

City of Pittsburgh Planning Commission Agenda

April 25, 2017

**City Hall Council Chamber
65 Civic Avenue, Pittsburgh, CA 94565**

**Regular Meeting
7:00 P.M.**

Planning Commission Members

**Mark Gargalikis, Vice-Chair
James Coniglio, Commissioner
Wolfgang Croskey, Commissioner
A.J. Fardella, Commissioner
Durie Foster, Commissioner
Oliver Guerrero, Commissioner
Vacant, Commissioner**

Any member of the public who wishes to address the Commission should complete a Speaker's Card, available on the public counter below the dais. Please note on the card the agenda item number, or, for items not listed on this agenda, a brief description of the issue on which you would like to address the Commission. Give the completed form to the Minutes Clerk or a staff member, who will give the card to the Commission Chair. The Chair will invite the speaker(s) to the podium at the appropriate time during the meeting. Each individual will be given three minutes to address the Commission, unless additional time is allowed as provided for spokespersons. Prior to speaking, each speaker is requested to state his or her name and business and city of residence in a clear and audible tone of voice. For items listed under the "Public Hearings" or "Commission Consideration" portions of this agenda, the public hearing or public comment period will follow a brief presentation on the item by Planning Department staff and/or the project applicant.

A decision by the Planning Commission is not final until the appeal period expires 10 calendar days after the date the decision occurred. The applicant, City Council member(s), City Manager, or any affected person may appeal the denial, approval, recommendation, or any condition of approval of an item within the 10-day appeal period. A completed appeal form and the applicable filing fee must be filed with the City Planner, 65 Civic Avenue, Pittsburgh. The appeal form must include the name and address of the appellant and state the reasons for the appeal. The appeal will be set for City Council consideration and appropriate public notification given.

The Commission requests that you refrain from disruptive conduct during the meeting and that you observe the order and decorum of the Council Chamber. Please turn off or set to vibrate all cellular phones, and refrain from making personal, impertinent or slanderous remarks. Boisterous or disruptive behavior while the Commission is in session, and the display of signs in a manner that violates the rights of others or prevents others from watching or fully participating in the Planning Commission meeting is considered counterproductive and will not be tolerated, and the Commission Chair can order any person who engages in such conduct to leave the Council Chamber.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

DELETIONS, WITHDRAWALS OR CONTINUANCES

COMMENTS FROM THE AUDIENCE

PRESENTATIONS

CONSENT

(All items listed under the "Consent" portion of the agenda are considered routine and are adopted under one motion. Any item appearing as a Consent item on this agenda will be considered separately only upon request from a member of the Planning Commission, staff or public.)

1. Minutes

Meeting Minutes of March 28, 2017

2. Request to Initiate a Zoning Study Related to Allowable Uses in the CP-1 District

This is a City-initiated proposal to consider potential amendments to Title 18 of the Pittsburgh Municipal Code (PMC) in order to provide more flexibility related to the allowable uses in the CP-1 District.

PUBLIC HEARINGS

3. Sky Ranch II Development Agreement, AP-17-1226 (DA).

This is a public hearing on a request for a recommendation on a development agreement for the previously approved 'Sky Ranch II Residential Subdivision,' located at the terminus of Ventura Drive, South of the Highlands Ranch Subdivision, in the RS-6-O (Single Family Residential with a Limited Overlay, Ordinance No. 07-1285) District. Assessor's Parcel Nos. 089-050-074, 089-470-078, 089-480-036, and 089-530-047.

COMMISSION CONSIDERATIONS

4. Esperanza Apartments at San Marco (Village M), AP-13-932 (DR).

This is a request for design review approval of plans to construct a 318-unit apartment complex along the south side of West Leland Road, immediately west of Tomales Bay Drive. The project consists of 12 three-story buildings and site improvements on 13.3 acres in 'Village M' of the San Marco PD (Planned Development, Ordinance No.12-1362) District. Assessor's Parcel No. 097-550-018.

5. East Santa Fe Triplex, AP-17-1225 (DR).

This is a request for design review approval of plans to construct a three-unit apartment complex and site improvements on a vacant 7,790 square foot parcel located at 465 East Santa Fe Avenue, in the RH (High Density Residential) District. APN: 086-143-004.

ZONING ADMINISTRATOR REPORTS

6. Notice of Intent to Exercise Delegated Design Review Authority and Submittal of Adopted Zoning Administrator Resolutions.

The Zoning Administrator submits two notices of intent to exercise delegated design review authority for: 1) Mike's Auto Body solar carports; and 2) Fire Station #84 solar carport. The Zoning Administrator also submits one resolution previously approved under the delegated authority (PMC sections 18.32.010 and 18.84.560).

STAFF COMMUNICATIONS

COMMITTEE REPORTS

ADJOURNMENT OF PLANNING COMMISSION MEETING

NOTICE TO PUBLIC

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 Commission 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)

GENERAL INFORMATION

Copies of the open session agenda packets that are distributed to the Planning Commission are on file in the office of the Planning Department, 65 Civic Avenue, Pittsburg, California, and are available for public inspection, beginning no fewer than 72 hours in advance of the meeting, during normal business hours (8:00 a.m. – 5:00 p.m., Monday through Friday, except city holidays). Additionally, if any reports or documents that are public records are distributed to the Planning Commission fewer than 72 hours before the meeting, those reports and documents will also be available for public inspection in the city's Planning Department and at the Commission meeting. The Pittsburg Library is also provided a full agenda packet for your convenience. As a courtesy, the agenda is also located on the city's website at www.ci.pittsburg.ca.us.

**MINUTES
OF A REGULAR MEETING
OF THE
PITTSBURG PLANNING COMMISSION**

March 28, 2017

A regular meeting of the Pittsburg Planning Commission was called to order by Acting Chair / Vice Chair Gargalikis at 7:00 p.m. on Tuesday, March 28, 2017, in the Council Chamber, City Hall, 65 Civic Avenue, Pittsburg, California.

ROLL CALL

Present: Acting Chair / Vice Chair Gargalikis, Commissioners Coniglio, Croskey, Fardella, Foster, Guerrero

Absent: Commissioner Belleci-Shipe

Staff: City Engineer/Community Development Director Fritz McKinley, City Clerk Alice Evenson, Planning Manager/Secretary Kristin Pollot, Assistant City Attorney Nicholas Norvell, Senior Civil Engineer Richard Abono, Assistant to the City Manager Jill Hecht, Senior Planner Hector Rojas, Associate Planner Jordan Davis

PLEDGE OF ALLEGIANCE

Commissioner Oliver Guerrero led the Pledge of Allegiance.

DELETIONS / WITHDRAWALS / CONTINUANCES

There were no deletions, withdrawals or continuances.

COMMENTS FROM THE AUDIENCE

There were no comments from the audience.

PRESENTATION

There were no presentations.

CONSENT

1. Minutes of March 14, 2017

On motion by Commissioner Fardella seconded by Commissioner Guerrero to approve the minutes and carried by the following vote:

AYES:	Coniglio, Croskey, Fardella, Foster, Gargalikis, Guerrero
NOES:	None
ABSTAIN:	None
ABSENT:	Belleci-Shipe

PUBLIC HEARINGS

2. SONIC Drive-In Restaurant, AP-16-1190 (UP, DR).

A public hearing on a request for use permit and design review approval of plans to construct a 2,720-square-foot, full-service restaurant with outdoor dining, drive-in service, and drive-through service on a 0.86-acre property located at 1600 North Parkside Boulevard in the CC (Community Commercial) District. Assessor's Parcel No. 088-151-041.

Senior Planner Hector Rojas gave a presentation.

Acting Chair Gargalikis opened the public hearing.

Julio Tinajro spoke as the applicant. He stated that he agreed to all conditions as presented.

Bruce Ohlson, Pittsburg, commented on bicycle lanes, inverted "U" style bike racks and signal timing.

There being no one to speak further on the item, Acting Chair Gargalikis closed the public hearing.

On motion by Commissioner Croskey, seconded by Commissioner Fardella to approve with the additional condition of a walkway be installed between the Big-O property and the proposed SONIC and carried by the following vote:

AYES:	Coniglio, Croskey, Fardella, Foster, Gargalikis, Guerrero
NOES:	None
ABSTAIN:	None
ABSENT:	Belleci-Shipe

3. HHI Community Garden and Urban Farm, AP-16-1211 (UP, DR).

A public hearing on a request for use permit and design review approval to allow a community garden and urban farm on an approximately two-acre site located within the El Pueblo Housing Development at 875 El Pueblo Avenue in the RH (High-Density Residential) District. Assessor's Parcel No. 073-150-003. The garden and farm would grow fruits and vegetables and would also include beehives and chicken coops to produce honey and eggs. A substantial portion of the crops produced would be put up for sale to local businesses and/or organizations as part of a 'market garden' concept.

Senior Planner Hector Rojas gave a presentation.

Acting Chair Gargalikis opened the public hearing.

Ray Harts, Healthy Hearts Institute, spoke as the applicant. He stated that he agreed to all conditions as presented. Mr. Harts also stated that he plans to have ten (10) plots in the ground by April 29, 2017.

Bruce Ohlson, Pittsburg, spoke in favor of the community garden and urban farm.

Coire Reilly, Oakland, spoke in favor of the community garden and urban farm.

Charles Smith, Pittsburg, spoke in favor of the project with a few concerns.

Willie Mims, Pittsburg, inquired if there would be a negative impact on residents during the beginning development of the community garden and urban farm. Mr. Mims also inquired if the residents of El Pueblo would have priority to claim plots first.

There being no one to speak further on the item, Acting Chair Gargalikis closed the public hearing.

On motion by Commissioner Fardella, seconded by Commissioner Croskey to approve and carried by the following vote:

AYES:	Coniglio, Croskey, Fardella, Foster, Gargalikis, Guerrero
NOES:	None
ABSTAIN:	None
ABSENT:	Belleci-Shipe

STUDY SESSION

4. Edgewater Apartments, AP-17-1228 (PPR).

A preliminary plan review of a proposal by Discovery Builders, Inc. to construct a 62-unit, multi-family development on a 4.4-acre site located along the east side of Carion Court, across from Martin Luther King Jr. Junior High School, within the RM (Medium Density Residential) District. APN: 073-190-033.

Commissioners discussed the proposal and provided feedback to staff, as requested.

ZONING ADMINISTRATOR REPORTS

5. Notice of Intent to Exercise Delegated Design Review Authority, and Submittal of Adopted Zoning Administrator Resolutions.

The Zoning Administrator submit one notice of intent to exercise delegated design review authority for a minor remodel of the Jack in the Box restaurant at 2135 Railroad Avenue, and two resolutions previously approved under the delegated authority (Planning Commission Resolution No. 9918).

Commissioners acknowledged receipt of the notice of intent.

STAFF COMMUNICATIONS

Planning Manager Kristin Pollotannounced the Zoning Administrator Hearing regarding Pittsburg High School Protected Tree Removal is scheduled for April 6, 2017. For clarification, it was originally presented as five (5) trees; however, it is a total of six(6) trees.

Assistant City Attorney Nicholas Norvell announced that the Conflict of Interest Form 700s are due to the City Clerk by the April 1, 2017.

COMMITTEE REPORTS

There were no committee reports.

ADJOURNMENT

The meeting was adjourned at 8:49 p.m. to April 11, 2017.

Kristin Pollot, AICP, Acting Secretary

**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT**

ITEM: No. 2 – Request to Initiate a Zoning Study Related to Allowable Uses in the CP-1 District

ORIGINATED BY: City of Pittsburgh, 65 Civic Avenue, Pittsburgh, CA 94565

SUBJECT: This is a City-initiated proposal to consider potential amendments to Title 18 of the Pittsburgh Municipal Code (PMC) in order to provide more flexibility related to the allowable uses in the CP-1 District.

RECOMMENDATION:

Staff recommends that the Commission move by minute order to initiate a zoning study related to allowable uses in the CP-1 District.

BACKGROUND:

Since 2013, the Land Use Subcommittee has been discussing and reviewing potential options for modification of the CP District standards in order to help decrease commercial vacancies in the downtown.

On April 19, 2017, the subcommittee met and specifically discussed some potential changes related to a recent proposal for a karate studio to locate at 760 Railroad Avenue, in the CP-1 District. During this meeting, the subcommittee directed staff to review potential changes to the CP-1 District that could allow for 'Personal Improvement Services' (as defined by PMC 18.08.080.21) subject to a use permit.

PROJECT DESCRIPTION:

As part of the zoning study, staff is proposing to review the types of uses that could qualify as 'Personal Improvement Services' and/or 'Personal Services' (PMC 18.08.080.21 and .22) and formulate a recommendation as to what type of uses should or should not be allowed in the CP-1 District, subject to use permit approval. Once this staff level study is completed, the findings and a formal recommendation would be brought before the Planning Commission for formal review and consideration.

GENERAL PLAN/CODE COMPLIANCE:

Pursuant to PMC section 18.48.020, amendments to zoning regulations must be initiated by motion of the City Council or the Planning Commission, or by application or petition of a resident, property owner or business owner in the city. According to the direction received from the Land Use Subcommittee, staff is requesting that the Planning Commission initiate a zoning study as described above.

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ANALYSIS:

Not applicable.

ACTION REQUIRED:

Move by Minute Order to initiate a zoning study zoning study related to allowable uses in the CP-1 District.

ATTACHMENTS:

Prepared by: Kristin Pollot, AICP, Planning Manager

**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT**

ITEM: No. 3 – Sky Ranch II Development Agreement, AP-17-1226 (DA).

ORIGINATED BY: Louis Parsons, Sky Ranch Land Investors, LLC, 4021 Port Chicago Hwy, Suite H, Concord, CA 94520

SUBJECT: This is a public hearing on a request for a recommendation on a development agreement for the previously approved 'Sky Ranch II Residential Subdivision,' located at the terminus of Ventura Drive, South of the Highlands Ranch Subdivision, in the RS-6-O (Single Family Residential with a Limited Overlay, Ordinance No. 07-1285) District. Assessor's Parcel Nos. 089-050-074, 089-470-078, 089-480-036, and 089-530-047.

RECOMMENDATION:

Staff recommends that the Commission adopt Resolution No. 10062, recommending City Council approval of the development agreement as presented.

BACKGROUND:

On July 23, 2004, Discovery Builders Inc., filed several planning applications to facilitate the development of a 166.5 acre site located immediately south of the existing Highlands Ranch Subdivision, with 415 single family homes, for the Sky Ranch II Residential Subdivision ("Sky Ranch II"). In 2006, an Environmental Impact Report (EIR) was certified for the Sky Ranch II development, and shortly thereafter, in 2007, the Planning Commission and City Council approved (as appropriate) environmental findings, pre-zoning for a site, a vesting tentative subdivision map and design review of architectural and site development plans. On June 18, 2007, the City Council also initiated annexation proceedings to bring the site into the Pittsburg municipal boundary, the Delta Diablo ("DDSD") service area and the Contra Costa Water District ("CCWD") service area.

During annexation review it was discovered that the original EIR project description was missing some minor information that was deemed necessary in order to facilitate annexation of the site. In response to this issue, an EIR Addendum was prepared, and was adopted by the City Council on February 19, 2008.

On May 12, 2008, the Contra Costa Local Agency Formation Commission (LAFCO) approved the annexation of the site, which was finalized through the filing of a Certificate of Completion on June 25, 2008.

Since 2008, the applicant has been working with the City on complying with the numerous conditions of approval, which has included additional water storage analysis and application for inclusion into the Central Valley Project (CVP) for water supply on

Planning Commission Staff Report

site. The applicant has also been working with the City over the past few years in negotiating appropriate terms for the development agreement, which is included in its entirety as Attachment 2 to this report, and is summarized below.

PROJECT DESCRIPTION:

In addition to providing an extended term of project approval (20 years from approval), the draft development agreement generally requires the developer to:

- 1) build 42 houses with attached accessory dwelling units to meet the subdivision's inclusionary housing obligation under Pittsburg Municipal Code (PMC) Chapter 18.86;
- 2) construct an approximate 1.36 acre park and pay in-lieu parkland dedications fees equivalent to approximately 5.82 acres of additional parkland;
- 3) construct two of the required four lanes of the James Donlon Expressway within the limits of the project site;
- 4) install two city operated surveillance cameras at two intersections in the area (to be identified by the City);
- 5) offer installation of basic home security wiring in each dwelling unit and provide a year of free professional home security monitoring services to new homeowners;
- 6) install conduit for electric vehicle charges stations in every garage;
- 7) install a roof top solar demonstration system on at least one model home and include solar installation as an option for new home owners;
- 8) annex the project site into Community Facilities District's (CFD) for: a) lighting and landscaping, b) park maintenance, c) police and other emergency services, and d) fire service;
- 9) establish a new Geologic Hazard Abatement District (GHAD), or expand an existing GHAD to cover the project;
- 10) pay a per unit General Plan maintenance fee;
- 11) construct necessary drainage improvements serving the project; and
- 12) construct or contribute funds for the water infrastructure improvements required by the City's' 2016 Water Master Plan.

GENERAL PLAN/CODE COMPLIANCE:

Development Agreement: Pursuant to PMC 18.44.020, the City Council adopted procedures and requirements for considering, adopting and reviewing development agreements on November 25, 1996, through Resolution No. 96-8371. Article V, Section A of City Council Resolution No. 96-8371 states that the Planning Commission shall hold a public hearing to consider the application for a development agreement and may make recommendations to the City Council concerning the application.

Environmental: An EIR was previously prepared for the Sky Ranch II Residential Subdivision. On October 2, 2006, the City Council adopted Resolution No. 06-10632 certifying that the final environmental impact report (FEIR) for the Sky Ranch II

development project (SCH # 2004112092) was prepared in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines. On May 21, 2007, after having reviewed and considered the environmental documentation prepared for the Sky Ranch II development, the City Council adopted Resolution No. 07-10789 approving CEQA findings, adopting a Statement of Overriding Considerations, and a Mitigation and Monitoring and Reporting Program (MMRP) for the Sky Ranch II development.

On February 19, 2008, the City Council adopted Resolution No. 08-10958, adopting the first addendum to the EIR in order to facilitate a modification of the Sky Ranch II EIR project description. The 2008, project description changes, addressed: 1) the need for modification of the Sphere of Influence (SOI) for both DDSD and CCWD, and 2) annexation of the City water tank property to DDSD, CCWD and the City. Environmental impacts associated with these project revisions were analyzed in conjunction with the 1st EIR addendum, and it was determined that none of the conditions described in CEQA Guidelines Section 15162 which call for the preparation of a subsequent EIR, had occurred.

The current request for approval of a development agreement is subject to the CEQA, and the State CEQA Guidelines (Public Resources Code section 21080). In accordance with CEQA Guidelines Section 15164, a 2nd Addendum to a previously certified EIR may be prepared by the Lead Agency when a proposed action will not lead to a new significant effect or a significant effect being substantially more severe than shown in the previous EIR, or does not otherwise call for preparation of a subsequent EIR per CEQA Guidelines Section 15162.

Section 15162(a) of the CEQA Guidelines states that when an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines that, either 1) the project proposes substantial changes which would present a new significant impact, 2) there are substantial changes with respect to the circumstances under which the project is undertaken that would present a new significant impact, or 3) there is new information available that was not previously available relating to new or previously identified significant impacts.

Since the proposed modification of the Sky Ranch II project to include a development agreement would not 1) result in any new significant environmental impacts not previously disclosed in the 2006 EIR, 2) result in any substantial increase in the severity of previously identified impacts, or 3) otherwise require preparation of a subsequent EIR in accordance with CEQA Guidelines Section 15162(a), preparation of a 2nd Addendum to the 2006 EIR, pursuant to CEQA Guidelines section 15164, is the appropriate method for achieving CEQA compliance for the current project.

Required Findings: Pursuant to City Council Resolution No. 96-8371, the Planning Commission must make a recommendation on a development agreement prior to City

Planning Commission Staff Report

Council consideration. The City Council may adopt the ordinance approving a development agreement if it finds that:

- A. the development agreement is consistent with the General Plan and any applicable specific plan; and
- B. the development agreement would promote the public health, safety, and general welfare.

Public Notice: On Friday, April 14, 2017, in accordance with Government Code section 65091, and PMC section 18.14.020.C, a “Notice of Public Hearing,” for the April 25, 2017, public hearing on this item was delivered for posting at the Pittsburg Library; was posted at City Hall and at the project site; was posted on the public notices” page of the City’s website; and was mailed via first class or electronic mail to the applicant, to the property owner, to owners of property located within 300 feet of the proposed project site, to local service agencies whose services might be affected by this project, and to individuals who had previously filed written request for such notice.

ANALYSIS:

Staff believes that the Commission can make a finding to recommend City Council approval of the development agreement as proposed.

The development agreement is consistent with General Plan, specifically Housing Element Policy P-1.5, as the developer would be required to construct 42 income-restricted accessory dwelling units. These units would allow extended families to live near each other, increase the City’s affordable housing stock, and provide opportunities for homeowners to generate additional income.

The proposed development agreement would also promote the public health, safety, and general welfare, in that it would require the developer to comply with additional measures above and beyond those required in the current conditions of project approval, including (but not limited to): 1) installation of two city operated surveillance cameras at two intersections in the area (to be identified by the City); 2) installation of basic home security wiring in each dwelling unit with one year of free professional home security monitoring services to new homeowners (offered as an option to new homeowners); and 3) annexation into a new CFD intended to fund fire safety improvements and/or services provided by the Contra Costa County Fire Protection District.

ACTION REQUIRED:

Staff recommends that the Commission adopt the attached Resolution No. 10062, recommending City Council approval of a development agreement for the previously approved Sky Ranch II Residential Subdivision.

Planning Commission Staff Report

ATTACHMENTS:

1. Proposed Resolution No. 10062
2. Draft Development Agreement (Exhibit A to Proposed Resolution No. 10062)
3. 2nd EIR Addendum
4. Approved Resolution No. 9711 (Vesting Tentative Map)
5. Public Hearing Notice with Vicinity Map

Prepared by: Kristin Pollot, AICP, Planning Manager

DRAFT
BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Recommending City Council	)	
Approval of a Development Agreement for	)	
a Previously Approved Residential	)	Resolution No. 10062
Subdivision, for "Sky Ranch II	)	
Development Agreement, AP-17-1226	)	
(DA).")	)	

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. On July 23, 2004, Albert Seenoo III, of Discovery Builders (the "applicant") filed Rezoning Application No. 02-21, requesting approval from the City Council to pre-zone 166.5 acres as RS (Single-Family Residential) District, and approve design review and vesting tentative map to subdivide the project site into 415 single-family residential lots with related infrastructure improvements. The project site is located at the terminus of Ventura Drive, south of the Highlands Ranch residential subdivision. Original APNs 089-050-074, and -066 (and portions of Highlands Ranch).

