



**CITY OF PITTSBURG
AGENDA**

JULY 06, 2020

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

**CLOSED SESSION
6:00 P.M.**

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

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

PRESIDING

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



PUBLIC ADVISORY:
THE CITY COUNCIL CHAMBER WILL NOT BE OPEN TO THE PUBLIC

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the meeting of the City Council for July 6, 2020 will be conducted electronically through Zoom and broadcast live through Granicus on the City's website. Please be advised that pursuant to the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, the Council Chamber will not be open for the meeting. Council Members will be participating electronically and will not be physically present in the Council Chamber.

Comments can be submitted via email to meetingcomments@ci.pittsburg.ca.us. If you wish to have your comments read to the Council Members during the appropriate Public Comment period, please indicate in the Subject Line "FOR PUBLIC COMMENT" and list the item number you wish to comment on. If your comment is for a non-agenda item, indicate "FOR PUBLIC COMMENT – NON AGENDA." Comments that you want read to the Council will be subject to the three minute time limitation (approximately 350 words). Written comments that are only to be provided to Council and not read at the meeting will be distributed to the Council prior to the meeting if received by 5:00 p.m. the date of the meeting. Comments via text and social media (Facebook, Twitter, etc.) will not be accepted. Just as in a live meeting inside the Council Chamber, only one comment per agenda item per person is allowed. If you comment more than once on a particular topic, only the first email will be read aloud.

The City of Pittsburg thanks you in advance for taking all precautions to prevent the spread of the COVID 19 virus.

AUDIENCE REMARKS

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

6:00 P.M. - CONVENE IN CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Section 54957.6:

City designated representatives: Garrett Evans, Stacy Shell, Fritz McKinley, Brad Farmer

Employee organizations: American Federation of State, County, and Municipal Employees Local 512 Management/Professional/Confidential Unit and Miscellaneous A Unit; Pittsburg Police Officers' Association; Pittsburg Police Managers Group; Teamsters Local 856

Unrepresented employees: Management Group; Senior Executive Team

2. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Section 54956.9(d)(2):

Number of cases: 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)

COMMITTEE REPORTS

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

PUBLIC COMMENTS

Please see Public Advisory.

CITY COUNCIL MEETING

PUBLIC HEARING

3. Introduction and Waive First Reading of an Ordinance Amending Pittsburg Municipal Code as it Relates to Accessory Dwelling Units and Junior Accessory Dwelling Units

This is a public hearing to consider draft amendments to Title 18 of the Pittsburg Municipal Code (PMC) to revise the existing “Accessory Dwelling Units” Standards to comply with state law.

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, SUCCESSOR AGENCY AND SOUTHWEST PITTSBURG GHAD II CONSENT CALENDAR

4. Minutes of June 8, 2020 and June 15, 2020
5. Adoption of a City Council Resolution Authorizing a License Agreement with the U.S. Bureau of Reclamation for Buchanan Road

The Tuscany Meadows residential subdivision includes bicycle and roadway improvements that encroach on U.S. Bureau of Reclamation lands for the Contra Costa Canal. The encroachment requires a License Agreement between the City and Bureau of Reclamation to allow for construction of the improvements that the City will maintain.

6. Adoption of a City Council Resolution Authorizing Used Oil Payment Program Application and Grant Program

The Department of Resources Recycling and Recovery (CalRecycle) maintains a program to fund projects that promote used motor oil and filter recycling. The Used Oil Payment Program (OPP) application to promote used oil and filter recycling requires a Resolution from the participating jurisdiction as part of its submittal package for this non-competitive funding.

7. Adoption of a City Council Resolution to Support the Submittal of a Grant Proposal for the Sacramento-San Joaquin Delta Conservancy Community and Economic Enhancement Grant Program Funding

The City of Pittsburg was selected to submit a full Grant Proposal to apply for the Sacramento – San Joaquin Delta Conservancy (Conservancy) Community and Economic Enhancement Grant Program funds to address recreation, tourism and environmental education in order to sustain the Delta’s heritage and enhance the unique values of the Delta. Adoption of the Resolution will support the grant proposal submittal.

8. Adoption of a City Council Resolution Ratifying a Local Emergency Order Allowing for Temporary Expanded Outdoor Dining for the Duration of the Local Emergency Due to COVID-19

The City Council will consider the adoption of a Resolution ratifying an Emergency Order issued by the Director of Emergency Services to temporarily

allow for expanded outdoor dining throughout the duration of the Local Emergency proclaimed by the City Council due to COVID-19.

COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

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

COUNCIL MEMBER REMARKS

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

ADJOURNMENT to July 20, 2020

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 - 2020

Updated February 3, 2020

<u>OUTSIDE AGENCY BOARDS</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
ABAG	Jelani Killings / Merl Craft Alternate	Standing	Annual	G. Evans
Delta Diablo**	Juan Banales / Shanelle Scales-Preston Alt.	Standing	2 nd Wednesday	F. McKinley
East Co. Co. County Habitat Conservancy	Juan Banales / Holland White Alternate	Standing	Monthly	K. Pollot
East County Water Management	Merl Craft / Holland White Alternate	Standing	Annual	F. McKinley
MCE Clean Energy Board	Shanelle Scales-Preston / Juan Banales Alt.	Standing	4 Per Year	D. Buchanan
TRANSPLAN / ECCRFFA	Juan Banales / Holland White Alternate	Standing	2 nd Thursday	J. Hecht
Tri-Delta Transit (2 reps)***	S. Scales-Preston & Merl Craft / Jelani Killings Alt.	Standing	Last Wednesday	J. Hecht
<u>LIAISON TO</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
East Bay League of Calif. Cities	Jelani Killings / Juan Banales Alt.	Standing	3 rd Thursday	*Rotational
Mayor's Conference	Juan Banales / Jelani Killings Alt.	Standing	1 st Thursday	G. Evans
School Districts Committee (2x2)	Holland White & Jelani Killings / Merl Craft Alt.	Standing	4 th Thursday even months	G. Evans
<u>SUBCOMMITTEES</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u>	<u>STAFF</u>
CAC CDBG Subcommittee	S. Scales-Preston & Jelani Killings / Holland White Alt.	Standing	As needed	M. Aliotti
Camp Stoneman Anniversary Celebration	Merl Craft & Shanelle Scales-Preston	Ad Hoc	As needed	Evans/Simonton
City Infrastructure and Transportation	Juan Banales & S. Scales-Preston / Holland White Alt.	Standing	TBD	G. Evans
Community Services Subcommittee	Juan Banales & Holland White	Ad Hoc	As needed	G. Evans/M. Aliotti
Flag Protocols	Holland White & Shanelle Scales-Preston	Ad Hoc	As needed	J. Davis
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	Jelani Killings & Merl Craft / Holland White Alt.	Ad Hoc	As needed	K. Simonton
Successor Agency Subcommittee	Merl Craft & Jelani Killings / S. Scales-Preston Alt.	Standing	As needed	M. Aliotti

*Rotational Staff as assigned by City Manager

**Stipend of \$209 per month

***Stipend of \$100 per month

COMMISSION/SUBCOMMITTEE MEETING SCHEDULE

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

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

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

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

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

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

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



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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Introduction and Waive First Reading of an Ordinance Amending
Pittsburg Municipal Code as it Relates to Accessory Dwelling Units and
Junior Accessory Dwelling Units

MEETING DATE: July 6, 2020

EXECUTIVE SUMMARY

This is a public hearing to consider amendments to Title 18 of the Pittsburg Municipal Code (PMC) to revise the existing Accessory Dwelling Units standards to comply with State law.

FISCAL IMPACT

None from this action.

RECOMMENDATION

City Council open the public hearing, take public comment, close the public hearing and introduce, waive further reading, and pass to second reading the attached ordinance amending PMC Title 18.50, Article IV to revise Accessory Dwelling Units standards to be consistent with State law.

BACKGROUND

On May 6, 1985, the City Council adopted Ordinance 85-874 regarding “secondary units,” adding to the Pittsburg Municipal Code standards for separate living quarters attached to a dwelling unit. The standards and regulations have been amended from time to time. These units are now referred to as Accessory Dwelling Units, or ADUs.

Over the years, staff has received few applications for ADUs, presumably because of the overall cost of construction and steep associated impact and connection fees and charges for creating a legal unit.

In recent years, the State legislature has recognized the need for more affordable housing options to address the State’s housing shortage. ADUs are a moderately affordable housing type that can easily be integrated into existing traditional single-family

neighborhoods. In 2016, the State Legislature passed a slew of legislation to encourage construction of more ADUs. In 2017, the City adopted the current ADU standards to comply with State law in effect at that time.

Subsequently, the Governor signed into law Senate Bill 2 (SB 2), establishing a grant that encourages programs that streamline approvals and accelerate housing production. In February, the City was awarded funds to create a 'Permit Ready' ADU prototype plan program. These plans would be made available to the public and can help reduce costs and expedite permit review. Development of this program will begin later this year.

In 2019, the legislature enacted additional housing bills to facilitate creation of ADUs and junior ADUs (JADUs). A detailed summary of the required changes is attached to this report. Also attached to this report is a frequently asked questions handout for property owners.

On April 28, 2020, in accordance with the requirements of PMC 18.10.020(b), the Planning Commission initiated a zoning study of the changes required for ADUs and JADUs.

On June 9, 2020, the Planning Commission held a public hearing on the proposed amendments. Following the closure of the public hearing, the Planning Commission adopted Resolution No. 10150 (Attachment 2) recommending the City Council's approval of the ordinance.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

Proposed revisions to the current PMC Title 18 ADU standards include text amendments (summarized below) in accordance with State law. The full text of California Government Code Sections 65852.2 and 65852.22 is attached to this report.

Ordinance Applicability: Currently, ADUs are only permitted with single-family homes within Single-Family Residential (RS) zoned lots. Pursuant to State law, ADUs are now allowed on multi-family and mixed-use zoned properties in conjunction with any other existing residential use. State law authorizes one or more attached or detached ADUs and one JADU, subject to certain restrictions.

JADUs: JADUs are defined as a unit no larger than 500 square feet and contained entirely within a single-family residence. A JADU includes an efficiency kitchen as defined under the Building Code, sleeping facilities, and may include its own bathroom or it may share a bathroom within the existing structure.

Number of Permitted Units: State law permits one detached ADU and one attached ADU or JADU per lot with a proposed or existing single-family dwelling. For multi-family districts, at least one attached ADU within an existing multifamily dwelling is allowed, with additional units allowed up to 25 percent of the existing multifamily dwelling units if created from existing structures not previously used as livable space. An additional two detached ADUs may also be allowed on site. Staff recommends minor revisions to definitions within the PMC of 'livable area' and 'structure'.

Lot Coverage/Setbacks: State law now requires minimum side- and rear- yard setbacks of four-feet, where the detached ADU has a building height of no more than 16-feet. State law also prohibits limits on 'Lot Coverage' and minimum square-footage requirements on attached or detached ADUs.

Parking: Previous changes in State law provided for parking waivers for ADUs that were either: 1) located within one-half mile from a public transit stop, 2) part of the existing primary residence or in an existing accessory structure, or 3) within one block of a car-share station. The new State law generally keeps the parking requirements the same with a clarified definition of 'public transit.'

Garage Conversions: State law requires when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, no replacement of off-street parking is required. Staff revised this section of the proposed ordinance on the Planning Commission's recommendation to add note "c" under "required parking," and removing reference of PMC 18.50.130 (Garage or carport exception for single-family dwellings) under "conversions of an existing structure."

Owner Occupancy: Prior to the changes to State law, ADUs were required to maintain an owner occupancy restriction to be recorded using a Deed Restriction. State law prohibits owner occupancy requirements for ADUs at least through the year 2025. For JADUs, State law requires owner occupancy and the owner must record a deed restriction with specified elements.

Impact Fees & Rental Inspection: While not part of this PMC update, it is important to note that changes to State law now exempt applicants from paying impact fees for ADUs or JADUs that are 750 square feet or smaller. For ADUs larger than 750 square feet, impact fees may be charged at a proportional rate. Connection fees for new or separate utility connections for ADUs will be pro-rated dependent upon the impact on the water or sewer system. A summary of how State law has impacted fees for ADUs and JADUs is attached to this report.

Regarding rental inspection requirements, the City's Residential Rental Inspection Program would cover ADUs and JADUs that are not explicitly exempted from the program. Under the PMC, the program currently exempts newly constructed units, subsidized housing and rentals occupied by a close relative, such as parent, grandparent, sibling or child of the property owner. Subsequent to this ordinance update, staff will develop procedures to identify ADUs and JADUs present in the City and notify property owners of the requirements of the program, as appropriate.

ATTACHMENTS:

1. Proposed Ordinance
2. Adopted Planning Commission Resolution No. 10150
3. Government Code 65852.2 and 65852.22 effective January 1, 2020
4. Housing and Community Development Memorandum, dated January 10, 2020
5. City of Pittsburgh ADU Frequently Asked Questions, effective January 1, 2020
6. City of Pittsburgh Revised Impact Fee Sheet, effective January 1, 2020
7. Public Hearing Notice
8. Staff Presentation

Report Prepared By: Trishia Caguiat, Associate Planner

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Amending Chapter 18.50, Article IV of)
The Pittsburgh Municipal Code,)
“Accessory Dwelling Units,” to Comply)
with State Law)

ORDINANCE NO. 20-

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

WHEREAS, in 2019, the State legislature enacted several laws intended to increase the State’s supply of affordable housing by facilitating the construction of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) statewide; and

WHEREAS, on January 1, 2020, the laws became effective statewide; and

WHEREAS, under the provisions of Government Code section 65852.2 and 65852.22, the new State laws require cities to expand the allowable location of ADUs to lots zoned for multifamily and mixed use, permit JADUs by-right on lots zoned residential single family, further reduce minimum side and rear setbacks, clearly define ‘public transit’ to allow for additional parking waivers, remove the ownership occupancy requirements for ADUs, among other requirements; and

WHEREAS, on June 6, 2020, the Planning Commission held a public hearing to formally consider a recommendation to the City Council on the proposed amendments. Following close of the public hearing, the Planning Commission voted 4-1 to adopt Resolution No. 10150, recommending approval of the proposed amendments; and

WHEREAS, on or prior to June 23, 2020, in accordance with Government Code sections 65853 and PMC section 18.14.020, a “Notice of Public Hearing” for the July 6, 2020, public hearing on this item was published in the East County Times; was posted at City Hall and in the “Public Notices” section of the City website; and was mailed via first class or electronic mail to local service agencies whose services might be significantly affected by this project, and to individuals who had previously filed written request for such notice.

NOW, THEREFORE, the City Council of the City of Pittsburgh Does ORDAIN as follows:

SECTION 1. Amendment. Article IV of Chapter 18.50 of the Pittsburgh Municipal Code is hereby amended to read as follows:

(New language is in ***bold italic***, deleted language is in ~~strike through~~)

Article IV. Accessory Dwelling Units ***and Junior Accessory Dwelling Units***

18.50.300 General.

This article is intended to implement the general plan housing policy on accessory dwelling units, adopted in part in response to Government Code Section [65852.1](#) et seq., by allowing an accessory dwelling unit in residential districts, subject to approval by the city planner.

18.50.302 Definition.

An “accessory dwelling unit (ADU)” shall mean an attached or detached residential dwelling that is subordinate to a primary dwelling on the same lot, and that provides complete independent and permanent facilities for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary dwelling.

An accessory dwelling unit may include a prefabricated or manufactured home on a permanent foundation.

An “efficiency kitchen” is as defined in Section 17958.1 of the Health and Safety Code.

A “junior accessory dwelling unit “(JADU)” is a unit no larger than 500 square feet and contained entirely within the walls of a single-family dwelling. A JADU includes an efficiency kitchen, sleeping facilities, and may include its own bathroom or it may share a bathroom within the existing structure.

“Livable area” is defined as the interior habitable space of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

A “primary dwelling” refers to the main single-family ***or multifamily*** dwelling unit on site, absent the space devoted to or designated as the accessory dwelling unit ***or junior accessory dwelling unit.***

“Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

18.50.305 Where permitted.

An accessory dwelling unit is permitted in any residential district or planned development district on each lot that has a single-family dwelling ***or multi-family dwelling.***

A junior accessory dwelling is permitted in conjunction with a single-family residential use in all zoning districts.

18.50.310 Administrative review.

An application for an accessory dwelling unit ***and/or junior accessory dwelling unit*** meeting the following development standards shall be processed ministerially. In

accordance with PMC [18.32.010](#)(B), an accessory dwelling unit **and/or junior accessory dwelling unit** shall be approved if the unit complies with all of the following:

- A. The unit is not intended for sale and may be rented, **except to a qualified non-profit corporation as authorized by Government Code section 65852.26**;
- B. The lot is zoned for single-family, ~~or~~ multifamily residential use, **or mixed use**;
- C. ~~The lot contains a maximum of one single-family dwelling;~~
- D. The dwelling conforms to the design and development standards for an accessory dwelling unit established in PMC [18.50.315](#);
- E. The accessory unit structure is compatible with the design of the primary dwelling unit in terms of building materials, colors and exterior finishes and architectural style;
- F. Public and utility services including emergency access are adequate to serve both dwellings;
- G. The accessory dwelling unit complies with the development standards applicable to “single-family dwellings, detached,” within the residential or planned development district in which the primary dwelling is located, except as allowed by PMC [18.50.315](#). ~~Accessory dwelling units proposed within RH or RHD districts shall comply with the development standards established for “single-family dwellings, detached,” within the RM district;~~
- H. The primary dwelling and **junior** accessory dwelling unit shall not be occupied by two separate households under two separate leases. The primary dwelling and **junior** accessory dwelling unit built on the property shall be separately occupied only if the owner occupies one of the units. ~~This rental restriction~~ **A deed restriction prohibiting sale and restricting the size and attributes of the JADU** shall be recorded with the Contra Costa County recorder, on a form prepared by the city planner, and shall be a covenant running with the land. No certificate of occupancy shall be issued or no final inspection shall be conducted for the **junior** accessory dwelling unit unless the owner has submitted to the city planner a copy of the recorded restriction required by this subsection. Owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization;
- I. The property owner must file an application with the planning division, which shall include:
 - 1. Plans and elevations showing the proposed **JADU and/or ADU** accessory dwelling unit and its relation to the primary dwelling, all existing or proposed structures on site, and all property lines;
 - 2. Description of building materials;
 - 3. Landscaping and exterior finish to be used;

4. Location of required parking pursuant to PMC [18.50.315](#);
 5. Footprint (in square feet) of all existing and proposed structures, as well as the total lot coverage;
 6. Any other information required to determine whether the proposed unit conforms to the requirements of this article;
- J. The property owner must register the **JADU or ADU, if a rental** accessory dwelling unit with the city of Pittsburgh residential rental inspection program. **No ADU or JADU shall be rented for a term of 30 days or less.**

18.50.315 Design and development standards.

Schedule 18.50.315 prescribes specific design and development standards for accessory dwelling **units and junior accessory dwelling units**. The column beneath each accessory dwelling unit classification heading establishes basic requirements for accessory dwelling unit development. Additional land-use-specific development regulations are identified in PMC [18.50.310](#).

Schedule 18.50.315: Accessory Dwelling Units **and Junior Accessory Dwelling Units**—Development Regulations

Unit Classification	JADU	Attached ADU	Detached ADU
Number of Units	1 per lot within the primary dwelling.	1 per lot with a primary dwelling. With a multifamily residential use, multiple ADUs within portions of the existing structure that were not used as livable area, to no more than 25 percent of the existing dwelling units onsite.	1 per lot with a primary dwelling. With a multifamily residential use, up to 2 detached units per lot.
Maximum Unit Size	500 square feet.	Lesser of 50 percent of the primary dwelling floor area, or 1,200 square feet.	1,200 square feet.
Minimum Unit Size	200 square feet.		

Minimum Length/Width	10 feet.		
Height and Setbacks	<i>Not applicable.</i>	Shall comply with the height and setback standards applicable to “single-family dwellings, attached,” within the R or PD district in which the primary dwelling is located; however, accessory dwelling units proposed within RH or RHD districts shall comply with the development standards established for “single-family dwellings, attached,” as outlined in the RM district. <i>(1) Not permitted within any portion of an established front yard, as defined by PMC 18.06.745(B).</i> <i>(2) Minimum 4 feet side, corner side and/or rear yard setback provided the maximum height does not exceed 16 feet with a roof having a pitch of 3:12 or greater.</i> <i>(3) Corner side yard setback may be increased as necessary to maintain a sight distance triangle formed by the intersecting street lines and a line joining points on these street lines at a distance of 30 feet from the intersection of these lines.</i>	1) Shall comply with the height and setback standards applicable to “single-family dwellings, detached,” within the R or PD district in which the primary dwelling is located; however, accessory dwelling units proposed within RH or RHD districts shall comply with the development standards established for “single-family dwellings, detached,” as outlined in the RM district. (2) 1) Not permitted within any portion of an established front yard, as defined by PMC 18.06.745(B). (3) 2) Must be located at least 5-4 feet from the walls of the primary dwelling unit or an accessory structure. (4-3) Minimum 4 feet side, corner side and/or rear yard setback May encroach up to 5 feet into a required rear yard, provided the maximum height does not exceed 10 feet, or 12- 16 feet

			with a roof having a pitch of 3:12 or greater. <i>(4) Corner side yard setback may be increased as necessary to maintain a sight distance triangle formed by the intersecting street lines and a line joining points on these street lines at a distance of 30 feet from the intersection of these lines.</i>
Lot Coverage	Shall comply with standards applicable to “single-family dwellings, attached,” within the R or PD district in which the primary dwelling is located.		Shall comply with standards applicable to “single-family dwellings, detached,” within the R or PD district in which the primary dwelling is located.
Minimum Private Storage Area	200 cubic feet. ^a		
Exterior Appearance	<i>The junior accessory dwelling unit shall be constructed within the walls of the proposed or existing single-family residence to be compatible with the design of the primary dwelling unit in terms of building</i>	The accessory dwelling unit must be compatible with the design of the primary dwelling unit in terms of building materials, colors and exterior finishes and architectural style. The entrance of an attached accessory dwelling unit shall not be visible from the public right-of-way.	The accessory dwelling unit must be in harmony with the primary dwelling unit or convey the appearance of a single-family home.

	materials, colors and exterior finishes and architectural style.		
Conversion of an Existing Structure	(1) An accessory structure lawfully established that does not conform to 1 or more of the development standards contained in this section may be converted to an accessory dwelling unit, provided the structure: (a) meets the criteria established in PMC 18.50.310; (b) is not altered or reconstructed so and may be altered up to 150 square feet as not to increase the discrepancy between the existing nonconforming conditions and the standards contained in this section; and (c) any walls within setback areas comply with applicable building and fire codes. (2) An existing garage may only be converted to an accessory dwelling unit if the garage conversion conforms to the standards established in PMC 18.50.130.		
Building Foundation	Permanent foundation required.		
Unit Access	<i>The separate entrance of an attached junior accessory dwelling unit and may include an interior connection to the single-family dwelling and may be secured by a locking door.</i>	Separate unit access required. The exterior entry shall not be visible from the public right-of-way. If the exterior entry is on the second floor, the stairway shall not be located in the front of the primary dwelling. Interior access between an attached accessory dwelling unit and the primary dwelling may be provided and may be a door equipped with a double lock.	Separate unit access required. If the exterior entry is on the second floor, the stairway shall not be located in the front of the primary dwelling.
Kitchen Facilities	<i>An efficiency kitchen shall include cooking facilities and a food preparation counter with storage cabinets that are of</i>	Separate kitchen facilities required.	

