores its own property and evidence, the department does not have the means to test, analyze and compare the evidence for successful criminal prosecution. Forensic analysis of evidence is crucial in law enforcement.

SUBCOMMITTEE FINDINGS

Not Applicable.

STAFF ANALYSIS

The Contra Costa County Office of the Sheriff Forensic Services Division provides assistance in the recognition, collection, preservation, scientific analysis, and interpretation of physical evidence. The Contra Costa lab runs evidence through the Combined DNA Index System (CODIS), the National Integrated Ballistic Identification Network (NIBN), and the Automated Identification System (AFIS) for the recovery and comparison of latent prints. The laboratory provides drug analysis; alcohol analysis, blood, urine, and breath analysis; and toxicology.

The successful investigation and prosecution of crimes require the collection, preservation and forensic analysis of evidence. Staff therefore seeks City Council approval of the Resolution authorizing the City Manager to execute the Agreement between the City of Pittsburg and the Contra Costa County Office of the Sheriff Division for Forensic Services.

Report Prepared By: Brian Addington, Chief of Police

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Authorizing the Execution of An Agreement Between the City of Pittsburg and the Contra Costa County Office of the Sheriff Forensic Services Division	)))))	RESOLUTION NO. 19-

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS the Police Department must rely on outside sources to process evidence that assists the department in the investigation of criminal matters; and

WHEREAS, the Police Department collects, handles and stores its own property and evidence, but the department does not have the means to test, analyze and compare the evidence for successful criminal prosecution; and

WHEREAS, the successful investigation and prosecution of crimes require the collection, preservation and analysis of evidence and the forensic analysis of evidence is crucial to determinations of guilt or innocence.

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

Section 1. All of the above recitals are true and correct and are incorporated herein.

Section 2. The City Council hereby approves the Agreement with the Contra Costa County Office of the Sheriff Forensic Services Division.

Section 3. The City Manager is hereby authorized to execute the necessary documents and take such further actions as may be necessary or appropriate to carry out the City's obligations under this Resolution.

Section 4. The City Clerk shall certify the adoption of this Resolution.

Section 5. The 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 1st day of July 2019, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

_____
Juan Antonio Banales, Mayor

ATTEST:

_____
Alice E. Evenson, City Clerk

INTER-AGENCY AGREEMENT BETWEEN COUNTY OF CONTRA COSTA and CITY OF PITTSBURG FOR THE PROVISION OF FORENSIC SERVICES

This Agreement is entered into between the County of Contra Costa, (hereinafter "County") and the City of Pittsburg (hereinafter "Agency") to provide Forensic Services (hereinafter "Agreement"). The parties to this Agreement mutually agree and promise as follows:

1. Term. The effective date of this Agreement is July 1, 2019, and terminates June 30, 2021.

2. Purpose of Agreement. The County will provide forensic services (through the Forensic Services Division of the Office of the Sheriff) to Agency to assist in the investigation of criminal matters.

3. County's Obligations. This Agreement applies only to services provided by the Forensic Services Division (FSD) of the office of the Sheriff for incidents occurring on the effective date of and before the termination of the Agreement.

   A. County will provide forensic services when requested by the Agency. County reserves the right to determine if the service will or can be provided, and the type of service needed based on a review of the evidence and case circumstances.

      1) If County will not or can not provide the service, Agency will be advised of the reason and be provided an alternate resource if the request is determined to be forensically legitimate.

   B. County, through staff of the Sheriff's Fiscal Unit, will monthly invoice Agency for services rendered.

      (1) The invoice will itemize the charges to include each request completed during the invoiced time period and the services provided for each request.

   C. County will prioritize the requests received first based on severity of the crime and urgent public safety concerns, followed by trial deadlines. Routine requests that do not have exigent public safety concerns or trial deadlines will be prioritized based on the date of request.

Agency _____ County _____

D. County will endeavor to provide as timely a service possible based on resources available. If County can not meet Agency's timeline needs for a particular case, Agency may retrieve the evidence at any time to send to an outside forensic resource. Agency will not be charged for any administrative overhead under these circumstances.

(1) If examinations had occurred by County prior to Agency withdrawing the evidence, Agency will be charged for the cost of the examinations conducted to date.

E. County will provide witness and expert testimony for services rendered at no additional cost to Agency.

F. County reserves the right to modify, add, or stop the scope of forensic services that can be provided dependent upon resources and justice system needs.

G. County will maintain an on-call crime scene expert who will be available twenty-four (24) hours seven (7) days a week, to provide technical advice to Agency for homicide or other major felony scene processing involving complex evidence issues.

(1) Agency must have trained staff respond to scenes to handle the routine aspects of crime scene documentation or processing on cases involving call out of County staff.
(2) County will, per Officer Involved Protocol, assume lead crime scene responsibility for Officer Involved Protocol cases.

H. County will provide forensic consultation services to Agency at no charge to assist Agency in their investigation or to advise Agency as to what evidence should be submitted and what forensic services should be requested.

4. Agency's Obligations.

A. The cost for the service provided by County will be based on the Board of Supervisor's approved Forensic Services Fee Schedule that is in effect during the fiscal year when the request for service is made. Agency shall pay County, in full, no later than 60 days after receipt of invoice. Agency shall pay a total not to exceed $650,000 for the two-year term.

Agency County

B. Agency will abide by County's requirements for evidence packaging and request for service procedures.

1) County may change packaging or request procedures and will notify Agency of such changes.

C. Agency will notify County of exigencies pertaining to the prioritization needs of the request such as public safety concerns, urgent investigative needs, and suspect flight risks.

D. Agency will ensure a request for service is rescinded if the work is no longer needed.

1) County will not be responsible for work done on a request in cases where Agency failed to notify County that the work was no longer needed.

E. Agency will promptly notify County of any requests that are considered confidential such as internal affairs inquiries.

5. Accountability of Funds. County shall account for all funds provided hereunder and maintain appropriate records and reports regarding all work. County shall provide a financial report upon request following each fiscal year in which this agreement was in effect.

6. County's Employees. County retains control over County's officers and employees providing services hereunder.

7. Property and Equipment. All property and equipment purchased and/or used in the performance of services hereunder by County shall be and remain the property and equipment of the County throughout the term of this Agreement and upon termination of this Agreement. County shall have responsibility for the maintenance of the facilities, equipment, and property used in the performance of services hereunder by County.

8. Termination. This Agreement may be terminated by either party, at their sole discretion, upon thirty-day advance written notice thereof to the other, and may be canceled immediately by written mutual consent.

9. Disputes. Disagreements between County and Agency concerning the meaning, requirements, or performance of this Agreement shall be subject to final written determination by the head of the county department for which this Agreement is made, or his designee, or

in accordance with the applicable procedures (if any) required by the state or federal government.

10. Independent Contractor Status. This Agreement is by and between two independent contractors and is not intended to and shall not be construed to create the relationship between the parties of agents, servant, employee, partnership, joint venture or association.

11. Restrictions. As required by Government Code Section 26227, the powers of the parties under this Agreement shall be subject to the restrictions on such powers applicable to Contra Costa County.

12. Modifications and Amendments. This Agreement may only be modified or amended by the mutual written agreement of Agency and the Contra Costa Board of Supervisors.

13. Entire Agreement. This Agreement contains all the terms and conditions agreed upon by the parties. Except as expressly provided herein, no other understanding, oral or otherwise, regarding the subject matter of this agreement shall be deemed to exist or to bind any of the parties hereto.

14. Mutual Indemnification. County agrees to indemnify and hold harmless Agency for the County's share of any and all claims, costs and liability for any damage, injury or death of or to any person or the property of any person, including attorneys fees, arising out of the willful misconduct or the negligent acts, errors or omissions of the County in the performance of this Agreement.

Agency agrees to indemnify and hold harmless County for the Agency's share of any and all claims, costs and liability for any damage, injury or death of or to any person or the property of any person, including attorney's fees, arising out of the willful misconduct or the negligent acts, errors or omissions of the Agency, its officers or employees.

15. Notices. Any notices, requests, demands or other communications required or permitted to be given under this contract shall be in writing and shall be deemed to have been given on the date of service if served personally on the party to whom notice is to be given, by first-class mail registered or certified, postage prepaid, or on the day after dispatching by Federal Express or another overnight delivery service, and properly addressed as follows:

Agency County

COUNTY: Office of the Sheriff-Coroner
651 Pine Street, 7th Floor
Martinez, California 94553
Attn: Contracts and Grants

AGENCY: Chief of Police
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565

COUNTY OF CONTRA COSTA

By _____
Chair, Board of Supervisors
or Designee

ATTEST:

By _____
Mary Jane Robb
Office of the Sheriff
Chief of Management Services

APPROVED AS TO FORM:

By _____
Deputy County Counsel

CITY OF PITTSBURG

By _____
City Manager

ATTEST:

By _____
City Clerk

APPROVED AS TO FORM:

By _____
City Attorney

Agency County

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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Resolution to Authorize Execution of Contract with Quantum For Purchase of Video Camera Data Storage Infrastructure.

MEETING DATE: July 1, 2019

EXECUTIVE SUMMARY

The City's system of cameras at road intersections, parks and outside public buildings are credited with contributing to a reduction in the City's crime rate. Storage of data from the camera system is insufficient. If approved, the resolution will authorize the purchase of additional data storage infrastructure consistent with the City's current camera system.

FISCAL IMPACT

The resolution, if approved, will authorize allocation of $132,000 from the FY 2019-20 operating budget for Police Department ($106,000) (Fund 110) and for Marina ($26,000) (Fund 550) for the purchase. There are sufficient funds in these budgets to accommodate this purchase. No new funds are requested.

RECOMMENDATION

Adoption of the attached resolution approving the purchase of data storage infrastructure from Odin Systems of Diamond Springs, California, consistent with requirements and specifications of the current City camera system.

BACKGROUND

In 2005, the City began installing situational awareness cameras throughout the City. In 2019, the system includes more than 140 cameras that generate data used by law enforcement to solve and prevent crimes.

Over the years, the City has made several improvements to the system, including adding capacity to the data storage system. Currently, the system has a 110-terabyte capacity, which translates to an ability to store data for approximately 30 days.

SUBCOMMITTEE FINDINGS

The item was not presented to a subcommittee.