- B. On May 8, 2007, the Planning Commission adopted Resolution No. 9711 approving Vesting Tentative Map No. 8475 to subdivide the project site into 415 single-family residential lots, one detention basin parcel, and one water reservoir parcel. Additionally, the Planning Commission adopted Resolution No. 9712 approving the design review for the project site and Resolution No. 9710 recommending City Council approval of the proposed pre-zoning for the site.

- C. On May 21, 2007, the City Council adopted Resolution No. 07 10789 certifying the Final Environmental Impact Report ("EIR") for the project, CEQA Findings, Statement of Overriding Considerations, and the Mitigation and Monitoring Program, all of which were prepared in accordance with CEQA and the State CEQA Guidelines.

- D. On June 4, 2007, the City Council adopted Ordinance No. 07-1285 pre-zoning the project site to RS-6-O (Single-Family Residential, with an Overlay) District.

- E. On February 19, 2008, the City Council adopted Resolution No. 08-10958 approving the 1st addendum to the EIR. The addendum analyzed changes to the project in order to allow for annexation into the Delta Diablo Sanitation District (DDSD) and the Contra Costa Water District (CCWD), and annexation of the 3.5-acre City water tank to the DDSD, CCWD, and the City.

- F. On May 14, 2008, the Contra Costa County Local Agency Formation

Commission (“LAFCO”) approved the annexation of the project site to the City, CCWD, and DDSD, and the Certificate of Completion was recorded on June 25, 2008.

- G. On February 15, 2017, Louis Parsons, on behalf of Sky Ranch Investors LLC, filed a formal application requesting approval of a development agreement for the previously approved Sky Ranch II development project.
- H. The current proposed project is subject to the CEQA, and the State CEQA Guidelines (Public Resources Code section 21080).
- I. Pursuant to 15162(a) of the State CEQA Guidelines, City staff has determined that adoption of the proposed development agreement would not 1) result in any new significant environmental impacts not previously disclosed in the 2006 EIR, 2) result in any substantial increase in the severity of previously identified impacts, or 3) otherwise require preparation of a subsequent EIR in accordance with CEQA Guidelines Section 15162(a). As such, preparation of a 2nd Addendum to the 2006 EIR, pursuant to CEQA Guidelines section 15164, is the appropriate method for achieving CEQA compliance for the current project.
- J. Pursuant to City Council Resolution No. 96-8371, the Planning Commission must make a recommendation on a development agreement prior to City Council consideration. The City Council may adopt the ordinance approving a development agreement if it finds that:
 - 1. the development agreement is consistent with the General Plan and any applicable specific plan; and
 - 2. the development agreement will promote the public health, safety, and general welfare.
- K. On Friday, April 14, 2017, in accordance with Government Code section 65091, and PMC section 18.14.020.C, a “Notice of Public Hearing,” for the April 25, 2017, public hearing on this item was delivered for posting at the Pittsburg Library; was posted at City Hall and at the project site; was posted on the public notices” page of the City’s website; and was mailed via first class or electronic mail to the applicant, to the property owner, to owners of property located within 300 feet of the proposed project site, to local service agencies whose services might be affected by this project, and to individuals who had previously filed written request for such notice.
- L. On April 25, 2017, the Planning Commission held a public hearing on AP-17-1226 (DA), at which time additional oral and/or written testimony was considered.

Section 2. Findings

- A. Based on the Planning Commission staff report entitled, "Sky Ranch II Development Agreement, AP-17-1226 (DA)," dated April 25, 2017, 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 2006 EIR for the Sky Ranch II residential development was prepared in compliance with Public Resources Code Section 21000 et seq ("CEQA") and the State CEQA Guidelines. The 2nd Addendum to the previously certified 2006 EIR for the project was also prepared pursuant to section 15164 of the State CEQA Guidelines. All impacts associated with this project have been adequately analyzed in the 2006 EIR and the 2nd Addendum to the EIR, and the Commission has independently reviewed and considered the information contained therein, prior to making its recommendation on the development agreement.
 3. The development agreement is consistent with General Plan, specifically Housing Element Policy P-1.5, as the developer would be required to construct 42 income-restricted accessory dwelling units. These units would allow extended families to live near each other, increase the City's affordable housing stock, and provide opportunities for homeowners to generate additional income.
 4. The proposed development agreement would also promote the public health, safety, and general welfare, in that it would require the developer to comply with additional measures above and beyond those required in the current conditions of project approval, including (but not limited to): 1) installation of two city operated surveillance cameras at two intersections in the area (to be identified by the City); 2) installation of basic home security wiring in each dwelling unit with one year of free professional home security monitoring services to new homeowners (offered as an option to new home owners); and 3) annexation into a new CFD intended to fund fire safety improvements and/or services provided by the Contra Costa County Fire Protection District.

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 approving a development agreement as substantially presented in Exhibit A of this resolution.

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner _____, seconded by Commissioner _____, the foregoing resolution was passed and adopted the 25th day of April, 2017, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES:

NAYES:

ABSTAIN:

ABSENT:

I hereby certify that the above Resolution No. 10062 was adopted by the Planning Commission of the City of Pittsburg on April 25, 2017.

KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:**

Skyranch Land Investors, LLC
Attn: Legal Dept.
4021 Port Chicago Hwy.
Concord, CA 94520

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

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

**DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF PITTSBURG, CALIFORNIA
AND
SKYRANCH LAND INVESTORS, LLC
(Skyranch II Property)**

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DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT ("**Agreement**") is entered into as of the Effective Date between SKYRANCH LAND INVESTORS, LLC, a California limited liability company ("**Developer**"), and the CITY OF PITTSBURG, a California municipal corporation ("**City**"), pursuant to California Government Code § 65864 *et seq.* The Effective Date is _____, 2016.

RECITALS

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California enacted California Government Code § 65864 *et seq.*, which authorizes City to enter into an agreement with any person having a legal or equitable interest in real property regarding the development of such property.

B. Pursuant to California Government Code § 65865, City has adopted procedures and requirements for the consideration of development agreements (Resolution No. 89-7466). This Development Agreement has been processed, considered and executed in accordance with such procedures and requirements.

C. Developer has a legal interest in certain real property consisting of approximately one hundred sixty-six (166) acres, as more particularly described in the attached **Exhibit A** attached hereto (the "**Property**" or "**Project**"), and as diagrammed in the attached **Exhibit A-1** (the "**Project Site**").

D. Developer filed applications with the City requesting to (i) rezone the Property; (ii) obtain design review approval; and (iii) obtain a vesting tentative map to subdivide the Project Site into four hundred fifteen (415) single-family residential lots with related infrastructure improvements. On May 21, 2006, the City Council adopted Resolution No. 07-10789 certifying the final environmental impact report ("**FEIR**") for the Project, CEQA Findings, Statement of Overriding Considerations, and Mitigation and Monitoring Program, all of which were prepared in accordance with CEQA and the State CEQA Guidelines. On February 19, 2008, the City Council adopted Resolution No. 08-10958 approving an addendum to the FEIR.

E. On May 8, 2007, the City Council adopted Ordinance No. 9710 rezoning the Property to RS-6-0 (single-family with an overlay district).

F. On May 8, 2007, the Planning Commission adopted Resolution No. 9711 approving Vesting Tentative Map No. 8475 to subdivide the Property into four hundred fifteen (415) single-family residential lots, one (1) detention basin parcel, and one (1) water reservoir parcel.

G. On May 8, 2007, the Planning Commission adopted Resolution No. 9712 approving the design review for the Property.

H. On May 14, 2008, the Contra Costa County Local Agency Formation Commission ("**LAFCO**") approved the annexation of the Property to the City, Contra

Costa Water District (“**CCWD**”), and the Delta Diablo Sanitation District (“**Delta Diablo**”). The Certificate of Completion was recorded on June 25, 2008.

The approvals and development policies described in these Recitals, together with this Agreement, are collectively referred to herein as the “**Project Approvals**.”

I. City has determined that the Project presents certain public benefits and opportunities which are advanced by City and Developer entering into this Agreement. This Agreement will, among other things, require conditions of approval and other exactions resulting in:

1. Developer’s construction of drainage improvements that will serve the Project, as set forth in Section 3.01 of this Agreement;

2. Developer’s construction of the Water Infrastructure Improvements required by the City’s 2016 Water Master Plan, as set forth in Section 3.03 of this Agreement;

3. Developer’s commitment that it will comply with PMC §18.86.080 and VTM Condition of Approval No. 12 by building forty-two (42) rental accessory dwelling units, as set forth in Section 3.10 of this Agreement;

4. The inclusion of the Project Site into the City’s existing Community Facilities District 2007-1 and the Citywide Lighting and Landscape District No. 88-01, at no cost to the City, in order to provide funding for certain landscape and lighting costs, as set forth in Section 5.05 of this Agreement;

5. The development of an approximately 1.36 acre park on the Property, as set forth in Section 3.14 of this Agreement;

6. The inclusion of the Project Site into the City’s existing police services Community Facilities District 2005-1, at no cost to the City, in order to provide for police and other emergency services to the Project Site, as set forth in Section 5.07 of this Agreement;

7. The inclusion of the Project Site into a community facilities district formed by the City to help fund specified improvements and/or services to the Contra Costa Fire Protection District, as set forth in Section 5.08 of this Agreement;

8. The expansion of City’s existing Southwest Pittsburg Geologic Hazard Abatement District (the “**Southwest Pittsburg GHAD**”) or the establishment of a new GHAD, at no cost to City or any GHAD, to provide for, among other things, geologic hazard abatement, maintenance of detention basins, grassland maintenance, fire protection, erosion control within portions of the Project Site, as set forth Section 5.06 of this Agreement;

9. Developer’s construction of two (2) lanes of the four (4) lane James Donlon Expressway within the limits of the Project Site, as more particularly described in Section 3.13 of this Agreement; and

10. Developer's agreement to pay One Hundred Twenty Five Dollars (\$125) per building permit for a General Plan Maintenance Fee, as set forth in Section 5.09 of this Agreement.

J. In exchange for the benefits to City described in the preceding Recital I, Developer will receive by this Agreement assurances that Developer may proceed with the long term phased development of the Project in accordance with the "Applicable Law" (defined herein), and therefore desires to enter into this Agreement.

K. The City Council, after conducting a duly noticed public hearing, has found that this Agreement is consistent with the General Plan and has conducted all necessary proceedings in accordance with the City's rules and regulations for the approval of this Agreement.

L. The City Council, on _____, 20____, at a duly noticed public hearing adopted Ordinance No. _____, approving and authorizing the execution of this Agreement.

AGREEMENT

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

ARTICLE I DEFINITIONS

"Administrative Agreement Amendment" shall have that meaning set forth in Section 7.02(a) of this Agreement.

"Administrative Project Amendment" shall have that meaning set forth in Section 7.01(a) of this Agreement.

"Affordable Housing Agreement" shall have that meaning set forth in Section 3.10 of this Agreement.

"Agreement" shall mean this Development Agreement.

"Applicable Fees" shall have that meaning set forth in Section 3.05 of this Agreement.

"Applicable Law" shall have that meaning set forth in Section 6.03 of this Agreement.

"Buildout" shall mean the City's issuance to Developer of the last certificate of occupancy required for any portion of the Project Site.

"Bureau" shall have that meaning set forth in Section 5.04 of this Agreement.

"CCWD" shall have that meaning set forth in Recital H of this Agreement.

“CEQA” shall mean the California Environmental Quality Act.

“Changes in the Law” shall have that meaning set forth in Section 6.08 of this Agreement.

“City” shall mean the City of Pittsburg, a California municipal corporation.

“Complaining Party” shall have that meaning set forth in Section 10.01 of this Agreement.

“Day” or **“days”** shall mean calendar day or calendar days.

“Delta Diablo” shall have that meaning set forth in Recital H of this Agreement.

“Default Notice” shall have that meaning set forth in Section 10.01 of this Agreement.

“Defaulting Party” shall have that meaning set forth in Section 10.01 of this Agreement.

“Deficiencies” shall have that meaning set forth in Section 9.02(a) of this Agreement.

“Developer” shall mean Sky ranch Land Investors, LLC, a California limited liability company.

“Drainage Improvements” shall have that meaning set forth in Section 3.01 of this Agreement.

“Effective Date” shall have that meaning set forth in Section 2.01 of this Agreement.

“Fair Share” shall mean the proportionate share which the Developer, or other party, shall bear of the improvement, facility, or structure which is providing service to the Project, Developer or other party. The term “fair share” or similar terms used herein are not intended by the parties to this Agreement to impose a different or higher burden of proof on the City as to its fees, charges, or other exactions, than exists under applicable State or federal law.

“FEIR” shall have that meaning set forth in Recital D of this Agreement.

“Funding Mechanisms” shall have that meaning set forth in Section 3.09 of this Agreement.

“General Plan” shall have that meaning set forth in Recital K of this Agreement.

“GHAD Area” shall have that meaning set forth in Section 5.06 of this Agreement.

“HCP” shall mean the East Contra Costa County Habitat Conservation Plan.

“Judgment” shall have that meaning set forth in Section 9.02(a) of this Agreement.

“LLD” shall have that meaning set forth in Section 5.05(a) of this Agreement.

“Mitigation Monitoring Program” shall have that meaning set forth in Section 6.06 of this Agreement.

“Non-Assuming Transferee” shall have that meaning set forth in Section 8.03 of this Agreement.

“Notice of Compliance” shall have that meaning set forth in Section 8.04 of this Agreement.

“Periodic Review” shall have that meaning set forth in Section 10.03(a) of this Agreement.

“Police Services District” shall have that meaning set forth in Section 5.07 of this Agreement.

“Project” shall have that meaning set forth in Recital C of this Agreement.

“Project Approvals” shall have that meaning set forth in Recitals A through L of this Agreement.

“Project Site” shall have that meaning set forth in Recital C of this Agreement.

“Public Improvements” shall have that meaning set forth in Article XI of this Agreement.

“Subsequent Approvals” shall mean those certain other land use approvals, entitlements, and permits other than the Project Approvals that are necessary or desirable for the Project. The Subsequent Approvals may include, without limitation, the following: (i) amendments of the Project Approvals, (ii) design review approvals, (iii) improvement agreements, (iv) use permits, (v) grading permits, (vi) building permits, (vii) lot line adjustments, (viii) sewer and water connection permits, (ix) certificates of occupancy, (x) subdivision maps, (xi) PD Plans, (xii) rezonings, (xiii) development agreements, (xiv) permits, (xv) resubdivisions, and (xvi) any amendments to, or repealing of, any of the foregoing.

“Term” shall have that meaning set forth in Section 2.02 of this Agreement.

“Transfer Agreement” shall have that meaning set forth in Section 8.02(a) of this Agreement.

If any capitalized terms contained in this Agreement are not defined above, then any such terms shall have the meaning otherwise ascribed to them in this Agreement.

**ARTICLE II
EFFECTIVE DATE; TERM**

Section 2.01 Effective Date. This Agreement shall become effective upon the date the ordinance approving this Agreement becomes effective (the “**Effective Date**”).

Section 2.02 Term. The term of this Agreement shall commence upon the Effective Date and continue for a period of twenty (20) years (the “**Term**”).

**ARTICLE III
OBLIGATIONS OF DEVELOPER**

The parties acknowledge and agree that the City’s agreement to perform and abide by the covenants and obligations of City set forth in this Agreement is a material consideration for Developer’s agreement to perform and abide by its long term covenants and obligations, as set forth herein. The parties acknowledge that many of Developer’s long term obligations set forth in this Agreement are in addition to Developer’s agreement to perform all the mitigation measures identified in the Mitigation Monitoring Program. As material consideration for the long term assurances and vested rights provided by this Agreement and as a condition of approval to one or more of the Project Approvals, Developer agrees to each of the following:

Section 3.01 Drainage Improvements. Subject to the terms of this Agreement, as a condition of approval to one or more of the Project Approvals, Developer agrees to construct and offer for dedication to the City those Project storm water drainage improvements to be located within City’s boundaries and required to serve the Project Site (“**Drainage Improvements**”). The City shall accept the offer of dedication of the Drainage Improvements, as long as the Drainage Improvements comply with the City’s standards, applicable rules and regulations, and this Agreement. The parties agree that the construction of the Drainage Improvements shall be phased according to a construction schedule determined by Developer, subject to the written approval of the City Manager. City shall not require any improvements to onsite or offsite drainage facilities to address pre-existing deficiencies provided that Developer demonstrates to City’s reasonable satisfaction that impact to downstream facilities are not being exacerbated.

Section 3.02 Facility Reserve Charges. Developer agrees to pay City’s Facility Reserve Charges (“**FRC**”) as set or modified by the City Council from time to time.

Section 3.03 Water Infrastructure. Developer shall comply with the 2016 Water System Master Plan, as amended. Developer shall have the option, subject to the written approval by the City Manager, to provide water infrastructure facilities as specified by the City or to construct the water infrastructure facilities in phases subject to a storage requirement and site analysis study, commissioned by the City, that incorporates the water infrastructure requirements pursuant to the 2016 Water System Master Plan, as amended. Developer shall have the right to obtain a certain number of building permits for homes on lots which are in the Zone II water service area, even if the new Zone II water reservoir and appurtenant improvements have not yet been

constructed at such time. The number of such permits shall be determined by a study to be paid for by Developer and approved by the City Engineer. At Developer's election, its share of the construction and design costs of the new Zone II water reservoir and appurtenant improvements may be financed through the formation of a Community Facilities District. If Developer requests the formation of a Community Facilities District, the District's formation and financing mechanism shall be completed and approved by the City prior to the first single-family residential unit occupancy (excluding models).

After construction of the new Zone II reservoir, should the City elect to decommission the existing Zone II water tank and dispose of the property on which it is located, City shall enter into an exclusive negotiating right agreement with Developer (with terms acceptable to both parties) for Developer's possible acquisition of such property.

Developer shall design and construct a Zone IV water reservoir and all appurtenant improvements relating to the reservoir on the 1.23-acre parcel (which Developer acquired from the Antioch School District) in accordance with the most current Water Master Plan. Any costs incurred by Developer for the design or construction of the tank over and above its share will be outlined in a mutually acceptable Reimbursement Agreement between the City and Developer that will be completed prior to commencing the design of the facility. At Developer's election, its share of the construction and design costs of the new Zone IV water reservoir and appurtenant improvements (as well as the CFD formation costs) may be financed through the formation of a Community Facilities District. If Developer requests the formation of a Community Facilities District, the District's formation and financing mechanism shall be completed and approved by the City prior to the first single-family residential unit occupancy (excluding models).

The City's 2016 Water Master Plan requires the Segment 1E pipeline to be constructed prior to the issuance of the 807th equivalent single family dwelling unit in the Zone II infill and SE Hills service areas. This pipeline segment shall be designed, constructed and managed by the City in accordance with the most current Water Master Plan. The Developer shall pay its proportional share for these improvements in accordance with the Water Master Plan at the time work for the pipeline segment is completed. At the Developer's sole election, its share of the construction and design costs for the pipeline segment may be financed through the formation of a Community Facilities District. If Developer requests the formation of a Community Facilities District, the District's formation and financing mechanism shall be completed by the City prior to the issuance of the first single-family residential unit occupancy (except models).

Section 3.04 School Facilities Impact Mitigation. Developer shall pay in lieu school impact fees in accordance with Government Code §§ 65995 *et seq.* Compliance with this Section shall satisfy all of Developer's obligations required by City to mitigate school impacts resulting from the Project.

Section 3.05 Applicable Fees. City may levy development fees, and charges during the term of this Agreement relative to the development of the Project Site which are in force and effect as of the Effective Date, as more particularly described and

according to the payment schedule set forth on **Exhibit B** ("**Applicable Fees**"). Unless otherwise provided in this Agreement, no development fees, or charges, or categories thereof, shall be imposed on the Project other than those fees (including categories within such fees), and charges identified as Applicable Fees on **Exhibit B**, which exhibit shall exclusively govern the Applicable Fee payment schedule. The parties agree that any and all Project development fees, charges or exactions related to schools, fire prevention, water, sewer, stormwater, and storm drainage facilities, which are to be paid by Developer directly to third-party governmental agencies, are not subject to or within the scope of this Agreement whether such third party charges exist or are subsequently imposed by such third parties, whether directly upon Developer or through City. This provision shall not be construed to benefit any Non-Assuming Transferees, as such term is defined in herein.

Section 3.06 Applicable Fee Adjustments. Developer shall pay fees and charges consistent with Section 3.05, and the applicable adjustments currently provided in such fees, and as modified from time to time by the City, whether such adjustment or modification is an increase or decrease. Developer retains the right to challenge the imposition of any new fees not referenced in this Agreement or the modification, amendment or adjustment of all Applicable Fees pursuant to Government Code § 66000 *et seq.*, not already authorized by ordinances, resolutions or policies in place at the time of this Agreement's execution. Should the City Council approve a new AB 1600 fee study and/or authorize a decrease in any of the Applicable Fees during the term of this Agreement by ordinance or by resolution, Developer shall have the option, at its sole discretion, to pay the lower fee, as may be adjusted by the applicable CPI or ENR, unless otherwise bound by separate contract or memorandum of understanding with City. In no event shall Developer receive retroactive adjustments for lower fees.

Section 3.07 City Local Traffic Mitigation Fee. Developer shall pay the City Local Traffic Mitigation Fee, which fee is necessary to finance unmet City traffic improvement needs in the amount in effect as of the Effective Date and subject to adjustment in accordance with Resolution No. 07-10917 with credit for certain improvements constructed by Developer per Section 4.04 below. If the City Council approves a new AB 1600 fee study and/or authorize a decrease in any of the Applicable Fees during the term of this Agreement by ordinance or by resolution, Developer shall have the option, at its sole discretion, to pay the lower fee, as may be adjusted by the applicable CPI or ENR, unless otherwise bound by separate contract or memorandum of understanding with City. In no event shall Developer receive retroactive adjustments for lower fees.