	<i>reasonable size in relation to the size of the junior accessory dwelling unit.</i>	
Sanitation Facilities	<i>A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.</i>	Separate sanitation facilities required.
Utility Meters	Separate gas and electric meters may be permitted if approved by the chief building official and utility provider.	
Required Parking	<i>No additional parking stalls required.</i>	1 space ^a <i>or zero</i> ^{b,c}

~~a — Each private storage space required by this section shall have minimum horizontal area of 24 square feet, and shall consist of enclosed, weatherproofed and lockable private storage space in addition to clothes closets customarily provided. The space for each unit may be provided in a location approved by the city planner, but must not be divided into two or more locations.~~

a Required parking space(s) may be in tandem with required parking for the primary dwelling unit.

~~***b*** Required parking space(s) may be in tandem with required parking for the primary dwelling unit. No additional parking shall be required for an accessory dwelling unit which meets one or more of the following: (a) is located within one-half mile of a public transit stop (in such cases, the one-half mile standard shall be based on the actual walking route between the accessory dwelling unit and the transit stop rather than on a straight line between the two points); (b) is located within an architecturally and historically significant historic district; (c) is located entirely within the existing primary dwelling or an existing habitable accessory structure and results in no net addition of habitable floor area on the property; (d) when on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or (e) when there is a car share vehicle located within one block of the accessory dwelling unit.~~

c When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, no replacement of off-street parking is required.

SECTION 2. CEQA.

The project is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, section 15282(h), the adoption of an ordinance regarding accessory dwelling units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.22 of the Government Code as set forth in Section 21080.17 of the Public Resources Code;

SECTION 3. Severability.

If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 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 regular meeting of the City Council of the City of Pittsburg held on July 6, 2020, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Jelani Killings, Mayor

ATTEST:

Alice E. Evenson, City Clerk

BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution recommending that the City)
Council amend Chapter 18.50, Article IV of)
the Pittsburg Municipal Code, "Accessory) Resolution No. 10150
Dwelling Units," to Comply with State Law)

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. In 2019, the state legislature enacted several laws intended to increase the state's supply of affordable housing by facilitating the construction of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) statewide. The new state laws require cities to expand the allowable location of ADUs to lots zoned for multifamily and mixed use, permit JADUs by-right on lots zoned residential single family, further reduce minimum side and rear setbacks, clearly define 'public transit' to allow for additional parking waivers, remove the ownership occupancy requirements for ADUs, among other requirements.
- B. On January 1, 2020, the laws became effective statewide.
- C. On April 28, 2020, in accordance with Pittsburg Municipal Code (PMC) 18.10.020(b) the Planning Commission authorized staff to initiate a study to review the text of the city's previously adopted Accessory Dwelling Unit ordinance in order to identify changes necessary to comply with state law. The primary purpose of the proposed amendment is to encourage construction of ADUs and JADUs to providing housing opportunities in a manner compatible with existing neighborhood development while complying with state law.
- D. These amendments to the Accessory Dwelling Unit provisions of the zoning ordinance have been drafted in accordance with the amendments to California law, which are intended to facilitate construction of ADUs and JADUs during a severe housing crisis with the demand for housing outstripping existing supply. As such, this project is statutorily exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, section 15282(h), the adoption of an ordinance regarding accessory dwelling units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.22 of the Government Code as set forth in Section 21080.17 of the Public Resources Code.
- E. PMC section 18.16.020 identifies the Planning Commission as the advisory body to the City Council on proposed changes to land use regulations, and requires that the Commission conduct a public hearing and determine, prior to making its recommendation, that:

1. The change proposed is consistent with the objectives, policies, general land uses and programs specified in the General Plan and applicable specific plan;
 2. The change proposed is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which it is proposed;
 3. A community need is demonstrated for the change proposed; and
 4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice.
- F. On or prior to May 29, 2020, in accordance with Government Code sections 65853 and PMC section 18.14.020, a "Notice of Public Hearing" for the June 9, 2020, public hearing on this item was published in the East County Times; was posted at City Hall and in the "Public Notices" section of the city website; and was mailed via first class or electronic mail to local service agencies whose services might be significantly affected by this project, and to individuals who had previously filed written request for such notice. Although not required, the notice was also posted citywide on www.nextdoor.com ("Nextdoor").

Section 2. Findings

- A. Based on the Planning Commission staff report entitled, "Recommendations on Amendments to Title 18 of the Pittsburg Municipal Code as it Relates to Accessory Dwelling Units and Junior Accessory Dwelling Units," dated June 9, 2020, and based on all the information contained in the Planning Division files on the project, incorporated herein by reference and available for review in the Planning Division located at 65 Civic Avenue in Pittsburg, and based on all written and oral testimony presented at the public hearing, the Planning Commission finds that:
1. All recitals above are true and correct and are incorporated herein by reference.
 2. The proposed amendments regarding ADUs and JADUs are consistent with the objectives, policies, general land uses and programs in the General Plan, and would help ensure consistency with state law. Most specifically, Housing Element (HE) Policy P-1.5 encourages 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. The proposed amendments would also be consistent with the following additional General Plan goals/policies: 1) HE Goal G-1 (Land Use Goal 2.g.5), which promotes 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; 2) HE Goal G-2, to promote the expansion of the City's affordable housing stock, including that which accommodates special needs households; 3) HE Goal

G-4, which promotes preserving the existing housing stock including affordable housing units where feasible and appropriate; 4) HE Goal G-5, which states the intent of the City to enhance the visual quality of Pittsburgh's residential neighborhoods; 5) HE Policy P-2.2, which encourages accommodating the development of housing that is accessible to disabled persons and facilitates aging in place; and 6) HE Policy P-2.5, which encourages increasing the supply of rental housing available and affordable to extremely low-, very low-, low-, and moderate-income households and in particular large families.

3. The proposed amendments are compatible with uses and regulations of the land use district for which they are proposed, in that the proposed amendments would not permit the establishment of new uses or ADUs or JADUs in any zoning district in which they are not currently allowed, or provide for increased residential densities beyond that envisioned by the General Plan.
 4. There is a community need for the proposed changes regarding ADUs and JADUs, in that both unit types help increase housing supply, provide an affordable housing option for many low- and moderate-income residents, allow elderly and/or disabled persons to live independently yet close to family members or caregivers, and benefit homeowners by providing extra income that can assist in mitigating the cost of living. Furthermore, ADUs and JADUs do not necessarily require new infrastructure, since ADUs can be created within existing buildings and connected to the existing utilities of a primary dwelling.
 5. The proposed changes would be in conformity with the public convenience, general welfare, and good zoning practice, in that the proposed amendments regarding ADUs and JADUs would help ensure consistency with state law, simplify the approval process, encourage the construction of ADUs to help the City meet its housing goals, and ensure quality and compatible development in the City's residential neighborhoods.
 6. Based on the staff report and associated information, and based on the written and oral testimony presented at the public hearing, the Planning Commission further finds that the draft amendments to the Accessory Dwelling Units fully comply with Government Code section 65852.2 and 65852.22. The revised development standards will allow for the needed flexibility in constructing new units as mandated by state law by making the application process potentially less daunting and burdensome for applicants and would result in the creation of more residential units.
- B. The Staff Report entitled, "Recommendations on Amendments to Title 18 of the Pittsburgh Municipal Code as it Relates to Accessory Dwelling Units and Junior Accessory Dwelling Units," dated June 9, 2020, 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 amending Pittsburg Municipal Code, Chapter 18.50, Article IV, "Accessory Dwelling Units," to read substantially as written in the attached Exhibit A.

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner Robinson, seconded by Commissioner Bhasin, the foregoing resolution was passed and adopted the 9th day of June, 2020, by the Planning Commission of the City of Pittsburg, California by the following vote:

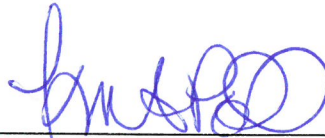
AYES: Bhasin, Robinson, Moreno, Nguyen

NAYES: Croskey

ABSTAIN: None

ABSENT: Coniglio, Foster

I hereby certify that the above Resolution No. 10150 was adopted by the Planning Commission of the City of Pittsburg on June 9, 2020.



KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

Exhibit "A"
Planning Commission Resolution 10150

PLEASE NOTE: Text shown below is in ***bold italic***, deleted language is in ~~strikethrough~~.

Article IV. Accessory Dwelling Units ***and Junior Accessory Dwelling Units***

18.50.300 General.

This article is intended to implement the general plan housing policy on accessory dwelling units, adopted in part in response to Government Code Section 65852.1 et seq., by allowing an accessory dwelling unit in residential districts, subject to approval by the city planner.

18.50.302 Definition.

An "accessory dwelling unit (ADU)" shall mean an attached or detached residential dwelling that is subordinate to a primary dwelling on the same lot, and that provides complete independent and permanent facilities for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary dwelling. An accessory dwelling unit may include a prefabricated or manufactured home on a permanent foundation.

An "efficiency kitchen" is as defined in Section 17958.1 of the Health and Safety Code.

A "junior accessory dwelling unit "(JADU)" is a unit no larger than 500 square feet and contained entirely within the walls of a single-family dwelling. A JADU includes an efficiency kitchen, sleeping facilities, and may include its own bathroom or it may share a bathroom within the existing structure.

"Livable area" is defined as the interior habitable space of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

A "primary dwelling" refers to the main single-family ***or multifamily*** dwelling unit on site, absent the space devoted to or designated as the accessory dwelling unit ***or junior accessory dwelling unit***.

"Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

18.50.305 Where permitted.

An accessory dwelling unit is permitted in any residential district or planned development district on each lot that has a single-family dwelling ***or multi-family dwelling***.

A junior accessory dwelling is permitted in conjunction with a single-family residential use in all zoning districts.

18.50.310 Administrative review.

An application for an accessory dwelling unit ***and/or junior accessory dwelling unit*** meeting the following development standards shall be processed ministerially. In accordance with

PMC 18.32.010(B), an accessory dwelling unit ***and/or junior accessory dwelling unit*** shall be approved if the unit complies with all of the following:

A. The unit is not intended for sale and may be rented, ***except to a qualified non-profit corporation as authorized by Government Code section 65852.26;***

B. The lot is zoned for single-family, or multifamily residential use, ***or mixed use;***

C. ~~The lot contains a maximum of one single-family dwelling;~~

D. The dwelling conforms to the design and development standards for an accessory dwelling unit established in PMC 18.50.315;

E. The accessory unit structure is compatible with the design of the primary dwelling unit in terms of building materials, colors and exterior finishes and architectural style;

F. Public and utility services including emergency access are adequate to serve both dwellings;

G. The accessory dwelling unit complies with the development standards applicable to “single-family dwellings, detached,” within the residential or planned development district in which the primary dwelling is located, except as allowed by PMC 18.50.315. Accessory dwelling units proposed within RH or RHD districts shall comply with the development standards established for “single-family dwellings, detached,” within the RM district;

H. The primary dwelling and ***junior*** accessory dwelling unit shall not be occupied by two separate households under two separate leases. The primary dwelling and ***junior*** accessory dwelling unit built on the property shall be separately occupied only if the owner occupies one of the units. This rental restriction ***A deed restriction prohibiting sale and restricting the size and attributes of the JADU*** shall be recorded with the Contra Costa County recorder, on a form prepared by the city planner, and shall be a covenant running with the land. No certificate of occupancy shall be issued or no final inspection shall be conducted for the ***junior*** accessory dwelling unit unless the owner has submitted to the city planner a copy of the recorded restriction required by this subsection. Owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization;

I. The property owner must file an application with the planning division, which shall include:

1. Plans and elevations showing the proposed ***JADU and/or ADU*** accessory dwelling unit and its relation to the primary dwelling, all existing or proposed structures on site, and all property lines;

2. Description of building materials;

3. Landscaping and exterior finish to be used;

4. Location of required parking pursuant to PMC 18.50.315;

5. Footprint (in square feet) of all existing and proposed structures, as well as the total lot coverage;

6. Any other information required to determine whether the proposed unit conforms to the requirements of this article;

J. The property owner must register the **JADU or ADU, if a rental** accessory dwelling unit with the city of Pittsburg residential rental inspection program. **No ADU or JADU shall be rented for a term of 30 days or less.**

18.50.315 Design and development standards.

Schedule 18.50.315 prescribes specific design and development standards for accessory dwelling **units and junior accessory dwelling units**. The column beneath each accessory dwelling unit classification heading establishes basic requirements for accessory dwelling unit development. Additional land-use-specific development regulations are identified in PMC 18.50.310.

Schedule 18.50.315: Accessory Dwelling Units **and Junior Accessory Dwelling Units**—Development Regulations

Unit Classification	JADU	Attached ADU	Detached ADU
Number of Units	1 per lot within the primary dwelling	1 per lot with a primary dwelling With a multifamily residential use, multiple ADUs within portions of the existing structure that were not used as livable area are not to exceed 25 percent of the existing dwelling units.	1 per lot with a primary dwelling With a multifamily use, a maximum of 2 detached ADUs not to exceed 25 percent of the existing dwelling units.
Maximum Unit Size	500 square feet	Lesser of 50 percent of the primary dwelling floor area, or 1,200 square feet.	1,200 square feet.
Minimum Unit Size	200 square feet.		
Minimum Length/Width	10 feet.		
Height and Setbacks	Not applicable.	Shall comply with the height and setback standards applicable to “single-family dwellings, attached,” within the R or PD district in which the primary dwelling is located; however, accessory dwelling units proposed within RH or RHD districts shall comply with the development standards established for “single-family dwellings, attached,” as outlined in the RM district. (1) Not permitted within any portion of an established front yard, as defined by PMC <u>18.06.745(B)</u>.	1) Shall comply with the height and setback standards applicable to “single-family dwellings, detached,” within the R or PD district in which the primary dwelling is located; however, accessory dwelling units proposed within RH or RHD districts shall comply with the development standards established for “single-family dwellings, detached,” as outlined in the RM district. (2) 1) Not permitted within any portion of an established front yard, as defined by PMC <u>18.06.745(B)</u> .

		(2) Minimum 4 feet side, corner side and/or rear yard setback provided the maximum height does not exceed 16 feet with a roof having a pitch of 3:12 or greater. (3) Corner side yard setback may be increased as necessary to maintain a sight distance triangle formed by the intersecting street lines and a line joining points on these street lines at a distance of 30 feet from the intersection of these lines.	(3 2) Must be located at least 5-4 feet from the walls of the primary dwelling unit or an accessory structure. (4 3) Minimum 4 feet side, corner side and/or rear yard setback May encroach up to 5 feet into a required rear yard, provided the maximum height does not exceed 10 feet, or 12- 16 feet with a roof having a pitch of 3:12 or greater. (4) Corner side yard setback may be increased as necessary to maintain a sight distance triangle formed by the intersecting street lines and a line joining points on these street lines at a distance of 30 feet from the intersection of these lines.
Lot Coverage	Shall comply with standards applicable to "single-family dwellings, attached," within the R or PD district in which the primary dwelling is located.		Shall comply with standards applicable to "single-family dwellings, detached," within the R or PD district in which the primary dwelling is located.
Minimum Private Storage Area	200 cubic feet. ^a		
Exterior Appearance	The junior accessory dwelling unit shall be constructed within the walls of the proposed or existing single-family residence to be compatible with the design of the primary dwelling unit in terms of building materials, colors and exterior finishes and architectural style.	The accessory dwelling unit must be compatible with the design of the primary dwelling unit in terms of building materials, colors and exterior finishes and architectural style. The entrance of an attached accessory dwelling unit shall not be visible from the public right-of-way.	The accessory dwelling unit must be in harmony with the primary dwelling unit or convey the appearance of a single-family home.
Conversion of an Existing Structure	(1) An accessory structure lawfully established that does not conform to 1 or more of the development standards contained in this section may be converted to an accessory dwelling unit, provided the structure: (a) meets the criteria established in PMC <u>18.50.310</u>; (b) is not altered or reconstructed so and may be altered up to 150 square feet as not to increase the discrepancy between the existing nonconforming conditions and the 28 standards contained in this section; and (c) any walls within setback areas comply with applicable building and fire codes.		

	(2) An existing garage may only be converted to an accessory dwelling unit if <i>the garage is providing excess parking beyond the requirements of PMC 18.78.040, Schedule A, or</i> the garage conversion conforms to the standards established in PMC <u>18.50.130</u> .		
Building Foundation	Permanent foundation required.		
Unit Access	<i>The separate entrance of an attached junior accessory dwelling unit and may include an interior connection to the single-family dwelling and may be secured by a locking door.</i>	Separate unit access required. The exterior entry shall not be visible from the public right-of-way. If the exterior entry is on the second floor, the stairway shall not be located in the front of the primary dwelling. Interior access between an attached accessory dwelling unit and the primary dwelling may be provided and may be a door equipped with a double lock.	Separate unit access required. If the exterior entry is on the second floor, the stairway shall not be located in the front of the primary dwelling.
Kitchen Facilities	<i>An efficiency kitchen shall include cooking facilities and a food preparation counter with storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.</i>	Separate kitchen facilities required.	
Sanitation Facilities	<i>A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.</i>	Separate sanitation facilities required.	
Utility Meters	Separate gas and electric meters may be permitted if approved by the chief building official and utility provider.		
Required Parking	<i>No additional parking stalls required.</i>		1 space ^a or zero ^{bc}

~~a— Each private storage space required by this section shall have minimum horizontal area of 24 square feet, and shall consist of enclosed, weatherproofed and lockable private storage space in addition to clothes closets customarily provided. The space for each unit may be provided in a location approved by the city planner, but must not be divided into two or more locations.~~

a Required parking space(s) may be in tandem with required parking for the primary dwelling unit.

b No additional parking shall be required for an accessory dwelling unit which meets one or more of the following: (a) is located within one-half mile of a public transit stop (in such cases, the one-half mile standard shall be based on the actual walking route between the accessory dwelling unit and the transit stop rather than on a straight line between the two points); (b) is located within an architecturally and historically significant historic district; (c) is located entirely within the existing primary dwelling or an existing ~~habitable~~ accessory structure and results in no net addition of ~~habitable~~ floor area on the property; (d) when on-street parking permits are required but not offered to the occupant of the accessory dwelling unit; or (e) when there is a car share vehicle located within one block of the accessory dwelling unit.

c *When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, no replacement of off-street parking is required.*



KeyCite Yellow Flag - Negative Treatment

Proposed Legislation

West's Annotated California Codes Government Code (Refs & Annos) Title 7. Planning and Land Use (Refs & Annos) Division 1. Planning and Zoning (Refs & Annos) Chapter 4. Zoning Regulations (Refs & Annos) Article 2. Adoption of Regulations (Refs & Annos)

West's Ann.Cal.Gov.Code § 65852.2

§ 65852.2. Accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use; creation by ordinance

Effective: January 1, 2020

[Currentness](#)

<Section operative until Jan. 1, 2025. See, also, [§ 65852.2](#) operative Jan. 1, 2025.>

(a)(1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B)(i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

- (i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.
- (ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.
- (iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.
- (iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.
- (v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.
- (vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
- (vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.
- (viii) Local building code requirements that apply to detached dwellings, as appropriate.
- (ix) Approval by the local health officer where a private sewage disposal system is being used, if required.
- (x)(I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem

parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding [Section 65901](#) or [65906](#) or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory

dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, including any owner-occupant requirement, except that a local agency may require that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c)(1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e)(1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of [Section 65852.22](#).

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C)(i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(5) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f)(1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with [Section 66000](#)) and Chapter 7 (commencing with [Section 66012](#)).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3)(A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, “impact fee” has the same meaning as the term “fee” is defined in [subdivision \(b\) of Section 66000](#), except that it also includes fees specified in [Section 66477](#). “Impact fee” does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family home.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with [Section 66013](#), the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h)(1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2)(A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3)(A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with [Section 11340](#)) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) “Accessory dwelling unit” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in [Section 18007 of the Health and Safety Code](#).

(2) “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) “Efficiency unit” has the same meaning as defined in [Section 17958.1 of the Health and Safety Code](#).

(4) “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) “Local agency” means a city, county, or city and county, whether general law or chartered.

(6) “Neighborhood” has the same meaning as set forth in [Section 65589.5](#).

(7) “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.

(8) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(9) “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(10) “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access

buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(11) “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 ([Division 20 \(commencing with Section 30000\) of the Public Resources Code](#)), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in [subdivision \(a\) of Section 65583.1](#), subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to [Article 1 \(commencing with Section 17960\)](#) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with [Section 17980.12 of the Health and Safety Code](#):

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

Credits

(Added by Stats.1982, c. 1440, § 2, operative July 1, 1983. Amended by Stats.1986, c. 156, § 1, operative April 1, 1987; Stats.1990, c. 1150 (A.B.3529), § 2; Stats.1994, c. 580 (A.B.3198), § 2; Stats.2002, c. 1062 (A.B.1866), § 2; Stats.2016, c. 720 (S.B.1069), § 5, eff. Jan. 1, 2017; Stats.2016, c. 735 (A.B.2299), § 1.5, eff. Jan. 1, 2017; Stats.2017, c. 594 (S.B.229), § 1, eff. Jan. 1, 2018; Stats.2017, c. 602 (A.B.494), § 1.5, eff. Jan. 1, 2018; Stats.2019, c. 653 (S.B.13), § 1, eff. Jan. 1, 2020; Stats.2019, c. 655 (A.B.68), § 1, eff. Jan. 1, 2020; Stats.2019, c. 659 (A.B.881), § 1.5, eff. Jan. 1, 2020.)

Editors' Notes

REPEAL

<For repeal of this section, see its terms.>

[Notes of Decisions \(10\)](#)

West's Ann. Cal. Gov. Code § 65852.2, CA GOVT § 65852.2
Current with all laws through Ch. 870 of 2019 Reg.Sess.

End of Document

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West's Annotated California Codes Government Code (Refs & Annos) Title 7. Planning and Land Use (Refs & Annos) Division 1. Planning and Zoning (Refs & Annos) Chapter 4. Zoning Regulations (Refs & Annos) Article 2. Adoption of Regulations (Refs & Annos)

West's Ann.Cal.Gov.Code § 65852.22

§ 65852.22. Junior accessory dwelling units in single-family residential zones; creation by ordinance; permits

Effective: January 1, 2020

[Currentness](#)

(a) Notwithstanding [Section 65852.2](#), a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the walls of the proposed or existing single-family residence.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the proposed or existing single-family residence.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

(A) A cooking facility with appliances.

(B) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b)(1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine if the junior accessory dwelling unit complies with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding [Section 65901](#) or [65906](#) or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. The permitting agency shall act on the application to create a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot. If the permit application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior

accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) If a local agency has not adopted a local ordinance pursuant to this section, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in [subparagraph \(A\) of paragraph \(1\) of subdivision \(e\) of Section 65852.2](#) and the requirements of this section.

(h) For purposes of this section, the following terms have the following meanings:

(1) “Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) “Local agency” means a city, county, or city and county, whether general law or chartered.

Credits

(Added by [Stats.2016, c. 755 \(A.B.2406\)](#), § 1, eff. Sept. 28, 2016. Amended by [Stats.2019, c. 655 \(A.B.68\)](#), § 2, eff. Jan. 1, 2020.)