STAFF ANALYSIS

The Police Department is requesting an expansion of the current security camera system to include additional data storage infrastructure.

The purchase of Quantum storage infrastructure as described in the contract attached to this report will expand the City's current system capacity from 110 terabytes to nearly 1 petabyte of data and will extend the retention period from 30 days to approximately 365 days.

The City is the lead agency for a separate project, the Freeway Security Network, which is funded by a $3.5 million grant to support installation of cameras and Shotspotter along State Highway 4. Expansion of the City's data storage to accommodate data from the Caltrans project will be funded from the grant project (Project 2995) and not by City funds.

The purchase does not require formal bids since the programming must be consistent with the proprietary software of the City's current camera system and data storage infrastructure. The Quantum storage infrastructure is designed and configured by the vendor to allow for future expansion if needed.

The cost proposal includes hardware, installation and configuration of storage infrastructure, and carries a five-year warranty.

ATTACHMENTS:

Resolution
Proposal

Report Prepared By: Brian Addington, Chief of Police

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Resolution to Authorize Execution of)
Contract with Quantum for Purchase of) RESOLUTION NO. 19-
Video Camera Data Storage Infrastructure)

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, the people of Pittsburg have benefited from reduced incidence of crime due to a variety of factors, including the use of video cameras at key intersections, parks and outside public buildings; and,

WHEREAS, the data generated by the camera system is significant, and the data storage capacity of the City's current system is sufficient to retain information for a period of approximately 30 days; and,

WHEREAS, the City has a goal of retaining data information generated by the City's camera system for a period of approximately 365 days, to increase the value of the data as a tool for law enforcement.

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

Section 1. All the recitals are true and correct and are incorporated herein.

Section 2. The purchase of data storage infrastructure as specified in the contract attached to this resolution as Exhibit A is approved, including allocation of funds in the amount of $106,000 from the FY 2019-20 Police Department budget (Fund 110) and $26,000 from the FY 2019-20 Marina budget (Fund 550).

Section 3. The City Manager or his designee is authorized to execute necessary agreements and take such actions that are necessary for the purchase.

Section 4. The City Clerk shall certify the adoption of this Resolution.

Section 5. The 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 1st day of July 2019, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

_____
Juan Antonio Banales, Mayor

ATTEST:

_____
Alice E. Evenson, City Clerk

ODIN SYSTEMS INC.

6642 MERCHANDISE WAY
UNIT 200
DIAMOND SPRINGS, CA 95619

INVOICE

DATE	INVOICE #
4/29/19	1567

ODIN SYSTEMS, INC.

BILL TO
City of Pittsburg 65 Civic Center Dr. Pittsburg, CA 94565

PROJECT	TERMS	P.O.
Milestone/ Quantum	Due on receipt	

ITEM	QTY.	DESCRIPTION	COST	AMOUNT
MIL-Y3XPCOBT	1	3 year PMA XProtect Corporate base license	0.00	0.00
MIL-Y3XPCODL	155	PMA: Includes all product upgrades, updates, maintenance for corporate device	0.00	0.00
MIL-Y3OIXPCOMI...	5	THREE YEARS OPT-IN SUP FOR XPROTECT CORPORATE FEDERATED ARCHITECT.	0.00	0.00
MIL-MIPPP-QUAN...	1	MIPPP-QUANTUM	0.00	0.00
Refference Contract	1	Refference Quantum Quote/ Contract	94,730.50	94,730.50
Software License	1	Software license and 3 year support upgrades	2,402.00	2,402.00
Hardware	1	Hardware support.	13,990.27	13,990.27
Installation	1	Installation of hardware	12,020.00	12,020.00
Note		This is being billed in two parts between FSN and the City of Pittsburg totaling $157,023.83	0.00	0.00

replaces Invoice #1564

SALES TAX (8.75%)	$8,288.92
TOTAL	$131,431.69
BALANCE DUE	$131,431.69

PHONE #	FAX #	WEB SITE
619-850-8901	562-684-0701	www.odinsystems.com

Quantum

Price Quote

Quotation	
Quotation #	2019-170236
QDR #	1062637
SPR #	
Opportunity #	506646
Quote Name	506646 - Xcellis NAS - 170236
Quotation Date	23-Jan-19
Valid Until	22-Feb-19
Service Zone	1
Currency	USD
Region	NAM

Customer	
Contact Name	City of Pittsburg CA
Company	City of Pittsburg CA
Address	65 Civic Ave
City, State ZIP	Pittsburg, Pittsburg 94565
Country	94565
Phone Number	(925) 252-4812
E-mail	spatra@ci.pittsburg.ca.us

Remit to: Quantum Corporation • PO BOX 933085 • Cleveland, OH 44193

Phone: (949) 856-7800 • Fax: (949) 856-7797
E-mail: sales-orders@quantum.com

Quantum	
Quote By	
Phone Number	
E-mail	

Comments	
Terms & Conditions	
Estimated Delivery	
Order Placement	
Acceptance	
Notes	

Terms & Conditions - JAN 2018

DOUBLE-CLICK TO VIEW/PRINT TERMS & CONDITIONS

Unless specifically included in this quote, Quantum is not providing equipment racks, Fibre Channel switches, Ethernet switches, interface cables or other items. Consult the "Quantum Price Book" for full descriptions of what is included with each product/service item model number.

Template Version: Version 123 (17JAN19)

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Quote#
2019-170236

Pricing only valid with approved QDR/SPR
Support quoted to co-term with existing NBD Gold contract expiring on 03/28/2021 SN : QTMCHOU-17412923D4

Expected to be Ordered	Model Number	Description	Quantum List Price(USD)	Discount %	Lead Time	Qty	Net Price (USD)	Extended Price (USD)	Total
No	Xcellis Workflow Director	**Configured System**							
		Installation Location: pittsburg, United States, 94565							
	BXCBB-CWAE-001C	Quantum Xcellis Workflow Director with Combined User Data and Metadata, QXS-312RC, Fibre Channel, 48TB raw (12x4TB), non-SED, dual node	54,100.00	45%		1	29,755.00	29,755.00	
	BXCBB-FFCA-416A	Quantum Xcellis Workflow Director Fibre Channel HBA Kit for dual node configurations, 16Gb, Quad-Port, Low-Profile, Optical	14,800.00	40%		2	8,880.00	17,760.00	
	BXCBB-ANCC-210A	Quantum Xcellis Workflow Director NIC Kit for dual node configurations, 10GBase-T, Dual-Port, Low-Profile, RJ45	4,200.00	40%		1	2,520.00	2,520.00	
	BXCBB-ALNA-001A	Quantum Xcellis Workflow Director/Xcellis Workflow Extender, NAS License, dual node	6,800.00	30%		1	4,760.00	4,760.00	
		Hardware Subtotal							**54,795.00**
	SXCBB-NSYN-0001	Quantum Xcellis Workflow Director and Quantum Xcellis Foundation, Onsite Installation and Configuration, Site Charge, zone 1	2,800.00	20%		1	2,240.00	2,240.00	
	SXCBB-NSYC-0001	Quantum Xcellis Workflow Director, Dual Node, Onsite Installation and Configuration, zone 1	6,500.00	20%		1	5,200.00	5,200.00	
		Installation Subtotal							**7,440.00**
	SXCBB-SLNA-GL10	Quantum Xcellis Workflow Director/Xcellis Workflow Extender, NAS License, dual node; Software Support Plan, Gold (7x24TS); annual, all zones	1,334.00	10%		2	1,201.00	2,402.00	
		Software Support Subtotal							**2,402.00**
	SXCBB-SWAE-CD11	Quantum Xcellis Workflow Director with Combined User Data and Metadata, QXS-312RC (iSCSI/FC), 48TB raw, dual node; Support Plan, NBD Gold (7x24xNBD CRU); annual, zone 1	5,951.00	45%		2	3,273.05	6,546.10	
	SXCBB-VWXX-CD11	Quantum Xcellis Workflow Director System, Onsite Installation of Customer Replaceable Units (CRUs); Support Plan, NBD Gold (7x24xNBD); annual, zone 1	1,000.00	45%		2	550.00	1,100.00	
	SXCBB-SWAE-CD11	Quantum Xcellis Workflow Director with Combined User Data and Metadata, QXS-312RC (iSCSI/FC), 48TB raw, dual node; Support Plan, NBD Gold (7x24xNBD CRU); annual, zone 1 **(prorated: end date = 2021-03-28)**	1,059.77	45%		1	582.87	582.87	
	SXCBB-VWXX-CD11	Quantum Xcellis Workflow Director System, Onsite Installation of Customer Replaceable Units (CRUs); Support Plan, NBD Gold (7x24xNBD); annual, zone 1 **(prorated: end date = 2021-03-28)**	178.08	45%		1	97.95	97.95	
		Hardware Support Subtotal							**8,326.92**
								Configuration Subtotal:	**72,963.92**

Quote#
2019-170236

Pricing only valid with approved QDR/SPR

Expected to be Ordered	Model Number	Description	Quantum List Price(USD)	Discount %	Lead Time	Qty	Net Price (USD)	Extended Price (USD)	Total
No	SCALAR AEL6	**Configured System**							
		Installation Location: pittsburg, United States, 94565							
	LSNDC-CSJ0-L00A	Quantum StorNext AEL6 Archive, 6U Control Module, 50 licensed slots, no tape drives, no tape drives, equipment rack must support product depth of 36.4in (92.5cm)	42,500.00	45%		1	23,375.00	23,375.00	
	LSC36-ATDX-L8PA	Quantum Scalar i6 and AEL6 IBM LTO-8 Tape Drive Module, Full Height, 8Gb Native Fibre Channel, Dual Port	25,610.00	45%		1	14,085.50	14,085.50	
	LSC36-APWR-001A	Quantum Scalar i6 and AEL6 Power Supply, 80 Plus Certified Energy Efficient	3,000.00	45%		1	1,650.00	1,650.00	
	LSC36-ALAR-001A	Quantum Scalar i6 and AEL6 Advanced Reporting Option License	3,050.00	45%		0	1,677.50	0.00	
		Hardware Subtotal							**39,110.50**
	SSNDC-NSYS-0001	Quantum StorNext AEL6 Archive, up to 50 licensed slots, no tape drives, no library expansion modules, Installation and Configuration, zone 1	5,500.00	20%		1	4,400.00	4,400.00	
	SSC36-NTD1-0001	Quantum Scalar i6 and AEL6 Tape Drive, Single Drive, Single Location, Onsite Installation, zone 1	225.00	20%		1	180.00	180.00	
		Installation Subtotal							**4,580.00**
	SSNDC-RSJ0-CG11	Quantum StorNext AEL6 Archive, 6U Control Module, up to 50 licensed slots, no tape drives; Support Plan, Gold (7x24x4 CRU); Uplift/Renewal, annual, zone 1	5,645.00	45%		1	3,104.75	3,104.75	
	SSC36-RTDX-CG11	Quantum Scalar i6 and AEL6, Tape Drive Module, Full Height; Support Plan, Gold (7x24x4 CRU); Uplift/Renewal, annual, zone 1	2,326.00	45%		2	1,279.30	2,558.60	
		Hardware Support Subtotal							**5,663.35**
	SSCBB-NDMA-001A	Quantum Library Drive and Media Audit, one-time event, for all tape libraries	497.00	100%		0	0.00	0.00	
		Professional Services Subtotal							**0.00**
								Configuration Subtotal:	**49,353.85**