Section 3.08 Regional Traffic Fee. Developer shall pay the ECCRFA regional traffic fee should it be imposed by the City in an amount equal to or less than the amount paid by projects in the Cities of Antioch, Brentwood, and Oakley or in accordance with the existing valid Memorandum of Understanding dated June 29, 2010, as amended, whichever is less.

Section 3.09 Fees, Assessments and/or Taxes to be Paid by Developer. Developer agrees to pay its fair share of any levies imposed by any assessment district, geologic hazard abatement district, landscaping and lighting district, community facilities district, tax-exempt financing mechanisms, or other funding mechanisms related to

public safety; traffic; sewer; water; fire; the prevention, mitigation, abatement, or control of geologic hazards; or other infrastructure improvements (including, without limitation, design, acquisition, construction and maintenance costs) (collectively, “**Funding Mechanisms**”) within the Project Site, provided that such Funding Mechanism is referenced herein and/or was legally created pursuant to applicable law.

Section 3.10 Affordable Housing. Developer shall comply with PMC 18.86.080 and VTM Condition of Approval No. 12 by constructing forty-two (42) rental accessory dwelling units within the Project. A covenant shall be recorded limiting the amount of rent that may be charged for these accessory dwelling units, consistent with the terms and conditions set forth in the affordable housing agreement. Prior to the City’s issuance of the first certificate of occupancy Developer agrees to enter into an affordable housing agreement with the City (the “**Affordable Housing Agreement**”), the form of which is attached hereto as **Exhibit C**, and which further memorializes the provisions of this Section 3.10 and is consistent with applicable law, including Pittsburg Municipal Code Chapter 18.50. Developer agrees that the accessory dwelling units referenced in this Section shall not be built or otherwise allowed on adjoining lots without the prior written approval of the City Manager. City agrees that Developer shall not be required to pay any additional City fees (building permit, sewer, water, traffic fees, etc.) associated with the accessory dwelling units except for those fees City is required to charge by the State or other governmental entities with jurisdiction over the Project.

(a) Timing. The Affordable Housing Agreement shall establish provisions to implement the affordable housing requirements within this Agreement and shall include, but not be limited to, implementation and monitoring provisions to ensure compliance with municipal law related to affordable housing. The agreement shall include provisions for the reasonable reimbursement of costs to the City for the administration and monitoring of the agreement.

(b) Inclusionary Housing Ordinance. Notwithstanding any provision of this Agreement, in the event that the City has rescinded its respective previously adopted affordable housing ordinance and not replaced it with another affordable housing or similar ordinance, or such ordinance has been declared illegal, Developer shall not be obligated to comply with the provisions for affordable housing set forth in this Agreement. In the event, prior to or during the development of the Project, the City amends or replaces or eliminates its affordable housing ordinance which would result in a reduction in the number of accessory dwelling units Developer is obligated to construct, then the Affordable Housing Agreement shall be modified to provide for an equivalent reduction in the number of accessory dwelling units required to be constructed in the Project or elimination of the requirement.

Section 3.11 Security Improvements.

(a) Developer shall pay to the City the actual cost incurred by City (not to exceed Sixty Thousand Dollars (\$60,000) towards funding the acquisition and installation of security camera(s) at two (2) intersections identified by the City . The security cameras will be installed under the supervision of the City’s Police Chief. Developer shall pay such costs within thirty (30) days of receipt of invoice.

(b) Developer shall install the basic home security wiring in the Project homes (defined herein as wiring for a basic home security system on the first floor windows and doors only). Developer shall offer one year of professional monitoring service to new homeowners. The monitoring service shall be at the election of the new homeowner.

Section 3.12 Solar Roof System. Developer shall install a solar roof system on one of its model homes for example purposes only (which may consist of a few panels with photovoltaic compatibility or other comparable technologies) and offer solar installation as an option at the homeowner's expense.

Section 3.13 Construction of James Donlon Expressway within the Limits of the Project Site. Developer shall construct a portion of the James Donlon Expressway in accordance with VTM Condition of Approval No. 59 and MM-H7. Should the median and inside lanes (which are not Developer obligations) not be installed at the time Developer constructs its required improvement, then Developer shall grade the median and inside lanes and receive credits for such work from City if such credits are not provided by the East Contra County Regional Fee & Finance Authority.

Section 3.14 In Lieu Fees or Dedication of Park Site. At the written discretion of the City Manager, Developer shall pay an in lieu park fee, or dedicate park land, or perform a combination of both, equivalent to 7.18 acres as required by the project approval. The dedicated Park Site shall be rough graded in accordance with City specifications with no more than a three percent (3%) slope, adjacent curb, gutter, sidewalk and utility stubs shall have been installed by Developer and the Park Site shall be free and clear of all liens, bonds, taxes, assessments, and other charges, which costs shall be assumed by Developer. Developer agrees to make its offer of dedication of the Park Site to City at the same time it constructs the phase of the Project in which the Park Site is located. City agrees that it shall accept the offer of dedication of the Park Site within one hundred eighty (180) days of Developer's offer of dedication of the Park Site, provided that (a) the park is in compliance with the requirements of this Section to City's reasonable satisfaction expressed in writing, and (ii) all necessary actions have been completed to include the Park Site within a new or existing lighting and landscaping district administered by City to provide funding for related park maintenance as contemplated by Section 5.05 of this Agreement. Any in lieu fees due to City must be paid by Developer prior to issuance of each building permit.

Section 3.15 Park Improvements. Prior to the offer of dedication of the Park Site pursuant to Section 3.14 above, Developer shall install park improvements identified by City at a cost not to exceed Two Hundred Fifty Thousand Dollars (\$250,000) not including the frontage improvements. This amount shall be increased annually by the CPI for the San Francisco-Oakland area, with the first increase implemented in January 2018 reflecting 2017 increases. Such costs shall not be credited against Developer's park obligations set forth in Section 3.14 above.

Section 3.16 Electric Vehicle Charge. Developer shall install, in the garage of each home, conduit from the electric panel in order for homeowners, at their election and cost, to install an electric vehicle charging system.

**ARTICLE IV
OBLIGATIONS OF CITY**

Section 4.01 Obligations of City Generally. The parties acknowledge and agree that Developer's agreement to perform and abide by its covenants and obligations set forth in this Agreement, including Developer's decision to process the siting of the Project in the City, is a material consideration for City's agreement to perform and abide by the long term covenants and obligations of City, as set forth herein.

Section 4.02 Availability of Public Services.

(a) General. To the extent permitted by law and consistent with its authority, City shall reserve such capacity for water services as may be necessary to serve the Project. This reservation of water infrastructure capacity shall be assured for the Term to the extent consistent with applicable law.

(b) Construction Water. City shall make construction water available to the Project by permitting the Project to hook up to existing City water supply infrastructure, at a location reasonably determined by the City, at Developer's cost and on those terms and conditions and charges customarily applied by City to similar projects consistent with City standards. City shall also permit Developer to install such temporary construction water pipelines and related infrastructure as reasonably necessary to provide construction water to the Project site for Developer's use in any and all Project grading and construction operations, as long as such water is unrelated to potable use.

Section 4.03 Developer's Right to Rebuild. City agrees that Developer, in Developer sole's discretion, may renovate or rebuild the Project within the Term of this Agreement should it become necessary due to natural disaster, changes in seismic requirements, acts of God, acts of terrorism, or damage to work in progress by reason of fire, floods or other casualties. Any such renovation or rebuilding shall be subject to the square footage and height limitations vested by this Agreement, and shall comply with the Project Approvals, the building codes existing at the time of such rebuilding or reconstruction, and the requirements of CEQA and this Agreement.

Section 4.04 Reimbursement of Infrastructure Costs.

(a) Reimbursement. Unless otherwise provided for herein, to the extent Developer incurs costs related to the planning and construction of traffic infrastructure, water delivery infrastructure, the off-site water tank, pump station, sewer infrastructure or other public infrastructure required by City or this Agreement for the Project that exceed the Project's fair share obligation for such infrastructure, City shall reimburse Developer for the City's portion of such costs (including any management fees provided for in this Agreement), subject to City's prior verification through inspection of the construction that is subject to such reimbursement and upon final acceptance of the infrastructure by the City. This reimbursement shall be paid within sixty (60) days after City's final acceptance or at such other time as mutually agreed upon in writing by the parties. Developer shall be entitled to a management fee of five

percent (5%) for City's share of approved infrastructure costs, including but not limited to design and special inspection costs. The management obligations of Developer hereunder shall include contracting and managing the construction of the infrastructure, retaining copies of records, photographs and "as builts" for the improvement(s) as well as attending meetings and providing necessary reports as reasonably requested by City.

(b) City's Authorization of Reimbursement. Notwithstanding any other provision of this Section or of this Agreement or VTM provisions, City shall not be responsible to reimburse or credit Developer for any costs, including as referenced in Section 4.04(a) herein, unless prior to Developer incurring any costs for which Developer will request reimbursement from City, Developer shall first provide written documentation as to the work to be performed, the estimated costs thereof, including a not-to-exceed cap, and such other details as reasonably requested by the City Manager and the City Manager approves the proposed costs and related work. If the City Manager fails to respond with thirty (30) days of its receipt of such estimated costs, Developer shall provide a second written notice to the City Manager and to the City Engineer, if neither responds with thirty (30) days of the City's receipt of the second request, the request shall be deemed approved. The City Manager shall have the discretion to require Developer to obtain competitive bids on any work for which Developer may request reimbursement or credit from the City where the total cost (not just the City's share) of that work is One Hundred Thousand Dollars (\$100,000) or more. City shall also have the opportunity to inspect any and all infrastructure during its construction, as well as to review any work product for which Developer requests reimbursement or credits. If mutually agreed by the parties in writing, any reimbursement due Developer pursuant to this Agreement may be satisfied by City in the form of credits, which can actually be used by Developer to offset Developer's payment of any Applicable Fees. In the event there are not enough credits to fully satisfy the reimbursement due Developer and subject to the terms of the mutual agreement between the parties referenced in the prior sentence, City shall reimburse Developer within thirty (30) days of invoicing.

Section 4.05 Park Fee Credit. Developer and City agree that the park in-lieu fee amount will be Nine and 40/100^{ths} Dollars (\$9.40) per square foot (unless City adopts a lower fee in which case the lower fee shall apply), increased annually by the CPI for the San Francisco-Oakland area, with the first increase implemented in January 2017 reflecting 2016 increases. The timing of the payment of the park in-lieu fee shall be satisfied as set forth in Section 3.14 above.

ARTICLE V COOPERATION — IMPLEMENTATION

Section 5.01 Processing Application for Subsequent Approvals. The parties agree that all Subsequent Approvals shall be processed by City in a manner consistent with the following provisions:

(a) Standard of Review. By adopting the Project Approvals, City has made a final policy decision that the Project is in the best interests of the public health, safety and general welfare. Accordingly, City shall not use its discretionary

authority in considering any application for a Subsequent Approval to change the policy decisions reflected by the Project Approvals or otherwise prevent or delay development of the Project as set forth in the Project Approvals. Instead, the Subsequent Approvals shall be deemed tools to implement those final policy decisions and shall be issued by City so long as they comply with this Agreement and Applicable Law, as defined below, and are not inconsistent with the Project Approvals as set forth above, and meet the intent and comply with any City adopted Designed Guidelines, as applicable. To the extent permitted by law, City shall not use its discretionary authority in considering these Subsequent Approval applications to revisit or frustrate the policy decisions or material terms reflected by the Project Approvals. Developer agrees that development under this Agreement shall comply with provisions reflected in Uniform Codes (whether building, fire, plumbing, or other applicable uniform codes) which may adopted subsequent to the Effective Date of this Agreement.

(b) Basis for Denial. City may deny an application for a Subsequent Approval only if such application does not comply with this Agreement or Applicable Law, defined below, or does not substantially comply with the Project Approvals (provided, however, that inconsistency with the Project Approvals shall not constitute grounds for denial of a Subsequent Approval which is requested by Developer as an amendment to that Project Approval). City may approve an application for such a Subsequent Approval subject to any conditions necessary to bring the Subsequent Approval into compliance with this Agreement or Applicable Law, or as is necessary to make this Subsequent Approval consistent with the Project Approvals. If City denies any application for a Subsequent Approval, City shall specify in writing the reasons for such denial and may suggest a modification which would be approved by City.

Section 5.02 Timely Submittals By Developer. Developer acknowledges that City cannot expedite processing of the Subsequent Approvals until Developer submits complete applications on a timely basis. Developer shall use its best efforts to (a) provide to City in a timely manner any and all documents, applications, plans, and other information necessary for City to carry out its obligations hereunder; and (b) cause Developer's planners, engineers, and all other consultants to provide to City in a timely manner all such documents, applications, plans and other necessary materials as set forth in the Applicable Law. It is the express intent of Developer and City to cooperate and diligently work to obtain any and all Subsequent Approvals consistent with this Agreement.

Section 5.03 Timely Processing By City. Upon submission by Developer of all appropriate applications and processing fees for any Subsequent Approval, City shall promptly and diligently commence and complete all steps necessary to act on the Subsequent Approval applications including, without limitation, (a) providing at Developer's expense and subject to Developer's request and prior written approval, reasonable overtime staff assistance and/or staff consultants for planning and processing of each Subsequent Approval application; (b) if legally required, providing notice and holding public hearings; and (c) acting on any such Subsequent Approval application. If Developer elects to request and approve the use of overtime staff assistance or staff consultants for planning and processing of any Subsequent Approval pursuant to this Section 5.03, Developer's reimbursement to City for such services shall

be made in amount equal to City's actual costs of providing such services, in accordance with standard City practice.

Section 5.04 Other Government Permits. At Developer's sole discretion and in accordance with Developer's construction schedule, Developer shall apply for such other permits and approvals as may be required by other governmental or quasi-governmental entities in connection with the development of, or the provision of services to, the Project. City shall cooperate with Developer in its efforts to timely obtain such permits and approvals and shall, from time to time, at the request of Developer, use its best efforts to ensure the timely availability of such permits and approvals. City shall cooperate with Developer to obtain any and all approvals from Contra Costa County related to the construction or operation of the Drainage Improvements. City shall also cooperate with Developer, CCWD and the Bureau of Reclamation (the "**Bureau**") in all matters related to CCWD's application to the Bureau to expand the place of use of Central Valley Project water to include the Project Site.

Section 5.05 Lighting and Landscaping District, Park Maintenance.

(a) Developer agrees that the Project Site will be annexed into the City's existing Lighting and Landscaping District, as established pursuant to City Resolution No. 88-7324 ("**LLD**"), as well as City's Community Facilities District 2007-1 for park maintenance ("**CFD**"), and, to the extent permitted by law, that the Project shall be assessed in a manner consistent with the provisions herein.

(b) Developer agrees that the base assessment applies to the Project and is subject to increase, provided any such increase of the base assessment imposed uniformly or similarly situated properties by City in a manner consistent with State law. Developer further agrees that the base assessment shall be levied upon recordation of each of the Project's final maps. The parties agree that the base LLD assessment described herein shall finance, among other things, the maintenance of any and all landscape improvements and the maintenance of the parks.

Section 5.06 GHAD. Developer agrees to take all steps necessary to either expand the existing Southwest Pittsburg Geologic Hazard Abatement District (the "**Southwest Pittsburg GHAD**") or to establish a new GHAD, at no cost to City or to the GHAD, to provide for, among other things, geologic hazard abatement, maintenance of detention basins, grassland maintenance, fire protection, and erosion control within portions of the Project Site. Unless otherwise required by law, the parties intend that the Project Site will be assessed by the Southwest Pittsburg GHAD or a new GHAD upon the respective GHAD's acceptance of the GHAD Area identified in the Project Approvals (which GHAD Area shall include the detention basins).

Section 5.07 Police Services CFD. Developer agrees to take all steps necessary to include the Project Site into the City's existing police services Community Facilities District 2005-1, as adopted pursuant to Resolution No. 05-10342 (the "**Police Services District**") at no cost to the City, in order to provide for police and other emergency services to the Project Site. This process shall be completed, to the reasonable satisfaction of the City Manager and the City Attorney, before filing the first final map on the Project. Each legal residential lot located on the Project Site will be

required to pay the levy by the Police Services District no earlier than the issuance of a building permit for such lot.

Section 5.08 Fire Services CFD. In the event the City forms a City Community Facilities District to provide for fire protection services in the City for the Contra Costa Fire Protection District and acquisition or replacement of equipment primarily situated in the fire stations located in the City, Developer agrees to take all steps necessary to include the Project Site into the district. This inclusion of the Project into the district shall be completed, to the reasonable satisfaction of the City Manager and the City Attorney, before filing the first final map on the Project. City agrees that the levy to be assessed on each legal residential lot in the Project shall be no greater than Seventy-five Dollars (\$75) and increased annually by the CPI for the San Francisco-Oakland area, with the first increase implemented in January 2017 reflecting 2016 increases. Each legal residential lot located on the Project Site will be required to pay the levy by for this district no earlier than the issuance of a certificate of occupancy for such lot (such levy shall not go into effect for any certificate of occupancy issued for model homes in the Project until such model home is transferred to a third party homebuyers).

Section 5.09 General Plan Maintenance Fee. Developer agrees to pay a development related fee to help fund the maintenance of the Pittsburg General Plan. The General Plan Maintenance Fee will be One Hundred Twenty-five Dollars (\$125) per building permit (unless City adopts a lower fee in which case the lower fee shall apply), increased annually by the CPI for the San Francisco-Oakland area, with the first increase implemented in January 2018 reflecting 2017 increases.

Section 5.10 Assessment Districts or Other Funding Mechanisms.

(a) City understands that City's long term assurances to Developer concerning fees, taxes and assessments related to the Project are a material consideration for Developer agreeing to process the siting of the Project in its present location and to pay the fees, taxes and assessments described in this Agreement. City shall retain the ability to initiate or process applications for the formation of new assessment districts or other Funding Mechanisms, as defined in Section 3.09 of this Agreement, covering all or any portion of the Project site. Notwithstanding the foregoing, Developer retains all its rights to oppose the formation or proposed assessment of any new assessment district, Funding Mechanism, or any and all increases thereto, or to request or pursue assessment credits or reductions, unless otherwise provided for herein or unless such assessment, Funding Mechanism or related increases are in place and legally effective as of the date of this Agreement's Effective Date.

(b) At the request of Developer, City shall cooperate in the formation of, or annexation to, those assessment districts, geologic hazard abatement district, landscaping and lighting districts, community facilities districts, tax-exempt financing mechanisms, or other Funding Mechanisms that Developer and City determine are needed to fund infrastructure improvements and to ensure the orderly development of the Project, at no cost to the City. City shall diligently and expeditiously process applications by Developer necessary to establish such Funding Mechanisms as

long as (i) the application complies with law, (ii) is consistent with City's standards, and (iii) provides for a lien to value ratio and other financial terms that are reasonably acceptable to City, and which will result in no commitment of City funds. City shall diligently seek to sell any bonds to be issued and secured by such assessments upon the best terms reasonably available in the marketplace. Any and all costs associated with this Section shall be borne and/or advanced by Developer.

Section 5.11 Warranty Bonds. Developer agrees that every infrastructure improvement dedicated to City (except landscaping, unimproved real property or open space dedications) pursuant to this Agreement shall be accompanied by a one (1) year warranty bond in a form and in an amount, and with a surety acceptable to City or otherwise as determined in the applicable Subdivision Improvement Agreement.

ARTICLE VI STANDARDS, LAWS AND PROCEDURES GOVERNING THE PROJECT

Section 6.01 Vested Right to Develop. Developer shall have a vested right to develop the Project on the Project Site in substantial conformance with the terms and conditions of this Agreement, the Project Approvals (as and when issued), the Subsequent Approvals (as and when issued), and amendments thereto as shall, from time to time, be approved pursuant to this Agreement. Nothing in this Section 6.01 shall be deemed to eliminate or diminish the requirement of Developer to obtain any required Subsequent Approvals.

Section 6.02 Permitted Uses Vested by This Agreement. The permitted uses of the Project Site; the density and intensity of use of the Project Site; the maximum height, bulk and size of proposed buildings; provisions for reservation or dedication of land for public purposes and the location of public improvements; the general location of public utilities; and other terms and conditions of development applicable to the Project, shall be as set forth in the Project Approvals and, as and when they are issued (but not in limitation of any right to develop as set forth in the Project Approvals), the Subsequent Approvals.

Section 6.03 Applicable Law. "**Applicable Law**" shall mean the existing rules, regulations, official policies, standards and specifications governing permitted uses of the project site; governing density; and governing design, improvements, and construction standards and specifications applicable to the Project and Project site as set forth in this Agreement and the Project Approvals, and in force and effect on the Effective Date of this Agreement. However, this Agreement and this Section shall not be construed to prevent the City, in any subsequent actions applicable to the Project Site, from applying any new rules, regulations, official policies, standards, and specifications that do not conflict with those rules, regulations, official policies, standards, and specifications existing as of the Effective Date of the Agreement.

Section 6.04 Uniform Codes. Notwithstanding any other provision of this Agreement, City may apply to the Project Site, at any time during the Term, the then current Uniform Building Code and other uniform construction codes as properly modified by City and uniformly applied on a citywide basis, and City's then current design and construction standards for road and storm drain facilities. In no event shall

any such uniform code or standard be adopted for the purpose of preventing or otherwise limiting construction of all or any part of the Project.

Section 6.05 Moratorium And Conflicting Enactments. To the extent consistent with State Law, if any ordinance, resolution or other measure is enacted, whether by action of City, by initiative, referendum, or otherwise, that imposes a building moratorium, a limit on the rate of development, or a voter-approval requirement which would otherwise affect the timely development of the Project on all or any part of the Project Site, City agrees that such ordinance, resolution or other measure shall not apply to the Project, the Project Site, this Agreement, the Project Approvals, or the Subsequent Approvals, if any, during the term of this Agreement, unless the building moratorium is imposed as part of a declaration of a local emergency or state of emergency as defined in Government Code Section 8558. Developer reserves the right to challenge in court any City action or inaction which Developer believes is in conflict with Applicable Law or this Agreement.