West’s Ann. Cal. Gov. Code § 65852.22, CA GOVT § 65852.22

Current with all laws through Ch. 870 of 2019 Reg.Sess.

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**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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**MEMORANDUM**

DATE: January 10, 2020

TO: Planning Directors and Interested Parties



FROM: Zachary Olmstead, Deputy Director
Division of Housing Policy Development

SUBJECT: **Local Agency Accessory Dwelling Units**
Chapter 653, Statutes of 2019 (Senate Bill 13)
Chapter 655, Statutes of 2019 (Assembly Bill 68)
Chapter 657, Statutes of 2019 (Assembly Bill 587)
Chapter 178, Statutes of 2019 (Assembly Bill 670)
Chapter 658, Statutes of 2019 (Assembly Bill 671)
Chapter 659, Statutes of 2019 (Assembly Bill 881)

This memorandum is to inform you of the amendments to California law, effective January 1, 2020, regarding the creation of accessory dwelling units (ADU) and junior accessory dwelling units (JADU). Chapter 653, Statutes of 2019 (Senate Bill 13, Section 3), Chapter 655, Statutes of 2019 (Assembly Bill 68, Section 2) and Chapter 659 (Assembly Bill 881, Section 1.5 and 2.5) build upon recent changes to ADU and JADU law (Government Code Section 65852.2, 65852.22 and Health & Safety Code Section 17980.12) and further address barriers to the development of ADUs and JADUs. (Attachment A includes the combined ADU statute updates from SB 13, AB 68 and AB 881).

This recent legislation, among other changes, addresses the following:

- Development standards shall not include requirements on minimum lot size (Section (a)(1)(B)(i)).
- Clarifies areas designated for ADUs may be based on water and sewer and impacts on traffic flow and public safety.
- Eliminates owner-occupancy requirements by local agencies (Section (a)(6) & (e)(1)) until January 1, 2025.
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1000 square feet if the ADU contains more than one bedroom (Section (c)(2)(B)).
- Clarifies that when ADUs are created through the conversion of a garage, carport or covered parking structure, replacement offstreet parking spaces cannot be required by the local agency (Section (a)(1)(D)(xi)).

- Reduces the maximum ADU and JADU application review time from 120 days to 60 days (Section (a)(3) and (b)).
- Clarifies “public transit” to include various means of transportation that charge set fees, run on fixed routes and are available to the public (Section (j)(10)).
- Establishes impact fee exemptions or limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees and impact fees for an ADU of 750 square feet or larger shall be proportional to the relationship of the ADU to the primary dwelling unit (Section (f)(3)).
- Defines an “accessory structure” to mean a structure that is accessory or incidental to a dwelling on the same lot as the ADU (Section (j)(2)).
- Authorizes HCD to notify the local agency if the department finds that their ADU ordinance is not in compliance with state law (Section (h)(2)).
- Clarifies that a local agency may identify an ADU or JADU as an adequate site to satisfy RHNA housing needs as specified in Gov. Code Section 65583.1(a) and 65852.2(m).
- Permits JADUs without an ordinance adoption by a local agency (Section (a)(3), (b) and (e)).
- Allows a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom or an interior entry into the single-family residence (Gov. Code Section 65852.22).
- Allows upon application and approval, an owner of a substandard ADU 5 years to correct the violation, if the violation is not a health and safety issue, as determined by the enforcement agency (Section (n)).
- Creates a narrow exemption to the prohibition for ADUs to be sold or otherwise conveyed separate from the primary dwelling by allowing deed-restricted sales to occur. To qualify, the primary dwelling and the ADU are to be built by a qualified non-profit corporation whose mission is to provide units to low-income households (Gov. Code Section 65852.26).
- Removes covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use are void and unenforceable (Civil Code Section 4751).
- Requires local agency housing elements to include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction and operation of affordable ADUs (Gov. Code Section 65583 and Health and Safety Code Section 50504.5) (Attachment D).

For assistance, please see the amended statutes in Attachments A, B, C and D. HCD continues to be available to provide preliminary reviews of draft ADU ordinances to assist local agencies in meeting statutory requirements. In addition, pursuant to Gov. Code Section 65852.2(h), adopted ADU ordinances shall be submitted to HCD within 60 days of adoption. For more information and updates, please contact HCD’s ADU team at adu@hcd.ca.gov.

ATTACHMENT A

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2

(AB 881, AB 68 and SB 13 Accessory Dwelling Units)

(Changes noted in strikeout, underline/italics)

Effective January 1, 2020, Section 65852.2 of the Government Code is amended to read:

65852.2.

(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on ~~criteria that may include, but are not limited to,~~ the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, ~~lot coverage,~~ landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places. Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, ~~but~~ but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing ~~single-family~~ dwelling.

(iii) The accessory dwelling unit is either attached ~~to,~~ or located ~~within the living area of the~~ within, the proposed or existing primary ~~dwelling or~~ dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) ~~The total area of floorspace of~~ If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the ~~proposed or existing primary dwelling living area or 1,200 square feet.~~ existing primary dwelling.

(v) The total floor area of ~~floorspace~~ for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing ~~garage living area or~~ accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than ~~five~~ four feet from the side and rear lot lines shall be required for an accessory dwelling

unit that is ~~constructed above a garage-~~ not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to a an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, ~~and- the local agency requires-~~ shall not require that those offstreet ~~offstreet~~ parking spaces be replaced, ~~the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d)-~~ replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) ~~When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application-~~ A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, ~~within 120 days after receiving the application.~~ permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse it for costs that it incurs ~~as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature,~~ incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency ~~subsequent to the effective date of the act adding this paragraph-~~ shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. ~~In the event that-~~ If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph- and that agency shall thereafter apply the standards established in this

subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the *delay or* denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot ~~zoned for residential use~~ that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be ~~utilized~~ used or imposed, including any owner-occupant requirement, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) ~~within 120 days after receiving the application.~~ (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

~~(c) (C) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum~~ Any other minimum or maximum size for an accessory dwelling unit, ~~or size based upon a percentage of the proposed or existing primary dwelling, shall be established by ordinance~~ or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. 800 square

foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit ~~to create within a zone for single-family use one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. A city may require owner occupancy for either the primary or the accessory dwelling unit created through this process.~~ within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

- (3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.
- (4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.
- (5) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.
- (6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.
- (f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).
- (2) ~~Accessory~~ An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer ~~service~~. service, unless the accessory dwelling unit was constructed with a new single-family dwelling.
- (3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
- (B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.
- ~~(A)~~ (4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge. charge, unless the accessory dwelling unit was constructed with a new single-family home.
- ~~(B)~~ (5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size-square feet or the number of its plumbing fixtures, drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
- (g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.
- ~~(h) Local agencies~~ A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. ~~The department may review and comment on this submitted ordinance.~~ After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.
- (2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time,

no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(i) (j) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) (1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which that provides complete independent living facilities for one or more persons. persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(A) (3) An efficiency unit, "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(B) (4) A manufactured home, as defined in Section 18007 of the Health and Safety Code. "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) "Local agency" means a city, county, or city and county, whether general law or chartered.

(6) "Neighborhood" has the same meaning as set forth in Section 65589.5.

(7) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(5) (8) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(9) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(10) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

~~(6)~~ (11) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(j) (l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

(Becomes operative on January 1, 2025)

Section 65852.2 of the Government Code is amended to read (changes from January 1, 2020 statute noted in underline/italic):

65852.2.

(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit

that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(6) (A) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, ~~including any owner-occupant requirement, except that a local agency may require that the property be used for rentals of terms longer than 30 days.~~ imposed except that, *subject to subparagraph (B), a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.*

(B) Notwithstanding subparagraph (A), a local agency shall not impose an owner-occupant requirement on an accessory dwelling unit permitted between January 1, 2020, to January 1, 2025, during which time the local agency was prohibited from imposing an owner-occupant requirement.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms,

passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and may shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency may require owner occupancy for either the primary dwelling or the accessory dwelling unit on a single-family lot, subject to the requirements of paragraph (6) of subdivision (a).

(5) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

~~(5)~~ (6) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

~~(6)~~ (7) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or

separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family home dwelling.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed

or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(4) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) "Local agency" means a city, county, or city and county, whether general law or chartered.

(6) "Neighborhood" has the same meaning as set forth in Section 65589.5.

(A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(7) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(8) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(9) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(10) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(11) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit

for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall ~~remain in effect only until January 1, 2025, and as of that date is repealed~~
become operative on January 1, 2025.

Effective January 1, 2020, Section 65852.22 of the Government Code is amended to read (changes noted in strikeout, underline/italics) (AB 68 (Ting)):

65852.22.

(a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence ~~already built~~ built, or proposed to be built, on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the ~~existing~~ walls of the structure, and ~~require the inclusion of an existing bedroom.~~ proposed or existing single-family residence.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the structure, ~~with an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.~~ proposed or existing single-family residence.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

~~(A) A sink with a maximum waste line diameter of 1.5 inches.~~

~~(B) (A) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.~~ appliances.

~~(C) (B)~~ A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine ~~whether~~ if the junior accessory dwelling unit ~~is in compliance~~ complies with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. ~~A permit shall be issued within 120 days of submission of an application for a permit pursuant to this section.~~ The permitting agency shall act on the application to create a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family dwelling on the lot. If the permit application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the

applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For ~~the~~ purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For ~~the~~ purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) If a local agency has not adopted a local ordinance pursuant to this section, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in subparagraph (A) of paragraph (1) of subdivision (e) of Section 65852.2 and the requirements of this section.

~~(g)~~ (h) For purposes of this section, the following terms have the following meanings:

(1) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within ~~an existing~~ a single-family ~~structure~~ residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

Effective January 1, 2020 Section 17980.12 is added to the Health and Safety Code, immediately following Section 17980.11, to read (changes noted in underline/italics) (SB 13 (Wieckowski)):

17980.12.

(a) (1) An enforcement agency, until January 1, 2030, that issues to an owner of an accessory dwelling unit described in subparagraph (A) or (B) below, a notice to correct a violation of any provision of any building standard pursuant to this part shall include in that notice a statement that the owner of the unit has a right to request a delay in enforcement pursuant to this subdivision:

(A) The accessory dwelling unit was built before January 1, 2020.

(B) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(2) The owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances as described in paragraph (1) may, in the form and manner prescribed by the enforcement agency, submit an application to the enforcement agency requesting that enforcement of the violation be delayed for five years on the basis that correcting the violation is not necessary to protect health and safety.

(3) The enforcement agency shall grant an application described in paragraph (2) if the enforcement determines that correcting the violation is not necessary to protect health and safety. In making this determination, the enforcement agency shall consult with the entity responsible for enforcement of building standards and other regulations of the State Fire Marshal pursuant to Section 13146.

(4) The enforcement agency shall not approve any applications pursuant to this section on or after January 1, 2030. However, any delay that was approved by the enforcement agency before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the initial approval of the application pursuant to paragraph (3).

(b) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in Section 65852.2.

(c) This section shall remain in effect only until January 1, 2035, and as of that date is repealed.

ATTACHMENT B

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2

AB 587 Accessory Dwelling Units

(Changes noted in underline/italics)

Effective January 1, 2020 Section 65852.26 is added to the Government Code, immediately following Section 65852.25, to read (AB 587 (Friedman)):

65852.26.

(a) Notwithstanding clause (i) of subparagraph (D) of paragraph (1) of subdivision (a) of Section 65852.2, a local agency may, by ordinance, allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if all of the following apply:

(1) The property was built or developed by a qualified nonprofit corporation.

(2) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.

(3) The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:

(A) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies.

(B) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the property if the buyer desires to sell or convey the property.

(C) A requirement that the qualified buyer occupy the property as the buyer's principal residence.

(D) Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.

(4) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.

(5) Notwithstanding subparagraph (A) of paragraph (2) of subdivision (f) of Section 65852.2, if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.

(b) For purposes of this section, the following definitions apply:

(1) "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

(2) "Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

ATTACHMENT C

CIVIL CODE: DIVISION 4, PART 5, CHAPTER 5, ARTICLE 1

AB 670 Accessory Dwelling Units

(Changes noted in underline/italics)

Effective January 1, 2020, Section 4751 is added to the Civil Code, to read (AB 670 (Friedman)):

4751.

(a) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code, is void and unenforceable.

(b) This section does not apply to provisions that impose reasonable restrictions on accessory dwelling units or junior accessory dwelling units. For purposes of this subdivision, "reasonable restrictions" means restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit consistent with the provisions of Section 65852.2 or 65852.22 of the Government Code.

ATTACHMENT D

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 3, ARTICLE 10.6

AB 671 Accessory Dwelling Units

(Changes noted in underline/italics)

Effective January 1, 2020, Section 65583(c)(7) of the Government Code is added to read (sections of housing element law omitted for conciseness) (AB 671 (Friedman)):

65583(c)(7).

Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, "accessory dwelling units" has the same meaning as "accessory dwelling unit" as defined in paragraph (4) of subdivision (i) of Section 65852.2.

Effective January 1, 2020, Section 50504.5 is added to the Health and Safety Code, to read (AB 671 (Friedman)):

50504.5.

(a) The department shall develop by December 31, 2020, a list of existing state grants and financial incentives for operating, administrative, and other expenses in connection with the planning, construction, and operation of an accessory dwelling unit with affordable rent, as defined in Section 50053, for very low, low-, and moderate-income households.

(b) The list shall be posted on the department's internet website by December 31, 2020.

(c) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in paragraph (4) of subdivision (i) of Section 65852.2 of the Government Code.



New Accessory Dwelling Unit Requirements Frequently Asked Questions

Accessory dwelling units have recently been identified by the State as a moderately affordable housing type. In light of the State's housing crisis, new legislation has been enacted to further incentivize the creation of accessory residential units. New regulations for accessory dwelling units and junior accessory dwelling units took effect **January 1, 2020**. For the full text of the new laws, please review the recently codified Government Code Sections 65852.2 and 65852.22 or contact the City Planning Division for further clarification.

What is an Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU)? An "Accessory Dwelling Unit" ("ADU") is an attached or detached residential dwelling that provides complete independent living facilities, including permanent provisions for living, sleeping, eating, cooking and sanitation, and is located on a lot with a proposed or existing primary residence. These units are sometimes referred to as "in-law units" or "granny flats."

A "Junior Accessory Dwelling Unit" ("JADU") is a unit no larger than 500 square feet and contained entirely within a single-family residence. A JADU includes an efficiency kitchen, sleeping facilities, and may include its own bathroom or it may share a bathroom within the existing structure.

What is the permit process? ADU and JADU applications do not require a public hearing and are reviewed through the City's building permit application process.

How many ADUs and JADUs are allowed? For existing lots with a single-family residence, or lots in single family zoning districts, one attached unit (ADU or JADU) and one detached unit (ADU) is allowed. For existing lots with multi-family dwellings, ADU's may be added; however, no more than a 25% increase in units is allowed, and no more than two ADUs may be detached (for example, a lot with 4 existing units may only add one ADU on site).

What are the setbacks and height limitations? Minimum side and rear setbacks for detached ADUs are four feet, with a building height of up to 16-feet. All other setback requirements defined by the base zoning district are still applicable.

Is parking required? No parking (including replacement parking) is required for attached ADUs and JADUs. No parking (including replacement parking) is required for ADUs located within a half-mile walking distance of public transit (including bus stops, BART stations, or car share stations).

Is owner occupancy required? Owner occupancy of one dwelling on-site is required for JADUs only.

How do I legalize an existing unpermitted unit? Contact the Planning Division to determine what is needed to legalize the unit. An owner of an unpermitted ADU may request a delay of enforcement of building standards for a unit already built, if correcting the violation is not necessary to protect health and safety, subject to determination by the Chief Building Official.

Are ADUs and JADUs subject to the rental inspection program? Yes.

For more information on ADU and JADU requirements specific to your property, please contact the Planner on Duty at (925) 252-4920.



City of Pittsburg

Community Development Department

65 Civic Avenue, Pittsburg CA. 94565 | Tel: (925) 252-4930 | Fax: (925) 252-4814

Accessory Dwelling Unit Fees effective January 1, 2020

TYPES OF ACCESSORY DWELLING UNITS:

Accessory Dwelling Units (ADUs) are either attached or detached small residential units that provide complete independent living facilities, including permanent provisions for living, sleeping, eating, cooking and sanitation, and are located on a lot with a proposed or existing primary residence.

Junior Accessory Dwelling Units (JADUs) are small residential units no larger than 500 square feet and contained entirely within a single-family residence. A JADU includes an efficiency kitchen, sleeping facilities, and may include its own bathroom or it may share a bathroom within the existing structure.

PERMITTING FEE TYPES:

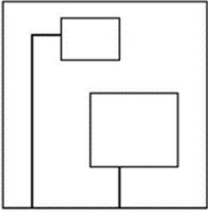
The size and type of the ADU or JADU will determine what fees are applicable. Applicants for an ADU and JADU are subject to the following:

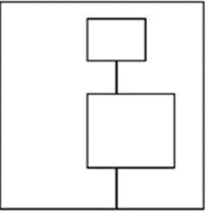
- **Planning Review Fee** – Paid directly to the City; flat fee for all ADUs
- **Building Permit Fees** – Paid directly to the City; amounts based on project valuation
- **Engineering Permit Fees** – Paid directly to the City
- **School Fee** – Paid directly to Pittsburg Unified School District, Mt. Diablo Unified School District, or Antioch Unified School District, as applicable*
- **Contra Costa Water District (CCWD) Fee** – Paid directly to Contra Costa Water District*
- **Delta Diablo (DD) Fee** – Paid directly to Delta Diablo*
- **Fire Review (CCCYPD)** – Collected by the City on behalf of Contra Costa County Fire Protection District
- **Facility Reserve Charge (FRC)** – Paid directly to the City
- **Local and Regional Transportation Mitigation Fees (TMF)** – Paid directly to the City

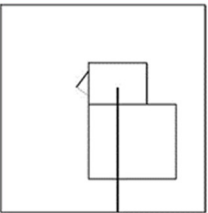
* Applicants to verify and pay ADU fees (as applicable) directly with these agencies.

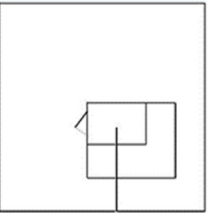
Impact Fees vs. Connection Fees (New Laws!)

As of January 1, 2020, impact fees will no longer apply to ADUs or JADUs that are 750 square feet or less in size. For ADUs that are larger than 750 square feet, impact fees will be charged at a proportional rate, as determined by the agency issuing the impact fee. Connection fees for new or separate utility connections for ADUS will be pro-rated dependent upon the burden of the ADU on the water or sewer system, regardless of the size.

ADU - Type A Detached, Separate utility tie in		750 sf or Less	751 sf to 1,200 sq. ft.	Comments
	School Fee	No	Yes	
	CCCFPD	No	Yes	
	FRC ¹	Yes	Yes	
	TMF	No	Yes	Prorated rate when required
	CCWD	--	--	Contact CCWD at 925-688-8044
	DD	--	--	Contact DD at 925-756-1900
	Rental Enrollment	Yes	Yes	

ADU - Type B Detached, Ties into existing/retrofit utility connection		750 sf or Less	751 sf to 1,200 sq. ft.	Comments
	School Fee	No	Yes	
	CCCFPD (per unit)	No	Yes	
	FRC	No	Yes	
	TMF	No	Yes	Prorated rate when required
	CCWD	--	--	Contact CCWD at 925-688-8044
	DD	--	--	Contact DD at 925-756-1900
	Rental Enrollment	Yes	Yes	

ADU/JADU - Type C Attached, Existing/retrofit connection		750 sf or Less	751 sf to 1,200 sq. ft.	Comments
	School Fee	No	Yes	
	CCCFPD (per unit)	No	Yes	
	FRC	No	Yes	
	TMF	No	Yes	Prorated rate when required
	CCWD	--	--	Contact CCWD at 925-688-8044
	DD	--	--	Contact DD at 925-756-1900
	Rental Enrollment	Yes	Yes	

ADU/JADU - Type D Within existing livable space, Existing connection		750 sf or Less	751 sf to 1,200 sq. ft.	Comments
	School Fee	No	No	
	CCCFPD (per unit)	No	No	
	FRC	No	Yes	
	TMF	No	No	
	CCWD	--	--	Contact CCWD at 925-688- 8044
	DD	--	--	Contact DD at 925-756-1900
	Rental Enrollment	Yes	Yes	

¹ Connection fee for water and sewer connection is applicable to any size unit when there is a separate connection into the main utility line per AB 881, section 65852.2 (f)1(A)(B) at a proportional rate.



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 6, 2020

TIME: 7:00 p.m.

PLACE: Zoom Teleconference via Streaming Media on the City's homepage,
www.ci.pittsburg.ca.us (see public advisory on last page)

Concerning the following matter:

Introduction and Waive First Reading of an Ordinance Amending Pittsburg Municipal Code Title 18.50, Article IV, "Accessory Dwelling Units."

This is a public hearing to consider draft amendments to Title 18 of the Pittsburg Municipal Code (PMC) to revise the existing "Accessory Dwelling Units" Standards to comply with state law. These standards would apply citywide. On June 9, 2020, the Planning Commission held a public hearing and adopted Resolution No. 10150, recommending approval of the proposed amendments.

PROJECT PLANNER: Trishia Caguiat (925) 252-4855 or tcaguiat@ci.pittsburg.ca.us

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

Where can I get more information about this project?

The complete file for this project is available for public inspection; please contact the project planner listed above to make necessary arrangements.

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

Comments or objections to the project can be made by writing or through e-mailed testimony 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. Comments can be submitted via email to meetingcomments@ci.pittsburg.ca.us.

Pursuant to Section 65009 of the California Government Code, if you challenge this matter in court, you may be limited to those issues you or someone else raised at the public hearing described in this notice, or in written correspondence on the matter delivered to this agency at, or prior to the public hearing. Any written correspondence delivered to the Planning Division before the hearing body's action on the matter will become a part of the administrative record.

**ALICE E. EVENSON, CITY CLERK
CITY OF PITTSBURG**

PUBLIC ADVISORY:
THE CITY COUNCIL CHAMBER WILL NOT BE OPEN TO THE PUBLIC

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the regular meeting of the City Council for July 6, 2020 will be conducted telephonically through Zoom and broadcast live through [Granicus on the City's website](#).

Please be advised that pursuant to the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, the Council Chamber will not be open for the meeting. Planning Commissioners will be participating telephonically and will not be physically present in the Council Chamber.

Comments on this item can be submitted via email to:
meetingcomments@ci.pittsburg.ca.us

If you wish to have your comments read to the City Council during the appropriate Public Comment period, please indicate in the Subject Line "FOR PUBLIC COMMENT" and list the item number you wish to comment on. If your comment is for a non-agenda item, indicate "FOR PUBLIC COMMENT – NON-AGENDA." Comments that you want read to the Commission will be subject to the three minute time limitation (approximately 350 words). Written comments that are only to be provided to City Council and not read at the meeting will be distributed to the City Council prior to the meeting if received by 5:00 p.m. the date of the meeting. Comments via text and social media (Facebook, Twitter, etc.) will not be accepted.

The City of Pittsburg thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.