Quote#
2019-170236

Pricing only valid with approved QDR/SPR

Expected to be Ordered	Model Number	Description	Quantum List Price(USD)	Discount %	Lead Time	Qty	Net Price (USD)	Extended Price (USD)	Total
		Optional Items							
No	GQABB-ATSF-16PA	Quantum QXS SFP Transceiver, FC, 16Gbps, Optical, four pack	1,500.00	45%		1	825.00	825.00	
		Optional Items						**Optional Items Subtotal:**	**825.00**

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Quote 2019-170236 Summary

	Price(USD)
Configuration 1: Xcellis Workflow Director Subtotal	72,963.92
Configuration 2: SCALAR i3/ i6/ AEL6 Subtotal	49,353.85
Optional Items Subtotal	825.00
QUOTE TOTAL	**123,142.77**

Quote#
2019-170236

Pricing only valid with approved QDR/SPR

Expected to be Ordered	Model Number	Description	Quantum List Price(USD)	Discount %	Lead Time	Qty	Net Price (USD)	Extended Price (USD)	Total
		Optional Items							
No	GQABB-ATSF-16PA	Quantum QXS SFP Transceiver, FC, 16Gbps, Optical, four pack	1,500.00	45%		1	825.00	825.00	
		Optional Items						**Optional Items Subtotal:**	**825.00**

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Sales and Support Terms and Conditions

These Quantum Sales and Support Terms and Conditions ("Terms and Conditions") set forth the terms governing the purchase, licensing, and provision of the Quantum Products, Support Services, Software as a Service, and/or Cloud Services (as defined below) listed on the Quantum Sales Quote ("Quote") accompanying and/or referencing these terms, and the limited warranty provided thereon, and are available as updated from time to time at www.Quantum.com. If the purchaser ("Customer") has previously negotiated and executed a reseller, distributor, master purchase, master services, or a similar agreement setting forth terms of purchase of products and/or services from Quantum by Customer which is in effect at the time of this purchase, that agreement will take precedence over these Terms and Conditions. Otherwise, Quantum's assent to any agreement between Quantum and Customer for any sale in connection with a Quantum Sales Quote ("Quote") is expressly conditioned on Customer's assent to these Terms and Conditions. Customer's assent will be conclusively presumed if Customer responds by issuance of a purchasing document. Any different, conflicting, or additional terms in Customer's purchasing document are objected to and deemed rejected unless expressly approved by an officer of Quantum in writing. Capitalized terms shall have the meaning prescribed herein.

1. General Definitions

1.1 Product

"Product" shall be defined as Quantum branded hardware and Software collectively.

1.2 Support Services

"Support Services" shall be defined as repair, adjustments, and/or part replacements for the covered Quantum Product as Quantum deems necessary to bring Product in compliance with Product warranty or pursuant to the support plan purchased due to normal Product usage during the Support Term. Support Services do not include Professional Services or Limited Support Services (as defined herein).

1.3 Professional Services

"Professional Services" means services requested by Customer and provided by Quantum for an additional fee, and that are excluded as part of Support Services or are specifically identified as Professional Services herein. Professional Services are quoted on the Quantum Sales Quote and may be supplemented by a statement of work detailing the deliverables of the services purchased.

1.4 Cloud Services

"Cloud Services" shall be defined as the provision of computing and storage capacity as a service over a network.

1.5 Software as a Service

"Software as a Service" (SaaS) shall mean Software, delivered, and managed remotely by Quantum or a Quantum authorized provider, and received as a service by customers on a pay-for-use or subscription basis.

2. Quote

"Quote" shall refer to the Quantum issued Sales Quote to which these terms apply, and against which Customer issues an order purchasing the items quoted therein. Quantum does not warrant the accuracy of its Quotes in terms of sizing, configuration, cabling, porting, and other details specific to Customer's network.

3. Delivery

Delivery of purchased Products will be FCA Quantum's manufacturing facility (INCOTERMS 2010). Title and risk of loss or damage to the Products shall shift to Customer upon release to the initial carrier for holding or shipment. Customer hereby grants Quantum a purchase-money security interest in all Products to secure payment of the purchase price and any other charges due to Quantum. If delivery of the Products to the initial carrier is delayed in excess of twenty Business Days, Customer may cancel the order involved upon notice to Quantum prior to shipment. Such cancellation right is Customer's sole remedy for any delay or failure in delivery by Quantum. Customer purchases of Products from a Quantum Authorized Reseller shall be shipped pursuant to the terms between the Customer and the Reseller.

4. Prices and Payment

4.1 Generally

Quoted pricing will be valid for thirty days unless a different term is set forth in writing. Customer agrees to pay to Quantum the purchase price set forth in the Quote. The price is exclusive of, and Customer agrees to pay, any applicable federal, state, local or foreign sales or use taxes, tariffs, customs, duties and other governmental charges, and shipping charges.

4.2 Software License Subscription Fee

Software License Subscriptions (defined below) shall be invoiced for the amount and on the periodic basis specified in the Quote, in advance of the invoice period, throughout the duration of the subscription term. Thereafter, unless terminated as provided herein or otherwise prohibited by law, the Software License Subscription will **automatically renew** for successive one-year periods under the terms of the then-current Quantum Sales and Support Terms and Conditions, and Customer will be invoiced for the then current list price.

4.3 Fees for Training and Professional Services

Training and Professional Services may be purchased for the fees quoted. Fees shall be non-refundable, and Customer shall have the time period specified in the quote, or one year from the time of purchase if no time period is specified, to schedule and receive such services, or forfeit the fee. Additional fees may be assessed if costs are incurred as a result of waiting, rescheduling, or other accommodations made as a result of lack of Customer availability, or lack of preparation by the Customer for services scheduled.

4.4 Lapse of Support Contract

In the event that Customer fails to maintain a current and continuous Support Contract with Quantum or a Quantum Authorized Service Provider, and thereafter seeks to re-enroll into a current Support Contract, such re-enrollment shall be at Quantum's discretion and may require a re-enrollment fee in addition to the fees for the upcoming Support Term. Quantum does not guarantee a level of support immediately following purchase of the renewal contract. Service calls received during this time will be addressed on a best effort basis.

4.5 Payment

For purchases made directly to Quantum, Customer shall either prepay or complete a credit application requesting payment terms. Payment shall be due in full within thirty days from the date of the invoice in the currency quoted. Payment terms are not guaranteed and are subject to approval and ongoing credit history and timely receipt of payment. Customer purchases from a Quantum Authorized Reseller shall be paid by the Customer pursuant to the payment terms between the Customer and the Reseller. Past due invoices of more than thirty days for Support Contracts may result in termination of the contract and services performed there under.

5. Order Cancellation

Subject to Quantum's prior written approval, Customer may cancel an order, or any portion thereof, for standard Products at any time prior to thirty days before shipment when shipment is not delayed. This cancellation right is subject to a cancellation charge of fifteen percent of the purchase price.

6. Termination of Software License Subscription

Customer shall have the right to terminate automatic renewal of a Software License Subscription upon notice to Quantum of Customers decision not to renew at least 60 days prior to the expiration of the subscription term. Quantum shall have the right to terminate a Software License Subscription immediately upon Quantum's determination of breach of the terms of use or upon non-payment. Upon expiration or termination of a Software License Subscription, the license and right to use Quantum Software shall terminate. Subscriptions terminated prior to the end of the pre-paid term shall not be entitled to a pro rata refund of the unused portion of term.

7. Third Party Product

Product sold to Customer by Quantum that is the branded product of a third party ("Third Party Product") shall be identified under the third party brand on the Quote, shall be warranted directly to Customer by the third party, and shall be subject to the terms of use accompanying the product or otherwise distributed by the third party. Certain Third Party Product documentation is available at www.Quantum.com. Notwithstanding any provision herein, subject to any non-excluded rights that you may have under the laws in your country, Quantum makes no representations or warranties regarding Third Party Product, and shall have no ongoing obligations to Customer for the support or maintenance of Third Party Product unless expressly agreed to in writing. Third party software licensed by Quantum and embedded in Quantum branded software or hardware and not separately licensed shall not be considered Third Party Product.

8. Limited Product Warranty

SUBJECT TO THE LIMITATIONS SET FORTH BELOW, QUANTUM WARRANTS TO THE END-USER CUSTOMER THAT PRODUCTS (EXCLUDING MEDIA) WILL PERFORM IN ACCORDANCE WITH QUANTUM'S PUBLISHED PRODUCT SPECIFICATIONS, COMMENCING AT THE TIME OF SHIPMENT AND FOR THE DURATION PUBLISHED BY QUANTUM AND SPECIFIED IN THE PRODUCT WARRANTY INFORMATION TABLE ATTACHED HERETO. QUANTUM WARRANTS THAT MEDIA PRODUCTS WILL BE FREE FROM DEFECTS IN MATERIAL AND MANUFACTURE AT THE TIME OF PURCHASE. SUBJECT TO ANY NON-EXCLUDABLE RIGHTS THAT YOU MAY HAVE UNDER THE LAWS IN YOUR COUNTRY, CUSTOMER'S SOLE AND EXCLUSIVE REMEDY SHOULD PRODUCT FAIL TO PERFORM ACCORDING TO SPECIFICATIONS, IS REPAIR, REPLACEMENT, OR ACCEPTANCE OF RETURN OF THE DEFECTIVE PRODUCT AT QUANTUM'S SOLE DISCRETION.