Section 6.06 Environmental Mitigation. The parties understand that the EIR for the Project is a project level CEQA document intended to be used in connection with each of the Project Approvals and Subsequent Approvals needed for the Project. Consistent with the CEQA policies and requirements applicable to the EIR, City agrees to use the EIR in connection with the processing of any Subsequent Approval to the extent allowed by law. City agrees not to impose on Developer any mitigation measures or other conditions of approval other than those specifically imposed by the Project Approvals and the Mitigation Monitoring Program described in the FEIR, specifically required by Applicable Law, or as properly required through the design or architecture review process as long as such mitigation measures or other conditions are imposed in a manner consistent with applicable design review guidelines.

Section 6.07 Life of Subdivision Maps, Development Approvals, and Permits. To the extent consistent with Applicable Law, the term of any subdivision map or any other map, permit, rezoning or other land use entitlement approved as a Project Approval or Subsequent Approval shall automatically be extended for the duration of this Agreement, including any extensions. The term of this Agreement and any subdivision map or other Project Approval or Subsequent Approval shall not include any period of time during which any applicable development moratorium (including, but not limited to, a water or sewer moratorium) or the actions of other public agencies that regulate land use, development or the provision of services to the land, prevents, prohibits or delays the construction of the Project. The term of this Agreement and any subdivision map or other Project Approval or Subsequent Approval shall not include any period of time during which any applicable court order or other legal requirement prevents the processing of any Subsequent Approval or prevents any Project development activities.

Section 6.08 State and Federal Law. As provided in California Government Code § 65869.5, if any state or federal laws or regulations, enacted after this Agreement's Effective Date prevent or preclude compliance with one or more provisions of this Agreement ("**Changes in the Law**"), such provision of the Agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations as may be necessary to comply with Changes in the Law, and City and

Developer shall take such action as may be required pursuant to this Agreement including, without limitation, Article V and Section 10.05. Not in limitation of the foregoing, nothing in this Agreement shall preclude City from imposing on Developer any fee specifically required by State or Federal laws and regulations.

Section 6.09 Timing of Project Construction and Completion.

(a) Project Phasing. The Project is expected to be built in phases in response to then-existing market conditions over the Term of the Agreement. Except as otherwise specifically provided by this Agreement with respect to Project infrastructure timing, City and Developer expressly agree that there is no requirement that Developer initiate or complete development of the Project or any particular phase of the Project within any particular period of time, and City shall not impose such a requirement on any Project Approval. The parties acknowledge that Developer cannot at this time predict when or the rate at which or the order in which phases will be developed. Such decisions depend upon numerous factors which are not within the control of Developer, such as market demand, interest rates, competition and other similar factors.

(b) The parties agree that Developer shall be able to develop in accordance with Developer's own time schedule as such schedule may exist from time to time, and Developer shall determine which part of the Project Site to develop first, and at Developer's chosen schedule. In particular, and not in limitation of any of the foregoing, since the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo*, 37 Cal.3d 465 (1984), that the failure of the parties therein to consider and expressly provide for the timing of development resulted in a later-adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' desire to avoid that result by acknowledging that Developer shall have the right to develop the Project in such order and at such rate and at such times as Developer deems appropriate within the exercise of its subjective business judgment. Developer's rights under this Section 6.09(b) shall be subject to the requirement that adequate infrastructure to serve each phase of the Project is constructed concurrently with such phase. The City Manager shall reasonably determine what infrastructure will be required to serve each phase of the Project, which determination shall be consistent with Applicable Law.

(c) Nothing in this Agreement shall exempt Developer from completing work required by a subdivision agreement, road improvement agreement or similar agreement in accordance with the terms thereof.

Section 6.10 Exempting Fees, Mitigation Measures and Similar Requirements Imposed by Outside Agencies. Notwithstanding any other provision of this Agreement, the City agrees to exclude Developer from any and all discretionary collection agreements regarding fees, mitigation measures and similar requirements including, but not limited to, development impact fees, which other public agencies request the City to impose at City's discretion on the Project or on the Project Site after the Effective Date through the Term of this Agreement. This Section 6.10 shall not prohibit the City from imposing on Developer any fee, mitigation measure or similar requirement or obligation that is required by a local or regional agency in accordance

with local, regional, State or Federal obligations and implemented by the City in cooperation with such local, regional, state or federal agency, provided such fee, mitigation measure or similar requirement or obligation is imposed in a similar manner on similarly situated properties within the City.

Section 6.11 City's Joint-Inspection Jurisdiction. Developer acknowledges that City has joint inspection jurisdiction within other third-party governmental entities within any and all City rights-of-way and easements.

ARTICLE VII AMENDMENT

Section 7.01 Amendment to Project Approvals, Subsequent Approvals. To the extent permitted by state and federal law, any Project Approval or Subsequent Approval may, from time to time, be amended or modified in the following manner:

(a) Administrative Project Amendments. Upon the written request of Developer for an amendment or modification to a Project Approval or Subsequent Approval, the City Manager or his/her designee shall determine: (i) whether the requested amendment or modification is minor when considered in light of the Project as a whole; and (ii) whether the requested amendment or modification is consistent with this Agreement, Applicable Law, applicable uniform codes and State or Federal law. If the City Manager or his/her designee finds that the proposed amendment or modification is minor in the context of the entire Project, consistent with this Agreement and Applicable Law, and will result in no new significant environmental impacts not addressed and mitigated in the EIR, the amendment shall be determined to be an **"Administrative Project Amendment"** and the City Manager or his/her designee may, except to the extent otherwise required by law, approve the Administrative Project Amendment without notice and public hearing. Without limiting the generality of the foregoing, lot line adjustments, reductions in the density, intensity, scale or scope of the Project, minor alterations in vehicle circulation patterns or vehicle access points, changes in trail alignments, minor variations in lot layouts, substitutions of comparable landscaping for any landscaping shown on any final development plan or landscape plan, variations in the location of structures that do not substantially alter the design concepts of the Project, variations in the location or installation of utilities and other infrastructure connections or facilities that do not substantially alter the design concepts of the Project, and minor adjustments to the Project Site diagram or Project Site legal description shall be treated as Administrative Project Amendments.

(b) Non-Administrative Project Amendments. Any request of Developer for an amendment or modification to a Project Approval or Subsequent Approval which is determined not to be an Administrative Project Amendment as set forth above shall be subject to review, consideration and action pursuant to the Applicable Law and this Agreement.

Section 7.02 Amendment of This Agreement. This Agreement may be amended from time to time, in whole or in part, by mutual written consent of the parties hereto or their successors in interest, as follows:

(a) Administrative Agreement Amendments. The City Manager, or his/her designee, may, except to the extent otherwise required by law, enter into certain amendments of this Agreement on behalf of the City as long as any such amendment does not substantially affect (i) the Term of this Agreement, (ii) permitted uses of the Project Site, (iii) provisions for the reservation or dedication of land, (iv) conditions, terms, restrictions or requirements for subsequent discretionary actions, (v) the density or intensity of use of the Project Site or the maximum height or size of proposed buildings or (vi) monetary contributions by Developer (“**Administrative Agreement Amendment**”), and shall not, except to the extent otherwise required by law, require notice or public hearing before the parties may execute an amendment hereto. For purposes of this Section 7.02(a), the term “substantially affect” shall be evaluated in the context of the entire Project.

(b) Amendment Exemptions. No amendment of a Project Approval or Subsequent Approval, whether done administratively or not, shall require an amendment to this Agreement. Instead, any such matter automatically shall be deemed to be incorporated into the Project and vested under this Agreement when written and executed by both parties.

(c) Amendment Limitations. In consideration of the scope of the benefits to City set forth in this Agreement, any amendment to this Agreement shall only be subject to such new terms and conditions, including new exactions or other obligations, as are reasonably related to the impacts on City directly attributable to such amendment.

ARTICLE VIII ASSIGNMENT, TRANSFER AND NOTICE

Section 8.01 Assignment of Interests, Rights and Obligations. Developer may transfer or assign all or any portion of its interests, rights or obligations under this Agreement, the Project Approvals or Subsequent Approvals to third parties acquiring an interest or estate in the Project or any portion thereof including, without limitation, purchasers or ground lessees of lots, parcels or facilities.

Section 8.02 Transfer Agreements.

(a) In connection with the transfer or assignment by Developer of all or any portion of the Project (other than a transfer or assignment by Developer to an affiliated party, any deed of trust beneficiary or mortgagee, or a “Non-Assuming Transferee” (as defined in Section 8.03), Developer and the transferee shall enter into a written agreement (a “**Transfer Agreement**”) regarding the respective interests, rights and obligations of Developer and the transferee in and under the Agreement, the Project Approvals, and the Subsequent Approvals. Such Transfer Agreement may (i) release Developer from obligations under the Agreement, the Project Approvals, or the Subsequent Approvals that pertain to that portion of the Project being

transferred or assigned, as described in the Transfer Agreement, provided that the transferee expressly assumes such obligations, (ii) transfer to the transferee vested rights to improve that portion of the Project being transferred and (iii) address any other matter deemed by Developer to be necessary or appropriate in connection with the transfer or assignment.

(b) Any Transfer Agreement shall be binding on Developer, City and the transferee and, unless otherwise provided for in Section 8.03 of this Agreement, shall require the City's prior written consent, which consent shall not be unreasonably withheld. Failure by City to respond within thirty (30) days of a written request by Developer for City's consent shall be deemed City's approval of the Transfer Agreement in question. City may refuse to give its consent only if, in light of the proposed transferee's reputation and financial resources, such transferee would not in City's reasonable determination be able to perform the obligations proposed to be assumed by such transferee. Such determination shall be made by the City Manager and is appealable to the City Council. In no event, however, shall City refuse to give its consent to a proposed transferee pursuant to this Section 8.02(b) if such transferee has a net worth of at least Ten Million Dollars (\$10,000,000) documented in a manner reasonably acceptable to City. Upon recordation of any Transfer Agreement in the Official Records of Contra Costa County, Developer shall automatically be released from those obligations assumed by the transferee therein.

(c) Developer shall be free from any and all liabilities accruing on or after the date of any assignment or transfer with respect to those obligations assumed by a transferee pursuant to a Transfer Agreement. No breach or default hereunder by any person succeeding to any portion of Developer's obligations under this Agreement shall be attributed to Developer, nor may Developer's rights hereunder be canceled or diminished in any way by any breach or default by any such person.

Section 8.03 Non-Assuming Transferees. Except as otherwise required by Developer in Developer's sole discretion, the burdens, obligations and duties of Developer under this Agreement shall terminate with respect to, and neither a Transfer Agreement nor City's consent shall be required in connection with (i) any single residential parcel conveyed to a purchaser, (ii) any property transferred as fewer than ten (10) lots to a single retail builder or (iii) any property that has been established as one or more separate legal parcels for office, commercial, open space, park, school or other nonresidential uses. The transferee in such a transaction and its successors ("**Non-Assuming Transferees**") shall be deemed to have no obligations under this Agreement, but shall continue to benefit from the vested rights provided by this Agreement for the duration of the Term. Nothing in this Section 8.03 shall exempt any property transferred to a Non-Assuming Transferee from payment of applicable fees and assessments or compliance with applicable conditions of approval.

Section 8.04 Notice of Compliance Generally. Subject to City's finding that the facts contemplated by clauses (i) through (iii) herein are true and accurate, within thirty (30) days following any written request which Developer may make from time to time, City shall execute and deliver to Developer (or to any party requested by Developer) a written "Notice of Compliance," in recordable form, duly executed and

acknowledged by City, that certifies that (i) this Agreement is unmodified and in full force and effect, or if there have been modifications hereto, that this Agreement is in full force and effect as modified and stating the date and nature of such modifications, (ii) there are no current uncured defaults under this Agreement or specifying the dates and nature of any such default, and (iii) any other information reasonably requested by Developer. City's failure to deliver such notice within such time period shall constitute a conclusive presumption against City that this Agreement is in full force and effect without modification except as may be represented by the Developer and that there are no uncured defaults in the performance of the Developer, except as may be represented by the Developer. Developer shall have the right at Developer's sole discretion, to record the Notice of Compliance.

ARTICLE IX COOPERATION IN THE EVENT OF LEGAL CHALLENGE

Section 9.01 Cooperation.

(a) Developer agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person not a party to this Agreement challenging the validity of the Agreement or any Project Approval or any Subsequent Project Approval, or otherwise arising out of or stemming from this Agreement. Developer may select its own legal counsel to represent Developer's interests at Developer's sole cost and expense. The parties shall cooperate in defending such action or proceeding. Developer shall pay for City's costs of defense, whether directly or by timely reimbursement on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent in regard to defense of the action or proceeding. The parties shall use best efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel and Developer agrees to pay directly or timely reimburse on a monthly basis City for all such court costs, attorney fees, and time referenced herein.

(b) Developer also agrees to indemnify, defend and hold harmless the City, its officials, officers, employees, agents and consultants from any claims, costs, damages or other liabilities for any personal injury or death, or property damage, resulting from the construction of the Project or of operations by the Developer, its officers, employees, agents or consultants, under this Agreement, except for such claims, costs, damages, or other liabilities which are caused by the sole or gross negligence of the City, its officials, officers, employees, agents, or consultants. Developer may select its own legal counsel to represent Developer's interests at Developer's sole cost and expense.

(c) The parties agree that this Section 9.01 shall constitute a separate agreement entered into concurrently, and that if any other provision of this Agreement, or the Agreement as a whole, is invalidated, rendered null, or set aside by a court of competent jurisdiction, the parties agree to be bound by the terms of this Section 9.01, which shall survive such invalidation, nullification or setting aside.

Section 9.02 Cure; Reapproval.

(a) If, as a result of any administrative, legal or equitable action or other proceeding as described in Section 9.01, all or any portion of this Agreement, Project Approvals, or Subsequent Approvals are set aside or otherwise made ineffective by any judgment (a “**Judgment**”) in such action or proceeding (based on procedural, substantive or other deficiencies, hereinafter “**Deficiencies**”), the parties agree to use their respective best efforts to sustain and reenact or readopt this Agreement, Project Approvals, and/or Subsequent Approvals that the Deficiencies relate to, as follows, unless the parties mutually agree in writing to act otherwise:

(i) If any Judgment requires reconsideration or consideration by City of this Agreement, Project Approval, or Subsequent Approval, then the City shall consider or reconsider that matter in a manner consistent with the intent of this Agreement. If any such Judgment invalidates or otherwise makes ineffective all or any portion of this Agreement or any Project Approval, or Subsequent Approval, then the parties shall cooperate and shall cure any Deficiencies identified in the Judgment or upon which the Judgment is based in a manner consistent with the intent of this Agreement and the Judgment. Upon the parties cure of such Deficiencies, City shall then take steps consistent with the Judgment necessary readopt or reenact this Agreement and any applicable Project Approval, Subsequent Approval, or any portion thereof.

(ii) Acting in a manner consistent with the intent of this Agreement or a Judgment includes, but is not limited to, recognizing that the parties intend that Developer may develop a four hundred fifteen (415) single-family residential unit project, and adopting such ordinances, resolutions, and other enactments, including, but not limited to, a general plan amendment, rezoning, vesting subdivision map approvals, development plan approvals, PD Plan approvals, design review, improvement agreements, use permits, grading permits, building permits, lot line adjustments, sewer and water connection permits, certificates of occupancy, final development plans, development agreements, permits, resubdivisions, and any amendments to, or repealing of, any of the foregoing as are necessary to readopt or reenact all or any portion of this Agreement, Project Approvals, and/or Subsequent Approvals without contravening the Judgment.

(b) The parties agree that this Section 9.02 shall constitute a separate agreement entered into concurrently, and that if any other provision of this Agreement, or the Agreement as a whole, is invalidated, rendered null, or set aside by a court of competent jurisdiction, the parties agree to be bound by the terms of this Section 9.02, which shall survive such invalidation, nullification or setting aside.

**ARTICLE X
DEFAULT; REMEDIES; TERMINATION**

Section 10.01 Defaults. Any failure by either party to perform any term or provision of this Agreement, which failure continues uncured for a period of thirty (30) days following written notice of such failure from the other party (the “**Complaining Party**”) (unless such period is extended by mutual written consent), shall constitute a

default under this Agreement. The Complaining Party's notice ("**Default Notice**") shall specify the nature of the alleged failure and, may specify the manner in which the failure satisfactorily may be cured By the other party (the "**Defaulting Party**"). Any failures or delays by a Complaining Party in asserting any of its rights and remedies as to any default shall not operate as a waiver of a default or of any such rights or remedies. Delays by a Complaining Party in asserting any of its rights and remedies shall not deprive the Complaining Party of its right to institute and maintain any actions or proceedings, which it may deem necessary to protect, assert, or enforce any such rights or remedies. If the nature of the alleged failure is such that it cannot reasonably be cured within such 30-day period, then no fault shall be deemed to have occurred if: (a) the cure shall be commenced at the earliest practicable date following receipt of the Default Notice; (b) the cure is diligently prosecuted to completion at all times thereafter; (c) at the earliest practicable date (if no event later than thirty (30) days after the Defaulting Party's receipt of the Default Notice), the Defaulting Party provides written notice to the Complaining Party that the cure cannot practicably be completed within such 30-day period; and (d) the cure is completed at the earliest practicable date. In no event shall Complaining Party be precluded from exercising remedies if a default is not cured within one hundred twenty (120) days after the Notice of Default is given. Complaining Party shall not send notice to any third party, including, but not limited to, bonding and surety companies, until such time as the cure opportunities set forth above have expired unless otherwise required by applicable law. Upon the occurrence of a default under this Agreement, the Complaining Party may institute legal proceedings to enforce the terms of this Agreement or, in the event of a material default, terminate this Agreement. If the default is cured consistent with this Section, then no default shall exist and the Complaining Party shall take no further action.

Section 10.02 Termination. If City elects to consider terminating this Agreement due to a material default of Developer, then City shall give a notice of intent to terminate this Agreement and the matter shall be scheduled for consideration and review by the City Council at a duly noticed and conducted public hearing. As used herein, a finding of materiality shall be based on the effect of the default in relation to the size and scope of the Project. Developer shall have the right to offer written and oral evidence prior to or at the time of said public hearings. If the City Council determines that a material default has occurred and is continuing, and elects to terminate this Agreement, City shall give written notice of termination of this Agreement to Developer by certified mail and this Agreement shall thereby be terminated sixty (60) days thereafter; provided, however, that if Developer files an action to challenge City's termination of this Agreement within such 60-day period, then this Agreement shall remain in full force and effect until a trial court has affirmed City's termination of this Agreement and all appeals have been exhausted (or the time for requesting any and all appellate review has expired).

Section 10.03 Periodic Review.

(a) Conducting the Periodic Review. Throughout the Term of this Agreement, at least once every twelve (12) months following the execution of this Agreement, City shall review the extent of good-faith compliance by Developer with the terms of this Agreement. This review (the "**Periodic Review**") shall be conducted by the City Manager or his/her designee and shall be limited in scope to compliance with

the terms of this Agreement pursuant to California Government Code § 65865.1. Developer also agrees to pay City annually the greater of Five Thousand Dollars (\$5,000) or the actual cost of Periodic Review Fee (not to exceed Ten Thousand Dollars (\$10,000)). The Five Thousand Dollars (\$5,000) shall be increased annually thereafter by the CPI for the San Francisco-Oakland Area, with the first increase implemented in January 2017 reflecting 2016 increases. Such Periodic Review Fee shall only be paid in the years in which a Periodic Review is actually conducted.

(b) Notice. At least ten (10) days prior to the Periodic Review, and in the manner prescribed in Article XII of this Agreement, City shall deposit in the mail to Developer a copy of any staff reports and documents to be used or relied upon in conducting the review and, to the extent practical, related exhibits concerning Developer's performance hereunder. Developer shall be permitted an opportunity to respond to City's evaluation of Developer's performance, either orally at a public hearing or in a written statement, at Developer's election. Such response shall be made to the City Manager.

(c) Good Faith Compliance. During the Periodic Review, the City Manager shall review Developer's good-faith compliance with the terms of this Agreement. At the conclusion of the Periodic Review, the City Manager shall make written findings and determinations, on the basis of substantial evidence, as to whether or not Developer has complied in good faith with the terms and conditions of this Agreement. The decision of the City Manager shall be appealable to the City Council. If the City Manager finds and determines that Developer has not complied with such terms and conditions, the City Manager may recommend to the City Council that it terminate or modify this Agreement by giving notice of its intention to do so, in the manner set forth in California Government Code §§ 65867 and 65868. The costs incurred by City in connection with the Periodic Review process described herein shall be shared equally by Developer and City.

(d) Failure to Properly Conduct Periodic Review. If, after thirty (30) days following Developer's notice requesting a Periodic Review, City fails to initiate the Periodic Review, such failure shall be conclusively deemed an approval by City of Developer's compliance with the terms of this Agreement.

(e) Written Notice of Compliance. With respect to any year for which Developer has been determined or deemed to have complied with this Agreement, City shall, within thirty (30) days following a written request by Developer, provide Developer with a written notice of compliance, in recordable form, duly executed and acknowledged by City. Developer shall have the right, in Developer's sole discretion, to record such notice of compliance.

Section 10.04 Default by City or Developer. In the event City or Developer defaults under the terms of this Agreement, City or Developer shall have all rights and remedies provided herein and under law.

Section 10.05 Excusable Delay; Extension of Time of Performance. In addition to specific provisions of this Agreement, neither party shall be deemed to be in default where delays in performance or failures to perform are due to, and a necessary

outcome of, war, insurrection, terrorism, strikes or other labor disturbances, walk-outs, riots, floods, earthquakes, fires, casualties, acts of God, restrictions imposed or mandated by other governmental entities (including new or supplemental environmental regulations), enactment of conflicting State or Federal laws or regulations, or judicial decisions. Neither party shall be deemed to be in default where delays in performance or failure to perform are due to a court order arising out of or related to litigation attacking the validity of this Agreement, the Project Approvals, the Subsequent Approvals, or any permit, ordinance, entitlement or other action of a governmental agency other than City necessary for the development of the Project. Developer shall not be deemed to be in default where delays in performance or failure to perform are due to Developer's inability to obtain materials, power or public facilities (such as water or sewer service) to the Project and unrelated to Developer's actions or inactions and beyond Developer's control. Upon the properly noticed request of either party hereto, as required by Section 12.09, an extension of time for the performance of any obligation whose performance has been so prevented or delayed will be set forth in writing. The term of any such extension shall be equal to the period of the excusable delay, or longer, as may be mutually agreed upon in writing.