City of
Pittsburgh

Amendments to Accessory Dwelling Units and
Junior Accessory Dwelling Units Standards
City Council – July 6, 2020

Background



ADUs can provide a moderately affordable housing type within the traditional single-family neighborhood

2016 State Legislature housing package

On October 9, 2019, the Governor of California signed a package of bills effective on January 1, 2020

Applicability



2017 Law: ADUs allowed with single-family homes

2020 Law: ADUs allowed on multifamily and mixed use zoned properties. Single-family residential properties allowed to have ADU and JADU by-right.

Junior Accessory Dwelling Units



2017 Law: Introduced as an optional secondary unit type on single-family zoned lots.

2020 Law: A unit no larger than 500 square-feet and contained within a single-family residence

Lot Coverage/Setbacks



Minimum side and rear yard setbacks would be reduced to four-feet. Height may be limited to 16 feet

‘Lot Coverage’ zoning limitations be eliminated for ADUs

A minimum square-footage requirement would be eliminated for either an attached or detached ADU

Parking



Prior and current state law exempts certain units from off-street parking requirements. Current state law clarifies:

- 1) located within one-half mile from a public transit stop,
- 2) part of the existing primary residence or in an existing accessory structure, or
- 3) within one block of a car-share station.

‘Public Transit’ – must charge set fares, run on fixed routes, and are available to the public.

Owner Occupancy



Owner occupancy requirements for ADUs are prohibited

Owner occupancy is required for JADUs (occupancy in either the unit or the remaining portion). A deed restriction is required to be recorded prohibiting the sale of the JADU and setting forth the restrictions on the size and attributes of the JADU

Impact Fees/Connection Fees



Impact fees no longer apply to ADUs or JADUs that are 750 square feet or less in size

For ADUs that are larger than 750 square feet, impact fees will be charged at a proportional rate

Connection fees for new or separate utility connections, when allowed, for ADUs must be proportionate

Recommended Actions



Move to introduce, waive further reading, and pass to second reading the attached ordinance amending PMC Title 18.50, Article IV, “Accessory Dwelling Units Standards”

**CITY OF PITTSBURG
CITY COUNCIL SPECIAL MEETING MINUTES**

DATE: June 3, 2020

LOCATION: Council Chamber, City Hall, 65 Civic Avenue, Pittsburg, CA 94565

CITY COUNCIL.AGENCY MEMBERS

Jelani Killings, Mayor/Chair
Marilyn Craft, Vice-Mayor/Chair
Holland Barrett White, Council/Agency Member
Shanelle Scales-Preston, Council/Agency Member
Juan Antonio Banales, 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)

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the regular meeting of the City Council for June 3, 2020 was conducted electronically for Closed Session and through Zoom with broadcasting live through Granicus on the City's website. Please be advised that pursuant to the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, the Council Chamber was not open for the meeting. Council Members participated electronically or through Zoom and were not physically present in the Council Chamber.

Mayor Killings called the special meeting of the City Council to order at 3:06 P.M. in the City Council Chamber at City Hall, 65 Civic Avenue, Pittsburg, CA.

ROLL CALL

All Members were present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

COUNCIL MEMBER REMARKS

The City Council Members all made statements regarding the reason for this special meeting.

PUBLIC COMMENTS

There were no comments on non-agenda items.

CONSIDERATION

1. Adoption of a City Council Resolution Ratifying the Proclamation of a Local Emergency and Imposition of a Curfew

Comments were read from Selene Prado and Heliodoro Moreno.

On Motion by Member Scales-Preston, seconded by Vice-Mayor Craft to adopt a Resolution to terminate the local emergency and curfew and carried unanimously.

2. Adoption of a Minute Order Authorizing the Submittal of a Letter of Support

Comments were read from Sara Foster, Manisha Rattu, Mohammed Azeel, Karam Samplay, Shyreen Azeel, Beatriz Israde, Clarisse Carpio, Daniel Sheppard, Fatima Salgado-Ortiz, Christine Carpio, Leslie Navas, Claudia Paz, Graciela Munoz, Hope Cuxeve, Selene Prado, Delaney, Sedan Erwin, Mikey Tumbaga, Sarai Herrera, Crystal Covarrubias, Jared Jurado, Billy Gutierrez, Nyat Araya, Destiny Tillery, Justin Lozano, Amy Carias.

On Motion by Member Scales-Preston, seconded by Vice-Mayor Craft to adopt and carried unanimously.

COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

On Motion by Member Scales-Preston, seconded by Member White to hold a special meeting the week of June 8 to report on current Police Department tactics and training, and adopted unanimously.

On Motion by Mayor Killings, seconded by Member White to adopt a resolution on June 8 memorializing the condemnation of action taken in Minneapolis, and adopted unanimously.

On Motion by Member Banales, seconded by Vice-Mayor Craft to schedule a digital town hall or forum as soon as possible, and adopted unanimously.

ADJOURNMENT

The City Council meeting adjourned at 5:36 P.M. to June 18, 2020.

Respectfully submitted,

Alice E. Evenson, City Clerk

**CITY OF PITTSBURG
CITY COUNCIL/AGENCY CONCURRENT MEETING MINUTES**

DATE: June 8, 2020

LOCATION: Council Chamber, City Hall, 65 Civic Avenue, Pittsburg, CA 94565

CITY COUNCIL.AGENCY MEMBERS

Jelani Killings, Mayor/Chair
Marilyn Craft, Vice-Mayor/Chair
Holland Barrett White, Council/Agency Member
Shanelle Scales-Preston, Council/Agency Member
Juan Antonio Banales, 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)

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the regular meeting of the City Council for June 8, 2020 was conducted electronically through Zoom with broadcasting live through Granicus on the City's website. Please be advised that pursuant to the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, the Council Chamber was not open for the meeting. Council Members participated electronically or through Zoom and were not physically present in the Council Chamber.

Mayor Killings 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 after convening for a Budget Workshop at 6:00 P.M.

ROLL CALL

All Members were present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CITY MANAGER REPORTS/REMARKS

City Manager Evans gave an update on the COVID-19 health order for the City of Pittsburg.

COMMITTEE REPORTS

Mayor Killings attended the Mayors Conference and the League of California Cities policy committee.

PUBLIC COMMENTS

Comments were received from the following:

Mark Linde
Bernadette Silva
Chad
Marisa Harris
Durie Foster
Manisha Rattu
Jennifer Estevez
Roland Fernandez
Katarina James
Chris Moreno
Hayley Preston (plus 75 other comments)
Phyllis Loya
JoAnn Lasater
POA and PMG
Alexandra McMullen
Bruce Ohlson
Mark Linde
Gregory Osorio
Heliodoro Moreno
Alex Foster
Plus 1640+ other comments

PUBLIC HEARING

1. Adoption of a City Council Resolution Approving the Substantial Amendment to the Community Development Block Grant 2019-2020 Annual Action Plan to Add the CDBG-CV Allocation

Mayor Killings opened the Public Hearing. There being no one to speak to the item, Mayor Killings closed the Public Hearing.

On Motion by Member Scales-Preston, seconded by Vice-Mayor Craft to adopt and carried unanimously.

2. Adoption of a City Council Resolution Approving the Amended Community Development Block Grant Citizen Participation Plan Related to the CARES Act

Mayor Killings opened the Public Hearing. There being no one to speak to the item, Mayor Killings closed the Public Hearing.

On Motion by Vice-Mayor Craft, seconded by Member Scales-Preston to adopt and carried unanimously.

CONSIDERATION

3. Adoption of a Minute Order Accepting Senior Executive Team Salary and Benefits Reductions for Fiscal Year 2020/2021

On Motion by Member Banales, seconded by Vice-Mayor Craft to adopt and carried unanimously.

4. Consideration of a City Council Request for a Future Agenda Item Related to Reckless Driving and Sideshows

The following comments were received:

Alexandra McMullen
Bruce Ohlson
Mark Linde

On Motion by Member Banales, seconded by Member Scales-Preston to adopt and carried unanimously.

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 AND SUCCESSOR AGENCY CONSENT CALENDAR

Mark Linde, Pittsburg, sent a comment regarding Item 6, the Conflict of Interest Code.

On Motion by Member Banales, seconded by Vice-Mayor/Chair Craft to adopt, and carried unanimously.

5. Minutes of May 18, 2020
6. By Minute Order, Direct Review of City's Conflict Of Interest Code
7. Adoption of a City Council Resolution Requesting the Consolidation of the Municipal Election with Other Elections to be Held on Tuesday, November 3, 2020 General Election Date for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California Relating to General Law Cities and Levying a Charge and Establishing Word Limitation for Candidates' Statements
8. Adoption of a City Council Resolution Accepting Plans and Specifications, Awarding Contract 2016-09, 2017 Sewer and Waterline Rehabilitation Project to Garney Pacific Inc.
9. Adoption of a City Council Resolution Approving a Consultant Agreement and Authorizing Funds for Contract 2020-08, Supervisory Control and Data Acquisition (SCADA) Upgrade Project

10. Adoption of a City Council Resolution to Amend Senior Executive Team Salary and Benefit Schedules

COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

11. Adoption of a Resolution Condemning Police Actions in the Death of George Floyd in Minneapolis, Expressing Support for the Floyd Family, and Committing to Address the Systemic Inequities and Adoption of a Minute Order Approving a Letter and Public Statement

The following sent comments regarding this item:

Gregory Osorio
Heliodoro Moreno
Alex Foster

On Motion by Vice-Mayor Craft, seconded by Member Banales to adopt, and carried unanimously.

COUNCIL MEMBER REPORTS AND REMARKS

Vice-Mayor Craft again urged people to get tested for COVID-19 and to continue to wear masks and practice social distancing.

Mayor Killings announced an upcoming workshop regarding police tactics and procedures.

ADJOURNMENT

The City Council meeting adjourned at 9:16 P.M. to June 15, 2020.

Respectfully submitted,

Alice E. Evenson, City Clerk

**CITY OF PITTSBURG
CITY COUNCIL/AGENCY CONCURRENT MEETING MINUTES**

DATE: June 15, 2020

LOCATION: Council Chamber, City Hall, 65 Civic Avenue, Pittsburg, CA 94565

CITY COUNCIL.AGENCY MEMBERS

Jelani Killings, Mayor/Chair
Marilyn Craft, Vice-Mayor/Chair
Holland Barrett White, Council/Agency Member
Shanelle Scales-Preston, Council/Agency Member
Juan Antonio Banales, 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)

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the regular meeting of the City Council for June 15, 2020 was conducted electronically for Closed Session and through Zoom with broadcasting live through Granicus on the City's website. Please be advised that pursuant to the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, the Council Chamber was not open for the meeting. Council Members participated electronically or through Zoom and were not physically present in the Council Chamber.

Mayor Killings called the meeting of the City Council to order at 7:17 P.M. in the City Council Chamber at City Hall, 65 Civic Avenue, Pittsburg, CA after convening in Closed Session at 6:30 P.M. for the following item:

1. CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Section 54957.6:

City designated representatives: Garrett Evans, Stacy Shell, Fritz McKinley, Brad Farmer

Employee organizations: American Federation of State, County, and Municipal Employees Local 512 Management/Professional/Confidential Unit and Miscellaneous A Unit; Pittsburg Police Officers' Association; Pittsburg Police Managers Group; Teamsters Local 856

Unrepresented employees: Management Group; Senior Executive Team

There was no reportable action taken in Closed Session.

ROLL CALL

All Members were present.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

CITY MANAGER REPORTS/REMARKS

City Manager Evans gave an update on the COVID-19 health order for the City of Pittsburg.

COMMITTEE REPORTS

Member Scales-Preston attended the League of California Cities policy committee meeting.

Mayor Killings attended the finance subcommittee.

PUBLIC COMMENTS

Comments were received from the following:

Taylor Sims
Clarisse Carpio
Karina Valencia
Tiyana Arnold
Tiffany-Ellen Vo
Marahya
Christine Carpio
Pittsburg Youth Action
Mohammed Azeel
Yadira Valencia
Sedan Erwin
Efren Ramirez
Karam Samplay
Louis Gomez
Wolfgang Croskey
Sui Ling
Bruce Ohlson

CONSIDERATION

2. Adoption of a City Council Resolution to Authorize Application and Receipt of Local Early Action Planning (LEAP) Grant Funding

On Motion by Member Banales, seconded by Vice-Mayor Craft to adopt and carried unanimously.

The next item was removed by the City Manager and will be brought forward at an upcoming meeting.

3. Adoption of a City Council Resolution to Authorize Allocation of U.S. Department of Justice – Coronavirus Emergency Supplemental Funding Program Grant

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 AND SUCCESSOR AGENCY CONSENT CALENDAR

Mayor Killings read the following statement prior to adoption of the Consent Calendar:

“Pursuant to Government Code Section 54953(c)(3), Agenda Item 8 is a recommendation to approve amendments 1 and 2 to the City Manager Employment Agreement. Amendment #1 sets forth a 2 percent merit base salary increase to \$251,547, effective February 5, 2020, which will result in approximately \$2,930 of increased payroll costs for Fiscal Year 2019-20. The amount of base salary and benefits have been budgeted for Fiscal Year 2019-2020, as approved in June 2019. Amendment #2 memorializes an offer by the City Manager to accept a furlough equal to 3.85 percent of base salary, contribute an additional one percent to CalPERS, forgo car allowance, forgo the City's \$5,766 contribution to a 401(a) account, and forgo an annual performance bonus of up to \$10,000, which will result in up to \$37,000 of decreased payroll costs for Fiscal Year 2020-2021.”

On Motion by Vice-Mayor/Chair Craft, seconded by Member Banales to adopt, and carried unanimously.

4. Adoption of a City Council Resolution to Approve the Engineer's Report and Declare the City Council's Intent to Order Improvements in Landscaping and Lighting Assessment District 1988-01, Citywide (Pursuant to the Landscaping and Lighting Act of 1972) for FY 2020-21
5. Adoption of a City Council Resolution to Approve the Engineer's Report and Declare the City Council's Intent to Order Improvements for the Landscaping and Lighting Assessment District 1988-02, Oak Hills (Pursuant to the Landscaping and Lighting Act of 1972) for FY 2020-21
6. Adoption of an Ordinance Amending Pittsburg Municipal Code Title 18.84, Article VII, “Landscaping, Irrigation and Hydroseeding.”
7. Adoption of a City Council Resolution Calling for Consolidation of an Election for a Measure to Change the Position of City Clerk from Elective to Appointive
8. Adoption of a City Council Resolution to Authorize Amendments to the Employment Agreement for the City Manager

9. Adoption of a City Council Resolution Accepting the Plans and Specifications and Authorizing Award of Project 2207, West Leland Road Safety Improvements Project

COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

On Motion by Member Banales, seconded by Member White to direct staff to schedule workshops to discuss the Pittsburg Youth Action list and any additional proposals to be received from the town hall forum on Saturday, and a workshop on budgeting and allocation of services and conveying to the community where finances are being spent, and adopted unanimously.

COUNCIL MEMBER REPORTS AND REMARKS

There were no Council Member remarks.

ADJOURNMENT

The City Council meeting adjourned at 8:49 P.M. to July 6, 2020.

Respectfully submitted,

Alice E. Evenson, City Clerk



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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Authorizing a License Agreement with the U.S. Bureau of Reclamation for Buchanan Road

MEETING DATE: July 6, 2020

EXECUTIVE SUMMARY

The Tuscany Meadows residential subdivision includes bicycle and roadway improvements that encroach on U.S. Bureau of Reclamation lands for the Contra Costa Canal. The encroachment requires a License Agreement between the City and Bureau of Reclamation to allow for construction of the improvements that the City will maintain.

FISCAL IMPACT

There is no fiscal impact from the execution of this agreement. Discovery Builders, developer for the Tuscany Meadows project, is responsible for paying the application fee for the agreement.

RECOMMENDATION

City Council adopt the attached Resolution authorizing the City Manager to execute the License Agreement with the U.S. Bureau of Reclamation.

BACKGROUND

On July 11, 1955, the U.S. Department of the Interior Bureau of Reclamation issued a License Agreement to Contra Costa County for widening an existing bridge over the Contra Costa Canal and widening Buchanan Road within the Contra Costa Canal Right-of-Way. The 50-year term of the license agreement expired on July 11, 2005.

On February 6, 2016, the Planning Commission adopted Resolution No. 10015 approving the Vesting Tentative Map for Subdivision 8654 and the Tuscany Meadows residential subdivision development and recommended the City Council's approval of the Development Agreement. The project includes construction of bicycle and roadway improvements, including a portion within the U.S. Bureau of Reclamation lands of the Contra Costa Canal.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

Encroachment within the right-of-way is needed to accommodate the required roadway improvements for westbound travel on Buchanan Road. The improvements are needed to mitigate traffic impacts of the development project and provide a contiguous safe path of travel for bicyclists.

A permanent easement from the U.S. Bureau of Reclamation will allow the construction of the improvements within the Contra Costa Canal right-of-way. The City is party to the agreement since the roadway improvements will be maintained by the City.

If the resolution is approved, staff will submit a Form 299 to the U.S. Bureau of Reclamation to initiate the process for the permanent 91,496 square foot easement.

ATTACHMENTS: Resolution
 Form 299 Application for Permanent Easement
 Form 299 Attachments

Report Prepared By: Jolan Longway
 Clean Water Program Coordinator

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Authorizing a License)
Agreement with the U.S. Bureau of)
Reclamation For Buchanan Road)

RESOLUTION NO. 20-

The Pittsburgh City Council FINDS AND DETERMINES as follows:

WHEREAS, Residential Subdivision 8654, Tuscan Meadows will provide safe bicycle and roadway improvements on Buchanan Road which encroach within the U.S. Bureau of Reclamation lands of the Contra Costa Canal; and

WHEREAS, the existing Encroachment Agreement for Buchanan Road expired on July 11, 2005; and,

WHEREAS, new roadway improvements for westbound Buchanan Road fronting the development require the City to obtain a permanent 91,496 square foot easement from the U.S. Bureau of Reclamation; and

WHEREAS, the City is the applicant for the permanent easement since Buchanan Road improvements encroaching within the Contra Costa Canal's right-of-way will be maintained by the City in perpetuity; and

WHEREAS, the City's submittal of a Form 299 initiates the process with the Bureau of Reclamation to obtain the permanent easement within the Contra Costa Canal's right-of-way for westbound Buchanan Road improvements.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Pittsburgh hereby authorizes the City Manager to submit a completed Form 299 to the Bureau of Reclamation and execute a License Agreement for the permanent easement for Buchanan Road.

PASSED AND ADOPTED by the City Council of the City of Pittsburgh at a regular meeting on the 6th day of July 2020, by the following vote:

AYES:

NAYES:

ABSTAIN:

ABSENT:

Jelani Killings, Mayor

ATTEST:

Alice E. Evenson, City Clerk

**APPLICATION FOR TRANSPORTATION AND
UTILITY SYSTEMS AND FACILITIES
ON FEDERAL LANDS**

FORM APPROVED
OMB Control Number: 0596-0082
Expiration Date: 1/31/2017

FOR AGENCY USE ONLY

NOTE: Before completing and filing the application, the applicant should completely review this package and schedule a preapplication meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the preapplication meeting.

Application Number

Date Filed

1. Name and address of applicant (*include zip code*)

2. Name, title, and address of authorized agent if
different from item 1 (*include zip code*)

3. Telephone (area code)

Applicant

Authorized Agent

4. As applicant are you? (*check one*)

- a. ☐ Individual
- b. ☐ Corporation*
- c. ☐ Partnership/Association*
- d. ☐ State Government/State Agency
- e. ☐ Local Government
- f. ☐ Federal Agency

** If checked, complete supplemental page*

5. Specify what application is for: (*check one*)

- a. ☐ New authorization
- b. ☐ Renewing existing authorization No.
- c. ☐ Amend existing authorization No.
- d. ☐ Assign existing authorization No.
- e. ☐ Existing use for which no authorization has been received *
- f. ☐ Other*

** If checked, provide details under item 7*

6. If an individual, or partnership are you a citizen(s) of the United States? ☐ Yes ☐ No

7. Project description (describe in detail): (a) Type of system or facility, (*e.g., canal, pipeline, road*); (b) related structures and facilities; (c) physical specifications (*Length, width, grading, etc.*); (d) term of years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction (*Attach additional sheets, if additional space is needed.*)

8. Attach a map covering area and show location of project proposal

9. State or Local government approval: ☐ Attached ☐ Applied for ☐ Not Required

10. Nonreturnable application fee: ☐ Attached ☐ Not required

11. Does project cross international boundary or affect international waterways? ☐ Yes ☐ No (*if "yes," indicate on map*)

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

13a. Describe other reasonable alternative routes and modes considered.

b. Why were these alternatives not selected?

c. Give explanation as to why it is necessary to cross Federal Lands.

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (*Specify number, date, code, or name*)

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability.

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plantlife, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

19. State whether any hazardous material, as defined in this paragraph, will be used, produced, transported or stored on or within the right-of-way or any of the right-of-way facilities, or used in the construction, operation, maintenance or termination of the right-of-way or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6901 et seq., and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA Section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

20. Name all the Department(s)/Agency(ies) where this application is being filed.

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant

Date

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

GENERAL INFORMATION
ALASKA NATIONAL INTEREST LANDS

This application will be used when applying for a right-of-way, permit, license, lease, or certificate for the use of Federal lands which lie within conservation system units and National Recreation or Conservation Areas as defined in the Alaska National Interest Lands Conservation Act. Conservation system units include the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, and National Forest Monuments.

Transportation and utility systems and facility uses for which the application may be used are:

1. Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.
2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.
3. Pipelines, slurry and emulsion systems, and conveyor belts for transportation of solid materials.
4. Systems for the transmission and distribution of electric energy.
5. Systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communications.
6. Improved right-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.
7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

This application must be filed simultaneously with each Federal department or agency requiring authorization to establish and operate your proposal.

In Alaska, the following agencies will help the applicant file an application and identify the other agencies the applicant should contact and possibly file with:

Department of Agriculture
Regional Forester, Forest Service (USFS)
Federal Office Building,
P.O. Box 21628
Juneau, Alaska 99802-1628
Telephone: (907) 586-7847 (or a local Forest Service Office)

Department of the Interior
Bureau of Indian Affairs (BIA)
Juneau Area Office
Federal Building Annex
9109 Mendenhall Mall Road, Suite 5
Juneau, Alaska 99802
Telephone: (907) 586-7177

Department of the Interior
Bureau of Land Management
222 West 7th Avenue
P.O. Box 13
Anchorage, Alaska 99513-7599
Telephone: (907) 271-5477 (or a local BLM Office)

U.S. Fish & Wildlife Service (FWS) Office of the Regional Director 1011 East Tudor Road Anchorage, Alaska 99503 Telephone: (907) 786-3440	National Park Service (NPA) Alaska Regional Office, 2225 Gambell St., Rm. 107 Anchorage, Alaska 99502-2892 Telephone: (907) 786-3440
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Note - Filings with any Interior agency may be filed with any office noted above or with the Office of the Secretary of the Interior, Regional Environmental Office, P.O. Box 120, 1675 C Street, Anchorage, Alaska 9513.

Department of Transportation
Federal Aviation Administration
Alaska Region AAL-4, 222 West 7th Ave., Box 14
Anchorage, Alaska 99513-7587
Telephone: (907) 271-5285

NOTE - The Department of Transportation has established the above central filing point for agencies within that Department. Affected agencies are: Federal Aviation Administration (FAA), Coast Guard (USCG), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA).

OTHER THAN ALASKA NATIONAL INTEREST LANDS

Use of this form is not limited to National Interest Conservation Lands of Alaska.