9. Support Services and Professional Services Warranty

SUBJECT TO THE LIMITATIONS SET FORTH BELOW, QUANTUM WARRANTS TO THE END-USER CUSTOMER THAT THE SUPPORT SERVICES AND PROFESSIONAL SERVICES PROVIDED UNDER THESE TERMS AND CONDITIONS WILL BE FREE FROM DEFECTS IN MATERIALS OR WORKMANSHIP FOR THIRTY DAYS FROM THE DATE SUCH SERVICES ARE RENDERED, OR THE REMAINING TERM OF THE THEN CURRENT AND PAID FOR SUPPORT SERVICE PERIOD, WHICHEVER IS LONGER, AND WILL BE PERFORMED BY FULLY TRAINED AND COMPETENT PERSONNEL IN ACCORDANCE WITH INDUSTRY STANDARD TECHNICAL AND PROFESSIONAL PRACTICES AND PROCEDURES. IF A DEFECT COVERED UNDER THIS WARRANTY IS FOUND AND REPORTED TO QUANTUM, SUBJECT TO ANY NON-EXCLUDABLE RIGHTS THAT YOU MAY HAVE UNDER THE LAWS IN YOUR COUNTRY, QUANTUM WILL, AT ITS DISCRETION AND AS ITS SOLE RESPONSIBILITY AND LIABILITY, AND AS CUSTOMER'S SOLE AND EXCLUSIVE REMEDY, USE COMMERCIALLY REASONABLE MEANS TO CORRECT SUCH DEFECT OR IN THE CASE OF PROFESSIONAL SERVICES REFUND TO CUSTOMER THE SUMS PAID BY CUSTOMER FOR THE DEFECTIVE PROFESSIONAL SERVICES.

10. Disclaimers, and Limitations on Liability

THE FOREGOING WARRANTIES SHALL BE VOIDED IF THE PRODUCT IS NOT PROPERLY INSTALLED, USED, OR MODIFIED BY A PERSON OTHER THAN QUANTUM OR A QUANTUM AUTHORIZED SERVICE PROVIDER. THIS CLAUSE IS SUBJECT TO ANY NON-EXCLUDABLE RIGHTS THAT YOU MAY HAVE UNDER THE LAWS IN YOUR COUNTRY. THE WARRANTIES EXPRESSED HEREIN ARE THE ONLY WARRANTIES MADE BY QUANTUM WITH RESPECT TO THE PRODUCTS AND SERVICES. QUANTUM DOES NOT WARRANT THAT THE PRODUCTS OR SERVICES WILL MEET ALL CUSTOMER REQUIREMENTS, OR THAT THEY WILL BE UNINTERRUPTED OR ERROR FREE. QUANTUM EXPRESSLY DISCLAIMS AND EXCLUDES ALL OTHER WARRANTIES, OBLIGATIONS, LIABILITIES, CUSTOMER'S RIGHTS AND REMEDIES, EXPRESS OR IMPLIED, ORAL OR WRITTEN, ARISING BY LAW OR OTHERWISE INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY, TITLE, AND FITNESS FOR A PARTICULAR PURPOSE AND THOSE ARISING FROM COURSE OF PERFORMANCE, COURSE OF DEALING AND USAGE OF TRADE. IN NO EVENT SHALL QUANTUM BE LIABLE TO CUSTOMER OR ANY THIRD PARTY FOR INDIRECT, SPECIAL, INCIDENTAL, CONSEQUENTIAL, OR PUNITIVE DAMAGES INCLUDING WITHOUT LIMITATION, LOSS OF USE, LOSS OR ALTERATION OF DATA, DELAYS OR LOST PROFITS OR SAVINGS, EVEN IF QUANTUM IS AWARE OF THE POSSIBILITY OF SUCH DAMAGES, AND EVEN IF THE EXCLUSIVE REMEDIES STATED HEREIN FAIL OF THEIR ESSENTIAL PURPOSE. CUSTOMER'S RIGHTS AS STATED HEREIN ARE ITS EXCLUSIVE REMEDIES. EXCEPT FOR QUANTUM'S LIABILITY BASED UPON GROSS NEGLIGENCE, WILLFUL MISCONDUCT AND/OR A VIOLATION OF LAW, QUANTUM'S CUMULATIVE LIABILITY FOR ANY CLAIMS ARISING IN CONNECTION WITH THE PRODUCTS OR SERVICES MAY NOT EXCEED THE MOST RECENT ANNUAL FEE OR THE PRICE PAID. Quantum and its subsidiaries, directors, officers, employees and providers shall in no way be liable for any and all actions, causes of action, liability, claims, suits, judgments, liens, awards or damages of any kind and nature whatsoever (hereinafter referred to as "Claims") for property damage, personal injury or death (including without limitation claims brought by and liabilities to employees of Customer or Quantum or to any other persons) and expenses, costs of litigation and reasonable attorneys' fees related thereto, to the extent such claims arise from any negligent act or omission or willful misconduct of Customer or any of Customer's employees, agents, buyers or contractors (except for Quantum) arising out of or in any way relating to Quantum's presence on Customer's designated premises for the purposes of providing services hereunder. No action, whether based on contract, strict liability, or tort, including any action based on negligence, arising out of the performance of Services, may be brought by either party more than one (1) year after such cause of action accrued.

11. Proprietary Information

Pursuant to these Terms and Conditions, each party (the "disclosing party") may occasionally provide the other (the "receiving party") with its confidential and/or proprietary information (e.g., equipment, services, components, instruction manuals or installation information, trade secrets, know-how, ideas, concepts and methodologies, customers, prices, product roadmaps, operations and plans and data, etc.) ("Proprietary Information"). The receiving party acknowledges that use or disclosure of Proprietary Information of the disclosing party in any unauthorized manner will destroy its value to the disclosing party. Unless the disclosing party agrees otherwise in writing, the receiving party (including its employees, agents and contractors) (i) will not sell, disclose, copy or reproduce any Proprietary

Information of the disclosing party; (ii) will only permit or allow access to Proprietary Information of the disclosing party to those employees or third parties who require such access in order to perform work on the disclosing party's behalf pursuant to these Terms and Conditions; (iii) agrees to protect the Proprietary Information of the disclosing party as carefully as it would protect its own proprietary information but never less than a reasonable standard of care; (iv) agrees to be responsible for any unauthorized use or disclosure of Proprietary Information of the disclosing party by any of its employees, agents or contractors; and (v) agrees to leave intact all copyright, patent, trademark, confidentiality and similar notices in connection with the Proprietary Information of the disclosing party. The parties agree to return all Proprietary Information to the disclosing party upon the termination of these Terms and Conditions.

12. Intellectual Property

Customer agrees and acknowledges that Quantum, its suppliers and its licensors are the owners of all right, title, and interest in and to Quantum-provided Software, SaaS, and Cloud Services, and all Intellectual Property (IP) therein, and that Customer shall not obtain or claim any ownership interest in (i) any IP in Quantum provided hardware, and (ii) any Quantum-provided Software, SaaS, and Cloud Services. Customer shall not, unless expressly permitted by law or by Quantum (i) obscure, alter or remove any patent, copyright, trademark, or service mark marking or legend contained on or in any Quantum Products, SaaS, or Cloud Services, (ii) use any Quantum Products, SaaS, or Cloud Services except as licensed, (iii) permit or enable any third party to use Quantum Products, SaaS, or Cloud Services, unless Quantum provides its prior written consent to such use, (iv) copy, distribute, or transmit all or any portion of any Quantum Software except as expressly permitted, (v) cause or permit the disclosure, copying, renting, licensing, sublicensing, leasing, dissemination, transfer or other distribution of any Quantum Products, SaaS, or Cloud Services by any means or in any form, without the prior written consent of Quantum.

13. Infringement Indemnification

Quantum will indemnify Customer for any damages and costs finally awarded against Customer on the grounds that the Products, Support Services, Professional Services, SaaS, or Cloud Services, in the form and condition delivered by Quantum to Customer hereunder, infringe any valid United States patents or copyrights of any third party, provided that Customer notifies Quantum in writing of any such claim within ten days after learning thereof and that Customer gives Quantum full control over the defense and settlement of the claim and fully cooperates with Quantum with respect thereto. If any such claim is brought or appears to Quantum likely to be brought, Quantum may at its option (1) replace or modify the Products, Support Services, Professional Services, SaaS, or Cloud Services to make them non-infringing, (2) obtain rights for Customer to continue using Products, Support Services, Professional Services, SaaS, or Cloud Services, (3) terminate a subscription with no right of refund, or (4) refund to Customer, upon the return of the Products at issue and termination of any licenses, the price paid there for, less twenty percent for each year which has passed since the date of delivery hereunder. Customer shall discontinue all use of any portion of the Products, Support Services, Professional Services, SaaS, or Cloud Services that has been replaced or modified or for

which such a refund has been tendered. Quantum's obligations hereunder shall not apply to any claim based on (1) Quantum's following Customer's specifications or requests, (2) the use of the Products, Support Services, Professional Services, SaaS, or Cloud Services to practice a process not recommended by Quantum, (3) the use of Products, Support Services, Professional Services, SaaS, or Cloud Services in a way that is illegal, unethical, or immoral, or (4) in conjunction with items not supplied by Quantum, and Customer shall similarly indemnify Quantum with respect to any such claims. THE FOREGOING STATES QUANTUM'S SOLE RESPONSIBILITY, AND CUSTOMER'S SOLE REMEDY, FOR ANY INFRINGEMENTS OF ANY PROPRIETARY RIGHTS.

14. Compliance with Laws

14.1 General Compliance

Each Party will comply, and will cause each of its employees, agents and subcontractors to comply, with the laws of all governmental authorities and all governmental regulations to the extent such laws are applicable. Each Party will also obtain all required regulatory approvals, licenses and permits.