Section 10.06 Legal Action. Either party may, in addition to any other rights or remedies, institute legal action to cure, correct, or remedy any default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation thereof, recover damages for any default, enforce by specific performance the obligations and rights of the parties hereto, or to obtain any remedies consistent with the purpose of this Agreement.

Section 10.07 California Law. This Agreement shall be construed and enforced in accordance with the laws of the State of California.

Section 10.08 Resolution of Disputes. With regard to any dispute involving development of the Project, the resolution of which is not provided for by this Agreement or Applicable Law, Developer shall, at City's request, meet with City. The parties to any such meetings shall attempt in good faith to resolve any such disputes. If the parties are then unable to resolve their dispute, either party may commence mediation by providing to JAMS, or its successor, and the other party a written request for mediation, setting forth the subject of the dispute and the relief requested. The parties will cooperate with JAMS and with one another in selecting a mediator from JAMS' panel of neutrals, and in scheduling the mediation proceedings. The parties covenant that they will participate in the mediation in good faith, and that they will share equally in its costs. All offers, promises, conduct and statements, whether oral or written, made in the course of the mediation by any of the parties, their agents, employees, experts and attorneys, and by the mediator and any JAMS employees, are confidential, privileged and inadmissible for any purpose, including impeachment, in any litigation or other proceeding involving the parties, provided that evidence that is otherwise admissible or discoverable shall not be rendered inadmissible or non-discoverable as a result of its use in the mediation. Either party may seek equitable relief prior to the mediation to preserve the status quo pending the completion of that process. Except for such an action to obtain equitable relief, neither party may commence a civil action with respect to the matters submitted to mediation until after the completion of the initial mediation session, or ninety (90) days after the date of filing the written request for mediation,

whichever occurs first. Mediation may continue after the commencement of a civil action, if the parties both agree in writing. The provisions of this Section 10.08 may be enforced by any Court of competent jurisdiction, and the party seeking enforcement shall be entitled to an award of all costs, fees and expenses, including attorney's fees, to be paid by the party against whom enforcement is ordered. Nothing in this Section 10.08 shall in any way be interpreted as requiring that Developer and City and/or City's designee reach agreement with regard to those matters being addressed, nor shall the outcome of these meetings be binding in any way on City or Developer unless expressly agreed to in writing by the parties to such meetings.

Section 10.09 Attorneys' Fees. In any legal action or other proceeding brought by either party to enforce or interpret a provision of this Agreement, the prevailing party is entitled to reasonable attorneys' fees and any related other costs incurred in that proceeding in addition to any other relief to which it is entitled.

ARTICLE XI NO AGENCY, JOINT VENTURE OR PARTNERSHIP

It is specifically understood and agreed to by and between the parties hereto that unless otherwise expressly provided herein: (i) the subject development is a private development; (ii) City have no interest or responsibilities for, or duty to, third parties concerning any improvements until such time, and only until such time, that City accepts the same pursuant to the provisions of this Agreement or in connection with the various Project Approvals or Subsequent Approvals; (iii) Developer shall have full power over and exclusive control of the Project herein described, subject only to the limitations and obligations of Developer under this Agreement, the Project Approvals, Subsequent Approvals, and Applicable Law; and (iv) City and Developer hereby renounce the existence of any form of agency relationship, joint venture or partnership between City and Developer and agree that nothing contained herein or in any document executed in connection herewith shall be construed as creating any such relationship between City and Developer. City agrees that Developer's obligations under this Agreement related to the construction of Project water, sewer and drainage infrastructure improvements, the grading and construction of traffic improvements, and the grading and construction of any other public improvements (collectively, the "**Public Improvements**") are all public works of improvement City is requiring as a condition of regulatory approval of the Project and that the Project is an otherwise private development. City further agrees that it will contribute no more money, or the equivalent of money, to the overall Project than is required to construct the Public Improvements and that City maintain no proprietary interest in the overall Project.

ARTICLE XII MISCELLANEOUS

Section 12.01 Incorporation of Recitals and Introductory Paragraph. The Recitals contained in this Agreement, and the introductory paragraph preceding the Recitals, are hereby incorporated into this Agreement as if fully set forth herein.

Section 12.02 Enforceability. City and Developer agree that unless this Agreement is amended or terminated pursuant to the provisions of this Agreement, this

Agreement shall be enforceable by any party hereto notwithstanding any change hereafter enacted or adopted (whether by ordinance, resolution, initiative, or any other means) in any applicable general plan, specific plan, zoning ordinance, subdivision ordinance, or any other land use ordinance or building ordinance, resolution or other rule, regulation or policy adopted by City that changes, alters or amends the rules, regulations and policies applicable to the development of the Project Site at the time of the approval of this Agreement as provided by California Government Code § 65866. In the event of any conflict between the provisions of this Agreement and Applicable Law, the Project Approvals or any Subsequent Approval, this Agreement shall prevail.

Section 12.03 Findings. City hereby finds and determines that execution of this Agreement furthers public health, safety and general welfare and that the provisions of this Agreement are consistent with the General Plan.

Section 12.04 Severability. If any term or provision of this Agreement, or the application of any term or provision of this Agreement to a particular situation, is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining terms and provisions of this Agreement, or the application of this Agreement to other situations, shall continue in full force and effect unless amended or modified by mutual consent of the parties. Notwithstanding the foregoing, if any material provision of this Agreement, or the application of such provision to a particular situation, is held to be invalid, void or unenforceable, either City or Developer may (in their sole and absolute discretion) terminate this Agreement by providing written notice of such termination to the other party.

Section 12.05 Other Necessary Acts. Each party shall execute and deliver to the other all such other further instruments and documents as may be reasonably necessary to carry out the Project Approvals, Subsequent Approvals and this Agreement and to provide and secure to the other party the full and complete enjoyment of its rights and privileges hereunder.

Section 12.06 Construction. Each reference in this Agreement to this Agreement or any of the Project Approvals or Subsequent Approvals shall be deemed to refer to the Agreement, Project Approval or Subsequent Approval as it may be amended from time to time, whether or not the particular reference refers to such possible amendment. This Agreement has been reviewed and revised by legal counsel for both City and Developer, and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement.

Section 12.07 Other Miscellaneous Terms. The singular shall include the plural; the masculine gender shall include the feminine; “shall” is mandatory; “may” is permissive. If there is more than one signer of this Agreement, the signer obligations are joint and several.

Section 12.08 Covenants Running with the Land. All of the provisions contained in this Agreement shall be binding upon the parties and their respective heirs, successors and assigns, representatives, lessees, and all other persons acquiring all or a portion of the Project, or any interest therein, whether by operation of law or in any

manner whatsoever. All of the provisions contained in this Agreement shall be enforceable as equitable servitudes and shall constitute covenants running with the land pursuant to California law including, without limitation, California Civil Code § 1468. Each covenant herein to act or refrain from acting is for the benefit of or a burden upon the Project, as appropriate, runs with the Project Site and is binding upon the owner of all or a portion of the Project Site and each successive owner during its ownership of such property.

Section 12.09 Notices. Any notice or communication required hereunder between City or Developer must be in writing, and may be given either personally, by fax (with original forwarded by regular U.S. Mail) by registered or certified mail (return receipt requested), or by FedEx or other similar courier promising overnight delivery. If personally delivered, a notice shall be deemed to have been given when delivered to the party to whom it is addressed. If given by facsimile transmission, a notice or communication shall be deemed to have been given and received upon actual physical receipt of the entire document by the receiving party's facsimile machine. Notices transmitted by facsimile after 5:00 p.m. on a normal business day or on a Saturday, Sunday, or holiday shall be deemed to have been given and received on the next normal business day. If given by registered or certified mail, such notice or communication shall be deemed to have been given and received on the first to occur of (a) actual receipt by any of the addressees designated below as the party to whom notices are to be sent, or (b) five (5) days after a registered or certified letter containing such notice, properly addressed, with postage prepaid, is deposited in the United States mail. If given by Federal Express or similar courier, a notice or communication shall be deemed to have been given and received on the date delivered as shown on a receipt issued by the courier. Any party hereto may at any time, by giving ten (10) days written notice to the other party hereto, designate any other address in substitution of the address to which such notice or communication shall be given. Such notices or communications shall be given to the parties at their addresses set forth below:

If to City, to: City Manager
City of Pittsburg
Civic Center
65 Civic Avenue
Pittsburg, CA 94565-2830

With Copies to: Ruthann G. Ziegler
City Attorney
Meyers Nave
555 Capitol Mall, Suite 1200
Sacramento, CA 95814

If to Developer, to: Albert D. Seenno, III
Skyranch Land Investors, LLC
4061 Port Chicago Hwy., Ste. H
Concord, CA 94520

With Copies to: Sky ranch Land Investors, LLC
Attn: Legal Department
4021 Port Chicago Hwy.
Concord, CA 94520

Section 12.10 Entire Agreement, Counterparts And Exhibits. This Agreement is executed in two (2) duplicate counterparts, each of which is deemed to be an original. This Agreement consists of twenty-nine (29) pages and three (3) exhibits which constitute in full, the final and exclusive understanding and agreement of the parties and supersedes all negotiations or previous agreements of the parties with respect to all or any part of the subject matter hereof. All waivers of any provisions of this Agreement shall be in writing and signed by the appropriate authorities of City and Developer. The following exhibits are attached to this Agreement and incorporated herein for all purposes:

EXHIBIT A	Legal Description
EXHIBIT A-1	Project Site Diagram
EXHIBIT B	Applicable Fees
EXHIBIT C	Form of Affordable Housing Agreement

Section 12.11 Recordation Of Development Agreement. Pursuant to California Government Code § 65868.5, no later than ten (10) days after City enters into this Agreement, the City Clerk shall record an executed copy of this Agreement, or Memorandum thereof, in the Official Records of the County of Contra Costa. The parties agree to cooperate as to preparation, execution, and recording of a Memorandum hereof.

[SIGNATURES FOLLOW ON NEXT PAGE]

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

CITY:

CITY OF PITTSBURG,
a California municipal corporation

By: _____
Name: _____
Title: _____

APPROVED AS TO FORM:

By: _____
City Attorney

DEVELOPER:

SKYRANCH LAND INVESTORS, LLC,
a California limited liability company

By: DISCOVERY BUILDERS, INC.,
a California corporation
Its: Managing Member

By: _____
Name: Albert D. Seenno, III
Title: Chief Executive Officer

EXHIBIT A

LEGAL DESCRIPTION

(To follow.)

EXHIBIT A-1
PROJECT SITE DIAGRAM

(To follow.)

EXHIBIT B

APPLICABLE FEES

(To follow.)

EXHIBIT C

FORM OF AFFORDABLE HOUSING AGREEMENT

(To follow.)

**CITY OF PITTSBURG
SKY RANCH II RESIDENTIAL SUBDIVISION**

**SECOND ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT (EIR)
SCH #2004112092**

SECTION 1: INTRODUCTION AND PROJECT DESCRIPTION

Introduction

On July 23, 2004, Albert Seeno III, of Discovery Builders (the "applicant") filed Rezoning Application No. 02-21, requesting approval from the City Council to pre-zone 166.5 acres as RS (Single-Family Residential) District, and approve design review and a vesting tentative map to subdivide the project site into 415 single-family residential lots with related infrastructure improvements. The project site is located at the terminus of Ventura Drive, south of the Highlands Ranch residential subdivision; APNs 089-050-074, and -066 (and portions of Highlands Ranch).

On May 8, 2007, the Planning Commission adopted Resolution No. 9711 approving Vesting Tentative Map No. 8475 to subdivide the project site into 415 single-family residential lots, one detention basin parcel, and one water reservoir parcel. Additionally, the Planning Commission adopted Resolution No. 9712 approving the design review for the project site. On May 21, 2007, the City Council adopted Resolution No. 07-10789 certifying the Final Environmental Impact Report ("FEIR") for the project, CEQA Findings, Statement of Overriding Considerations, and the Mitigation and Monitoring Program, all of which were prepared in accordance with CEQA and the State CEQA Guidelines. On June 4, 2007, the City Council adopted Ordinance No. 07-1285 pre-zoning the project site to RS-6-O (Single-Family Residential, with an Overlay) District.

On February 19, 2008, the City Council adopted Resolution No. 08-10958 approving the first addendum to the FEIR. The addendum analyzed changes to the project in order to allow for annexation into the Delta Diablo Sanitation District (DDSD) and the Contra Costa Water District (CCWD), and annexation of the 3.5-acre City water tank to the DDSD, CCWD, and the City. On May 14, 2008, the Contra Costa County Local Agency Formation Commission ("LAFCO") approved the annexation of the project site to the City, CCWD, and DDSD. The Certificate of Completion was recorded on June 25, 2008.

The City has now prepared a Development Agreement for the project. The Development Agreement was not included as a part of the project description in the previous 2006 EIR or 2008 Addendum. Therefore, the Development Agreement represents a minor modification to the Sky Ranch II project description.

This document is a Second Addendum to the EIR for the Sky Ranch II Residential Subdivision, intended to analyze the change in the project description to include the Development Agreement and associated terms of the development on the project site. The 2006 EIR and 2008 Addendum are incorporated by reference.

Project Description

The Legislature of the State of California enacted California Government Code section 65864 et seq., which authorizes a City to enter into an agreement with any person having a legal or equitable interest in real property, regarding the development of such property. This Development Agreement would

require conditions of approval and other exactions for the project that are hereby incorporated into the project. These conditions generally include:

1. Developer's construction of drainage improvements that will serve the project;
2. Developer's construction and/or contribution to the water infrastructure improvements required by the City's 2016 Water Master Plan;
3. Developer's commitment to comply with affordable housing requirements outlined in PMC section 18.86.080 and VTM Condition of Approval No. 12, by building forty-two (42) rental accessory (in law) units;
4. The inclusion of the project site into the City's existing Community Facilities District 2007-1 and the Citywide Lighting and Landscape District No. 88-01, at no cost to the City, in order to provide funding for certain landscape and lighting costs;
5. The dedication and development of an approximately 1.36 acre park on the property;
6. The inclusion of the project site into the City's existing police services Community Facilities District 2005-1, at no cost to the City, in order to provide for police and other emergency services to the project site;
7. The inclusion of the project site into a community facilities district formed by the City to help fund specified improvements and/or services to the Contra Costa Fire Protection District;
8. The expansion of City's existing Southwest Pittsburgh Geologic Hazard Abatement District (the "**Southwest Pittsburgh GHAD**"), or the establishment of a new GHAD, at no cost to City or any GHAD, to provide for, among other things, geologic hazard abatement, maintenance of detention basins, grassland maintenance, fire protection, erosion control within portions of the project site;
9. Developer's construction of two (2) lanes of the four (4) lane James Donlon Expressway within the limits of the project site; and
10. Developer's agreement to pay One Hundred Twenty Five Dollars (\$125) per building permit for a General Plan Maintenance Fee.

SECTION 2: PRIOR CEQA ANALYSIS

The 2006 certified EIR analyzed the impacts of developing 415 single-family residential lots with related infrastructure improvements. The improvements included roadways and sidewalks, utility infrastructure, a 4.03-acre detention basin, construction of the James Donlon Boulevard Expressway (previously known as the 'Buchanan Bypass') within the limits of the project site, construction of water reservoirs per the City's water master plan, relocation of a petroleum pipeline, and construction of

sound walls. The project also included pre-zoning of the site to an RS-6-O District, annexation to the City of Pittsburgh, a vesting tentative map, and design review.

The 2008 Addendum EIR analyzed the impacts of annexation into the DDSD and the CCWD, and annexation of the 3.5-acre City water tank to the DDSD, CCWD, and the City.

SECTION 3: CURRENT CEQA ANALYSIS AND DETERMINATION THAT AN ADDENDUM IS APPROPRIATE FOR THE PROJECT

The City has determined that a second Addendum to the EIR is the appropriate CEQA review for the current project. Prior to making this determination, the City reviewed the EIR under CEQA Guidelines Section 15162, which identifies the conditions requiring subsequent environmental review. After review of these conditions, the City determined that no subsequent EIR is required for the project as further discussed below.

a) Are there substantial changes to the project involving new or more severe significant impacts?

The construction of stormwater drainage facilities, including grading, on-site collection and detention systems, headwalls, and diversion pipelines was analyzed in the 2006 EIR. Additionally, the construction of water infrastructure improvements, including pipelines and water reservoir was analyzed in the 2006 EIR. These elements of the project would not create new or more severe impacts than what was analyzed in the 2006 EIR.

Actions to include the project site into the following districts were not analyzed in the 2006 EIR: inclusion of the project site into the City's existing Community Facilities District 2007-1, Citywide Lighting and Landscape District No. 88-01, Police Services Community Facilities District 2005-1, community facilities district formed by the City to help fund specified improvements and/or services to the Contra Costa Fire Protection District, community facilities district formed by the City to help fund the maintenance of C.3 facilities, and expansion of the City's existing Southwest Pittsburgh GHAD or the establishment of a new GHAD.

However, impacts to lighting, police and fire services, stormwater runoff, traffic, and geologic hazards were analyzed in the 2006 EIR and, where required, mitigation measures were included. Inclusion in the above listed districts would serve to provide the funding mechanism for lighting and landscaping improvements, expanded police and fire services, maintenance of C.3 stormwater facilities, payments of local and regional traffic impact fees, and maintenance of detention basins, grassland maintenance, fire protection, erosion control within portions of the project site. Therefore, these elements of the project would serve the project, would implement the 2006 EIR mitigation measures, and would not create new or more severe impacts.

The 2006 EIR analyzed impacts on parklands and concluded that an on-site mini park and an additional 5.89 acres of parkland or in-lieu fees were required. The 2006 EIR found that impacts to parkland would be significant and unavoidable. The dedication and development of an approximately 1.36 acre mini-park on the project site and payment of in-lieu fees for the remaining parkland dedication requirement would serve as partial mitigation for this impact. Although it would not fully mitigate the impact, it would not create new or more severe impacts than analyzed in the 2006 EIR.

The 2006 EIR analyzed impacts on traffic and required construction of roadway improvements. The construction of two (2) lanes of the four (4) lane James Donlon Expressway within the limits of the project site, would not create new or more severe impacts and would be in accordance with VTM Condition of Approval No. 59 and would implement Mitigation Measure H7 of the 2006 EIR.

The construction of 42 rental accessory (in law) dwelling units was not specifically included in the 2006 EIR. However, construction of housing units and all improvements necessary for housing was analyzed. The 2006 EIR found that the increase in population created by the project would be within the Association of Bay Area Governments ("ABAG") projections and the increase in City population would not be significant. Construction of 42 rental accessory dwelling units would likely increase the population as compared to the project, which analyzed single-family uses. However, this increase would not be substantial and construction of this housing, which would comply with PMC section 18.86.080 and VTM Condition of Approval No. 12, would not create new or more severe impacts than analyzed in the 2006 EIR.

- b) *Are there substantial changes in the conditions in which the project would be undertaken involving new or more significant impacts?*

There are no substantial changes in the conditions from what was analyzed the 2006 EIR. The land has remained vacant and the only changes that have occurred to date include annexation of the project site, plus the 3.5-acre City water tank parcel, into the City, DDSD and the CCWD. These changes do not represent a substantial change to the conditions under which the project would be undertaken and would not result in new or more significant impacts.

- c) *Is there new information of substantial importance, which was not known and could not have been known at the time of the previous EIR, that shows the project would have a significant effect not addressed in the previous EIR; or that previous effects would be more severe; or, previously infeasible mitigation measures are now feasible but the applicant has declined to adopt them; or, mitigation measures considerably different from those in the previous EIR would substantially reduce significant effects but the applicant declines to adopt them?*

There is no new information of substantial importance, including a change in baseline conditions that would show that the project as analyzed in this Addendum would have a significant effect on the environment. As described above in Section 3.a, the construction of stormwater drainage facilities, water infrastructure improvements, inclusion in districts to fund improvements and services, dedication of parkland, construction of roadway improvements, and construction of 42 rental accessory dwellings would not result in effects more severe than identified in the 2006 EIR. There are no mitigation measures considerably different from those in the previous EIR that could be adopted to reduce impacts.

SECTION 4: ANALYSIS/CONCLUSIONS

This second Addendum to the 2006 Sky Ranch II Draft and Final EIR is adopted pursuant to CEQA Guidelines Section 15164, which states that a lead agency may prepare an Addendum to an EIR when some changes or additions are necessary, but none of the conditions described in Section 15162 have occurred.

The Development Agreement was not included as a part of the project description in the previous 2006 EIR or 2008 Addendum. Therefore, the Development Agreement represents a minor modification to the Sky Ranch II project description. The information and analysis provided in this Addendum demonstrates that substantial evidence supports the City's determination not to prepare a subsequent or supplemental EIR.

Approval of the Development Agreement would not have any significant environmental impacts not previously disclosed in the 2006 Sky Ranch II Draft and Final EIR, nor would there be any substantial increase in the severity of previously identified impacts. As provided in CEQA Guidelines Section 15164 (b), this Addendum need not be circulated for public review, but shall be considered before the City of Pittsburg City Council prior to making a decision on the Development Agreement's adoption. The 2006 Sky Ranch II Draft and Final EIR, 2008 Addendum, and other materials are on file and available for review during normal business hours at Pittsburg City Hall, Planning Division, 65 Civic Avenue, Pittsburg, CA 94565.

BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Approving a Vesting Tentative Map	)	
to Subdivide 166.5 Acres into 415 Single-	)	
Family Residential Lots, One Detention Basin	)	
Parcel and One Water Reservoir Parcel	)	Resolution No. 9711
Located at the Terminus of Ventura Drive,	)	
South of the Highlands Ranch Subdivision For	)	
"Sky Ranch II Residential Subdivision. (Tract	)	
8475)."	)	

The Planning Commission DOES Resolve as follows:

Section 1. Background

- A. On December 20, 2002, Albert Seeno III of Discovery Builders (the "applicant") filed Vesting Tentative Map Application No. 8475, in accordance with Chapter 17.20 of the Pittsburg Municipal Code (PMC), requesting to subdivide a 1.66.5 acre site, including portions of Highlands Ranch (Tract 7217) into 415 single-family residential lots ranging in size from 8,000 square feet to 2.9 acres, with related infrastructure improvements. The project is located at the terminus of Ventura Drive, south of the Highlands Ranch subdivision; APNs 089-050-067 (and portions of Highlands Ranch).
- B. In conjunction with this request, the applicant filed applications requesting to prezone the property and obtain design review approval of the homes. This land is currently outside the City limits and inside the City ULL. The property must be annexed to the City prior to any actions by this Commission taking effect on this project.
- C. An environmental impact report (EIR) was prepared for this project (SCH # 2004112092). On October 2, 2006, the City Council adopted Resolution No. 06-10632 certifying that the final environmental impact report (FEIR) was prepared in accordance with CEQA and the State CEQA Guidelines. The proposed Vesting Tentative Map is consistent with Alternative 2 of the FEIR. The objectives of this alternative are to:
 - 1. Develop a residential subdivision having approximately 415 lots consistent with the adopted General Plan Low Density Residential designation (3 du/ac); and
 - 2. Construct the Buchanan Road Bypass as a 4-lane arterial road within the limits of the project site.