Individual department/agencies may authorize the use of this form by applicants for transportation and utility systems and facilities on other Federal lands outside those areas described above.

For proposals located outside of Alaska, applications will be filed at the local agency office or at a location specified by the responsible Federal agency.

SPECIFIC INSTRUCTIONS
(Items not listed are self-explanatory)

- 7 Attach preliminary site and facility construction plans. The responsible agency will provide instructions whenever specific plans are required.
- 8 Generally, the map must show the section(s), township(s), and range(s) within which the project is to be located. Show the proposed location of the project on the map as accurately as possible. Some agencies require detailed survey maps. The responsible agency will provide additional instructions.
- 9, 10, and 12 The responsible agency will provide additional instructions.
- 13 Providing information on alternate routes and modes in as much detail as possible, discussing why certain routes or modes were rejected and why it is necessary to cross Federal lands will assist the agency(ies) in processing your application and reaching a final decision. Include only reasonable alternate routes and modes as related to current technology and economics.
- 14 The responsible agency will provide instructions.
- 15 Generally, a simple statement of the purpose of the proposal will be sufficient. However, major proposals located in critical or sensitive areas may require a full analysis with additional specific information. The responsible agency will provide additional instructions.
- 16 through 19 Providing this information in as much detail as possible will assist the Federal agency(ies) in processing the application and reaching a decision. When completing these items, you should use a sound judgment in furnishing relevant information. For example, if the project is not near a stream or other body of water, do not address this subject. The responsible agency will provide additional instructions.

Application must be signed by the applicant or applicant's authorized representative.

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is voluntary. If all the information is not provided, the application may be rejected.

DATA COLLECTION STATEMENT

The Federal agencies collect this information from applicants requesting right-of-way, permit, license, lease, or certification for the use of Federal lands. The Federal agencies use this information to evaluate the applicant's proposal. The public is obligated to submit this form if they wish to obtain permission to use Federal lands.

SUPPLEMENTAL

NOTE: The responsible agency(ies) will provide instructions	CHECK APPROPRIATE BLOCK	
I - PRIVATE CORPORATIONS	ATTACHED	FILED*
a. Articles of Incorporation	☐	☐
b. Corporation Bylaws	☐	☐
c. A certification from the State showing the corporation is in good standing and is entitled to operate within the State	☐	☐
d. Copy of resolution authorizing filing	☐	☐
e. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.	☐	☐
f. If application is for an oil or gas pipeline, describe any related right- of-way or temporary use permit applications, and identify previous applications.	☐	☐
g. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by proposal.	☐	☐
II - PUBLIC CORPORATIONS		
a. Copy of law forming corporation	☐	☐
b. Proof of organization	☐	☐
c. Copy of Bylaws	☐	☐
d. Copy of resolution authorizing filing	☐	☐
e. If application is for an oil or gas pipeline, provide information required by item "I - f" and "I - g" above.	☐	☐
III - PARTNERSHIP OR OTHER UNINCORPORATED ENTITY		
a. Articles of association, if any	☐	☐
b. If one partner is authorized to sign, resolution authorizing action is	☐	☐
c. Name and address of each participant, partner, association, or other	☐	☐
d. If application is for an oil or gas pipeline, provide information required by item "I - f" and "I - g" above.	☐	☐

*If the required information is already filed with the agency processing this application and is current, check block entitled "Filed." Provide the file identification information (e.g., *number, date, code, name*). If not on file or current, attach the requested information.

NOTICES

Note: This applies to the Department of Agriculture/Forest Service (FS)

This information is needed by the Forest Service to evaluate the requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the secretary of Agriculture to promulgate rules and regulations for authorizing and managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archeological Resources Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations or the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

BURDEN AND NONDISCRIMINATION STATEMENTS

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. The time required to complete this information collection is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720- 2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

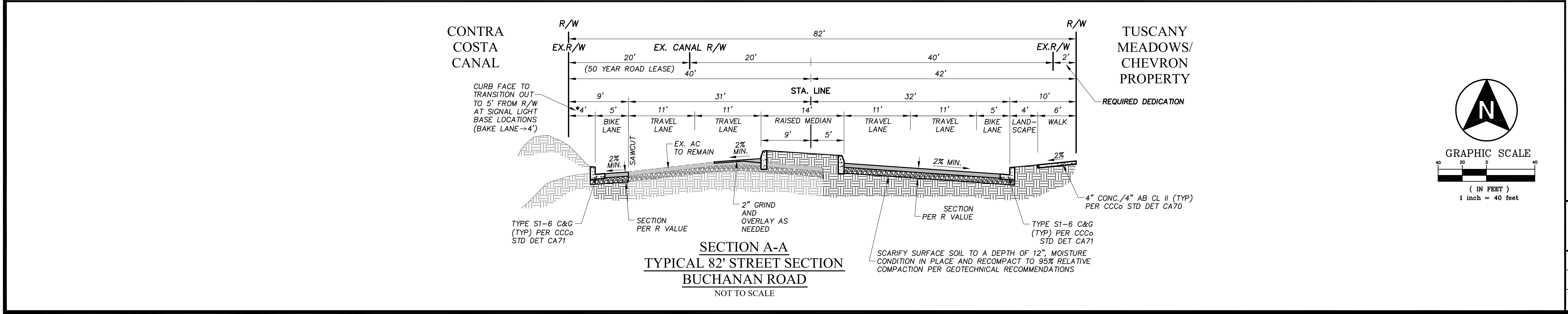
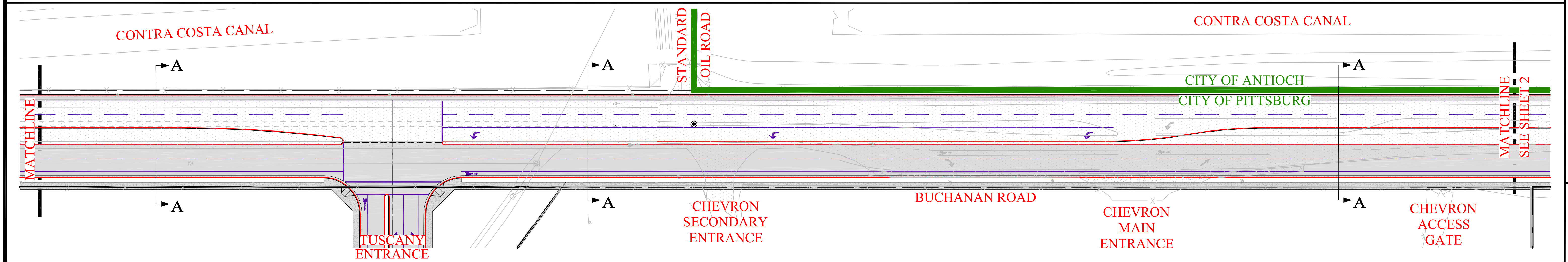
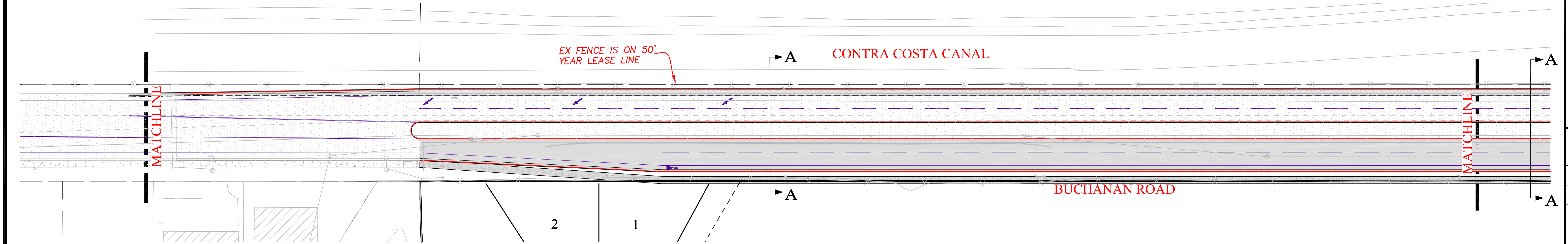
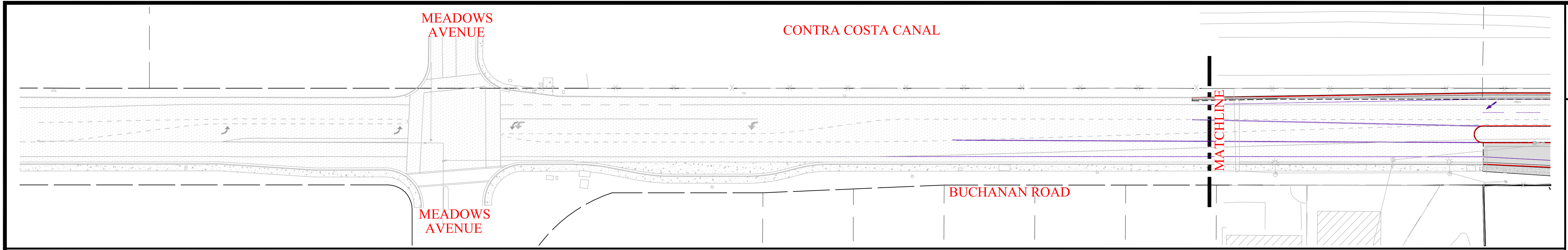
Additional Responses to address question 17 and Supplemental Information for page 4.

Response for question 17, continued:

The improvements would not create a negative visual impact. The project will not affect ground water quality. The improvements would stabilize the portion of the right of way that is currently loose dirt and prevent further sediment transport. The project presents no structural change on any stream or other body of water. Storm drainage improvements will be constructed to alleviate any standing stormwater within the bike path. There will be no effect on any stream or body of water. Noise levels would be unchanged. Project contractors will follow best management practices to prevent erosion and sediment transport from the site during the construction phase.

Response for Supplemental, page 4

The City of Pittsburg is a Public Municipality. Please see attached historic letter for reference.



REGISTERED PROFESSIONAL ENGINEER
PE 00000000
NO. 78203
STATE OF CALIFORNIA

817 Arnold Drive, Ste. 50
Martinez, CA 94553
Ph: (925) 476-8499
www.apexce.net

APEX
CIVIL ENGINEERING & LAND SURVEYING

NO.	REVISIONS	BY	APP	DATE

STRIPING EXHIBIT

BUCHANAN ROAD

SUBDIVISION 8654

PITTSBURG, CA

SHEET

1 OF 2

DATE

04-01-2020

PROJECT #:

17031

EXHIBIT 'A'
LEGAL DESCRIPTION

PARCEL ONE

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF ANTIOCH COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(THE BEARINGS FOR THE PURPOSE OF THIS DESCRIPTION ARE BASED ON THE DEED FROM CA HOOPER TO THE UNITED STATES OF AMERICA RECORDED ON JUNE 14, 1938 IN BOOK 469 OFFICIAL RECORDS AT PAGE 26)

BEING A PORTION OF PARCEL TWO OF TRACT 'A' AND A PORTION OF PARCEL ONE OF TRACT ONE AS SAID PARCELS ARE DESCRIBED IN THE DEED TO THE UNITED STATES OF AMERICA RECORDED ON JUNE 14, 1938 IN BOOK 469 OFFICIAL RECORDS AT PAGE 26 IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE CENTERLINE OF BUCHANAN ROAD AT THE MOST SOUTHERLY CORNER OF SAID PARCEL TWO OF TRACT 'A', THENCE LEAVING SAID CENTERLINE ALONG THE EASTERLY LINE OF SAID PARCEL TWO NORTH 00°02'00" WEST, 20.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE MOST SOUTHEASTERLY CORNER OF AN UNRECORDED LICENSE AGREEMENT BETWEEN THE BUREAU OF RECLAMATION AND THE COUNTY OF CONTRA COSTA FOR ROADWAY PURPOSES DATED JULY 11, 1955;

THENCE ALONG THE SOUTHERLY LINE OF SAID LICENSE AREA PARALLEL WITH AND 20 FEET NORTHERLY OF SAID CENTERLINE OF BUCHANAN ROAD SOUTH 89°58'00" WEST, 308.82 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT 'A';

THENCE LEAVING SAID SOUTHERLY LINE OF SAID LICENSE AREA NORTH 00°02'00" WEST, 20.00 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LICENSE AREA;

THENCE ALONG SAID NORTHERLY LINE OF SAID LICENSE AREA, PARALLEL WITH AND 20.00' NORTHERLY MEASURED AT RIGHT ANGLES TO THE SOUTHERLY LINE OF SAID LICENSE AREA NORTH 89°58'00" EAST, 308.82 FEET TO A POINT ON SAID EASTERLY LINE OF PARCEL TWO;

THENCE ALONG SAID EASTERLY LINE SOUTH 00°02'00" EAST, 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 6,177 SQUARE FEET OF LAND, MORE OR LESS.

PARCEL TWO

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF PITTSBURG COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL ONE TRACTS ONE, TWO AND THREE AS SAID PARCELS ARE DESCRIBED IN THE DEED TO THE UNITED STATES OF AMERICA RECORDED ON JUNE 14, 1938 IN BOOK 469 OFFICIAL RECORDS AT PAGE 26 IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE AFOREMENTIONED POINT 'A', SAID POINT BEING ON THE SOUTHERLY LINE OF SAID UNRECORDED LICENSE AREA, THENCE ALONG SAID SOUTHERLY LINE SOUTH 89°58'00" WEST, 3,972.58 FEET MORE OR LESS TO A POINT ON THE WESTERLY LINE OF TRACT 3 OF SAID PARCEL ONE (469 OR 26);

THENCE ALONG SAID WESTERLY LINE NORTH 00°02'00" WEST, 103.60 FEET MORE OR LESS TO AN ANGLE POINT IN SAID WESTERLY LINE;

THENCE ALONG THE NORTHERLY LINE OF SAID LICENSE AREA SOUTH 73°51'10" EAST, 300.00 FEET TO A POINT THAT IS PARALLEL WITH AND 20.00' NORTHERLY MEASURED AT RIGHT ANGLES TO THE SOUTHERLY LINE OF SAID LICENSE AREA;

THENCE ALONG SAID NORTHERLY LINE, PARALLEL WITH SAID SOUTHERLY LINE NORTH 89°58'00" EAST, 815.66 FEET MORE OR LESS TO A POINT ON THE EASTERLY LINE OF SAID TRACT 3;

THENCE CONTINUING ALONG SAID NORTHERLY LINE NORTH 89°58'00" EAST, 1,389.17 FEET TO A POINT ON THE WESTERLY LINE OF THE PARCEL OF LAND DESCRIBED IN THE DEED TO THE UNITED STATES OF AMERICA RECORDED ON DECEMBER 28, 1938 IN BOOK 492 OFFICIAL RECORDS AT PAGE 51 IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA;

THENCE CONTINUING ALONG SAID NORTHERLY LINE NORTH 89°58'00" EAST, 47.21 FEET TO A POINT ON THE EASTERLY LINE OF SAID PARCEL (492 OR 51);

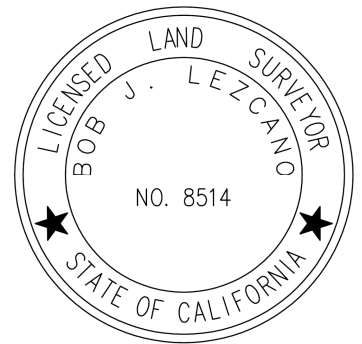
THENCE CONTINUING ALONG SAID NORTHERLY LINE
NORTH 89°58'00" EAST, 1,432.43 FEET MORE OR LESS TO A POINT WHICH
BEARS NORTH 00°02'00" WEST 20.00 FEET FROM SAID POINT 'A' ON SAID
SOUTHERLY LINE, SAID POINT 'A' BEING SOUTH 89°58'00" WEST 308.82 FEET
FROM THE EASTERLY LINE OF SAID PARCEL TWO OF TRACT 'A' (469 OR 26);

THENCE LEAVING SAID NORTHERLY LINE OF SAID LICENSE AREA
SOUTH 00°02'00" EAST, 20.00 FEET MORE OR LESS TO THE POINT OF
BEGINNING.

CONTAINING 91,496 SQUARE FEET OF LAND, MORE OR LESS.

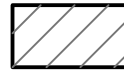
THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR
UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL
LAND SURVEYORS ACT

BOB J. LEZCANO-LS8514

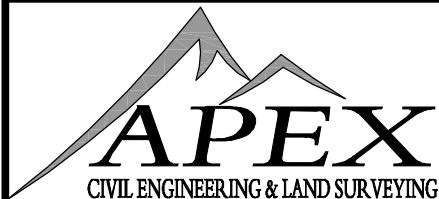
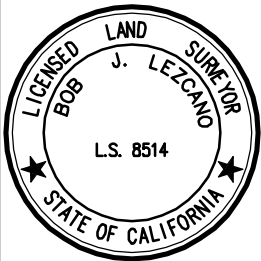
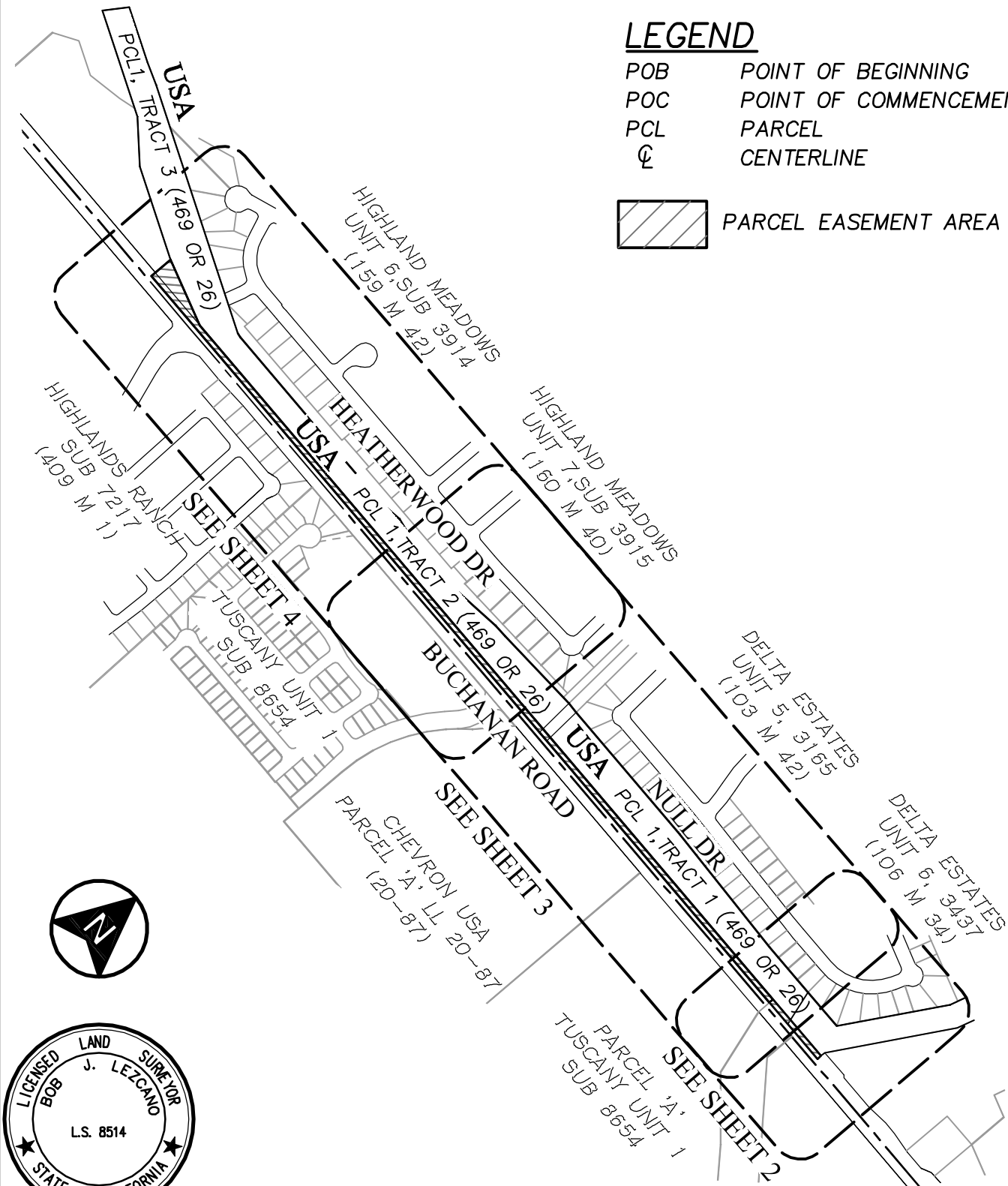


LEGEND

POB POINT OF BEGINNING
 POC POINT OF COMMENCEMENT
 PCL PARCEL
 CL CENTERLINE



PARCEL EASEMENT AREA



817 Arnold Drive Ste. 50
 Martinez, CA 94553
 Ph: (925) 476-8499

EXHIBIT 'B'
 PLAT TO
 ACCOMPANY LEGAL
 DESCRIPTION

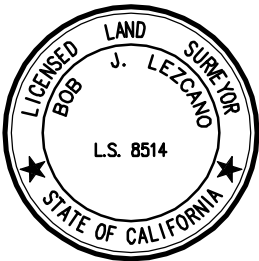
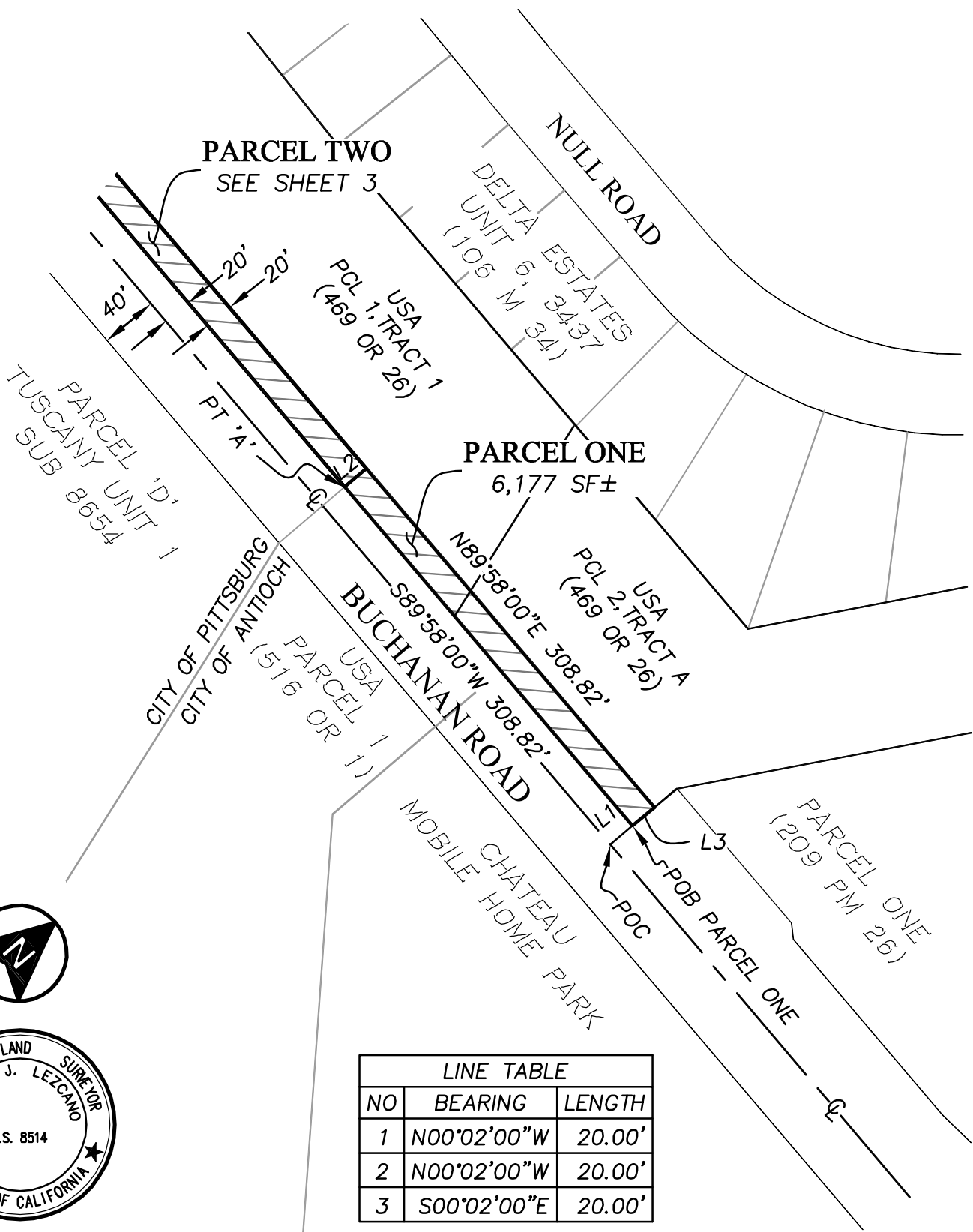
DRAWN BY:
 BJL