14.2 Import/Export/Re-Export

14.2.1 Generally

Customer shall not, unless otherwise authorized by the U.S. Government, supply Products or enable use of SaaS or Cloud Services to entities identified on restricted lists (such as Denied Parties List, Debarred Parties, Specially Designated Nationals, Terrorists, Narcotics Traffickers, Blocked Persons and Vessels, or Entity List). Customer shall not ship or transfer Product or enable use of SaaS or Cloud Services, either directly or indirectly, to the countries identified as restricted in the U.S. Export Administration Regulations, without written approval from the United States Bureau of Industry and Security. Customer will comply with the export and re-export restrictions set forth in any export license (if applicable) or license exception used to ship Products or enable use of SaaS or Cloud Services. Terms of sale or other specific agreement will denote the Importer of Record. Importer of Record shall not violate any import laws, rules, or regulations of the United States and/or any other applicable country. Importer of Record is responsible for all Customs duties and other Customs related fees. Importer of Record is eligible for duty drawback rights to the Products, SaaS, or Cloud Services. Quantum shall mark each Product with the country of origin in compliance with the marking requirements of the United States.

14.2.2 Cloud/SaaS Services

Customer acknowledges that it will have exclusive responsibility for compliance with United States and multilateral export controls applicable to the data or software it uploads through SaaS or Cloud Services. This responsibility extends to the controls applicable to the computations and derivations (output) from the use of the software or data through SaaS or Cloud Services. Quantum assumes no responsibility to screen the Customer or its own employees from access to such data or Software and their output, or to track or control their export or transfer. Customer agrees to strictly prevent access, export, or transfer of its data, Software, and related output on the Cloud that is controlled under the mentioned regimes to countries and individuals sanctioned by the US Office of Foreign Assets Control (OFAC), the US Export Administration Regulations (EAR), the US International Traffic in Arms

Regulations (ITAR), and other related laws and regulations, as applicable. Customer also agrees to prevent its Software and data uploaded to the Cloud from being used in the development, production, use, or proliferation of weapons of mass destruction (as defined in the aforementioned laws and regulations), to include chemical, biological or missile technologies. Any violation of these and other applicable laws and regulations will be the exclusive responsibility of the Customer. The Customer will indemnify Quantum and its affiliates in the event of investigation or prosecution by any government or government agency responsible for such controls and compensate Quantum for any costs and hardship incurred during and as a result of such an event.

14.2.3 Access Control

Customer acknowledges and agrees that any access to SaaS, Quantum's Cloud, or Cloud Services given by Customer to any person outside of the countries of the European Economic Area shall be considered as an express written consent to Quantum to supply such services and data, and such consent shall be deemed given by Customer and the relevant person/data subject. Customer shall indemnify Quantum without limit from and against any loss, damage, cost, expense claim, demand, liability, judgment, detriment, fine or compensation it incurs as a result of any breach of data protection rules due to Customer's activity in allowing such access.

14.3 Data Protection

Customer (a) acknowledges that Customer is the Data Controller and that Quantum is a Data Processor as defined in the European Data Protection Directive 95/46/EC; (b) agrees to comply with Customer's obligations under applicable data protection legislation implementing the European Data Protection Directive 95/46/EC and any amendments, revisions, re-enactments or consolidations thereof in relation to Customer's collection, processing and provision of personal data and sensitive personal data ("Data") provided to Quantum in connection with SaaS or Cloud Services; (c) shall indemnify and keep Quantum indemnified against all costs, claims, losses, damages and expenses (including legal expenses) arising out of, or in connection with, any breach of the above provisions by Customer and/or Customer's employees, agents and/or sub-contractors; and (d) acknowledges that Quantum is reliant on Customer for direction as to the extent to which Quantum is entitled to use and process Data. Consequently, Quantum will not be liable for any claim brought by Customer or any Data subject arising from any action or omission by Quantum to the extent that such action or omission resulted from Customer's instructions. Customer shall be responsible to notify Quantum if any Customer data managed, accessed, hosted, or otherwise actively controlled by Quantum in conjunction with Cloud Services is subject to regulatory security or handling processes. Data residing in a customer environment shall not be considered managed, accessed, hosted, or otherwise actively controlled by Quantum.

15. SaaS and Cloud Services

Quantum's SaaS and Cloud Services shall be provided under these Terms and Conditions supplemented by the terms of service, use policies, and other documents accompanying the download and available at www.quantum.com by Product ("Supplemental Agreements"). The Supplemental Agreements are hereby incorporated by reference and to the extent the terms of the Supplemental Agreements conflict with these Terms and Conditions, the term of the Supplemental Agreement shall prevail. Download

and/or use of SaaS or Cloud Services constitutes acceptance of the terms of Supplemental Agreements. Customer's use of SaaS and/or Cloud Services shall be limited to the use parameters specified at the time of purchase including but not limited to capacity and/or bandwidth. Customer shall deploy Quantum recommended policies to ensure use within such limitations. Use beyond such limitations will result in additional charges to Customer following Quantum's assessment of the use.

16. Excluded Uses

Customer acknowledges that Products, SaaS, and Cloud Services are not absolutely fault-tolerant, and are not designed for use in or resale into hazardous environments requiring fail-safe performance in which the failure of the products could lead directly to death, personal injury or severe physical or environmental damage such as, but not limited to, the operation of nuclear facilities, aircraft navigation or communication systems, direct life support systems, critical safety systems, medical devices, weapons systems or satellite equipment ("high risk activities"). Quantum disclaims any express or implied warranty of fitness for high risk activities. Quantum will have no liability for any claims or damages arising from high risk activities, and Customer will indemnify, defend (with counsel approved in advance in writing by Quantum) and hold harmless Quantum against any and all claims, costs, damages, expenses and liabilities arising out of or in connection with any such use.

17. Classified Environments

Purchases of Quantum Product or Services (of any kind) to be located, utilized or performed in US federally classified environments, and requiring response or services by cleared personnel, must be supported by a DD254 which must be generated by the Prime Contractor or the appropriate US Government Agency and issued to Quantum before services can be provided. Failure to do so may result in a delay of or inability to provide service for which Quantum shall not and does not assume liability. Customer shall, at or before the time of purchase, (1) confirm to Quantum whether classified environments are involved, (2) if so, that a DD254 will be issued, and (2) provide the name and contact information for the responsible Prime Contractor Contracting Officer.

18. Software License and Software License Subscription

Software Products are licensed, not sold, for use solely on the Designated System under the terms of the license agreement included within the Software or the Software package, however titled. Software Products licensed and paid for on a subscription basis ("Software License Subscription") are licensed for use only during the paid-for period of a subscription term. Use of Software beyond the Designated System or following termination of the subscription shall constitute violation of the License. If used or acquired by the U.S. government, then the U.S. government acknowledges that (a) the software constitutes "commercial computer software" and accompanying documentation constitutes "commercial computer software documentation" for purposes of 48 C.F.R. 12.212 and 48 C.F.R. 227.7202-3, as applicable, and (b) the U.S. government's rights are limited to those specifically granted to Customer pursuant to said license agreement. The contractor/manufacturer is Quantum, 224 Airport Parkway, San Jose, CA 95110.

19. Support Services

19.1 Definitions

In addition to terms defined elsewhere in these Terms and Conditions, the following terms will have the following specified meanings when used throughout these Terms and Conditions:

"**Business Day**" means any day except a Saturday, Sunday, or a holiday observed by Quantum;

"**Business Hours**" means hours between 8:00 a.m. and 5:00 p.m. local time on a Business Day;

"**Critical Error**" means any Software or Firmware Error that is an emergency condition and that causes the Software or Firmware to completely fail to function in accordance with its applicable Documentation and where there is no work-around to temporarily resolve or lessen the problem;

"**Designated System**" means the specific capacity, hardware, workstations, servers, and/or devices enabled by one instance or copy of Software that is specified by Quantum at the time the Software is licensed;

"**Documentation**" means technical manuals describing the operation and use of Product;

"**Error**" means any reproducible failure of the Software or Firmware to substantially comply with its specifications as set forth in the applicable Documentation;

"**Firmware**" means software that resides in or is embedded in hardware, such as programmable read-only memory, and is not separately licensed by Quantum;

"**Major Error**" means any Software or Firmware Error that causes one or more material components to fail to function as specified in its applicable Documentation;

"**Minor Error**" means any Software or Firmware Error that is not a Major Error that causes one or more components of the Software to fail to function as specified in its applicable Documentation;

"**Support Contract**" means an agreement governed by these Terms and Conditions for Quantum to provide Support Services on designated Product;

"**Software**" means the Quantum branded software designated at the time of sale and sold and licensed separately for a Designated System. Software does not include any third party software;

"**Support Term**" means the period of the fully paid Support Contract, available for purchase on a one year or multi-year basis, as may be extended under the terms of a renewal;

"**Update**" means changes to Software or Firmware that Quantum designates as bug fixes, or as minor or incremental updates, and designated by a change in the number to the right of the decimal point of the version number such as 1.1, 1.2, 1.3, etc.; and,

"**Upgrade**" means changes to Software resulting in new functionality or features for which Quantum separately charges its customers in the normal course of its business, and designated by a change in the number to the left of the decimal point of the version number such as 1.0, 2.0, 3.0, etc.

19.2 Selection of Provider

Quantum shall determine, in its sole and absolute discretion, whether Quantum will provide the Support Services to Customer or whether Quantum will select a third party subcontractor to perform the Support Services. All requests for Support Services or communication regarding status or maintenance of the Product shall be made to Quantum.

19.3 Support Contract Term and Termination

Support Contracts will commence upon issuance of a purchase order by Customer, and will continue for the duration of the purchased Support Term. Thereafter, unless customer notifies Quantum at least 60 days prior to the expiration of the Support Term of Customers decision not to renew, the Support Contract will **automatically renew** for successive one-year periods under the terms of the then-current Quantum Sales and Support Terms and Conditions, and Customer will be invoiced for the then current list price. Quantum will not be obligated to provide any Support Services, Updates, or other support after the end of the Support Contract.

19.4 Product Support

Support Services shall include unscheduled, on-call Support Services during the hours specified for the level of Support purchased ("Designated Working Hours"), provided after receipt of notice from Customer that Product is malfunctioning or otherwise appears to require support and after Quantum technical support has determined that an on-site visit is necessary. Service on a Quantum recognized holiday will be deferred to the next Quantum Business Day unless 7x24 support is purchased. Recognition of holidays is per custom in each country. A list of Quantum holidays is available upon request from your local service representative. The above reference time frames shall not apply to delivery of non-critical spare parts to remote locations.