- D. On May 8, 2007, the Planning Commission adopted Resolution No. 9710 recommending that the Council prezone the subject property to RS-6-O (Single Family with and Overlay) District. The proposed zoning district, if adopted, would establish development standards to guide development of this property if it is ultimately annexed into the City of Pittsburg. The proposed subdivision is consistent with the prezoning designation recommended by the Planning Commission to the Council in PC Resolution No. 9710.
- E. Vesting Tentative Map and Design Review approvals for this project would be contingent on the Council's final approval to prezone the property to RS-6-O and LAFCO approval of annexation of the project site to the City of Pittsburg, Delta Diablo Sanitation District (DDSD) and Contra Costa Water District (CCWD).
- F. The proposed Vesting Tentative Map (VTM) would subdivide the property to construct 415 single family homes at 2.46 residential dwelling units per gross acre. This is consistent with the General Plan land use designation of *Low Density Residential* and General Plan policy 2-P-71, which allow a maximum of 3 du/ac on this property.
- G. The EIR identifies mitigation measures to reduce the proposed project's impacts to a less than significant level. Several of these measures will require that the layout/design of the proposed subdivision be modified. Implementation of these mitigation measures will result in changes to the configuration of streets, grading plans, location of the proposed water tank, orientation and position of lots, traffic flow patterns in and out of the development, and potentially, a reduction in residential units.
- H. The General Plan includes many goals and policies applicable to this project. Development of this property as proposed would assist the City in implementing, General Plan goals 2-G-4 (develop at lower intensities at the City's southern edge), 2-G-5 (promote a diversity of housing types, including opportunities for hillside estate development), 2-P-72 (pursue construction of the Buchanan Road Bypass), and 13-P-1.2 (ensure the construction of larger, high end housing in the southern foothills to provide move-up housing opportunities within the community).
- I. The project is less successful in implementing other goals and policies of the General Plan that could reasonably be applied to this development, including 4-G-3 (provide transition from urban to open space on the City's edge), 4-P-7 (ensure that design treatment of new development at the City's southern border retains a rural feel by using materials and design that promote a rural feel and encourage development at the outer edge of the City to face outwards towards the rural landscape), 8-P-2 (pursue the development of park and recreation facilities within a reasonable walking distance of all homes), 8-P-16 (encourage dedication of public parks in new residential development with more than 150

units), and 13-P-2.4 (increase homeownership opportunities for Very Low, Low and Moderate Income households).

- J. State regulations requiring the final map/site plan to include a 100 foot wide fire suppression buffer between new development and existing grasslands off the site will necessitate changes to the final map that will bring this project into conformance with General Plan goal 4-G-3. Requiring that a percentage of the homes in this subdivision be clad in lap siding rather than stucco to evoke a more rural/ranch feel to the neighborhood and guidance on using open wire fencing in open space transition areas to implement General Plan policy 4-P-7. Most of the homes within this subdivision are not within walking distance of the new Highlands Ranch Community Park. Creation of a park within this subdivision, south of the proposed Buchanan Road Bypass would bring this project into conformance with General Plan policies 8-P-2 and 8-P-16.
- K. The Sky Ranch II project is not subject to the requirements of the Inclusionary Housing Ordinance adopted by the City in February, 2005. However, the project is subject to the City's adopted Housing Element policies which were adopted by the City Council prior to the Sky Ranch II application being deemed complete (April 19, 2004). The actual date of approval of the current Housing Element was November 17, 2003 (City Council Resolution No. 03-9967) with final HCD certification of the Housing Element several months thereafter. Table 13.6-4 of the Housing Element (required by HCD for certification of the Housing Element) identifies the Sky Ranch property as a key housing opportunity site with a projected unit count of 415. Table 13.6-7 (also required by HCD for certification) estimates that the proposed project will result in 42 moderate income units with the remaining balance expected to be above moderate (market rate). The proposed project is consistent with the housing element projection for the number of units to be constructed on the Sky Ranch II property, but provides no affordable housing component. The Planning Commission, therefore, may condition this subdivision to assist the City in increasing homeownership opportunities for Very Low and/or Moderate income households.
- L. Requiring an affordable housing component as a condition of project approval will also help the City implement General Plan policy 13-P-2.4 noted above. The site is not suitable for Low or Very Low income housing. The lots are too far from transit, shopping, schools, jobs and social services to be easily accessible and too large to maintain for persons on very limited income. Reserving 10% of the units within this subdivision for Moderate Income Households (at affordable prices) as envisioned in Housing Element Table 13.6-7 would implement General Plan policy 13-P-2.4. Given that the City's priority at this time is to also create more Very Low Income rental units, offering the developer an option to comply with PMC §18.86.080 (Alternatives to construction of affordable units on-site of owner projects or low-density owner projects) to reserve and rent and equivalent 5% of the units (21) to Very Low Income Households and that same units be priced at a price deemed by the City to be affordable to an appropriately sized

Very Low Income Household earning 50% of Area Median Income would assist the City in implementing Housing Element policy 13-P-2.5 (Increase the supply of rental housing available and affordable to ... Very Low Income Households..) .

- M. General Plan policy 13-P-2.6 encourages the incorporation of energy conservation design features in future residential developments to conserve resources and reduce housing costs. Program A under that policy rests the responsibility to evaluate new subdivisions for passive solar and cooling opportunities with staff and the Planning Commission, while Program D supports the use of solar heating and other environmentally sound energy efficient methods for heating and cooling homes. No information has been provided as to whether the developer will be offering solar heating opportunities. Proposed lot sizes and orientations will provide opportunities to place garages on many north elevations, extend patio roofs on side and rear facing elevations, and plant deciduous trees in rear yards to cool south facing windows in the summer, all of which would provide passive heating and cooling benefits to future homeowners.
- N. The proposed vesting tentative map complies with many, but not all of the applicable subdivision design guidelines. The proposed subdivision incorporates design guidelines which call for curvilinear streets (Guideline II.g), street maintenance easements (Guideline II.q), masonry walls between homes and arterial streets (Guideline I.g), and the siting future walls at tops of slopes (Guideline II.j).
- O. The proposed subdivision does not comply with the adopted design guidelines that call for staggered masonry walls adjacent to public rights-of-way (Guideline II.f), landscape setbacks adjacent to walls at least the height of the wall (Guideline II.n).
- P. Conformance with other adopted design guidelines related to landscaping and fencing/wall design (Guidelines I.e., I.m., and II.b.. II.c, II.d.) cannot be determined at this time as submitted plans do not include preliminary landscape plans, wall/fence design plans.
- Q. Because a plotting plan is not included with the submittal, the Commission cannot determine that one-story homes are proposed on the most prominent corner lots in conformance with Guideline II.h., or whether driveways at three way intersections will align with streets (Guideline II.k.).
- R. The project includes construction of the Buchanan Road Bypass within the limits of the project site. The proposed segment of the Buchanan Road Bypass within the boundaries of the project site would ultimately be constructed as a four lane artery with a median divider. The bypass would remain closed to through-traffic at the eastern and western terminus until the entire bypass is completed west to Kirker Pass Road. In the interim, project-related traffic would use Ventura Drive through Highlands Ranch to Buchanan Road. As shown in the submitted street

section, the Bypass would only have a sidewalk (6') on one side of the road, where sidewalks on both sides of the street is preferred..

- S. Roadways within the development are proposed to be public streets that generally conform to the City's adopted street standards. The streets would have 36 - 42 foot wide roadway widths, with parking and 6-foot wide sidewalks on both sides of the streets (typo on 48' R/W street section incorrectly shows 4.5 foot sidewalks) with a four foot wide PUE and additional 5 foot wide street tree maintenance easement setbacks behind the sidewalks. The project includes conventional curbs, gutters, and sidewalks, with catch basins and underground piping to collect and convey storm water to appropriate outlets.
- T. Section 5.2.1 of the 2000 Water Master Plan, Amendment No. 3 identifies the need for water infrastructure improvements in order to serve the proposed development. Prior to occupying the first home in the subdivision, these infrastructure improvements must be constructed.
- U. With its review of the proposed rezoning for the project, the City Council is the final decision making body for the approval of the Sky Ranch II project under CEQA. Should it decide to approve the rezoning application, the Council must make findings pursuant CEQA related to mitigation measures identified for the project, including a Mitigation Monitoring and Reporting Program (MMRP), the alternatives analyzed in the EIR, and Statement of Overriding Considerations (SOC) for project impacts that cannot be mitigated to a less than significant level.
- V. The FEIR and Draft EIR identify mitigation measures that must be implemented with the project. Refining mitigation measures for clarity and incorporating them directly as conditions of project approval, will further ensure that the project is developed in a manner that will not create a significant permanent adverse environmental impact.
- W. Pursuant to Section 17.20.060 C. (Planning Commission Review and Determination) of the Pittsburgh Municipal Code, the Planning Commission may approve or conditionally approve a vesting tentative map if it finds that:
 - 1. The proposed map is consistent with the general plan and any applicable specific plan, or other applicable provisions of this code;
 - 2. The site is physically suitable for the type of development;
 - 3. The site is physically suitable for the proposed density of development;
 - 4. The design of the subdivision of the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

- 5. The design of the subdivision or the type of improvements will not cause serious public health problems; and
- 6. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
- X. On April 27, 2007, in accordance with PMC §18.14.010, a "Notice of Public Hearing" for this application was posted at and near the project site, at City Hall and the Pittsburg Library, and was mailed to all owners of property within 300 feet of the project site, to the applicant and to individuals who requested such notice.
- Y. On May 8, 2007, the Planning Commission held a public hearing for Vesting Tentative Map Application No. 8475 (SUBD 8475), at which time oral and/or written testimony was considered.

Section 2. Authority

- A. Article XI, Section 7 of the California Constitution confers on cities the authority to regulate land use within their jurisdictions under the police power and to make and enforce ordinances to protect the public health, safety and welfare. Aesthetic reasons alone justify exercise of the police power. (*Metromedia, Inc. vs. City of San Diego* (1980) 264 C3d 848, 164 CR 510).
- B. The general plan is the single most important planning document and represents the most comprehensive statement of the city's interests and welfare. (Government Code section 65300; *Citizens of Goleta Valley vs. Board of Supervisors* (1990) 52 CA3d 553, 276 CR 410.) In general, all land use decisions must be consistent with the general plan. Consistency exists between a city's land use action and the general plan when a city has officially adopted such a plan, and the various land uses approved are compatible with the objectives, policies, general land uses and programs specified in the plan. (*Leshar Communications, Inc. vs. City of Walnut Creek* (1990) 52 C3d 531, 277 CR1.)
- C. The Subdivision Map Act (Government Code section 66410, et seq.) vests in cities the power to regulate and control the design and improvement of subdivisions within their boundaries. (Government Code section 66411.) "Improvement" is broadly defined to include any specific improvement or type of improvement, the installation of which is necessary to ensure consistency with the general plan. (Government Code section 66419 (b).)
- D. A city may not approve a tentative map unless it finds that the proposed subdivision, together with the provisions of its design and improvement, is consistent with the general plan. (Government Code section 66473.5.)

1. Pittsburg's General Plan includes, among its objectives, designing aesthetically pleasing roadways, providing public improvements that enhance neighborhood values, enforcing City ordinances that improve the appearance of residential neighborhoods, encouraging residential neighborhoods that are in close proximity to recreation facilities and maintaining lighting on city streets. To ensure that these goals are met, the General Plan requires:
 - a. Improvements to or equitable cost-sharing for expansion of water, sewer and drainage facilities (General Plan policies 9-P-21, 11-P-7, 11-P-18). These improvements or fees are necessary to ensure that adequate facilities are available to serve new development without detriment to existing development. Public improvements including street lighting and utilities are proposed with the Sky Ranch II development.
 - b. Construction of new parks, dedication of land for new parks, or payment of fees to help the City to meet its park and recreation facility standards (General Plan policies 8-P-1, 8-P-2, 8-P-11).
- E. The following General Plan and Housing Element Goals and policies apply to the development associated with the proposed Vesting Tentative Map:
 1. Goal 2-G-4: Provide a range of development intensities, with the highest intensities in Downtown and in areas accessible to transit and services, and lower intensities in the hillsides and at the southern edge. The project will offer estate sized lots which will help diversify the intensity of development in the City.
 2. Goal 2-G-5: Promote a diversity of housing types, including opportunities for hillside estate development, as well as smaller lot, infill, and high-density housing. The project offers estate development in the southern hills.
 3. Policy 2-P-72: Pursue construction of the Buchanan Road Bypass, as designated in the General Plan Diagram, providing an alternative route for commuters traveling from Kirker Pass Road to destinations east of Pittsburg. The project will facilitate the development of the bypass.
 4. Policy 13-P-1.2: Ensure the construction of larger, high end housing in the southern foothills to provide move-up housing opportunities within the community. The project offers move-up housing opportunities with its estate size housing product.
 5. Policy 2-P-7: During development review, consider project compatibility with existing surrounding land uses. Ensure that sensitive uses—such as residences, schools, and parks—are not subject to hazardous or unhealthy conditions. Land use compatibility occurs when a land use exists and functions without creating a nuisance, hazardous, or unhealthy condition with adjacent land uses. The EIR

prepared for the project concluded that the project will not expose residents to nuisance, hazardous, or unhealthy conditions, as mitigated.

6. Policy 2-P-70: During development review, ensure that new development maintains views of the southern hills. Views will be maintained with the implementation of the mitigation measures identified in the EIR for preserving aesthetic resources.
7. Policy 2-P-71: New residential development south of Buchanan Road should:
 - a. Ensure that adequate acreage is dedicated for a neighborhood park directly adjacent to Buchanan Road;
 - b. Not result in any net increase of peak -hour stormwater flow;
 - c. Preserve and enhance existing north-south creeks;
 - d. Respect natural topography in the design and construction of new units; and
 - e. Be limited to a maximum density of 3.0 dwelling units/acre.

The newly constructed Highlands Ranch Park, located directly adjacent to Buchanan Road, addresses the park identified in Policy 2-P-71. Chapter V, section C of the EIR analyzes the stormwater flows the project will generate. The EIR concludes that the peak-hour flows will remain below the pre-development condition because of the proposed detention basin included with the project design. The project does not have any north-south creeks with defined bed and bank supporting the growth of riparian vegetation that would make the project subject to creek preservation or setback requirements of the General Plan. The design and construction of the new housing units is typical for most subdivisions throughout the City and is not necessarily designed to respect the natural topography of the area. The mitigation measures identified in the EIR for visual impacts of the project identifies modifications to the exterior finishes of the proposed homes to improve their compatibility with the natural setting of the project in the hills (also see Policy 2-P-70). The proposed gross residential density of 2.46 dwelling units/acre is within the maximum density requirement established by Policy 2-P-71.

8. Policy 3-P-1: Allow urban development only in areas that are served or where service can be provided. The EIR did not identify any unmitigable constraints to providing service to the proposed development.
9. Policy 3-P-2: Before project approval, ensure that existing and planned roads will have adequate capacity to accommodate existing and proposed development. The EIR included an analysis of existing and planned roadway capacity to accommodate additional vehicle trips that the project will generate. Traffic impact mitigation measures were identified for making any necessary improvements to proposed and existing roadways in order to maintain sufficient capacity for additional vehicles trips from the project.

10. Policy 3-P-3: Assure Basic Routes and Routes of Regional Significance will operate at adopted Level of Service (LOS) standards. The traffic impact analysis conducted for the EIR evaluates the LOS for basic routes and routes of regional significance. This analysis identified specific mitigations measures for maintaining an acceptable LOS with the additional vehicle trips associated with the buildout of the project.
11. Policy 3-P-10: Approve proposed development projects generating over 100 commute hour trips only if the project is consistent with adopted traffic LOS standards. The project will be consistent with adopted traffic LOS standards with the implementation of mitigation measures identified in the EIR prepared for the project.
12. Policy 3-P-12: Approve new development projects only if at least one of the following conditions is met:
 - a. Adopted performance standards (General Plan Performance Standards 3-S-1 - 3-S-18) will be maintained following project occupancy;
 - b. Project specific mitigation measures are planned and implemented in order to ensure maintenance of adopted performance standards; or
 - c. Capital projects planned by the City or special districts will result in maintenance of adopted performance standards.

The project will meet the City's public facilities performance standards through a combination of design, through the payment of current City fees, implementation of mitigation measures identified in the EIR, and through the implementation of capital projects planned by the City or special districts.

13. Policy 4-P-7: Ensure that design treatment of new development at the City's southern boundary retains a rural feel by:
 - a. Discouraging the use of solid walls along these edges (fences must be visually permeable; however, discourage use of chain link in front and side yards).
 - b. Using Materials and designs to promote a rural feeling (for example, wooden or other rustic materials); and
 - c. Encouraging development at the outer edge of the City to face outwards towards the rural landscape (Preventing a solid wall of residential backyard fences).

The subdivision does not face outwards, but required fire buffers between new development and adjacent open spaces will facilitate in the creation of a final map that more successfully addresses this design goal. Mitigation Measures provide for the creation of a park near the southern border which also help implement this policy.

14. Policy 11-P-29: Ensure adequate road widths in new development for fire response trucks, per the subdivision regulations. The proposed streets are designed to allow for fire response truck access to the development. The streets comply with City standards and have been reviewed by the Contra Costa County Fire Protection District.
15. Policy 13-P-1.1: Ensure there is an adequate supply of mixed use and residentially zoned land of appropriate densities to accommodate existing and anticipated housing needs through 2020.
16. Policy 13-P-1.2: Ensure the construction of larger, high end housing in the southern foothills to provide move-up housing opportunities within the community. The project offers a larger sized housing product that qualifies as high end housing in the City of Pittsburg.
17. Policy 13-P-1.8: Meet the City's fair share regional housing needs. Housing needs are outlined in the applicable housing element adopted at the time the project was deemed complete. The Commission has discretion to impose these requirements on this project as deemed necessary.
18. Policy 13-P-2.4: Increase homeownership opportunities for Very Low, Low and Moderate income households. Housing needs are outlined in the applicable housing element adopted at the time the project was deemed complete. The Commission has discretion to impose these requirements on this project as deemed necessary.

F. The conditions and requirements imposed on the project and further described in Section 4, are necessary to achieve the objectives of and to ensure consistency with the City's General Plan.

Section 3. Findings

The Planning Commission hereby finds that based on the Planning Staff Report entitled, "Sky Ranch II Residential Development. RZ-02-21, SUBD 8475, DR-02-48.", dated May 8, 2007, and related attachments, and based on all information in the Final (including Draft) EIR prepared for the project, and based on evidence collected during site visits to the project site and based on all the information contained in the Planning Department files on the project, adopted and incorporated here by reference and available for review in the Planning Department located at 65 Civic Avenue in Pittsburg, and based on all written and oral testimony presented at the public hearing that:

- A. All recitals above are true and correct and are incorporated herein by reference.
- B. The Final EIR for the Sky Ranch II Residential Subdivision project was prepared in compliance with Public Resources Code Section 21000 et seq., and the State CEQA Guidelines Section 15000 et seq, all impacts associated with this project have been

analyzed in the EIR prepared for this project, and the Commission has independently reviewed and considered the information contained therein, prior to making its decision on this vesting tentative map request.

- C. Conditional approval of the tentative map to include the conditions contained in section 4 of this resolution will bring the tentative map into substantial compliance with the General Plan and result in a modified site plan and grading plan that will physically support the proposed density and type of development (single family detached homes) envisioned for this site without causing public health problems or causing substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- D. The project will comply with Housing Element policies 13-P-1.8 (fair share regional housing needs) and 13-P-2.4 (opportunities for Very Low, Low and Moderate income households), 13-P-1.2 (larger, high end housing in the southern foothills to provide move-up housing opportunities) if conditions of approval are imposed that require the applicant to:
 - 1. Enter into an affordable housing agreement, subject to City Council approval, prior to acceptance of the final map. The agreement must either: 1) provide that the developer reserve and sell 10% (42) of the approved 415 units/lots within the subdivision to Moderate Income Households and that same units/lots will be priced at a price deemed by the City to be affordable to an appropriately sized Moderate Income Household earning 110% of Area Median Income. The units will remain affordable for a period not less than 45 years; OR 2) provide that the developer comply with PMC §18.86.080 (Alternatives to construction of affordable units on-site of owner projects or low-density owner projects) to reserve and rent 21 units to Very Low Income Households and that same units be priced at a price deemed by the City to be affordable to an appropriately sized Very Low Income Household earning 50% of Area Median Income (policies 13-P-1.8 and 13-P-2.4).
 - 2. Ensure all lots within the subdivision are a minimum of 8,000 square feet, except that lots reserved under an affordable housing agreement required in the condition above may be a minimum of 6,000 square feet. Lots reserved under the affordable housing agreement for Moderate Income Households may be scattered generally evenly throughout the subdivision or located entirely north of the Buchanan Road Bypass (policy 13-P-1.2).
 - 3. Ensure at least one-quarter of the single-family homes within the subdivision are at least 3,000 square feet in size (net garage) (policy 13-P-1.2).
- E. The technical analysis contained in section 5.2.1 of the most recent version of the 2000 Water Master Plan, Amendment No. 3 identifies the need for water infrastructure improvements in order to serve the proposed development and that prior to occupying the first home in the subdivision, these infrastructure

improvements must be constructed in order to comply with growth management policies of the General Plan.