PROJECT NO:
 17031

SCALE:
 1"=600'

SHEET
 1 OF 4

DATE:
 5-28-2020



817 Arnold Drive Ste. 50
Martinez, CA 94553
Ph: (925) 476-8499

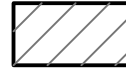
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ACCOMPANY LEGAL
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PROJECT NO:
17031
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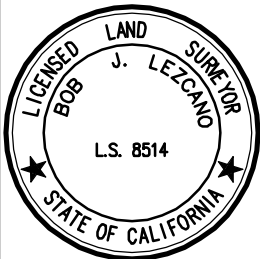
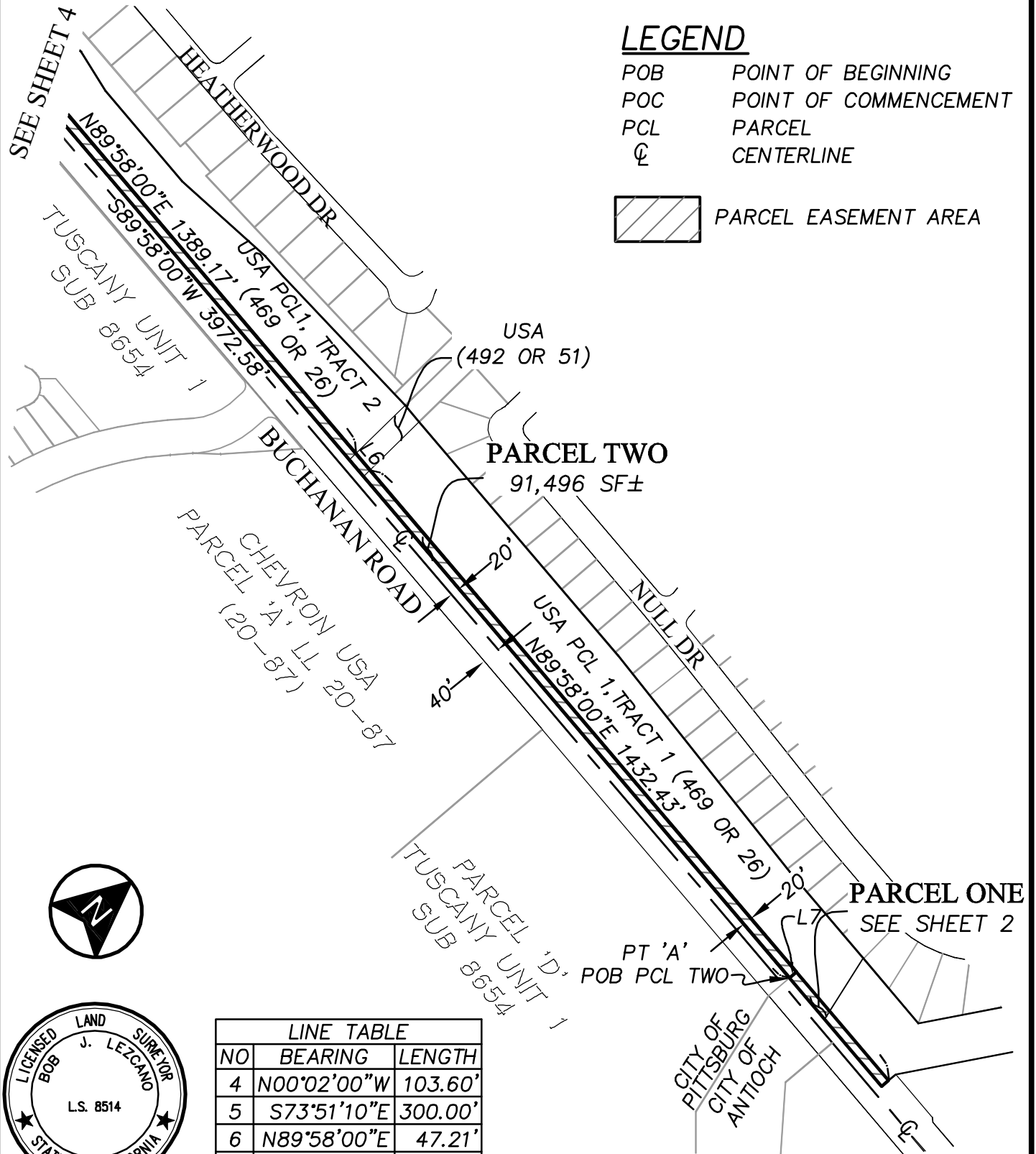
SHEET
2 OF 4
DATE:
5-28-2020

LEGEND

POB POINT OF BEGINNING
POC POINT OF COMMENCEMENT
PCL PARCEL
CL CENTERLINE



PARCEL EASEMENT AREA



LINE TABLE		
NO	BEARING	LENGTH
4	N00°02'00"W	103.60'
5	S73°51'10"E	300.00'
6	N89°58'00"E	47.21'
7	S00°02'00"E	20.00'



817 Arnold Drive Ste. 50
Martinez, CA 94553
Ph: (925) 476-8499

EXHIBIT 'B'
PLAT TO
ACCOMPANY LEGAL
DESCRIPTION

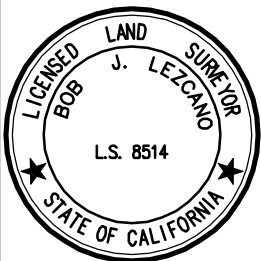
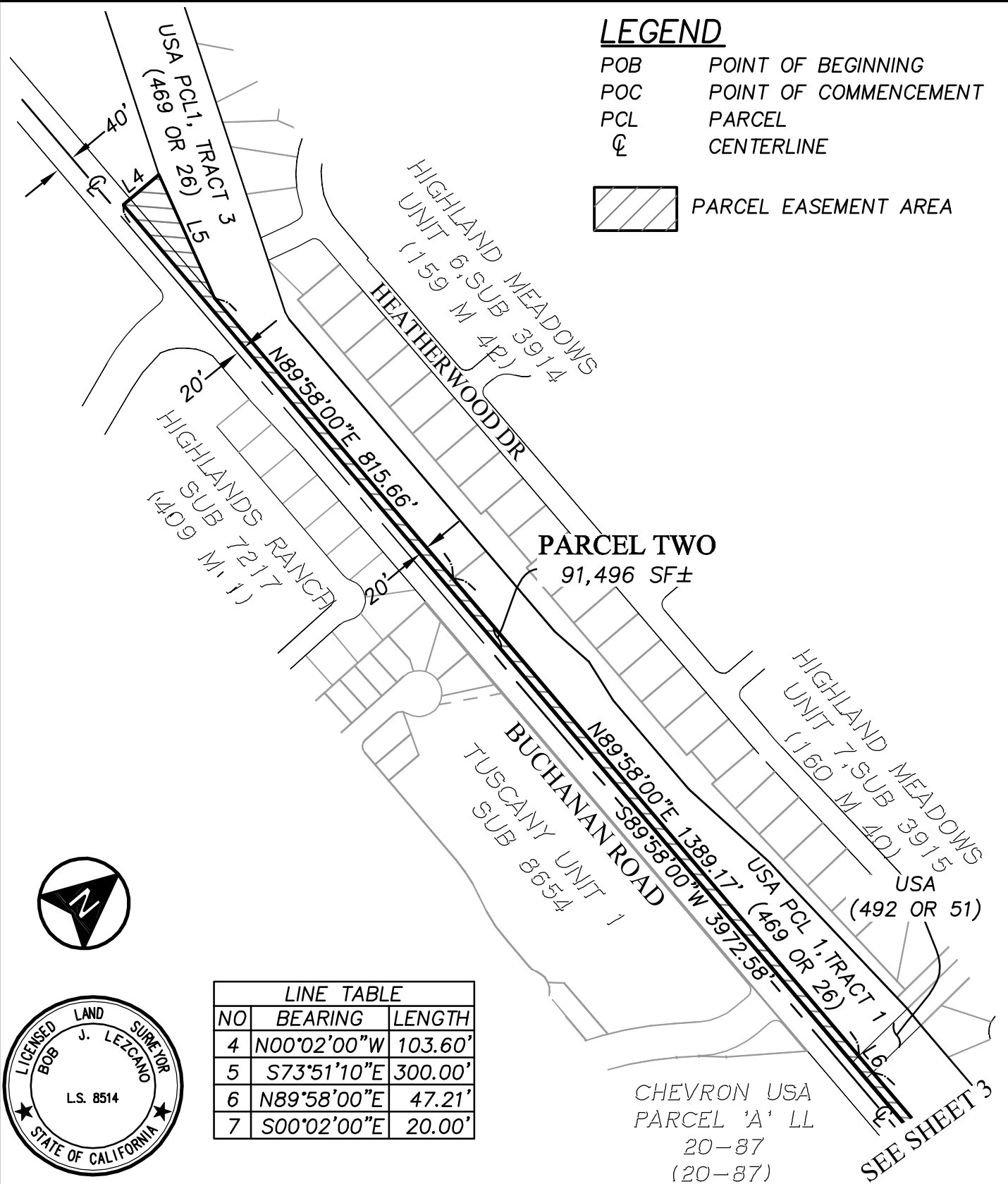
DRAWN BY:
BJL
PROJECT NO:
17031
SCALE:
1"=300'

SHEET
3 OF 4
DATE:
5-28-2020

LEGEND

POB POINT OF BEGINNING
 POC POINT OF COMMENCEMENT
 PCL PARCEL
 CL CENTERLINE

 PARCEL EASEMENT AREA



LINE TABLE		
NO	BEARING	LENGTH
4	N00°02'00"W	103.60'
5	S73°51'10"E	300.00'
6	N89°58'00"E	47.21'
7	S00°02'00"E	20.00'



817 Arnold Drive Ste. 50
 Martinez, CA 94553
 Ph: (925) 476-8499

EXHIBIT 'B'
 PLAT TO
 ACCOMPANY LEGAL
 DESCRIPTION

DRAWN BY:
 BJL

PROJECT NO:
 17031

SCALE:
 1"=300'

SHEET
 4 OF 4

DATE:
 5-28-2020

Project: 17031-TUSCANY
15:13:21 2020

Wed May 27

Parcel Map Check

Parcel name: USBR PCL 1

North: 2188669.6378	East : 6172410.0143
Line Course: N 00-02-00 W Length: 20.00	
North: 2188689.6378	East : 6172410.0026
Line Course: N 89-58-00 E Length: 308.82	
North: 2188689.8174	East : 6172718.8226
Line Course: S 00-02-00 E Length: 20.00	
North: 2188669.8174	East : 6172718.8342
Line Course: S 89-58-00 W Length: 308.82	
North: 2188669.6378	East : 6172410.0143

Perimeter: 657.64 Area: 6,177 sq.ft. 0.14 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0000 Course: S 90-00-00 E

Error North: 0.00000 East : 0.00000

Precision 1: 657,640,000.00

Parcel name: USBR PCL 2

North:	2188669.6378	East :	6172410.0143
Line Course:	S 89-58-00 W	Length:	3972.58
	North:	2188667.3266	East : 6168437.4350
Line Course:	N 00-02-00 W	Length:	103.60
	North:	2188770.9266	East : 6168437.3747
Line Course:	S 73-51-10 E	Length:	300.00
	North:	2188687.4947	East : 6168725.5398
Line Course:	N 89-58-00 E	Length:	815.66
	North:	2188687.9692	East : 6169541.1996
Line Course:	N 89-58-00 E	Length:	1389.17
	North:	2188688.7774	East : 6170930.3694
Line Course:	N 89-58-00 E	Length:	47.21
	North:	2188688.8049	East : 6170977.5794
Line Course:	N 89-58-00 E	Length:	1432.43
	North:	2188689.6382	East : 6172410.0091
Line Course:	S 00-02-00 E	Length:	20.00
	North:	2188669.6382	East : 6172410.0208

Perimeter: 8080.64 Area: 91,496 sq.ft. 2.10 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0065 Course: N 86-04-42 E

Error North: 0.00045 East : 0.00649

Precision 1: 1,243,176.92



817 Arnold Drive, Suite 50

Martinez, Ca 94553

Ph: (925) 476-8499 Email: info@apexce.net

PROJECT:
Tuscany Meadows

Unit 1

Subdivision # 8654

Pittsburg, Ca

IMPROVEMENTS BOND ESTIMATE (PUBLIC)
BUCHANAN ROAD WITHIN USBR EASEMENT- CITY OF PITTSBURG

STREET IMPROVEMENTS

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total Cost</u>
01)	Asphalt Concrete (5" AC)	6,545	SF	\$ 1.75	\$ 11,454
02)	Aggregate Base (18" AB)	6,545	SF	\$ 3.25	\$ 21,271
03)	Asphalt Overlay (2" AC min)	13,144	SF	\$ 1.45	\$ 19,059
04)	Curb & Gutter	3,087	LF	\$ 25.00	\$ 77,175
05)	Driveway Approach (6" PCC/4" AB)	11	SF	\$ 12.50	\$ 138
06)	Sign & Striping	1	LS	\$ 3,200.00	\$ 3,200

<i>TOTAL STREET IMPROVEMENTS</i>	\$ 132,296
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STORM DRAIN IMPROVEMENTS

<u>Item</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Total Cost</u>
01)	12" ADS N-12 (WT) HDPE SD	495	LF	\$ 75.00	\$ 37,125
02)	15" ADS N-12 (WT) HDPE SD	501	LF	\$ 87.00	\$ 43,587
03)	18" ADS N-12 (WT) HDPE SD	19	LF	\$ 108.00	\$ 2,052
04)	Catch Basin (Type G)	8	EA	\$ 2,800.00	\$ 22,400
05)	Catch Basin (Type G, Type I Base)	1	EA	\$ 3,500.00	\$ 3,500

<i>TOTAL STORM DRAIN IMPROVEMENTS</i>	\$ 108,664
--	-------------------



<i>SUBTOTAL IMPROVEMENT COSTS</i>	\$ 240,960
<i>10% CONTINGENCY</i>	\$ 24,096

<i>TOTAL COST FOR IMPROVEMENTS</i>	\$ 265,056
---	-------------------

No. 195

Board of Supervisors
of Contra Costa County
State of California

In the Matter of

the Incorporation of the
Town of Black Diamond.

Certified Copy.
Resolution of the Board of
Supervisors Incorporating
the Town of Black Diamond, etc.,

Endorsed

Filed June 22, 1903

J. E. Rodgers
Clerk.

By *J. M. Wells*
Deputy Clerk.
C. A. P. M. Martinez

FILED in the Office of the
SECRETARY OF STATE.
the 25th day of
June A. D. 1903

C. F. Luning
SECRETARY OF STATE
By *J. M. Wells*
Deputy Clerk.
Record Book, Page, 4

In the Board of Supervisors of Contra Costa County,
State of California.

Monday, June 22, 1903.

The Board met at 10 o'clock A. M.

Present, Hon. J. B. Nightman, Chairman, Supervisors
Patrick Torrey, J. C. St. W., W. J. Randall and Paul J. Martini.
J. E. Rodgers, Clerk.

In the Matter of the Incorporation
of the Town of Black Diamond.

It appearing that, in accordance with a certain order made by this Board on the 11th day of May, 1903 directing that an election be held on Monday the 15th day of June, 1903, within certain territory therein and hereinafter described, for the purpose of determining whether the same should be incorporated under the name of Black Diamond, the notice of election thereby ordered to be posted in at least four public places within the limits described in the said order was duly posted in four public places within the said limits, and that in accordance with the said order and notice an election was duly held on Monday the 15th day of ~~XXXXXX~~ June, 1903, within the said limits, and this Board on this 22nd day of June, 1903, being the Monday next ~~XXXXXX~~ succeeding the said election, having proceeded to canvass, and having canvassed the votes cast at the said election, and upon the said canvass it appearing that there were 52 votes cast at said election, and that out of the said total number of 52 votes the majority of the votes cast, to wit: 50 votes are for the incorporation of the said proposed municipal corporation:

Now Therefore, it is hereby ordered that the territory lying within the said limits and hereinafter described be an

and is hereby declared to be duly incorporated as a municipal incorporation of the sixth class under the name and style of the town of Black Diamond, and that the following named persons have received the number of votes set opposite their respective names, for the several offices specified in the said notice of election as the offices to be filled at the said election as follows, to wit:-

<u>Name</u>	<u>Office</u>	<u>Number of Votes</u>
A. J. Buchanan	Member of Board of Trustees	33
D. Israel	Member of Board of Trustees	33
V. Di Maggio	Member of Board of Trustees	24
E. G. H. Croxon	Member of Board of Trustees	30
J. A. Junta	Member of Board of Trustees	34
L. Senderman	Member of Board of Trustees	2
D. Sutto	Member of Board of Trustees	2
H. C. Lewis	Member of Board of Trustees	1
Geo. Booth	Member of Board of Trustees	1
Tom Bonovan	Clerk	34
G. Viscuso	Treasurer	35
G. T. Rodgers	Treasurer	1
Tom Rodgers	Marshall	30
Mike Junta	Marshall	15
Chas. Rodgers	Marshall	5

And it appearing to the satisfaction of the Board that the following named persons having received respectively the highest number of votes, to wit: the number of votes set opposite their respective names for the several offices specified in said notice of election as the offices to be filled at the said election,

It is by the Board ordered that they be and they are and each of them is hereby respectively declared to be duly elected to such offices as follows, to wit:-

<u>Name</u>	<u>Office</u>	<u>Number of Votes.</u>
W. J. Buchanan	Member of Board of Trustees	32
D. Israel	Member of Board of Trustees	22
V. Di Maggio	Member of Board of Trustees	24
H. G. H. Croxon	Member of Board of Trustees	30
J. A. Santa	Member of Board of Trustees	31
Tom Donovan	Clerk	34
G. Viscuso	Treasurer	33
Tom Rodgers	Marshall	30

The territory hereinafore referred to is described as follows:-

Commencing at a point bearing north $16\frac{3}{4}$ degrees east and distant five hundred (500) feet from the northeast corner of Block 18 of Hooper's Addition to said town of Black Bluff and as said town appears from the map or plat thereof filed in the office of the County Recorder on the 10th day of February, A. D. 1903, said point being the center line of the channel of New York Slough: thence from said point south $16\frac{3}{4}$ degrees west five hundred (500) feet to said northeast corner of Block 18;

thence south $16\frac{3}{4}$ degrees west eleven hundred and forty (1140) feet; thence at right angles west $16\frac{3}{4}$ degrees north thirteen hundred and fifty (1350) feet; thence at right angles south $16\frac{3}{4}$ degrees west one hundred and eighty (180) feet; thence at right angles west $16\frac{3}{4}$ degrees north eleven hundred and seventy five (1175) feet; thence at right angles north $16\frac{3}{4}$ degrees east fifteen hundred and fifty (1550) feet; thence at right angles east $16\frac{3}{4}$ degrees south three hundred and seventy five (375) feet; hence at right angles north $16\frac{3}{4}$ degrees east two hundred and fifty (250) feet; thence at right angles east $16\frac{3}{4}$ degrees south fifty (50) feet; thence at right angles north $16\frac{3}{4}$ degrees east fifty (50) feet; thence north 68 degrees 45 minutes east one hundred and sixty (160) feet more or less to ordinary high water mark on New York Slough;

thence north 16 3/4 degrees east five hundred (500) feet more or less to a point in New York Slough on the center line of the channel of said Slough; thence southerly and easterly following the center line of said channel of said slough four thousand (4,000) feet more or less to the point of commencement.

It is further ordered that a copy of this order duly certified by the Clerk of this Board be filed by him in the office of the Secretary of State of the State of California.

The foregoing order was passed by the following vote of the Board.

Ayes Supervisors, Torney, Randall, De Martini and Wightman.

Noes:- None.

Absent,- Supervisor Stow.

ss.

and ex-officio Clerk of the Superior Court therein, do

hereby certify that the above and foregoing is a full, true and correct copy of
a Resolution of the Board of Supervisors of the County of Contra
Coste, State of California, Incorporating the Town of Black Diamond

..... filed in my office on the 22nd day of
June..... 1903 and now remaining on file therein.

WITNESS, my hand and the seal of said Court this

22 day of June 1903

J. Rogers Clerk.

By Deputy Clerk.

the above date at eight o'clock P. M.

Roll Call as follows:

Present: Trustees McAvoy, Ward and Williamson.

Absent: Trustees Carusa and Chairman Gregory.

Minutes of the last meeting read, and approved as read.

RESOLUTION NO. 39. "A".

A Resolution Providing for a Special Election to Determine Whether the Name "Town of Black Diamond" Shall be Changed to the Name of "City of Pittsburg".

WHEREAS, The Board of Trustees of the Town of Black Diamond has received a Petition requesting that the name "Town of Black Diamond" be changed to the name of "City of Pittsburg"; and WHEREAS, the said Board of Trustees at a meeting held thereof on the 21st day of February, 1911, found and determined that said petition was signed by not less than fifty (50%) per cent of the qualified electors of said Town, as shown by the vote cast at the last Municipal Election held in said Town;

NOW THEREFORE BE IT RESOLVED By the Board of Trustees of the Town of Black Diamond,

Section 1. That the question of changing the name "Town of Black-Diamond" to the name of "City of Pittsburg" be submitted to the Electors of the Town of Black Diamond, at a Special Election to be held for that purpose in said Town of Black Diamond on the 21st day of March, 1911.

Section 2. Be it Further Resolved that said Special Election be held and conducted in conformity as near as maybe, with the General Laws of this State concerning Elections in Municipalities of the Sixth Class; that the polls for said Election shall be opened at Six (6) o'clock in the morning of said day, and closed at Six (6) o'clock in the afternoon of the same day; that the ballot to be used at said Special Election shall be printed substantially in the following form, to-wit:

of Black Diamond" shall be changed to the name "City of Pittsburg", To vote for the Proposition of change of name, stamp a cross (X) in the square opposite, and to the right of the words "For change of Name". To vote against the proposition of change of name, stamp a cross (X) in the square opposite and to the right of the words "Against Change of Name".