19.4.1 Warranty Support

The warranty period and the level of service provided during the warranty period for each Product can be found in the Quantum Product Warranty Information Table at www.Quantum.com.

19.4.2 Uplifted/Extended Support

Uplifted and/or extended Support Services shall be available for purchase subject to regional availability and Product applicability, and provided on an on-call basis in accordance with the level of Support purchased by the Customer.

19.4.3 Parts Replacement

Replaceable parts shall be designated by Quantum as either a Customer Replaceable Unit ("CRU") or a Field Replaceable Unit ("FRU"). CRU's shall be replaced by Customer unless CRU replacement by Quantum is purchased pursuant to a Support Contract. FRU's shall be replaced by Quantum. Subject to any non-excludable rights that you may have under local law, replacement parts shall be either new or reconditioned, and shipped or replaced in accordance with the terms of the level of service purchased.

Certain Product may include spare parts as part of the initial Product shipment ("Critical Spare Parts"). Critical Spare Parts shall be utilized only upon authorization by Quantum after diagnosis by Quantum of the reported service issue.

Customer shall be responsible to replace used Critical Spare Parts, and arrange for acceptance of replacement parts and make them available at the time of on-site service. Delays in acceptance and/or failure to maintain stock of Critical Spare Parts may result in additional cost and/or delay in delivery of onsite service. The Product or parts of Product that are removed or replaced, either by Customer or Quantum will become property of Quantum and must be return shipped to Quantum within 10 business days. All replacement parts shipped to Customer shall be shipped DAP Customer site in

accordance with INCOTERMS 2010. All replaced parts returned to Quantum by Customer shall be shipped DAP designated Quantum return facility in accordance with INCOTERMS 2010. Risk of loss while parts are in the care, custody, and control of Customer shall be with Customer. Damage to, loss of, or failure to return ship replaced parts within 10 business days shall be charged to the Customer and may result in withholding of support until resolution.

Subject to any non-excludable rights that you may have under the laws in your country, IN ORDER TO HAVE ACCESS TO SPARE PARTS, INCLUDING CRITICAL SPARE PARTS, PRODUCT MUST BE COVERED UNDER WARRANTY OR A THEN-CURRENT SUPPORT CONTRACT.

19.4.4 Exclusions

Support Services do not include: (a) replacement of parts and/or services to repair damage or errors resulting from accident, neglect, or misuse on the part of a party other than Quantum, or modification of Product not approved, authorized or directed by Quantum; (b) replacement of parts and/or services to repair damage resulting from any act of God, including but not limited to storms, fires, floods, and earthquakes; (c) replacement of parts and/or services to repair damage caused by failure to provide or maintain adequate or appropriate electrical power, air conditioning, humidity controls, electrical surge protection, or other facilities or environmental conditions unless such failure is caused by the negligent act or omission of Quantum; (d) replacement or reconditioning of Product which Quantum reasonably believes cannot be reliably maintained or repaired because of excessive wear or deterioration not resulting from any negligent act or omission on the part of Quantum; (e) services on Product which Customer has moved or relocated without notifying Quantum; (f) services requested after unauthorized resale, transfer, or other assignment (actual or constructive) of Product; (g) services required as a result of use of Product beyond its rated capacity, not in accordance with manufacturer published specifications, or not in compliance with these Terms and Conditions or Documentation; (h) services performed outside of Designated Working Hours or after the term of these Terms and Conditions; provided, however, that if Quantum begins to perform services which would otherwise be covered Support Services less than two hours before the end of Designated Working Hours, the first two hours immediately following Designated Working Hours are considered covered by these Terms and Conditions; (i) on-site Software or Firmware Support; (j) services required for correcting Errors if Customer fails to implement any Error correction or Update made available by Quantum; (k) services in connection with removal, relocation or reinstallation of Product; (l) furnishing or replacing expendable supplies, including media such as cassettes, unless damaged by Quantum; (m) installation or maintenance on third party equipment or software, or on product not quoted by Quantum; and (n) production of written reports related to service performed. Service requested for any of the above exclusions shall be considered Professional Services for which Quantum will charge an additional fee. THE OCCURRENCE OF EVENTS (A)-(G) ABOVE SHALL RENDER THE WARRANTY VOID AND/OR SUBJECT A SUPPORT CONTRACT TO TERMINATION.

19.4.5 Installation

Quantum Products or upgrades that are designated non-customer installable shall require purchase of Professional Services for installation from Quantum, and failure to do so and self-installing such Products or upgrades may void the applicable warranty and/or support contract.

19.4.6 Movement of Product

If Customer plans to move, relocate, or delete any part of the Product from a Support Services contract, Customer must provide Quantum with 30 days prior written notice. If Customer requests that Quantum dismantle, supervise, inspect, remove or reinstall the Product as part of any move, Quantum will provide a quote for such services. Whether Product is moved by Customer or Quantum, Customer shall be responsible for shipment of Product to new location. Considering the new location of the Product, Quantum may, in its sole discretion: (i) continue performance of Support Services with the condition that Customer is responsible for any additional mileage charges; (ii) terminate the Support Services contract; or (iii) designate a different provider. Movement of Product that is designated non-customer installable as designated by Quantum without notifying Quantum prior to the move shall void the Product warranty and/or any then current Support Contract. Manufacturer supplied packaging is required to move all or partial units to a new location to ensure safe transit and can be purchased from Quantum if not retained by Customer. Inadequate packaging may void the warranty, subject a support contract to termination and/or require Customer to recertify unit at Customer's cost.

19.4.7 Customer Responsibilities

In addition to responsibilities for fees hereunder, Customer will be responsible for: (a) properly using and controlling access to the Product; (b) permitting Quantum's access to Customer's facilities consistent with Customer's security and operational requirements; (c) promptly notifying Quantum if Customer becomes aware of any unsafe conditions or hazardous materials to which Quantum's personnel may be exposed at any of Customer's facilities; (d) complying with all applicable government laws and regulations; (e) providing prompt notice to Quantum of any malfunction or request for services for the Product; (f) providing full and accurate Product and service installation descriptions as necessary to allow Quantum to fulfill its duties hereunder; (g) performing visual inspection of Product; and, (h) performing standard operational activities. Upon Quantum's request, Customer will provide Quantum remote access to Quantum Product system performance data as reasonably required for Quantum to perform the Support Services and its other obligations hereunder. Obligations of Customer which must be fulfilled prior to Quantum performing any on-site services shall be communicated to Customer at the time services are scheduled. If Customer obligations are not complete upon arrival of the Quantum engineer, Quantum shall have the right to withdraw the engineer and reschedule once Customer obligations are fulfilled, and charge customer the standard rate plus expenses for any time spent on-site while waiting for obligations to be fulfilled. Customer shall advise Quantum of any non-business hour or Saturday/Sunday requirements at the time of scheduling on-site services and may be charged up to a 50% rate increase.

19.4.8 Firmware

Customer is required to maintain the product at no more than one Firmware revision removed from current production Firmware level to ensure proper operation and servicing of the product. The Customer may be required to install the latest Firmware Update prior to making any CRU or FRU replacements. Quantum will provide Customer with information on any upgrade charges prior to installation of the upgrade. Firmware upgrades may be available for download and able

to be installed by Customer. At Quantum's discretion and upon prior notice to Customer, an additional fee may be levied for Firmware upgrades requiring an onsite visit.

19.4.9 Telephone Support

Telephone support included with a support contract purchase provides the following: (i) assistance in identifying and verifying causes of suspected Errors; (ii) work-around for identified Errors; (iii) answering questions regarding Software installation and configuration; and, (iv) answering questions regarding differences between Software versions.

19.4.10 Error Corrections

Quantum will use commercially reasonable efforts to correct any Errors reported by Customer (e.g., by providing a workaround or correction in a Update). If Customer encounters an Error with the Software, Customer must sufficiently define the Error to Quantum so that Quantum can reproduce the reported Error. Non-reproducible Errors may require dispatch of an engineer on-site, which will be charged on a time and materials basis. After receipt of any such written notice of an Error from Customer, Quantum will promptly notify Customer if Quantum cannot reproduce the Error. If Quantum cannot reproduce the Error, Customer will provide such additional information regarding the Error as Quantum may request in order to assist Quantum with reproducing the Error. Customer will provide a separate written notice for each Error encountered by Customer. In its notice of an Error, Customer will reasonably classify for Quantum the initial priority of the Error. Customer will use the nature of the Error and Customer's business circumstances to initially classify each Error. Customer will classify each Error as a Critical Error, Major Error or Minor Error. To the extent that Quantum disagrees with any Error classification provided by Customer, Quantum will promptly advise Customer of the revised classification of any Error.

19.4.11 Updates and Upgrades

During such periods that Customer purchases Support Services hereunder and pays all fees in connection therewith, Quantum will make available to Customer any and all Updates at no additional charge to Customer. Customer will install any and all Updates within a reasonable time after receipt of such Update or notice of availability. Support is available only for the Update that is currently shipping and the immediately prior Update. Support for the immediate prior Update shall be available for no longer than 12 months after a new Update is generally available. Quantum will provide Customer with access to Updates through Quantum's web site (www.Quantum.com). These Updates and/or patches will be customer installable, with technical assistance available from Quantum's Technical Assistance Center. Changes to Software designated by Quantum as Upgrades are sold separately and not included in a contract for Support Services. Quantum on-site installation services for Updates and/or Upgrades shall be available to Customer for a fee as Professional Services.

19.5 Limited Support Services

"**Limited Support Services**" means that the standard Support Services are no longer offered for Product. Limited Support contracts are offered by Quantum for the prices and duration quoted. Limited Support consists of support for errors which can be remedied utilizing the bug fixes and updates then known to Quantum, and does not include support for resolution of novel errors or bugs.

20. Notices

All notices, demands, and other communications called for or required by these Terms and Conditions shall be in writing and shall be addressed to the parties at their respective corporate headquarter addresses or to such other address as a party may subsequently designate by ten days' advance written notice to the other party except as otherwise provided in these Terms and Conditions.