- F. In accordance with PMC Section 17.20.050, all governmental and utility agencies known to have a potential interest in the project were provided a copy of the tentative map and given the opportunity to provide comments thereon; copies of the tentative map were mailed to 36 state, federal, regional and local agencies for a minimum 18-day comment period that began on January 2, 2003.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat. Biological impacts associated with the project will be reduced to a less than significant level with the implementation of the Mitigation Measures identified in the EIR and conditioned herein.
- H. As evaluated in the EIR and with the implementation of the Mitigation Measures identified in the EIR, the design of the subdivision or the type of improvements will not cause serious public health problems.
- I. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. Implementation of the Mitigation Measures identified in the EIR will ensure that that the project does not create conflicts with existing or future easements on the project site. Access into and within the subdivision will be on public roadways. Access to the public utilities on-site (water tank and detention basin) will be via roadway easements or other mechanism deemed appropriate by the City Engineer.
- J. Collection of current City fees for this project is necessary in order to comply with the growth management element of the General Plan. This will ensure the protection public health, safety and welfare as it relates to increase demand on City infrastructure and services resulting from this project.

Section 4. Decision

- A. Based on the findings and authority set forth above, the Planning Commission hereby approves Vesting Tentative Map No. 8475 (SUBD 8475), subject to the following conditions:

General Conditions:

- 1. The project shall be constructed in substantial conformance with Vesting Tentative Map No. 8475, date stamped March 23, 2004 and February 27, 2007 by the Planning Department, except as hereinafter modified.

2. The Standard Conditions of Development as adopted by the Pittsburg Planning Commission by Resolution No. 8931 shall apply as conditions of approval of this project, as determined applicable by the Planning Department. Where there is conflict between Resolution No. 8931 and the specific conditions identified in this resolution, the specific conditions of this resolution shall govern.
3. The applicant shall comply with all the requirements of the Planning Department, Engineering Department, Contra Costa Department of Environmental Health, Contra Costa County Fire Protection District, California Regional Water Quality Control Board, and all applicable local, state and federal agencies. It is the responsibility of the applicant to check with each agency for requirements that may pertain to the project.
4. The developer shall defend, indemnify and hold harmless the City of Pittsburg, its agents, officers, and employees from any claim, action or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval, which action is brought within the applicable time period of Government Code section 66499.37. In the event the City becomes aware of any such claim, action or proceeding, the City shall promptly notify the developer and shall cooperate fully in the defense. If the City fails to promptly notify the developer, or if the City fails to cooperate fully in the defense, the developer shall not thereafter be responsible to defend, indemnify, or hold harmless the City. Nothing contained in this condition prohibits the City from participating in the defense of any claim, action, or proceeding, if both of the following occur: (a) the City bears its own attorneys' fees and costs; and (b) the City defends the action in good faith. The developer shall not be required to pay or perform any settlement unless the settlement is approved by the developer.

Planning Conditions:

5. Subdivision 8475 shall comply with the applicable RS-6-O (Single Family Residential with an Overlay) District development standards as may be adopted by the City Council for this property.
6. The triangle shaped area shown on the vesting map located directly south of the City water tank site and east of Lot 37 shall be made into a non-buildable parcel that is offered to the GHAD for maintenance or transferred to the City and merged with the Water Tank property. This issue shall be addressed to the satisfaction of the City Engineer prior to the approval of a final map.
7. Lots 14-17 shall be eliminated. The remnant portion of Lot 14 inside the subdivision shall be merged with the adjacent lot in Highlands Ranch Subdivision. Portions of the other proposed lots (15-17) shall be converted to an unbuildable parcel that is either offered to the GHAD for maintenance, transferred to the City and merged with the Water Tank property, or fully landscaped and placed in the applicable LLD. This subdivision approval in no

way authorizes the developer to purchase, own, subdivide or develop any portion of the City Water Tank Site. The final disposition of the matter shall be to the satisfaction of the City Council prior to acceptance of the Final Map.

8. The new park required to be dedicated in this subdivision shall be constructed prior to the issuance of a building permit for the 200th home to be built in this subdivision or as otherwise approved in writing by the Planning Director and City Engineer.
9. All land to be located between the Buchanan Road Bypass Right-of-way and a new masonry wall along the Bypass shall be placed in a separate non-buildable parcel, landscaped by the developer, and then maintained as part of the LLD.
10. The subdivision is approved for a maximum of 415 single-family residential lots. Incorporation of all applicable conditions and mitigation measures may necessitate the elimination of some lots within the subdivision. Prior to preparation of the final map and improvement plans, the subdivider shall submit a modified site plan/map and grading plan incorporating all applicable design changes to the City staff for review of compliance with the applicable conditions of approval prior to submittal of the final map and improvement plans to the Engineering Department for plan check. The final map and improvement plans shall be in substantial conformance with the modified site plan/map and grading plan accepted by City staff as consistent with the conditionally approved tentative map.
11. The Developer shall submit a Plotting Plan to demonstrate how the placement of the homes will not create a negative visual effect from the massing of homes. Lots on the Plotting Plan shall accurately reflect the final subdivision design (not the tentative map) and shall also summarize graphically and with a table, how each lots complies with the applicable PMC zoning standards and other applicable conditions of approval related to mix of architecture and house siting. This exhibit shall be submitted to the Planning Department for each final map and shall be subject to review and approval of the Planning Department prior to Council acceptance of the final map for each respective phase.
12. The applicant shall enter into an affordable housing agreement, subject to City Council approval, prior to acceptance of the final map. The agreement shall: 1) provide that the developer reserve and sell 10% (42) of the approved 415 units/lots within the subdivision to Moderate Income Households and that same units/lots shall be priced at a price deemed by the City to be affordable to an appropriately sized Moderate Income Household earning 110% of Area Median Income. The units shall remain affordable for a period not less than 45 years; OR 2) provide that the developer comply with PMC §18.86.080 (Alternatives to construction of affordable units on-site of owner projects or low-density owner projects) to reserve and rent 21 units to Very Low Income Households and that same units be priced at a price deemed by the City to be affordable to an

appropriately sized Very Low Income Household earning 50% of Area Median Income.

13. Modifications to the vesting tentative map resulting from the conditions of approval shall not substantially alter the visual impact of the project as viewed from Buchanan Road. If substantial changes in grading are proposed with the revised vesting tentative map produced for implementing the conditions of approval for this project, the developer shall demonstrate that the changes are consist with the visual impact analysis of the EIR. This information shall be submitted to the Planning Department prior to the approval of the first final map. The first final map shall not be issued if substantial changes to views result from changes to the vesting tentative map.
14. Retaining walls visible from the Buchanan Bypass shall be constructed of the same materials or match the design of soundwalls used for the subdivision.
15. All lots within the subdivision shall be a minimum of 8,000 square feet, except that lots reserved under an affordable housing agreement required in the condition above may be a minimum of 6,000 square feet. Lots that may be reserved under the affordable housing agreement for Moderate Income Households may be scattered generally evenly throughout the subdivision or located entirely north of the Buchanan Road Bypass.
16. At least one quarter of the single-family homes within this subdivision shall be at least 3,000 square feet in size (net garage).
17. The soundwall along Buchanan Road Bypass shall match the same street side design as the wall in the subdivision to the east. The other side of the wall shall incorporate a decorative cap detail, subject to review and approval of the Planning Department.
18. Perimeter walls and/or sound walls shall include decoratively designed pilasters that are positioned at least 50-foot on center with the exception that the design of the wall along the Buchanan Road Bypass shall match the wall constructed along the Bypass in the subdivision to the east. This feature shall be reflected on the in-tract landscaping plan and landscaping plan and shall be subject to review and approval of the Planning Department prior to the approval of building plot plans.
19. Fences/walls shall be positioned at the top of downslope banks unless otherwise approved by the City Engineer. Fences at the top of slopes visible from Buchanan Road shall comply with MM-E1 #4 to maintain unobstructed views.
20. The developer shall minimize the use of subdivision perimeter walls along the bypass where sound attenuation features are not needed to comply with Noise Element policies of the General Plan. Wrought iron fencing with interspersed pilasters, or other open decorative fence design shall be used in lieu of masonry

walls in these circumstances. The developer shall evaluate this change in a noise/sound assessment in areas that may be conducive to the use of such fences. At a minimum, the developer shall evaluate the use of this alternative fencing design in lieu of the solid masonry wall proposed on the south side of the bypass between lots 381 and 307. This evaluation shall be submitted to the Planning Department and shall be subject to its review and approval prior to the approval of the landscaping plan for the Buchanan Bypass portion of the project.

21. In the event that it is determined that sound walls are needed for the project which exceed 6-feet in height, the developer shall incorporate into the design of the wall, measures that will reduce the perceived height of the wall, whenever possible. This may include techniques such as creating earthen berms and mounds near the base of the wall or using retaining walls to offset the height of the wall. This condition of approval will also be included with the conditions of approval of the vesting tentative map to ensure consistency in implementation.
22. The applicant shall design fencing along prominent north facing slopes visible from Buchanan Road in a fashion that uses open fences that avoid visual interruption. The fence design shall be shown on the in-tract landscaping plan for the subdivision and shall be subject to review and approval of the Planning Department prior to the issuance of building plot plans.
23. The required subdivision park (MM-G1) shall be conveniently accessible to pedestrians and bicyclists. This may require the installation of trail connections within the subdivision or placement of the park in a location easily accessible to residents within the subdivision. The Pedestrian/Bicycle connection(s) shall be landscaped and shall be installed prior to acceptance of subdivision improvements for each phase. Park credit for the trail and its associated improvements shall be subject to evaluation by the City Engineer.

Engineering Conditions:

24. These engineering conditions are prepared based upon the Vesting Tentative Map dated March, 2004 and date stamped March 23, 2004 and February 27, 2007 by the Planning Department. A revised project site plan submittal, to supplement Vesting Tentative Map No. 8475 shall be submitted to the Engineering Department incorporating all site plan revisions, design and grading related conditions of approval within this resolution for review and approval by City staff prior to submitting engineering design plans or final maps for review. This submittal shall also include proposed phasing plans and proposed major utility box locations for electric, telephone, or cable.

FEES AND EXACTIONS:

25. When the developer submits plans, maps, or other documents for checking, a deposit equal to one half of the estimated Plan Check fees shall be made to the

Engineering Department based upon the submitted Engineer's Estimate. The deposit shall be credited to the final fee as determined at engineering permit issuance based upon the final, approved Engineer's Estimate. The deposit shall be paid to the Engineering Department at the time of the developer's first plan submittal.

26. The developer shall pay \$2,300.00 for 5-50 lots, (plus \$800 for each additional plan check after the third review), \$3,000.00 for 51-150 lots, (plus \$1,065.00 for each additional plan check after third review), and \$3,365.00 for 151-250 lots, (plus \$1,330.00 for each additional plan check after third review). This fee shall be paid to the Engineering Department prior to the issuance of an Engineering Grading and /or Improvement Permit.
27. The developer shall pay remaining Plan Check fee balances based upon the approved Engineer's Estimate with the final set of improvement and/or grading plans which are submitted for signature by the Engineer. Payment for the balance of the plans review and inspection fees shall be paid at issuance of the grading permit or approval of improvement plans. The current fees are:
 - a. The improvement plan check fees are 3.5% of the cost of the improvements based upon the approved Engineer's Estimate. The inspection fees for improvements vary from 3.6% to 6.5% depending upon the total costs of the final approved improvements.
 - b. The grading plans check and inspection fees are 5.50% of the cost for grading based upon the approved Engineer's Estimate or per the Grading Fee Table approved by City Council.
28. If additional engineering studies are deemed necessary by the City Engineer, i.e. geotechnical, structural, hydraulic, etc., or expedited reviews are requested by the developer, the developer shall pay for all costs related to the extra work. The costs may include the preparation of special studies, additional staff time, and/or reviews of the special studies if studies are prepared by the developer's engineer. These fees shall be paid by the Developer to the Engineering Department prior to contracting for outside services and prior issuance of the Engineering Permit, grading or improvement.
29. The developer shall pay the City of Pittsburg Facilities Reserve Charge (PMC Chapters 13.08, 13.12 and 13.24)(the "FRC") for water and sewer service in the amounts currently in effect plus annual adjustment, based upon Engineering News Record's Construction Cost Index (CCI) on January 1st of each subsequent year beginning in 2008. The developer agrees to pay water fees for buy-in into the water treatment plant and existing water system prior to the issuance of each respective building permit. The developer understands that the current water FRC is described in the fee schedule approved by Resolution No. 05-10291 and amended by Resolution No. 05-10372, a copy of which is available at the City. In

order to clarify the fees to apply to this project, note that line 2 (Zone III) was meant to apply to Zone III and higher facilities and will apply to Zone III and IV facilities in this subdivision. These FRC amounts will be adjusted on November 1 in future years. For reference, the increases approved through November 2008 are shown on the fee schedule established by Resolution No. 05-10291.

30. The FRC fee for sewer shall be paid to the Engineering Department prior to the issuance of a building permit by the City's Building Division.
31. The City periodically updates master plans for sewer and water facilities that establish the financial responsibility that each development planned within the City of Pittsburg has toward designing and constructing related improvements. The recent updates (Amendment 3) for water requires that any additional development in the southeastern portion of Pittsburg, in the area where this site is located, needs a pipeline from the water treatment plant and a new concrete Zone II reservoir prior to serving any new homes. While this development needs the facilities to proceed, some of the financial responsibility is the City's and some is future anticipated development. The developer may proceed by building the needed facilities and being reimbursed the City's share within one year of City acceptance of improvements. The costs to be reimbursed to the developer by future development will be effectuated under a mutually acceptable Reimbursement Agreement between the City and the developer that will be completed prior to the issuance of any engineering permits or map approvals. The City will agree, per the conditions of the Agreement, to pass on to the developer related water fees collected by the City for future development for any development that occurs within the area serviced by the Zone II reservoir and the Zone II transmission line for a period not to exceed twenty years from the date from the approval of this development's first final map. The developer will be eligible to receive a 5% management fee to construct the Zone II concrete reservoir and the 16" to 20" water line from the water treatment plant to the project site if an agreement for services to be performed is executed and the services are performed to the satisfaction of the City Engineer.
32. The developer shall pay the Contra Costa Water District Facilities Reserve Charge (PMC Chapter 13.10) (the "CCWD FRC") amount in effect when the developer obtains a building permit. A schedule of the current fees is available from the City. The developer understands that the CCWD FRC is set by the CCWD Board of Directors, and collected through ordinance or resolution by the City of Pittsburg, which then remits the fee to the CCWD. The developer understands that the FRC is based on water meter size and may increase at anytime at CCWD's discretion. Although the City does not set the CCWD FRC fee, the City of Pittsburg may impose a surcharge on the CCWD FRC to recover its administrative costs. The City recommends that the developer consult with the CCWD regarding the nature and amount of any increases in the CCWD FRC. Fees shall be paid prior to issuance of a building permit by the City's Building Division.

33. The developer shall pay the Local Transportation Mitigation Fee (PMC Chapter 15.90) (the "LTMF") amount currently in effect. The developer understands and agrees to pay the LTMF which is \$7,242.00 per unit and \$1.27 per square foot for commercial uses. The developer further understands and agrees that the LTMF is reviewed and adjusted annually to the current Construction Cost Index (CCI) and agrees to pay the adjusted amount. The fees required herein are based only upon the projects included in the LTMF approved by the City Council on January 16, 2007. The LTMF is calculated by dividing the total fee share of improvement costs by the total number of Dwelling Unit Equivalencies ("DUE") in the City, as described in PMC Chapter 15.90 and the Pittsburg Local Transportation Mitigation Fee Program Update, copies of which are available from the City. Fees shall be paid prior to issuance of a building permit by the City's Building Division.
34. The developer shall pay the Regional Transportation-Development Impact Mitigation Fee (PMC Chapter 15.102) (the "RTDIM") amount in effect when the developer obtains a building permit. The developer understands that the RTDIM currently on file is \$16,834.00 for a single-family residence and \$1.40 per square foot for commercial uses. The RTDIM will be automatically increased or decreased on January 1 of each year based on the percent change in the Engineering News-Record Construction Costs Index – San Francisco Bay Area between September 1 and September 1 of the preceding two calendar years. The developer further understands that the City Council may, by resolution, increase the RTDIM based on updates to the adopted East Contra Costa Regional Fee and Financing Authority ("ECCRFFA") Fee Program Report, a copy of which is available from the City. Fees shall be paid prior to issuance of a building permit by the City's Building Division.
35. The developer shall pay the current In-Lieu of Parkland dedication fee to the Engineering Department prior to the City Council's acceptance of each respective Final Map. The current estimated fee to be paid is based on a valuation of \$12.36 per square foot for, and will increase by an annual adjustment, based upon Engineering News Record's Construction Cost Index (CCI) on January 1st of each subsequent year beginning in 2008. The amount required is affected, per the City ordinance, by park land dedicated and park facilities constructed for this development.
36. The developer shall pay the following deposits, which are refundable at the completion of the project, and are due and payable prior to the City Council's acceptance of the Final Map.
- a. \$500.00 for Final Map Mylar.
 - b. \$500.00 for As-Built Mylar deposit and electronic file of grading and improvement plans.

- c. A Sanitary Sewer Inspection Deposit of \$250.00 plus \$0.85 per linear foot of sewer main.
- 37. The developer shall pay the City \$0.05 per square foot of commercial or multi-family building and/or \$25 per dwelling unit to update the City Land Information System prior to the City Council's approval of the Final Map.
- 38. It is the City's understanding that the project will provide drainage facilities that will not discharge storm drainage at a higher peak flow than current conditions. If, however, this project does impact the Kirker Creek downstream facilities, then the developer shall pay a fee of \$0.68 per square feet for increases in the area of impervious surfaces created for the project that do impact the facilities constructed under this program. Payment, if required, shall be made prior to the City Council's acceptance of the Final Map.
- 39. The developer shall deliver written approval that the owner of the parcel is electing to annex the subject property into Community Facilities District 2007-1 prior to the approval of the final map. The CFD will provide funding for certain landscape and lighting costs.
- 40. The applicant shall deliver written approval that the owner of the parcel is electing to annex the subject property into the City-wide Lighting and Landscape District No. 88-01 prior to the approval of the final map. If future increases in this fee are implemented, corresponding reductions will be made to the fee for CFD 2007-1.
- 41. The applicant shall deliver written approval that the owner of the parcel is electing to annex the subject property into the Community Facilities District (CFD) 2005-1 prior to the approval of the final map. The fee will provide funding for an increase of police needed to provide coverage in the project area. The rate of the CFD fee is subject to City Council Ordinance No. 05-1246.
- 42. The final map will not be accepted by the City Council until after the owner has fully implemented all three districts required under these conditions.

SUBMITTALS:

- 43. The developer shall submit to the City of Pittsburg Engineering Department, five (5) sets of Grading and Improvement Plans, and three (3) copies of the Parcel Map, or Final Map. Engineering Plans submitted for review and comment shall include but not be limited to the following:
 - a. Site Plan
 - b. Signing and Striping/Traffic Plans
 - c. Grading and Drainage Plan
 - d. Erosion Control Plan and SWPPP

- e. Utilities Plan/Improvement Plans
 - f. Landscaping and Irrigation Plan
 - g. Conceptual Joint Utility Trench Plans and Lighting Plan (Note: The City will review major utility box locations with the revised project site map and prior to preparation of joint trench plans to assure that locations proposed are acceptable early in the process)
44. The developer shall evaluate all existing storm, sewer, and water facilities for adequate capacity and provide the results to the City Engineer for review and acceptance when improvement plans are submitted for checking to identify any service or supply problems. The cost for installation of additional facilities shall be borne by the developer. All studies shall be submitted to the Engineering Department for approval prior to issuance of grading permit and/or acceptance of final map.
45. Before project acceptance, the developer shall submit a complete set of record drawings to the Engineering Department, in an acceptable electronic format, that is AutoCad compatible (including final maps, grading plans, improvement plans, landscaping, irrigation plans, etc.).
46. The developer shall submit a complete area study onsite for storm water (10 year storm design) capabilities, prior to the approval of the final map, and mitigate additional storm runoff demands anticipated under build out conditions. The study shall include a review of the impact of the site grading 10-year flood level in accordance with FEMA guidelines. If the study determines that any additional mitigation measures are required then the study and measures shall be submitted to the City Engineer for review and acceptance. The cost of any measures required shall be at the sole expense of the developer.
47. The developer shall provide the design of water lines appropriately sized and located for each unit or as required by Master Plans to the satisfaction of the City Engineer to meet the domestic and fire protection demands for the subdivision prior to issuance and Engineering Permits, or acceptance of the final maps or improvement plans by the City Council.
48. The developer shall provide sanitary sewer capacity sized and located to the satisfaction of the City Engineer to accommodate the subdivision's wastewater demand.
49. All plans, maps, and other documents for the project shall conform to all related City of Pittsburgh Municipal codes as determined by the City Engineer. All EIR mitigation measures shall be implemented to the satisfaction of the City Engineer at the sole expense of the developer.

TECHNICAL CONDITIONS:

50. All site development shall comply with Title 12 (Streets, Sidewalks, and Utilities), Title 13 (Water and Sewers), and Title 15 (Buildings and Construction) of the Pittsburg Municipal Code, and City Standard Details as determined by the City Engineer.
51. The developer shall provide a funding mechanism, acceptable to the City Engineer, for maintenance of any private infrastructure such as EIR mitigation measures, roadways, open spaces, utilities, retaining walls, landscaping, and irrigation systems. If CC&R's are utilized to provide for maintenance, the developer shall submit a set of acceptable documents, for the City's review, to the Engineering Department prior to the final inspection of the first home in each phase of the subdivision. The Developer shall be responsible for creating a mechanism, to the satisfaction, of the City Engineer for enforcing the CC&R's.
52. The developer shall provide written notification, satisfactory to the City Engineer, to adjacent affected agencies and/or property owners for any drainage work required to collect or convey storm runoff affecting their properties, prior to the issuance of a grading permit.
53. Prior to any clearing or grading of the site, the developer shall submit to the Engineering Department, in a form acceptable to the City Engineer, an Erosion and Sedimentation Control Plan and a copy of the Notice of Intent to Comply with the NPDES General Permit (NOI), submitted to the State Water Resources Control Board. The Erosion Control / Storm Water Pollution Prevention Plan (SWPPP) shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. The SWPPP measures shall also include erosion control measures to prevent soil, dirt, and debris from entering the storm drain system, in accordance with the regulations outlined in the California Regional Water Quality Control, San Francisco Bay Region, Erosion and Sediment Control Field Manual.
54. The developer shall submit a design-level geotechnical report to the Engineering Department prior to the review of any civil plans and issuance of a grading permit. Due to the geotechnical complexities of the project site, the City anticipates that a consultant with specialized expertise will be contracted with, at the developer's expense, to review the submitted documents for conformance with the EIR mitigation measures, applicable codes, and good design practices.