I	For Change of Name	I	I
I		I	I
I	Against Change of Name	I	I
I		I	I

Section 3. The Town Clerk shall provide not less than fifteen (15) ballot tickets for every ten (10), or fraction of ten (10), electors registered in said Town, which ballots shall be prepared, furnished and distributed as perscribed and provided by Laws, and Section 2 hereof.

Section 4. The Polling Place for said Election shall be and is hereby designated and the Officers of Election to act as a Board of Election are hereby appointed, as set forth in the form of Notice perscribed in Section Five (5) hereof.

Section 5. The Town Clerk is hereby authorized and directed to give notice of said Special Election by publication in the Black Diamond Argus, a weekley newspaper published and circulated in said Town, once a week for four(4) successive weeks prior to such Election. Such notice shall distinctly state the proposition to be submitted at said Special Election, and be substantially in the following form, to-wit:

Notice of Special Election.

Notice is hereby given that a Special Election will be held in the Town of Black Diamond on the 21st day of March, 1911, for the purpose of submitting to the qualified electors of said Town the question Whether the name "Town of Black Diamond" shall be changed to the name "City of Pittsburg".

Said Special Election shall be held and conducted in conformity with the Law for holding Municipal Elections in said Municipalities.

stamp a cross (X) in the square opposite and to the right of the words "For change of Name", To vote against the proposed change of name the voter shall stamp a cross (X) in the square opposite and to the right of the words "Against change of name".

The Polling Place for said Special Election has been and is in Resolution No. 39, "A". of the Town of Black Diamond designated as the Council Chamber in the Town Hall of said Town, and the following named electors have been by said Resolution appointed officers of election to act as such at said polling place, to-wit:

Inspectors William Latimer and George Minaker.

Judges W. W. Barnes and William Abrams.

Clerks John Royce and Bert Vestnys.

Ballot Clerks W. J. McDermott and F. Campbell.

Dated, February, 21st 1911.

James Fitzgerald.

Town Clerk.

Adopted at an adjourned regular meeting by the Board of Trustees of the Town of Black Diamond, held on the 21st day of February, 1911 by the following vote:

AYES: Trustees McAvoy, Ward and Williamson.

NOES: None.

ABSENT: TRUSTEES Carusa and Chairman Gregory.

J. McAvoy.

President pro-tem of the Board of Trustees of Town of Black Diamond { Seal } Attest James Fitzgerald.
Town Clerk and ex-officio Clerk of the Board of Trustees of the
Town of Black Diamond.

Election held for the change of name of said Town to the "City of Pittsburgh", at the Town Hall on Wednesday evening of the above date at eight o'clock P. M.

Roll Call as follows:

Present: Trustees Carusa, McAvoy, Williamson and Chairman Gregory.

Absent: Trustee Ward.

In the matter of the Election to change name Town of Black Diamond to the City of Pittsburgh, the Board of Trustees canvassed the votes, and found that One-hundred and Ten (110) votes had been cast; Eighty (80) of which was in favor of the proposition, and Thirty (30) against the proposition.

Clerk instructed to mail a copy of the results of said Election to the Secretary of State and County Clerk.

There being no further business the Board of Trustees adjourned

{ Seal }

James Fitzgerald.

Town Clerk.

I, hereby certify that the above and foregoing is a full, true and correct copy of the Minutes of the Town of Black Diamond, by the Trustees of said Town, changing the name of Town of Black Diamond to the name of City of Pittsburgh

Witness my hand and the Seal of the }
City of Pittsburgh this 9th day of }
April, 1935.

James Fitzgerald
City Clerk.



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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Authorizing Used Oil Payment Program Application and Grant Program

MEETING DATE: July 6, 2020

EXECUTIVE SUMMARY

The Department of Resources Recycling and Recovery (CalRecycle) maintains a program to fund projects that promote used motor oil and filter recycling. The Used Oil Payment Program (OPP) application to promote used oil and filter recycling requires a Resolution from the participating jurisdiction as part of its submittal package for this non-competitive funding.

FISCAL IMPACT

Approval of this Resolution will provide the City of Pittsburg with an opportunity to receive approximately \$17,000 - \$19,000 in funding annually into Fund 282 to implement activities related to used motor oil and filter recycling.

RECOMMENDATION

Staff recommends City Council adoption of the attached Resolution authorizing the submittal of the Used Oil Payment Program, authorize the City Manager or Assistant City Manager to execute applications and grant documents necessary to secure and implement the grants on behalf of the City and direct the Director of Finance to receive and account for the funds provided or establish a reimbursable account.

BACKGROUND

CalRecycle oversees the California Oil Recycling Enhancement Act (Act) (Statutes of 1991, Chapter 817) which mandates that annual funding be provided to local governments to fund the establishment of local collection programs that encourage recycling of used oil and used oil filters.

The Payment Programs are not competitive, and therefore, local governments only need to submit a complete application, a Resolution and meet the program's eligibility requirement to receive a grant. Due to the fiscal problems with the State of California, funding to eligible entities could be reduced from previous year's awards.

SUBCOMMITTEE FINDINGS

This item was not presented to a subcommittee.

STAFF ANALYSIS

The City of Pittsburg is eligible to receive approximately \$17,000 - \$19,000 annually for used motor oil and filter recycling programs depending on funding available from the State of California. These funds will be directed toward programs for household hazardous waste collection, oil filter collection, bi-lingual education and promotion, curbside collection, the Marina as well as education and outreach via different media mechanisms on oil recycling within the community. These grant funds are also eligible for specific stormwater programs such as installation and maintenance of storm drain markers and inlet filters.

The attached Resolution will authorize the submittal of applications to secure funds to implement and carry out the objectives specified by CalRecycle in the Used Oil Payment Program for FY 2020/2021 through FY 2025/2026.

ATTACHMENTS: Resolution 20-

Report Prepared By: Sara Bellafronte, Administrative Analyst II

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Adoption of a City Council Resolution)
Authorizing Used Oil Payment Program)
Application and Grant Program)

RESOLUTION NO. 20-

The Pittsburgh City Council FINDS AND DETERMINES as follows:

WHEREAS, the people of the State of California have enacted the California Oil Recycling Enhancement Act that provides for a Used Oil Payment Program (OPP) to eligible cities and counties for establishing and maintaining local used oil collection programs that encourage recycling or appropriate disposal of used oil; and

WHEREAS, pursuant to Public Resources Code § 48690 the Department of Resources Recycling and Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board, has established the OPP to make payments to qualifying jurisdictions for implementation of their used oil programs; and

WHEREAS, in furtherance of this authority, CalRecycle is required to establish procedures governing the administration of the OPP; and

WHEREAS, CalRecycle's procedures for administering the OPP require, among other things, an applicant's governing body to declare by Resolution certain authorizations related to the administration of the OPP; and

WHEREAS, if awarded, the City will enter into an Agreement with CalRecycle for implementation of a used oil collection program.

NOW, THEREFORE, the City Council DOES RESOLVE as follows:

SECTION 1. Findings

- A. The recitals set forth are true and correct and incorporated herein.

SECTION 2. Authorization

- A. The City Council authorizes the submittal of an application to the CalRecycle for the Used Oil Payment Program for Fiscal Year 2020/2021 through Fiscal Year 2025/2026.
- B. The City Manager, Assistant City Manager or his/her designee, is hereby authorized and directed to execute in the name of the City of Pittsburgh all necessary applications, contracts, payment requests, agreements and amendments thereto for the purpose of securing the OPP funds and implement the approved projects and programs.

- C. The Director of Finance is hereby authorized to receive OPP funds in the name of the City of Pittsburg and to establish separate accounts for the purpose of administering this program.
- D. The City Clerk shall certify to the adoption of this Resolution.

SECTION 3. Adoption

- A. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 6th day of July 2020, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Jelani Killings, Mayor

ATTEST:

Alice E. Evenson, City Clerk



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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution to Support the Submittal of a Grant Proposal for the Sacramento-San Joaquin Delta Conservancy Community and Economic Enhancement Grant Program Funding

MEETING DATE: July 6, 2020

EXECUTIVE SUMMARY

The City of Pittsburg was selected to submit a full Grant Proposal to apply for the Sacramento – San Joaquin Delta Conservancy (Conservancy) Community and Economic Enhancement Grant Program funds to address recreation, tourism and environmental education in order to sustain the Delta’s heritage and enhance the unique values of the Delta. Adoption of the Resolution will support the grant proposal submittal.

FISCAL IMPACT

No impact to the City’s General Fund. If selected and grant funding awarded, the City will receive between \$672,100 and \$752,100 to be used for improvements at Central Harbor Park and Marina area.

RECOMMENDATION

Staff recommends City Council approve the attached Resolution to support the submittal of a grant application proposal for the Sacramento-San Joaquin Delta Conservancy Community and Economic Enhancement Grant Program funding.

BACKGROUND

In June 2018, voters approved the California Drought, Water, Parks, Climate, Coastal Protection and Outdoor Access for All Act of 2018 (Proposition 68) (Division 45 of the Public Resources Code (PRC) Section 80000 et seq.), which identifies \$12 million for the Conservancy to use according to its governing statute for its specified purposes (PRC 45 Sec. 80110). Proposition 68 recognizes the importance of tourism to rural economies, the need for recreation for health and well-being, and a historic underinvestment in outdoor infrastructure in disadvantaged communities around the state.

The Conservancy works collaboratively and in coordination with local communities, leading efforts to protect, enhance, and restore the Delta's economy, agriculture and working landscapes, and environment for the benefit of the Delta region, its local communities, and the citizens of California. The factors that contribute to the Delta's importance are fundamentally intertwined: preserving the Delta's myriad natural, cultural, and historic values can play a valuable role in enhancing Delta communities and economies.

The City submitted an outline proposal for consideration and was selected to submit a formal grant proposal. The proposed project proposal includes both a myriad of desperately needed upgrades to the City of Pittsburg's public boat launch facility (BLF) and adjacent Central Harbor Park (Park), as well as strategic enhancements aimed at maintaining the alignment of the area with the Delta's uniquely distinguishable character. Project activities include but are not limited to: improved ADA paths of travel, a new public restroom, striping, sealing, and securing of the boater parking lot, crime deterrent measures, tourist-targeted monument signs and viewing benches, educational and marketing signage, picnic tables, and development of a kids' recreation area.

The BLF, parking lot, and paths were renovated in 1993. The Park restroom was last updated in 1981. Besides the fishing pier, the Park has received no major upgrades for decades. While the City maintains these amenities with California State Lands Commission (SLC) granted tidelands revenues, the passing of time, repeated use, extreme wear and tear, and crime prompted the pursuit of grant funding to improve conditions.

In addition to the values and needs identified by Proposition 68, the Conservancy, the Delta Plan, and the Economic Sustainability Plan for the Sacramento-San Joaquin Delta, this project benefits the Pittsburg community as it aims to solve blight, danger, accessibility, and resource scarcity in the project area. The Preliminary Project Proposal attached describes these values and needs. If awarded, the proposed application proposal funding will supplement the City budget between \$672,100 and \$752,100, bringing the project and its benefits to fruition and to the community.

SUBCOMMITTEE FINDINGS

On May 29, 2020, staff provided an informational update to the Economic Development and Waterfront Subcommittee on the City's invitation to develop a full project proposal and received support for continuing the grant application process.

STAFF ANALYSIS

The Conservancy will prioritize funding for projects that address recreation and tourism, historic and cultural preservation, and environmental education in order to sustain the Delta's heritage and enhance the unique values of the Delta today. Priority will be given to projects that promote or provide public access. The proposed project is consistent with Proposition 68 priorities, the Delta Conservancy's governing statute (Division 22.3 of the PRC) and current strategic plan, the Delta Plan, and the Economic Sustainability Plan for the Sacramento-San Joaquin Delta. Completion of the proposed project will protect and enhance existing nature-based recreation opportunities, add to the network of Delta recreation areas, improve public access along the shoreline of a Delta community, and drastically improve a gateway to the Delta.

Staff submitted a preliminary project proposal in 2019 to enhance the Park and BLF per the needs of the Pittsburg community and in alignment with the values, mission, and goals of the Conservancy and Proposition 68. After review of the preliminary proposal, the Conservancy invited staff to develop and submit a full proposal for grant funding, which includes proof of institutional support.

Lastly, the City has applied for and received California Department of Parks and Recreation Division of Boating and Waterways Grant funding to further support the proposed project proposal, the needs of the Delta, and local community.

ATTACHMENTS:

Report Prepared By: Sara Bellafronte, Administrative Analyst II

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Adoption of a City Council Resolution to)
Support the Submittal of a Grant Proposal)
For the Sacramento-San Joaquin Delta)
Conservancy Community and Economic)
Enhancement Grant Program Funding)

RESOLUTION NO. 20-

The Pittsburg City Council FINDS AND DETERMINES as follows:

WHEREAS, in June 2018, voters approved the California Drought, Water, Parks, Climate, Coastal Protection and Outdoor Access for All Act of 2018 (Proposition 68) (Division 45 of the Public Resources Code (PRC) Section 80000 et seq.), which identifies \$12 million for the Conservancy to use according to its governing statute for its specified purposes (PRC 45 Sec. 80110); and

WHEREAS, the Sacramento-San Joaquin Delta Conservancy (Conservancy) works collaboratively and in coordination with local communities, leading efforts to protect, enhance, and restore the Delta's economy, agriculture and working landscapes, and environment, for the benefit of the Delta region, its local communities, and the citizens of California; and

WHEREAS, Pittsburg is located on the Sacramento-San Joaquin Delta and provides access to the Delta and related recreation at its public boat launch facility (BLF) and Central Harbor Park (Park); and

WHEREAS, public amenities at the BLF and Park have experienced high usage, wear and tear, and abuse by vandals since their construction in 1993 and 1981, respectively; and

WHEREAS, in addition to the values and needs identified by Proposition 68, the Conservancy, the Delta Plan, and the Economic Sustainability Plan for the Sacramento-San Joaquin Delta, this project aims to address public infrastructure needs as well as blight, danger, accessibility, and resource scarcity experienced by the Pittsburg community in the project area; and

WHEREAS, the City of Pittsburg has been invited to develop a full project proposal and has secured matching grant funds to further support the full project proposal.

NOW, THEREFORE, the City Council DOES RESOLVE as follows:

SECTION 1. Findings

A. The recitals set forth are true and correct and incorporated herein.

- B. The City Council supports the submittal of a grant proposal for the Sacramento-San Joaquin Delta Conservancy Community and Economic Enhancement Grant Program funding.

SECTION 2. Authorization

- A. The City Manager, Assistant City Manager or his/her designee, is hereby authorized and directed to execute in the name of the City of Pittsburg all necessary documents to support the submittal of the grant proposal for the Sacramento-San Joaquin Delta Conservancy Community and Economic Enhancement Grant Program funding.
- B. The City Clerk shall certify to the adoption of this Resolution.

SECTION 3. Adoption

- A. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 6th day of July 2020, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Jelani Killings, Mayor

ATTEST:

Alice E. Evenson, City Clerk



SACRAMENTO - SAN JOAQUIN

DELTA CONSERVANCY

A California State Agency

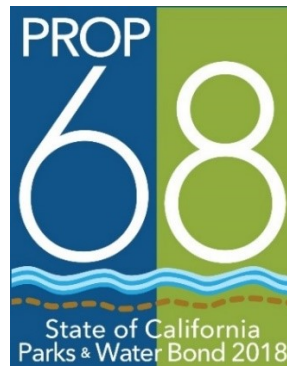
Community and Economic Enhancement Grant Program

<http://deltaconservancy.ca.gov/proposition-68/>

GRANT GUIDELINES

Adopted December 2019

**FUNDED BY THE
California Drought, Water, Parks,
Climate, Coastal Protection and
Outdoor Access for All Act of 2018**



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A. Purpose of this Document

This document serves as the Grant Guidelines (Guidelines) for the Sacramento-San Joaquin Delta Conservancy's (Conservancy) Community and Economic Enhancement Grant Program (Grant Program) and provides guidance on how to apply. This non-competitive grant program focuses on increasing public access to the Delta through recreation and tourism opportunities, historic and cultural preservation, and environmental education in order to promote a robust Delta economy.

B. Contact Information

More information can be found at the Conservancy's Community and Economic Enhancement Grant Program website (<http://deltaconservancy.ca.gov/proposition-68/>). For questions or assistance, please contact the Conservancy at prop68grants@deltaconservancy.ca.gov.

C. Background

The Conservancy works collaboratively and in coordination with local communities, leading efforts to protect, enhance, and restore the Delta's economy, agriculture and working landscapes, and environment, for the benefit of the Delta region, its local communities, and the citizens of California.

The Sacramento-San Joaquin Delta (Delta) is a unique natural resource of local, state, and national significance, and possesses a distinct natural and cultural heritage. The Delta is a 1,300-square mile estuary, the largest on the west coast of North and South America. It is home to more than 500,000 people, and is a world-class recreational destination. The unique heritage of the Delta was recognized in March 2019, when the Sacramento-San Joaquin Delta National Heritage Area (NHA) was signed into legislation. An NHA is a "large lived-in landscape" where "natural, cultural, and historic resources combine to form a cohesive, nationally important landscape" (National Park Service, <https://www.nps.gov>). The factors that contribute to the Delta's importance are fundamentally intertwined: preserving the Delta's myriad natural, cultural, and historic values can play a valuable role in enhancing Delta communities and economies.

In June 2018, voters approved the California Drought, Water, Parks, Climate, Coastal Protection and Outdoor Access for All Act of 2018 (Proposition 68) (Division 45 of the Public Resources Code (PRC) Section 80000 et seq.), which identifies \$12 million for the Conservancy to use according to its governing statute for its specified purposes (PRC 45 Sec. 80110). Proposition 68 recognizes the importance of tourism to rural economies, the need for recreation for health and well-being, and a historic underinvestment in outdoor infrastructure in disadvantaged communities around the state.

D. Community and Economic Enhancement Program Priorities

The Conservancy seeks to fund a breadth of projects that benefit Delta communities through the Community and Economic Enhancement Grant Program. The Conservancy will prioritize funding for projects that address recreation and tourism, historic and cultural preservation, and environmental education in order to sustain the Delta's heritage and enhance the unique values of the Delta today. Priority will be given to projects that promote or provide public access. All proposed projects must be consistent with statewide priorities as identified in Proposition 68, the Conservancy's governing statute (Division 22.3 of the PRC) and current strategic plan, the Delta Plan, and the Economic Sustainability Plan for the Sacramento-San Joaquin Delta. (Links to reference documents can be found at <http://deltaconservancy.ca.gov>.) The following provides information about program priorities. Examples are included for reference and are not all-inclusive.

1. Recreation and Tourism

Expand recreation and tourism opportunities in the Delta that are compatible with the unique natural and cultural value of the Delta. Examples include:

- a. Design and construction or expansion of:
 - i. Public docks
 - ii. Water or hiking trails
 - iii. Bike routes
 - iv. Community parks or picnic sites
 - v. Public boating infrastructure, including ADA (Americans with Disabilities Act)-accessible boating facilities
 - vi. Sidewalks and other walking paths that promote tourism
- b. Design and installation of kiosks, visitor centers, or permanent signage that promote recreation and tourism
- c. Improvement of publicly-owned levees (other than routine or periodic maintenance activities) for better recreational access
- d. Development of agritourism that supports Delta communities and promotes public access to and education about agriculture and working landscapes in the Delta

2. Historic and Cultural Preservation

Preserve the historic and cultural significance of the Delta to increase opportunities for community access to, and awareness of, those resources. Examples include:

- a. Renovation of a historic building for public use
- b. Development of a culturally-relevant historic district

3. Environmental Education

Increase awareness about the value of and challenges facing wildlife, ecosystems, and other natural aspects of the Delta.

- a. Design and installation of kiosks, visitor centers, or permanent signage that promote environmental education
- b. Permanent displays that promote education about the Delta as a region
- c. Design and installation of multilingual additions to existing educational signage

NOTE: The Conservancy may consider projects that do not directly address one of these priorities, but that provide significant benefit to the Delta and that are aligned with other requirements as outlined in these Guidelines.

E. Disadvantaged and Severely Disadvantaged Communities

Proposition 68 requires that at least 20 percent of all funding be spent on projects that serve severely disadvantaged communities (SDAC) (PRC 45 Sec. 80008(a)(1)). The Conservancy will actively seek to fund projects that benefit disadvantaged communities (DAC) and SDACs. An SDAC is a community with a median household income less than 60 percent of the statewide average. A DAC is a community with a median household income less than 80 percent of the statewide average (PRC 45 Sec. 80002). Mapping resources available for the purpose of identifying SDACs and DACs by census tract and/or block group are available on the Parks for All Californians website (<http://www.parksforcalifornia.org/communities>) and the Disadvantaged Communities Mapping Tool (<https://gis.water.ca.gov/app/dacs/>). The Conservancy may consider other means of identifying SDACs and DACs as well.

Conservancy-funded projects must be bond eligible (see Bond Eligibility under Section G. Program Eligibility). Examples of ways in which a bond-eligible project might benefit a DAC or SDAC include, but are not limited to, the following.

- Training and workforce education
- Job opportunities
- Recreational amenities
- Educational opportunities
- Increased resilience to climate change
- Reduced flooding
- Reduced pollution burden

The Conservancy will prioritize projects that serve DACs and SDACs for its technical assistance efforts.

F. Project Types

The Conservancy will grant funds for the planning or implementation phase of a bond-eligible project.

Planning Projects

Planning projects include activities necessary to advance a specific, bond-eligible, on-the-ground implementation project. Please note that receiving a planning grant does not guarantee that an implementation grant will be awarded for the same project.

Examples of planning project activities include:

- Project scoping: partnership development, outreach to impacted parties, stakeholder coordination, negotiation of site access or land tenure
- Planning and design: engineering design, identifying appropriate best management practices
- Environmental compliance: permitting, California Environmental Quality Act (CEQA) activities, Delta Plan consistency

Pilot projects are a special type of planning project, and must inform the development of a specific, bond-eligible, on-the-ground implementation project. Pilot projects that are large in scale or duration may be considered implementation projects.

Implementation Projects

Implementation projects are specific, bond-eligible, on-the-ground projects that result in the construction, improvement, or acquisition of a capital asset that will be maintained for a minimum of 15 years. Implementation projects are “shovel-ready” projects.

Land acquisitions are a special type of implementation project or may be a component of a larger implementation project. Property acquired through this program must be purchased from a willing seller and in compliance with current laws governing acquisition of real property by public agencies for an amount not to exceed fair market value (Government Code (GOV) Section 7260 et seq.).

NOTE: For implementation projects, California Environmental Quality Act (CEQA) compliance must be completed prior to grant award.

G. Program Eligibility

To be considered for funding through the Conservancy’s Community and Economic Enhancement Grant Program, eligibility must be met in four areas: bond, geographic, applicant, and project.

Bond Eligibility

Proposition 68 is a general obligation bond. General obligation bond funds must be spent on the construction, acquisition, or long-term improvement of capital assets. Capital assets are defined as tangible property that has an expected useful life of no less than 15 years (GOV Sec. 16727(a)).

Geographic Eligibility

The Conservancy will fund projects within or benefitting the Delta and Suisun Marsh as defined in PRC Section 85058. A map can be found on the Conservancy's website:

<http://deltaconservancy.ca.gov/about-delta-conservancy/>.