21. Integration and Notification

Each party acknowledges that it has read these Terms and Conditions, understands it, and agrees to be bound by it. The parties further agree that these Terms and Conditions are the complete and exclusive statement of the agreement of the parties with respect to the subject matter hereof, and that it supersedes and merges all prior proposals, understandings, and agreements, whether oral or written, between the parties with respect to the subject matter hereof. Any provisions or conditions of any purchase order or other document submitted by Customer which are in any way inconsistent with or in addition to these Terms and Conditions are hereby rejected and shall not be binding upon Quantum. No waiver or modification of these Terms and Conditions or of any provision contained herein shall be valid unless in writing and duly executed by Quantum and Customer.

22. Choice of Law

These Terms and Conditions shall be governed by and construed in accordance with the laws of the State of California, USA without regard to any conflict of laws rules thereof. In the event of any dispute arising under these Terms and Conditions, the parties agree to the exclusive jurisdiction of the courts located in Santa Clara County, California. The United Nations Convention on Contracts for the International Sale of Goods shall not apply.

23. Severability and Waiver

In the event that any provision of these Terms and Conditions is held to be invalid, illegal, or unenforceable, such provision shall be enforced to the maximum extent permitted by applicable law and the remaining provisions shall continue in full force and effect. Failure or delay on the part of any party in exercising any rights, power, or privileges under these Terms and Conditions shall not be deemed a waiver of such right, power or privilege.

24. Force Majeure

Neither party will be liable hereunder for, or be considered to be in breach of or default under these Terms and Conditions on account of, any delay or failures to perform as required by these Terms and Conditions if such delay or failure is due in whole or substantial part to causes or conditions beyond such party's reasonable control which render timely performance hereunder commercially impracticable, including without limitation strikes, riots, wars, government regulations or acts, acts of God or the elements, fire, flood, material shortages or other causes. The existence of such causes of

delay shall justify extension of the time of performance to the extent reasonably necessary to enable such party to satisfy its obligation hereunder after the cause of delay has been removed.

25. Assignment

Neither party may assign its benefits or delegate its obligations under these Terms and Conditions without the advance written consent of the other party unless in the context of a sale of all or substantially all of the assigning parties' assets to another entity who is not a competitor to the non-assigning party and who has a reasonably acceptable credit rating.

26. Reseller Provisions

If purchaser has been authorized to resell Product and/or Services through Quantum's channel partner program ("Reseller"), and has not otherwise executed an agreement with Quantum to do so, the terms specified in this Section 25 shall also apply, as well as any terms and conditions associated with Quantum's channel partner registration process.

26.1 Order Process

Reseller shall follow Quantum's designated order process and provide buyer, end-user, Customer, and/or licensee information as required by Quantum.

26.2 Export Controls

Reseller agrees to comply with all applicable export and reexport control laws and regulations, including the Export Administration Regulations ("EAR") maintained by the U.S. Department of Commerce and trade and economic sanctions maintained by the Treasury Department's Office of Foreign Assets Control ("OFAC"). Reseller will not -- directly or indirectly -- sell, export, reexport, transfer, divert, or otherwise dispose of Products to any destination, entity, or person prohibited by the laws or regulations of the United States or any other applicable jurisdiction, without obtaining prior authorization from the competent government authorities as required by those laws and regulations. Without limiting the foregoing, Reseller agrees to comply with the following:

a) Reseller will not sell, export, reexport, transfer, divert, or otherwise dispose of Products to prohibited End-Users (as listed on a government maintained list, such as the list of Specially Designated Nationals, the Entity List, Denied Parties Lists, and the List of Debarred Parties) or prohibited destinations (including Cuba, Iran, North Korea, Sudan, Syria, and the Crimea region of the Ukraine).

b) Regardless of any disclosure made by Reseller to Quantum of an ultimate destination of Products, Reseller will not directly or indirectly export or re-export Product without first obtaining, at the Reseller's sole risk and expense, any and all required licenses from the Bureau of Industry and Security ("BIS") at the U.S. Department of Commerce (or its successor), OFAC and any other governmental agency having jurisdiction.

c) Reseller will inform Customers or any third party to whom Reseller ships Products that such Products are subject to export laws and regulations of the U.S. and applicable foreign countries.

d) Terms of sale or other specific agreement will denote the Importer of Record. Importer of Record shall comply with all applicable import laws, rules, and regulations of the United States and/or any other applicable country. Importer of Record is responsible for all customs duties and other customs related fees. Importer of Record is eligible for duty drawback rights to Product.

e) Reseller agrees to indemnify, to the fullest extent permitted by law, Quantum from and against any and all fines, penalties, liabilities or other costs incurred for any reason arising from or connected with any such violation. This export control clause shall survive termination or cancellation of this Agreement.

26.3 Ethical and Lawful Behavior

Reseller shall:

a) At all times comply with all applicable laws and regulations.

b) Fully comply with any and all applicable laws or regulations regarding the prevention of bribery and corruption, including but not limited to the United States Foreign Corrupt Practices Act of 1977, as amended, the United Kingdom Bribery Act, the United Nations Convention Against Corruption, the Organization for Economic Cooperation and Development Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, and any similar local, regional, national, or international requirements (collectively "Anticorruption Requirements"). Reseller shall not provide anything of value to any government official or employee, directly or indirectly, in connection with its relationship with Quantum without the prior written consent of the Company. Reseller represents that it is in compliance, and warrants that it shall at all times comply, with Anticorruption Requirements, and shall make no unlawful payment, bribe, payoff, rebate, or other illegal provision to any person. Reseller agrees to permit reasonable inspection of its books and records for audit purposes. If Reseller commits, or if Quantum in good faith believes that Reseller has committed, an action that may result in any violation of Anticorruption Requirements, Quantum shall have the right to immediately terminate this agreement as a termination for cause, and Reseller shall indemnify Quantum for any and all costs Quantum incurs in relation to such action. Reseller acknowledges and agrees that it has no authority to obligate Quantum to third parties except as approved in writing by Quantum.

c) Refrain from (1) paying or giving any salaries, commissions, fees, payments or rebates, to any employee or officer of Quantum, or to any designee of any such person; or (2) favoring any employee or officer of Quantum, or any designee of any such person, with gifts or entertainment of significant cost or value or with service or goods sold at less than full market value.

26.4 Licensing and Terms of Sale

a) Fully comply with all End-User License Agreements accompanying Software and ensure that Product is distributed only to persons or entities that have reviewed and agree upon the applicable End-User License Agreement available at www.Quantum.com.

b) Ensure that Product is distributed only to persons or entities that have received and agree upon the Quantum Sales and Support Terms and Conditions contained herein and available at www.Quantum.com. Reseller shall not, under any circumstances, make any representations or

warranties to any End-User or other person or entity that are inconsistent with or in addition to the warranties and representations contained in the Quantum Sales and Support Terms and Conditions.

c) Ensure that prior to or at the time of sale, the Designated System for which Software is licensed is described with the specificity designated by Quantum to the End-User and/or purchaser. Reseller shall ensure that End-Users comply with the terms of applicable End-User License Agreements and use of the Software on only the Designated System within the Capacity purchased. Reseller shall not enable unauthorized use of Software and shall report any unauthorized use to Quantum immediately.

d) Ensure compliance with Open Source Software ("OSS") Licenses. Reseller acknowledges that Software may contain OSS and OSS is licensed separately pursuant to the applicable Open Source License. Reseller's use, resale, and distribution of Software containing OSS shall be subject to and Reseller agrees to comply with the applicable restrictions and other terms and conditions of the applicable Open Source License.

26.5 WEEE Directive

Reseller shall be considered a "producer" within the meaning of the Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on Waste Electrical and Electronic Equipment (the "WEEE Directive") and shall assume all responsibilities that the WEEE Directive as well as any law or regulations of any member state of the European Union, enacted in connection with such directive, impose on a producer including but not limited to the responsibility to finance and provide for the collection, treatment, and environmentally sound disposal of equipment subject to the WEEE Directive. If Reseller fails to comply with such responsibilities, Reseller agrees to, and does hereby, indemnify and hold Quantum harmless from and against any and all loss, cost, expense, or liability of any kind or nature whatsoever, including without limitation reasonable attorneys' fees, that Quantum may suffer or incur as a result of or in connection with any claim which is based on a producer's obligations and responsibilities under the WEEE Directive.

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 Council Resolution to Approve a Contract Amendment No. 6 to the Delta Diablo Street Sweeping Contract

MEETING DATE: July 1, 2019

EXECUTIVE SUMMARY

The Public Works Department provides street sweeping services for the City as a contractor to Delta Diablo (DD). The previous contract extension expired June 30, 2018. The City and Delta Diablo would like to extend the existing Service Contract with a three-year extension that will begin July 1, 2019 and run through June 30, 2022. The Service Contract exceeds the $75,000 threshold and requires approval of City Council.

FISCAL IMPACT

The City will recover the cost of the street sweeping program through charges to Delta Diablo. Projected revenue from this contract for FY 2019-20 is estimated to be $265,000. Revenues from this contract are included in the adopted budget for FY 2019-20 for Public Works, as are the expenses within the Public Works Streets Division (Fund 110).

The contract amendment is for a three-year term and provides for inflationary increases in future years. Staff, equipment and supplies to perform this contract are allocated in the Public Works Department's budget and are offset by payments from DD.

RECOMMENDATION

City Council adopt the attached resolution authorizing the City Manager to execute Amendment No. 6 to the Street Sweeping Services Contract with DD with a $23.25 per curb mile rate.

BACKGROUND

The City provided street sweeping on its own streets for many years. In 1997, DD began charging fees to customers in cities and unincorporated communities of eastern Contra Costa County that are members of the district. These fees cover a variety of services, including sewage collection and treatment and street sweeping services, generally provided

by contractors. Since that time, the City's Public Works Department has provided street sweeping services in Pittsburg as a contractor for DD.

On June 19, 2000, the City Council approved Resolution 00-9188 approving a contract between the City and DD for street sweeping services for the years 2000 through 2003.

On May 5, 2003, the City Council approved Resolution 03-9809 approving Amendment No. 1 to the Street Sweeping Services Contract with DD extending the service term to 2006.