The Conservancy may fund a project outside the Delta and Suisun Marsh if the Conservancy Board makes all the findings described in the Sacramento-San Joaquin Delta Reform Act of 2009, Section 32360(g). These include:

- The project implements the ecosystem goals of the Delta Plan.
- The project is consistent with the requirements of any applicable State and federal permits.
- The project will provide significant benefits to the Delta.

Applicant Eligibility

Applicants eligible for funding under this program are:

- **California public agencies.** California public agencies include any city, county, district, or joint powers authority; State agencies; or California public colleges and universities.
- **Nonprofit organizations.** "Nonprofit organization" means an organization that is qualified to do business in California and qualified for exempt status under Section 501(c)(3) of Title 26 of the United States Code (USC 45 Sec. 80002(j)). An eligible nonprofit organization has among its principal charitable purposes preservation of land for scientific, recreational, scenic, or open-space opportunities, protection of the natural environment, preservation or enhancement of wildlife, preservation of cultural and historical resources, or efforts to provide for the enjoyment of public lands (PRC 22.3 Sec. 32310(f)).

Project Eligibility

To be eligible to receive a grant from the Conservancy under this program, projects must:

- Provide significant benefit to the Delta.
- Show consistency with program objectives and priorities as defined in these Guidelines.
- Show consistency with the Conservancy's mission and enabling legislation.
- Align with the Delta Plan.

- Comply with Proposition 68, State General Obligation Bond Law (GOV Sec. 16727), and other applicable State and federal laws.

Ineligible Projects

Projects not eligible for funding under Proposition 68 include:

- Planning projects that do not advance an eligible implementation project.
- Projects dictated by a legal settlement or mandated to address a violation of, or an order (citation) to comply with, a law or regulation.
- Projects that subsidize or decrease the mitigation obligations of any party.

H. Cost Share

Cost share is cash or in-kind contributions to the project borne by private, local, State, and federal funding partners other than the Conservancy. Cost share encourages and demonstrates collaboration and cooperation. Consistent with provisions of Proposition 68, all applicants are encouraged to provide cost share to support their project (PRC 45 Sec. 80001(b)(2)).

Conservancy staff will consult with applicants to determine if cost share is available. Applicants stating that they have a cost share component must provide commitment letters from cost share partners before a proposal is recommended for funding; these letters must specifically confirm the dollar amount committed, including cost share from in-kind contributions.

I. Eligible Expenses

Only costs incurred during the Grant Funding Term are eligible for reimbursement (See Section N. Grant Awards and Agreements below).

Direct Costs

Direct costs are for work specified in the scope of work, terms, and conditions of the grant agreement, and that are distinctly related to tasks and expenditures to implement the project as described in the grant agreement. The Conservancy will fund direct costs related to personnel services, operating expenses (general), operating expenses (subcontractor), operating expenses (equipment), and acquisition costs.

Indirect Costs

Indirect costs do not have a specific direct relationship to the project but are required for completion of the project. The Conservancy funds indirect costs, not to exceed twenty (20) percent of the sum of grant-funded direct costs for personnel services and operating expenses (general).

J. Ineligible Expenses

Grant funding may not be used to:

- Establish or increase an endowment or legal defense fund.
- Make a monetary donation.
- Pay for food or refreshments.
- Pay for tours.
- Purchase computer software that is not a component of a capital asset that is a project deliverable in the grant agreement.
- Pay for eminent domain processes.
- Subsidize or decrease the mitigation obligations of any party.

K. Application Process

The Conservancy's Community and Economic Enhancement Grant Program is a non-competitive program without proposal submission deadlines. This section provides a summary of the application and review process.

Concept Proposal

Concept proposals may be submitted at any time to initiate consideration of a project by the Conservancy. Applicants must submit a concept proposal using the Community and Economic Enhancement Grant Program Concept Proposal Form. (Program materials will be available on the Conservancy's website when the program is opened.) The Conservancy will review each concept proposal as it is submitted. Once reviewed, the Conservancy will confer with the applicant to discuss the project concept, request additional information as needed, and discuss next steps. An in-person meeting and/or a site visit may also be deemed necessary at this time.

Viability Assessment

Based on information gathered during the concept proposal stage, along with input from technical experts if needed, Conservancy staff will evaluate the viability of the proposed project by assessing if the proposed project:

- Is technically and financially feasible;
- Is likely to provide locally-supported benefits to the Delta; and
- Will significantly advance the Conservancy's community and economic enhancement priorities.

Full Proposal

If Conservancy staff determines that a project concept appears to be viable, staff will work with the applicant to develop the concept into a full proposal. The Conservancy may provide technical assistance to facilitate the development of project proposals. The Conservancy may also assist in project implementation. Projects benefitting DACs will receive priority for the Conservancy's technical assistance efforts.

Proposal Assessment

Conservancy staff will continually assess the project as they work with the applicant to develop the project proposal. Conservancy staff will consult external experts as needed.

Conservancy staff will not recommend that the Conservancy Board fund a proposal unless the following criteria have been addressed to the satisfaction of the Conservancy and the applicant.

1. Project Design

Are the project's purpose, goals, deliverables, and schedule clear? Is the project well designed to meet the needs that the project addresses?

2. Public Benefits

Will the project provide multiple tangible, enduring, public benefits with a high likelihood of being realized? Does the project have reasonable performance measurements and a clear plan for tracking them? Will the project benefit disadvantaged or severely disadvantaged communities?

3. Alignment with State and Other Priorities

Does the project align with priorities identified in the following?:

- Proposition 68
- The Conservancy's mission, governing statute, and strategic plan
- The Delta Plan
- Economic Sustainability Plan for the Sacramento-San Joaquin Delta
- Other relevant local, regional, State, and federal plans

(Links to relevant documents can be found at
[http://deltaconservancy.ca.gov/proposition-68/.](http://deltaconservancy.ca.gov/proposition-68/))

4. Project Readiness

Is the project ready to proceed promptly if funded? For planning projects, will planning activities advance the project toward implementation in a timely manner? For implementation projects, how complete is project planning, including the status of CEQA and permitting efforts?

5. Community and Institutional Support

Does the project have public and relevant institutional support at the local, regional, State, or federal scale? Is the local community, or are other stakeholders, engaged in project planning or delivery? For planning projects, is there a plan to develop community support?

6. Cost Share

Is cost share provided for this project?

7. Project Budget

Is the budget adequate and reasonable for the project? Are costs clearly identified and justified?

8. Project Team

Does the project team have sufficient experience and capacity to implement the project and to manage a State grant? Have necessary partnerships been developed?

9. Long-Term Management

For planning projects, are next steps identified for movement towards a bond-eligible implementation project? For implementation projects, is a plan clearly identified for long-term management and sustainability of the project for a minimum of 15 years?

Board Consideration

If the above criteria have been addressed to the satisfaction of the Conservancy and the applicant and a proposal is assessed to be complete, Conservancy staff will make a recommendation to the Board for consideration of funding.

NOTE: The Conservancy will consider the geographic distribution of projects, benefits related to disadvantaged and severely disadvantaged communities, reasonableness of costs, availability of funding, and diversity of project types, and may prioritize projects based on these considerations.

Application Process Steps

Step 1: Applicant completes concept proposal form and submits to the Conservancy.

Step 2: Conservancy staff reviews concept proposal and confers with applicant. Site visit conducted if necessary.

Step 3: Conservancy staff reviews information gathered, consults with technical experts if needed, and assesses if proposed project fits within the grant program and appears viable.

- Step 4:** If project appears to be viable, Conservancy staff works with applicant to develop full proposal.
- Step 5:** Conservancy staff completes proposal assessment and makes recommendation to the Board.
- Step 6:** Board considers funding for final proposal.

L. Privacy Rights

Please note: once an applicant has submitted a proposal to the Conservancy, any privacy rights, as well as other confidentiality protections afforded by law with respect to the application package, are waived. All proposals are public records under the California Government Code Sections 6250-6276.48 and will be provided to the public upon request.

M. Program Requirements

Performance Monitoring

Performance measures are used to track progress toward project goals and objectives. They provide a means of reliably measuring and reporting the implementation and effectiveness of a project and how it contributes value to the Delta and state. Performance measures will be developed to reflect the unique benefits of individual projects. Conservancy staff may provide assistance in development of performance measures.

All implementation, acquisition, and pilot project proposals will include a performance monitoring and assessment framework that identifies the performance measures that will be used to demonstrate public benefits for at least 15 years following the end of the Grant Funding Term (See Section N. Grant Awards and Agreements below), how they will be monitored and assessed, and how monitoring data will be reported.

Environmental Compliance

Activities funded by this grant program must comply with applicable, local, State, and federal laws and regulations, including the California Environmental Quality Act (CEQA), the Delta Plan, and other environmental permitting requirements. Conservancy staff may assist the applicant with the compliance process; however, the applicant is solely responsible for project compliance. Applicants should be prepared to submit any permits, surveys, or reports that support the status of their environmental compliance.

If a project is subject to CEQA, compliance must be completed prior to grant award. Funds for construction will not be disbursed until all required environmental compliance and permitting documents have been received by the Conservancy, including certification of consistency with the Delta Plan.

Long-Term Management

The goal of long-term management is to foster the ongoing success of the project, ensuring that the benefits arising from the project endure beyond the end of the Grant Funding Term.

Proposals will describe future project management or land management activities, explaining how the project, once implemented, will be stewarded for at least 15 years thereafter.

Properties restored, enhanced, or protected, and facilities constructed or enhanced with funds provided by the Conservancy shall be operated, used, and maintained consistent with the purposes of the grant.

California Conservation Corps

Consistent with Proposition 68 recommendations, all implementation projects that involve a site improvement component shall consult with representatives of both the California Conservation Corps and California Association of Local Conservation Corps (Corps) to determine the feasibility of Corps participation. Projects that do not include a site improvement component are exempt, but applicants are still encouraged to consult with the Corps to explore opportunities for collaboration. The Corps' Proposition 68 Consultation Process form describes the consultation process. (A link can be found on the Conservancy's Proposition 68 webpage: <http://deltaconservancy.ca.gov/proposition-68/>.)

Local Notifications

In compliance with the Conservancy's governing statute, the Conservancy will notify local government agencies – such as counties, cities, and local districts –and relevant tribal entities about projects in their area being considered for grant funding. The Conservancy will work with applicants to make all reasonable efforts to address concerns raised by local government agencies and tribal entities.

N. Grant Awards and Agreements

For each awarded grant, the Conservancy will develop a grant agreement with detailed provisions and requirements specific to that project. (A draft grant agreement template will be available on the Conservancy's Grant Program web page when the program opens.) Please be aware that for grants awarded by the Conservancy, the following apply.

- Grantees will receive funding only during the Grant Funding Term, generally three years, during which time grantees may incur and be reimbursed for grant-related expenses. For implementation projects, the Grant Term will extend for an additional 15 years beyond the end of the Grant Funding Term, during which time projects must be maintained. Grantees will be held to the terms of the grant agreement until the end of the Grant Term.
- Grant awards are conditional upon funds being available from the State.

- In all but the most extenuating circumstances, grant funding will be paid in arrears on a reimbursement basis (with the exception of acquisition costs). All expenses require supporting documentation and are subject to audit.
- Grantees must have adequate proof of land tenure allowing the grantee access to the property to construct and maintain the project. Land tenure must be in place prior to the disbursement of funds. Proof of permission to access the project site is required for planning projects for which site access is required and the grantee is not the landowner.
- The grantee is required to certify as part of the grant agreement that the grantee is responsible for complying with all federal, State, and local laws that apply to the project.
- Grantees will not be paid:
 - If the grantee has been non-responsive or does not meet the conditions outlined in the grant agreement;
 - For costs for which alternative funding has been received;
 - For project changes that are not eligible; or
 - For work done after the grantee requests to end the project.
- All grantees will be required to provide regular progress reports and a final report. The final report must be approved by Conservancy staff prior to the release of the final disbursement of grant funds. Specific reporting requirements will be included in the grant agreement.
- To the extent practicable, grantees shall inform the public that the project received funds through the Delta Conservancy and from the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 (PRC 45 Sec. 80001(b)(3)). Grantees shall recognize the Conservancy, in a manner approved in advance by the Conservancy, on signs, websites, press or promotional materials, advertisements, publications, or exhibits that they prepare or approve and that reference the project. For implementation projects, grantees shall post signs at the project site acknowledging the source of the funds. Size, location, and number of signs shall be approved by the Conservancy before they are produced.
- Grants awarded through the Conservancy's Community and Economic Enhancement Grant Program may be subject to prevailing wage provisions of Part 7 of Division 2 of the California Labor Code (CLC), commencing with Section 1720. The grantee shall pay prevailing wage to all persons employed in the performance of any part of the project if required by law to do so. Any questions regarding interpretation of the CLC should be directed to the Director of the Department of Industrial Relations (DIR), the State department having jurisdiction in these matters. For details, please refer to the DIR website at <https://www.dir.ca.gov/Public-Works/Prevailing-Wage.html>.



**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 Ratifying a Local Emergency Order Allowing for Temporary Expanded Outdoor Dining for the Duration of the Local Emergency Due to COVID-19

MEETING DATE: July 6, 2020

EXECUTIVE SUMMARY

The City Council will consider the adoption of a Resolution ratifying an Emergency Order issued by the Director of Emergency Services to temporarily allow for expanded outdoor dining throughout the duration of the Local Emergency proclaimed by the City Council due to COVID-19.

FISCAL IMPACT

Staff estimates a minor impact to the General Fund as a result of the “no-cost” temporary outdoor dining and/or encroachment permits. However, staff believes allowing for expanded outdoor dining may help restaurants reopen and increase business in the wake of COVID-19, potentially leading to a small increase in sales tax revenue.

RECOMMENDATION

City Council adopt a Resolution ratifying the Local Emergency Order.

BACKGROUND

On March 4, 2020, the Governor of the State of California declared a state of emergency due to COVID-19. On March 6, 2020, Contra Costa Health Services (CCHS) released community guidelines for reducing the spread of COVID-19, and on March 10, 2020, the Contra Costa County Board of Supervisors issued an emergency proclamation to respond to COVID-19.

On March 16, 2020, Health Officers from Contra Costa and other Bay Area counties ordered residents to shelter in place, and the City Council held a special meeting and voted unanimously to proclaim the existence of a local emergency in response to the COVID-19 pandemic.

On June 5, 2020, in anticipation of the allowed reopening of restaurants for sit down dining, and pursuant to Government Code Section 8634, the City of Pittsburgh Director of Emergency Services issued the local order.

SUBCOMMITTEE FINDINGS

This item was presented to the Economic Development/Waterfront Subcommittee on May 29, 2020. The Subcommittee voiced general support for the implementation of expanded outdoor dining to help restaurants reopen.

STAFF ANALYSIS

Under normal circumstances, outdoor dining is generally allowed within designated and specifically designed areas of mainly private property adjacent to restaurants. Usually, the amount of outdoor seating area is limited in comparison to the amount of indoor seating, and many restaurants do not offer any outdoor seating for a variety of reasons. Outdoor dining also requires an Outdoor Dining Permit, which carries a fee of \$325. Any proposed use of City-owned property or rights-of-way also requires a revocable encroachment permit, the typical fee for which is a minimum of \$497.

The Local Emergency Order signed by the Director of Emergency Services would expand the areas potentially suitable for outdoor dining to include portions of private property not normally designated for outdoor dining, such as private parking lots, as well as public spaces and rights-of-way, such as parks, parking areas, and sidewalks. These temporary permits would be issued at no costs to qualifying applicants.

As detailed in Attachment 2, those restaurant operators looking to utilize additional space for temporary outdoor dining would be required to, among other things, refrain from installing permanent structures, install barriers for the protection of diners, maintain adequate paths of travel, maintain and clean dining areas and provide adequate refuse collection facilities, and bring in all tables and chairs each evening. Hours would be limited to 8:00 a.m. to 10:00 p.m., and restaurants would be required to comply with County and State regulations, as applicable. The temporary permits would expire five (5) days after the termination of the Local Emergency.

ATTACHMENTS:

1. Proposed Resolution
2. Emergency Order

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

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Ratifying a Local Emergency Order	)	RESOLUTION NO. 20-
Allowing for Temporary Expanded	)	
Outdoor Dining for the Duration of	)	
<u>the Local Emergency Due to COVID-19</u>	)	

The City Council of the City of Pittsburg hereby FINDS AND DETERMINES:

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency due to COVID-19; and

WHEREAS, on March 6, 2020, Contra Costa Health Services (CCHS) released community guidelines for reducing the spread of the Coronavirus (COVID-19); and

WHEREAS, on March 10, 2020, the Contra Costa County Board of Supervisors issued an emergency proclamation to respond to COVID-19; and

WHEREAS, on March 16, 2020, Health Officers from Contra Costa and other Bay Area counties ordered residents to shelter in place, resulting in the closure of restaurants for dine-in service; and

WHEREAS, on March 16, 2020, the City Council held a special meeting and voted unanimously to proclaim the existence of a local emergency in response to the COVID-19 pandemic; and

WHEREAS, on June 5, 2020, in anticipation of the allowed reopening of restaurants for outdoor sit down dining, and pursuant to Government Code Section 8634, the City of Pittsburg Director of Emergency Services issued a Local Emergency Order to establish guidelines to allow for no-cost temporary outdoor dining permits for the duration of the proclaimed Local Emergency; and

WHEREAS, on June 5, 2020, CCHS issued Order No. HO-COVID19-17, allowing for outdoor dining beginning on June 17, 2020, subject to certain restrictions and County-issued guidance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pittsburg that a local emergency exists throughout the City of Pittsburg due to COVID-19 and that the City Council hereby ratifies the Director of Emergency Services' Local Emergency Order to allow for the issuance of temporary outdoor dining permits for the duration of the Local Emergency, along with a five (5) day grace period, subject to the

guidelines and policies contained within the executed Order.

BE IT FURTHER RESOLVED that this resolution shall become effective immediately upon passage and adoption.

PASSED AND ADOPTED by the City Council of the City of Pittsburgh at a regular meeting on the 6th day of July 2020, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Jelani Killings, Mayor

ATTEST:

Alice E. Evenson, City Clerk



LOCAL EMERGENCY ORDER

Effective Date: June 5, 2020

On March 4, 2020, the Governor of the State of California declared a state of emergency due to COVID-19. On March 6, 2020, Contra Costa Health Services (CCHS) released community guidelines for reducing the spread of COVID-19, and on March 10, 2020, the Contra Costa County Board of Supervisors issued an emergency proclamation to respond to COVID-19. On March 16, 2020, Health Officers from Contra Costa and other Bay Area counties ordered residents to shelter in place. On March 16, 2020, the City Council held a special meeting and voted unanimously to proclaim the existence of a local emergency in response to the COVID-19 pandemic. Pursuant to Government Code Section 8634, the City of Pittsburg Director of Emergency Services issues the following Order:

1. If sit-down dining is permitted by the Contra Costa County Health Officer, certain City-owned public properties, portions of the City rights-of-way used for parking, private property may be used for temporary outdoor dining during the pendency of the local emergency to ensure proper social distancing, subject to the following requirements:
 - A. Restaurants desiring to establish temporary outdoor dining during the local emergency to ensure proper social distancing shall submit an application, on forms approved by the Community Development Department, and such restaurants shall obtain a temporary, no-cost permit from the Community Development and/or Public Works Departments, which permit may be granted or denied in the City's discretion.
 - B. For applications seeking to utilize public property or rights-of-way for temporary outdoor dining:
 - i. the City reserves the right to determine on a case-by-case basis the suitability and appropriateness of the public property or rights-of-way requested by the restaurant for outdoor dining;
 - ii. the use of City property or rights-of-way shall not interfere with vehicular and pedestrian traffic, or access under the Americans with Disabilities Act; and
 - iii. no real property right is provided, given, or otherwise conveyed to any person or entity using public property or rights-of-way for outdoor dining purpose.
 - C. No permanent item or structure shall be installed in association with the temporary outdoor dining.
 - D. Temporary fencing or other approved barriers no less than one (1) foot tall

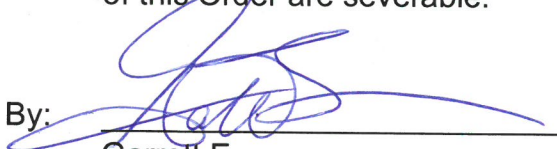
and not exceeding three (3) feet tall shall be placed in a safe manner around the outdoor dining area.

- E. Dining tables shall be placed in a manner that observes six-foot (6'-0") social distancing between groups of customers. Customers in the same household dining together are counted as one group and are exempt from this requirement while sitting at the same table(s).
 - F. A minimum four (4' 0") foot wide pedestrian path of travel shall be provided and maintained along all pedestrian walkways, including but not limited to those connecting the public right-of-way and/or parking lot to all public building entrances. No outdoor use may obstruct this required pedestrian clearance in any manner, regardless of the width of the sidewalk.
 - G. The use shall not interfere with vehicular and pedestrian traffic, or access under the Americans with Disabilities Act.
 - H. Outdoor furniture shall be attractive and made of high quality, durable materials. Outdoor furniture and fixtures shall be kept in good working and aesthetic condition at all times.
 - I. Tables and chairs must be removed and stored indoors during non-business hours.
 - J. Outdoor dining areas shall be maintained in a clean condition at all times. Businesses approved to use public property or the public right-of-way for temporary outdoor dining shall be responsible for keeping the designated public property or rights-of-way clear of litter and debris.
 - K. The business operator shall be required to provide at least one outdoor trash receptacle and recycling container when the outdoor seating area is in use. The receptacles shall be regularly emptied and shall not be allowed to overflow.
 - L. Unless hours of operation are expressly extended or restricted by the permit, hours of operation for outdoor uses shall coincide with the hours of operation for the corresponding business with which the outdoor use is granted; however, in no event shall outdoor dining be permitted between the hours of 10:00 pm and 8:00 am.
 - M. All forms of speaker amplification associated with the outdoor dining provided under this order shall be prohibited.
 - N. Temporary signage may be utilized to designate the area used for outdoor dining.
 - O. Restaurants shall comply with all applicable State and County laws and regulations pertaining to outdoor dining (including but not limited to sale and consumption of alcoholic beverages) under this provision.
2. The provisions in the City of Pittsburgh Municipal Code specifying minimum

parking requirements, as applicable, are suspended during the pendency of the local emergency for existing businesses at the discretion of the City Manager or their designee in order to provide for outdoor dining, provided that the number of spaces utilized for outdoor dining does not exceed the allocated number of spaces for the existing use or a maximum of ten (10) spaces, whichever is greater, and provided that the use of parking spaces does not block, impede or otherwise interfere with the safe travel of vehicles and pedestrians, including access under the Americans with Disabilities Act. Failure of any person to comply with this Order and any order issued by a law enforcement officer pursuant to this Order constitutes an imminent threat to public health.

3. This Order shall remain in effect until termination of the local emergency. Temporary outdoor dining permits approved under this order shall be provided a five (5) day grace period to return to indoor dining practices.
4. This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the City of Pittsburg, its departments, officers, employees, or any other person.
5. The City reserves the right, in its sole discretion during the pendency of the City local emergency, to terminate or extend any permit issued hereunder, with or without cause. Upon termination of any use permit granted hereunder, the permittee shall return City-owned public property to the condition existing at the time of permit issuance.
6. If any provision of this Order to the application thereof to any person or circumstances is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

By: _____


Garrett Evans
City Manager/Director of Emergency Services
City of Pittsburg