On June 5, 2006, the City Council approved Resolution 06-10556 approving Amendment No. 2 to the Street Sweeping Services Contract with DD extending the service term to 2009.

On May 18, 2009, the City Council approved Resolution 09-11222 approving Amendment No. 3 to the Street Sweeping Services Contract with DD extending the service term to 2012.

On June 18, 2012, the City Council approved Resolution 12-11828 approving Amendment No. 4 to the Street Sweeping Services Contract with DD extending the service term to 2015.

On August 3, 2015, the City Council approved Resolution 15-13095 approving Amendment No. 5 to the Street Sweeping Services Contract with DD extending the service term to 2018.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

The Public Works Department's current service level provides for major arterial and collector streets and business district to be swept weekly, with residential streets swept twice per month. Many jurisdictions in Contra Costa County sweep residential streets just once per month.

The Public Works Department has been providing this service by contract to DD since July 1997. A "per-mile" fee charged to DD recovers the cost to the City for the work performed by Public Works staff. The attached contract Amendment No. 6 will extend the street sweeping services in the City by Public Works personnel for the next three years at a rate of $23.25 per curb mile which is a 4% increase from the previous rate. The rate includes consideration for vehicle depreciation and replacement based on a seven-year operating life for machine sweepers.

The DD Board of Directors approved the new Street Sweeping Services Amendment No. 6 with the City at its regular meeting on June 13, 2019. Staff recommends the City Council approve the attached resolution to extend the Street Sweeping Services Contract.

ATTACHMENTS:
Resolution
Delta Diablo Amendment No. 6

Report Prepared By: Hilario Mata, Assistant Director of Public Works

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Approval of Street Sweeping Contract) RESOLUTION NO. 19-
Amendment No. 6 with Delta Diablo)

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, Delta Diablo (DD), formerly known as Delta Diablo Sanitation District (DDSD) is responsible and collects fees for a variety of services, including street sweeping; and

WHEREAS, the City of Pittsburg's Public Works Department has continued to provide street sweeping for the City of Pittsburg functioning as a contractor to the District since its inception in 1997; and

WHEREAS, the previous contract issued in 2015 expired on June 30, 2018, and DD is prepared to enter into an amended three-year contract beginning July 1, 2019; and

WHEREAS, Delta Diablo Board of Directors approved extending the contract at a regular meeting on June 13, 2019; and,

WHEREAS, the amended contract language provides for a service charge to recover the City's costs over the three-year term of the amended contract.

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

Section 1. Findings

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

B. This amendment to the Delta Diablo standard contract will continue Public Works Department street sweeping service levels for the City of Pittsburg for the next three years.

C. The service charges in the contract amendment will provide for full cost of recovery for the City of Pittsburg in providing street sweeping services.

D. Fiscal Year 2019-20 through FY 2021-22 charges will be $23.25 per curb-mile swept.

Section 2. Authorization

The City Manager is authorized and directed to execute the Street Sweeping Contract Amendment No. 6 on behalf of the City of Pittsburg to continue street sweeping services for Delta Diablo and the City of Pittsburg, effective July 1, 2019.

Section 3. Effective Date

This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 1st day of July, 2019, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

_____
Juan Antonio Banales, Mayor

ATTEST:

_____
Alice E. Evenson, City Clerk

Delta Diablo

TO: Garrett Evans, City Manager
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565

SUBJECT: SERVICE AGREEMENT AMENDMENT NO. 6 FOR SIGNATURE, CITY OF PITTSBURG STREET SWEEPING SERVICES

WE ARE SENDING THE FOLLOWING VIA: ☒ U.S. MAIL ☐ CERTIFIED MAIL NO. _____

☐ FEDERAL EXPRESS NO. _____ ☐ UPS ☐ OTHER: _____

☐ LETTER DATED: _____ ☐ CHANGE ORDER NO. _____ ☐ SUBMITTAL NO. _____

☐ CONTRACT/AGREEMENT ☒ AMENDMENT NO. 6 ☐ FIELD ORDER NO. _____

☐ PLANS & SPECIFICATIONS SET NO. _____ ☐ PROGRESS PAYMENT NO. _____

☐ OTHER: _____

THESE ARE BEING SENT: ☒ FOR YOUR SIGNATURE ☐ APPROVED AS SUBMITTED

☐ PER YOUR REQUEST ☐ FOR YOUR USE ☐ APPROVED AS NOTED

☐ FOR YOUR FILES ☐ REJECTED AS NOTED ☐ OTHER: _____

☐ RESUBMIT _____ COPIES FOR APPROVAL

COMMENTS:

Please find attached two original copies of amendment for signature. Please sign and return both originals to Delta Diablo, Attention Treatment Plant Administrative Assistant for General Manager execution. A fully executed original will be returned for your files. Thank you.

DATE:	**TITLE:**	**SIGNATURE:**
June 13, 2019	Resource Recovery Services Director	Dean Eckerson

cc: Chron File
District File No.

DELTA DIABLO
AGREEMENT AMENDMENT
City of Pittsburg Street Sweeping Services

Amendment No. 6

1. **EFFECTIVE DATE AND PARTIES**: Delta Diablo (formerly Delta Diablo Sanitation District), a political subdivision of the State of California (hereinafter called the "District"), and the City of Pittsburg (hereinafter called the "Contractor"), entered into an Agreement, dated July 12, 2000, to provide Street Sweeping Services for the District through the period of June 30, 2003. In June 2003, an amendment (Amendment No. 1) was approved to extend the contract term from July 1, 2003, through June 30, 2006. Amendment No. 2 was approved in June 2006 extending the contract term from July 1, 2006, through June 30, 2009. Amendment No. 3 was approved in June 2009 extending the contract term from July 1, 2009, through June 30, 2012. Amendment 4 was approved in June 2012 extending the contract term from July 1, 2012, through June 30, 2015, and Amendment No. 5 was approved in August 2015 extending the contract term from September 1, 2015, through June 30, 2018. The parties now desire to amend that Agreement as follows:

2. **PURPOSE**: To continue to provide street sweeping services in the City of Pittsburg.

3. **AMENDMENT**:
   Article 6: TERM OF AGREEMENT, shall be deleted and replaced with the following:
   i. The term of this Agreement shall be from July 1, 2019, through June 30, 2022.

   Article 7: COMPENSATION, first paragraph shall be deleted and replaced by the following:
   i. It is agreed that the compensation to be paid to the Contractor for machine sweeping services described in Article 3 and 4 herein covered by this Agreement shall not exceed $23.25 per curb-mile for the period of July 1, 2019, through June 30, 2022. These rates include consideration for vehicle depreciation and replacement based on a seven (7) year operating life for machine sweepers.

4. **EFFECT**: This Amendment is effective on the last date entered below. Except for the amendments agreed to herein, the above-referenced Agreement remains in full force and effect.

Delta Diablo	**City of Pittsburg**
By: _____	By: _____
Vince De Lange, General Manager	Garrett Evans, City Manager
Date: _____	Date: _____

District Contact: Terry Spurgeon
Dustin Bloomfield

DELTA DIABLO
AGREEMENT AMENDMENT
City of Pittsburg Street Sweeping Services

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Delta Diablo	**City of Pittsburg**
By: _____	By: _____
Vince De Lange, General Manager	Garrett Evans, City Manager
Date: _____	Date: _____

District Contact: Terry Spurgeon
Dustin Bloomfield

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

TO: Mayor/Chair and Council/Agency Members

FROM: Garrett Evans, Executive Director/City Manager

SUBJECT: Consideration of a PACF Board Request for a Future Agenda Item Related to a 5-Year Strategic Action Plan for the Pittsburg Arts and Community Foundation

MEETING DATE:

EXECUTIVE SUMMARY

At the June 17, 2019, meeting, Board Member Holland Barrett White requested staff to evaluate the steps necessary to produce a 5-year strategic action plan for the Pittsburg Arts and Community Foundation (PACF). The PACF Governing Board will consider directing staff to create a 5-year strategic plan after the discussion

FISCAL IMPACT

There is potentially a substantial fiscal impact to PACF if an extensive 5-year action plan is undertaken. The total financial commitment could be in the tens of thousands of dollars if an external consultant is utilized. Staff from PACF and Executive Director's Office will be impacted.

RECOMMENDATION

PACF Governing Board accept the report and have staff return at a later date with a proposal to complete a PACF 5-year strategic action plan.

BACKGROUND

Pursuant to the City Council Handbook, if an individual Councilmember wishes to have an agenda item placed on a future agenda, a Councilmember may make a request under the Requests for Future Agenda Items section of the agenda. At the next regularly scheduled City Council meeting the requested item will be listed on the agenda under Request for Future Agenda Items.

The item will identify the Councilmember making the request and briefly describe the nature of the request. Staff will not spend time on the requested item except to provide assistance to the Councilmember to frame the issue so that the City Council and public clearly

understand the request. Should the issue be an item that staff has already researched, or is in the process of researching, an informational report may accompany the request on the agenda. Additionally, if the City Manager feels there is information that should be shared in order to productively evaluate next steps, brief information regarding the request may be included on the subsequent agenda.

When the item is called, the Councilmember making the request will describe the request and the Council may have a brief discussion of the requested item. Upon concurrence by the majority of the membership of the City Council present that staff time and City resources be spent on an item, it shall be scheduled for a future meeting. City Council discussion will be limited to whether staff time and City resources should be spent on the item. The Council will take no other action on the item itself. City Council concurrence that staff time or City resources be spent on an item does not signify approval of the item, just that the City Council wishes to have it studied further and the Council may, at any time, decide not to pursue the item further.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

A strategic planning process identifies strategies that will best enable PACF to advance its mission. Ideally, as staff and Board engage in the process, measurable goals, priorities for implementation, and a commitment to revisiting the Foundation’s strategies on an ongoing basis as the organization's internal and external environments change. PACF should examine its strengths, weaknesses, opportunities, and threats (“SWOT” analysis). Looking at external as well as internal factors (such as PACF's staff capacity to accomplish its goals) is important.

On the July 1, 2019, agenda is a 5-year financing plan for PACF. The Foundation has a very lean staffing model and the ability to absorb an extensive 5-year action plan will require third party assistance and allocation of additional funding.

Report Prepared By: Garrett Evans, City Manager/Executive Director