GRADING:

55. All grading must be designed to the satisfaction of the City Engineer. The proposed plans are submitted at 100 scale and have insufficient data regarding existing and proposed grades to allow all issues to be addressed at this time. Resubmitted grading plans shall be at 1" = 40' scale to allow the evaluation of the internal grading and conforming grades to adjacent properties.

56. The developer shall conform to all requirements of the EIR mitigation measures and to all related City of Pittsburg Municipal codes regarding grading. The City is especially concerned about preventing (when possible) or minimizing all construction related impacts to adjoining homes, particularly with respect to dust, construction debris, and noise (see MM-J2). The City intends to closely monitor and require that appropriate dust control and all other available measures are utilized. Prior to the commencement of any construction activities, and periodically as determined by the City Engineer, the developer shall hold a public meeting with homeowners and residents to discuss the construction plan and schedule, provide contact information for complaints with the developer and contractor, and allow the public to ask questions. The developer will be responsible for all claims related to the construction activity involved with the project.
57. The following conditions related to grading have been identified for the 2004 map to be addressed in subsequent submittals. The developer shall design all proposed grading to the satisfaction of the City Engineer prior to issuance of a grading permit unless stipulated otherwise (this conditions may be phased if deemed appropriate by the City Engineer):
- a. A detailed grading plan shall be provided showing detailed information regarding the grading of adjacent subdivision on the east side of the Sky Ranch with the first submittal of the revised plan. There is a large grade difference between the proposed homes and the existing homes on the Antioch side. The proposed methods of conforming to existing needs to be resolved to the City Engineer's satisfaction.
 - b. Provide existing topographic information 100 feet outside of the boundary of the project unless specific exception is allowed by the City Engineer.
 - c. Provide plan for repairing the existing slides within the subdivision such as Lots 151 and 152 and for those slides that cross property lines such as the four that are along the southern boundary of the project. This is one of the issues that must be addressed in the design-level geotechnical report required as part of the EIR mitigation measures. These slides shall be completely repaired or provisions made, acceptable to the City Engineer, to protect existing and future improvements during and after construction of the subdivision. The City may not have condemnation rights to require the adjoining Antioch School District to allow access.
 - d. Wood walls between lots will not be allowed. Provide a wall made of concrete blocks or gravity walls of concrete, stone or similar material.
 - e. The grading east of Lots 202 to 209 is not consistent with the Tentative Map submitted to the City of Antioch for the adjoining subdivision. The two

projects shall be designed and constructed to be consistent with each other.

- f. The developer shall design an access road, acceptable to the City Engineer, to allow routine maintenance of the detention basin during wet weather. The discharge pipe from the basin shall be shown on the revised plan. Developer shall provide calculations with the improvement plan submittal to show that the proposed system operates properly prior to issuance of grading permit.
 - g. Developer shall provide a mechanism, satisfactory to the City Engineer to fund the maintenance and replacement of improvements of the detention basin in perpetuity. A GHAD will be acceptable and may serve to meet this condition. Note however that establishing the GHAD will require a process, established by law, to establish the budget and the process required to accept improvements by the GHAD for long-term responsibility. If developer chooses to use a GHAD, the GHAD shall be established prior to the approval of the first final map.
 - h. The grading plans shall be revised where feasible to eliminate draining across lot lines unless the developer acquires specific written approval of the City Engineer. Using easements on private property has proven problematic over the long-term for maintaining these types of facilities. Lots 127 through 135 and others appear to have these issues, that are yet to be resolved.
 - i. Revise the design to provide maintenance vehicle access where appropriate for the maintenance of drainage in sloped areas, such as along the western boundary of the subdivision. Provide a funding mechanism acceptable to the City Engineer to assure that maintenance is properly financed in this matter.
 - j. The design of "K" Street cul-de-sac as submitted creates a number of engineering problems that require resolution for the drainage, sewers, and grading. The pads at the east end of the street shall be revised to minimize or eliminate access drainage, and maintenance issues related to the adjacent subdivision. The sewer main and laterals are too deep as designed at the west end of "K" street, and the drainage as designed has no provision for "overland release" of water without threatening homes. Developer shall revise the design to resolve these issues, to the satisfaction of the City Engineer, prior to the approval of the grading plans.
58. The following conditions related to drainage have been identified for the 2004 map to be addressed in subsequent submittals. Developer shall design all proposed drainage improvements to the satisfaction of the City Engineer prior to issuance of the grading permit (unless stipulated otherwise):

- a. City staff will review the submitted revised site map to evaluate drainage issues. The developer will be required to correct the capacity deficiencies, to the satisfaction of the City Engineer. Approvals from other districts or agencies may be required, i.e. the City of Antioch, Army Corps of Engineers, Fish and Game, C.C.W.D., etc. and are the sole responsibility of the developer.
- b. Developer shall conform to all requirements of the EIR mitigation measures especially those items identified in Section V.C Hydrology and Water Quality Impacts. An Operation and Maintenance Manual is required for all drainage facilities (Impact C13) prior to issuance of first building permit.
- c. The plan shows drainage headwalls to be constructed along the project boundary without acceptable access for maintenance. The plans shall include all weather access roads (minimum 12' wide with 2' shoulders and ditch) to the headwalls and sufficient areas for maintenance work to be performed in the vicinity of the headwalls. Construction within the Contra Costa County or City of Antioch jurisdictions will require approvals of the County for work performed there.
- d. The proposed drainage areas will catch sediment and store storm water on adjacent properties outside of this subdivision. Developer shall provide easements and agreements from these adjacent parcel owners to accept and store the runoff and allow access for maintenance and repair. All copies of such agreements made with adjacent property owners shall be submitted to the City Engineer prior to the issuance of the grading permit. The City would prefer, if feasible, that these basin areas be relocated within the subdivision boundaries.
- e. The developer shall provide a funding mechanism for all future maintenance, repair, and replacement of the headwalls, pipes, structures, and basins (including Parcel A) to the City Engineer's satisfaction prior to approval of the first final map. This may be included in the scope of a GHAD for the project (must be fully formed prior to the approval of the first final map).
- f. The design shall be revised to provide a safe release of drainage, without the water passing over private property, from sump areas to allow water to safely escape overland on public property without damaging public or private improvements when the drainage system malfunctions. This condition exists in "M" Court, "K" Street, and "A" Street. Additional areas may be found when subsequent maps are submitted.

- g. The developer shall provide a bench for the concrete-j ditches that is acceptable to the City Engineer to allow maintenance equipment to clean and repair drainage facilities, which run in the yards of various properties and along project boundary. The grading of these benches shall be in conformance with City of Pittsburg Municipal Code Section 15.88. Developer shall provide a method to maintain and repair the ditches prior to approval of grading plan. The Developer understands the Cities of Pittsburg and Antioch are concerned about maintaining drainage facilities along the eastern boundary of the subdivision. Both cities would prefer that grading be designed to eliminate ditches or swales between rear yards, even if existing lots are re-graded in Antioch to put property lines at the top of a slope, and the entire slope within one lot.
- h. The developer shall submit a letter from the Contra Costa Flood Control District (CCFCD) regarding the feasibility of the drainage for this project. It is anticipated that calculations may be submitted by the City for review by CCFCD at the developer's expense.

TRAFFIC:

- 59. The following conditions related to traffic have been identified for the 2004 map to be addressed in subsequent submittals. Developer shall design all proposed traffic related improvements to the satisfaction of the City Engineer prior to the City Council approval of the first final map or approval of grading plans (this condition may be phased if deemed acceptable to the City Engineer):
 - a. The developer shall construct the James Donlon Expressway as stipulated in MM-H7 and as approved by the City Engineer. The alignment and design shall match the approved January 2006 Feasibility Study and the portion already constructed in the adjacent subdivision in Antioch as approved by the City Engineer. The developer will be credited Regional Traffic Fees in an amount equivalent to the cost of the median and the two inside lanes (one in each direction). The developer is responsible for the costs of the two outside lanes, frontage improvements, traffic signals, and turning lanes for the Bypass within the project limits. If the East Contra Costa Regional Fee and Financing Authority will not grant the credit for the median and inside lanes then they will not be required as a part of this project. Developer will be reimbursed for ½ of the actual costs of grading through Local Transportation Mitigation Fee credits, to a maximum amount of \$400,000 (in 2007 dollars), if ECCRFFA refuses to pay for the roadway grading costs for the Expressway. The final credit for grading shall include direct costs for staking and testing or proportional costs (based upon volume for grading, remedial grading if required, and or area for items like erosion control and clearing and grubbing), in an amount acceptable to the City Engineer. Prior to construction the developer shall enter into a Memorandum of Understanding with the City of Pittsburg to

establish how credits will be applied. Credits will be applied on Regional or Local Transportation Mitigation Fees, but not both.

- b. The developer shall design and install bus pull-outs and bus shelters for Buchanan Bypass at Ventura Drive as approved by the City Engineer.
- c. The developer shall design Markley Creek Drive to be used initially as an emergency access road only. The design of Markley Drive shall include provisions to open for through traffic when the Buchanan Bypass is constructed. The plans shall be designed in a fashion acceptable to the City Engineer. The developer shall provide an access gate per the CCFD's Standards. This access point shall also include a pedestrian and bicycle access connecting Sky Ranch II with the neighboring Black Diamond Ranch subdivision at Markley Drive, this connection shall be designed in a manner acceptable to both the cities of Pittsburg and Antioch.
- d. Developer shall provide 6' meandering sidewalks where feasible and as approved by the City Engineer on both sides of the Buchanan Road bypass and dedicate right of ways to match those portions of the Buchanan Bypass in Antioch. It appears that a 118 feet ROW will be needed for the Buchanan Bypass (James Donlon Way) to conform to the roadway and pedestrian improvements constructed in Antioch, and allow the sidewalks to adequately meander within the ROW.
- e. Developer shall provide turning lanes on Ventura Drive at the intersection of the Buchanan Bypass and Ventura Road. The configuration of the intersection requires additional revisions to conform to MM-H28. Developer understands these changes will impact lot layout and other design issues. These changes shall be addressed in the resubmitted overall site map to the satisfaction of the City Engineer.
- f. Developer shall provide a phasing plan for the development (refer to item MM-H7) prior to approval of final map or engineering permits whichever occurs first. The developer shall not construct more than 353 units, prior to the opening of the Buchanan Road Bypass unless an alternative access to Buchanan Road from the Buchanan Road Bypass is provided via Standard Oil Avenue. Additionally, the City shall not issue building permits for more than 353 units, unless it is shown through professional traffic counting that the AADT on Venture Drive, between Jensen/Rangewood and Meadows Avenue, will not exceed 5,000 vpd.
- g. The developer shall re-evaluate creating an access road to serve lots 16-72 from Ventura Drive along the Zone II Reservoir or from Palo Verde Drive. Developer understands this neighborhood will be greatly impacted once the remainder of the Buchanan Bypass is built, as they will not be

able to make left turns onto the Buchanan Bypass unless a signal is installed. If access is allowed from Buchanan Bypass into "M" Street, safety considerations (a traffic signal and/or additional traffic turning lanes, for example) have to be considered in the subsequent submittal of the site plan to allow safe ingress and egress to this portion of the subdivision. Specific solutions will be based upon the final design proposed by the developer. Alternative designs shall be submitted within the resubmitted site plan and approved by City Engineer prior to submittal of design plans for City review. The City prefers to revise the design to eliminate the primary access to the area from Buchanan Road.

- h. Developer understands that the EVA shown across lot 37 is not acceptable as designed. Access off Buchanan Road is not the preferred location. The EVA cannot be jointly used as an EVA and access to a private lot.
- i. Developer shall provide pedestrian access if feasible, as determined by the City Engineer, from "M" Street and "M" Court to allow residents to walk directly to Highlands Ranch Park. Developers shall evaluate all options that seem available within the resubmitted site plan, including constructing a roadway with sidewalks to Ventura Drive or to Palo Verde Drive to the west.
- j. Pedestrian access to the new park site within the project shall be provided, as feasible, for all residents. For example, if the park is located in the area suggested by the EIR (Lots 181-190), access from homes on "D" Court and/or "D" Street shall be provided, to the City Engineer's satisfaction. Due to steep hillside conditions, ADA accessibility may not prove feasible.
- k. Developer shall provide design concepts with the resubmitted site map to address impact MM-H25. These traffic calming methods shall be designed to the satisfaction of the City Engineer and be constructed prior to the issuance of a certificate of occupancy for any home.
- l. Redesign the project along Ventura and "B" Street, within 300', and "D" and "M" Streets within 150' of the intersection with the Buchanan Bypass, as described in MM-H26 and MM-H27, to the satisfaction of the City Engineer. Submit the proposed changes on the site map to be submitted prior to final design plan preparation.
- m. Traffic signals at the James Donlan Expressway shall be installed prior to the Expressway being opened to through traffic.
- n. All sidewalks within this subdivision shall be six feet wide.

WATER IMPROVEMENTS:

60. The following conditions related to water improvements have been identified for the 2004 map to be addressed in subsequent submittals. The developer shall design all proposed water improvements to the satisfaction of the City Engineer prior to approval of the improvement plans unless stipulated otherwise (this condition may be applied with the phasing of the development as approve by the City Engineer):
- a. Developer shall submit a site map that provides size and locations of distribution mains, pump stations, and reservoirs for Zones II and IV including access roads. Developer understands that the City requires buried concrete reservoirs and complete pump stations. Pump stations in proximity to homes will be designed to inconspicuously blend into the surrounding community of homes by constructing it utilizing similar architecture, landscaping, etc. to the surrounding homes. The developer shall describe the planned phasing of the subdivision and the water facilities in particular. The design shall be consistent with the recommendations outlined in the 2000 Water Master Plan Amendment No. 3. Final design must meet the City Engineer's requirements and all applicable codes. Land acquired from the developer for the Zone II reservoir will be valued at \$12.36/ sq. ft. to be increased annually on January 1st by the ENR's CCI beginning on January 1, 2008.
 - b. The developer shall provide a water storage tank to service Zone III and IV, including dedication of land, to the City at a minimum pad elevation of 100 feet above the pad of the highest home proposed. Developer understands that if the tank is located on Antioch School District property south of the subdivision, the City cannot condemn the school district's property. The developer shall provide information regarding the status of acquiring the land with the submittal of the revised project site map. The developer understands that there are slides in the vicinity of the tank (See the EIR drawings) that may need remediation to assure the long-term stability of the site.
 - c. The developer shall provide a water line and electrical service along the proposed new access road for the existing Zone II Reservoir. The access to the existing tank shall not be from the Buchanan Bypass.
 - d. Prior to the occupancy of the first home, unless information is provided to the satisfaction of the City Engineer that existing water capacity and water pressure is available, the developer shall construct a new water transmission line as follows:
 - i. a 20" line from the Water Treatment Plant down Crestview Drive approximately 5000 feet to Railroad Avenue/Kirker Pass Road;

- ii. the pipe continues as a 16" main for another 1400 feet east along Buchanan Road ending near the Pump Station; and
- iii. a 12" main extends from there on Buchanan Road approximately 6800 feet where it will connect to an existing 16 inch main at Ventura Road.

Refer to Section 5.2.1 of the 2000 Water Master Plan Amendment No. 3 for more details. See Fees and Exactions portion of these conditions regarding reimbursement for these improvements.

- e. Developer shall provide landscaping and fencing acceptable to the City Engineer for the reservoirs prior to final acceptance of the facility by the City.
- f. The water system shall be looped to the same water zone to provide reliability. Developer understands this is needed in the neighborhood north of the Bypass (Lots 1-57) and may be an issue in other areas when more details are provided later to the City for review.
- g. Developer shall construct a Zone II tank (estimated at a minimum of 1.3 MG) within the subdivision at an elevation of 381 feet in a location acceptable to the City Engineer prior to the issuance of certificates of occupancy of any homes built within Zone II. The developer is financially responsible for a portion of the total costs as described in the City's Water Master Plans and Amendments (including Amendment #3). See Fees and Exactions portion of these conditions regarding reimbursements for non-developer costs.
- h. Water sampling stations are required at the discretion of the Public Works Department of the City of Pittsburg.

SANITARY SEWER SYSTEM:

- 61. The following conditions related to the sanitary sewer system have been identified for the 2004 map to be addressed in subsequent submittals. The developer shall design all proposed sewer improvements to the satisfaction of the City Engineer prior to approval of improvement plans unless stipulated otherwise. (this condition may be applied with the phasing of the development as approve by the City Engineer):
- 62. Developer understands the City does not usually accept sewer pump stations within the City of Pittsburg. If no other alternative is feasible, as determined by the City Engineer, then a sewer pump station will be considered as long as funds are provided, in perpetuity, to maintain and replace the facility and noise from the pump station does not create a significant impact.

63. The City of Antioch has not agreed at this time to connect the homes in the southeastern valley area to their collection system. The developer shall provide a copy of an agreement that has been executed with the City of Antioch with regards to the sanitary sewer connection proposed in the map to the City of Antioch's collection system, at the south-eastern portion of the proposed subdivision (affects approximately 34 lots) prior to issuance of any engineering permit. The developer shall provide calculations that evaluates the sewer system within Antioch and proves that capacity exists. The City of Pittsburg will maintain all facilities within its jurisdiction. Developer shall label clearly on the plan and final map where the City of Pittsburg's responsibility ends per this agreement.
64. The developer shall provide a sanitary sewer capacity analysis of the existing system downstream of the final approved connection point or points to assure that sufficient capacity is available in the system to carry the flows from this subdivision to the treatment plant with first submittal of plans to be approved prior to issuance of an engineering permit. Developer understands if existing improvements do not have capacity downstream, new sewer mains will be required in existing streets as deemed as necessary by the City Engineer.
65. If the City approves routing a sewer main to Glen Canyon Circle and the existing line has capacity available, the connection shall be through the lot west of lot 86 of Highlands Ranch and not between existing homes on private property.
66. There are several proposed sewers that, as designed, are over 15 feet deep in proposed streets. The developer shall redesign the system to reduce the depth of sewers and laterals to a depth acceptable to the City Engineer (to a maximum of 10 to 15 feet). Two problem areas identified on the March 2004 map are at the intersection of "B" and "K" Streets and in front of Lot 65. This design criteria shall be applied to all future designs for the project.

OTHER:

67. Certain items in Section K, Public Health and Safety, of the EIR mitigation measures are expected to significantly impact the design of the subdivision, especially those related to impacts in K-1, -2, -4, -7, and -8 (wild land fire hazards). The changes to the design of the subdivision to mitigate for these items will be reviewed with the map re-submittal.
68. All fencing shall be subject to the review and approval of the Planning Department. Vinyl clad chain link fencing may be deemed acceptable around the detention basin or portions of the future park, which abut other open space land.
69. The developer's plans shall conform to City Standards currently under revision and scheduled for approval by the City Council on May 7, 2007. Future revisions will be utilized if health and safety related issues require it or new requirements are imposed by State or Federal agencies.

Mitigation Measures:

70. The developer shall comply with the EIR Mitigation Measures identified in this resolution. Where there is conflict between the measures identified in this resolution and the final adoption of the Mitigation Monitoring and Reporting Program by the City Council, the mitigation measures identified in the MMRP adopted by the City Council shall govern.
71. MM-A1: The developer shall develop A CTS Mitigation Plan in coordination with USFWS as part of the federal ESA Section 7 or Section 10 consultation. The CTS Mitigation Plan shall be approved by USFWS prior to site disturbance or approval of a grading permit. Habitat acquisition shall occur before initiation of grading on the project site. The CTS Mitigation Plan shall include provisions for relocation of CTS individuals from the project site, long-term conservation of the mitigation land, management activities to assure long-term protection of mitigation wetlands, and long-term maintenance of CTS breeding, refugial and dispersal habitats. During construction, the applicant/developer shall employ qualified biological monitors during all construction or excavation activities associated with the project. The monitors shall hold appropriate permits from USFWS and shall implement provisions of the CTS Mitigation Plan including CTS trap-and-relocate as-needed. Prior to and during construction, the applicant/developer shall employ a qualified biologist to deploy barriers to keep CTS that may be present in adjacent off-site areas out of developed areas of the project. The location and installation of these barriers shall be reflected on all grading and improvement plans. Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall pay all fees associated with the HCP/NCCP and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.
72. MM-A2: The developer shall implement the following measures related to the California tiger salamander:
 - a. The developer shall construct and maintain a permanent barrier that would keep CTS, which may be present on the adjacent Thomas and AUDS-owned parcels, out of the developed area. This feature shall be reflected on the grading and improvement plans for the first final map for the subdivision.
 - b. The developer shall implement low-light measures in the design of fixtures/light standards at the outer perimeter of the project site, especially

the site's southern boundary, and off-site water reservoir service road. Low light measures shall be reflected on lighting and landscaping plans for the subdivision and site development plans for the water tank. A lighting plan shall be submitted with these plans to demonstrate that this requirement has been satisfied. The lighting plan shall be subject to review and approval by the Planning Department.

- c. The developer shall construct an information kiosk in the southern portion of the project site to foster resident and visitor awareness of wildlife needs. The information kiosk shall be located in the mini-park if it is constructed in the area south of "C" Court, as recommend in Chapter V.G. The information kiosk shall be shown on the improvement plans for the final map corresponding to the development of the southern portion of the project nearest the wildland-urban interface. The kiosk shall also be shown on the grading plans for this area.
 - d. The developer shall construct access-restricting barriers to the off-site water reservoir and service road, and other EVA roads, to minimize wildlife disturbance and road kill. The recommended CTS barriers shall be designed to prevent CTS from entering the developed area. The design of the access restricting barriers shall be acceptable to the CDFG and subject to final approval by Planning Department. Access restricting barriers shall be shown on grading and improvement plans for the construction of off site water reservoirs and other service roads within the subdivision.
 - e. Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall pay all fees associated with the HCP/NCCP and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.
73. MM-A3: The CTS Mitigation Plan as required in MM-A1 shall be implemented in order to mitigate impacts to SJKF. This will compensate for the same kind of habitat used by the SJKF. The CTS Mitigation Plan shall be approved by USFWS prior to site disturbance or approval of a grading permit. Habitat acquisition shall occur before initiation of site disturbance/grading on the project site. During Section 7, or Section 10, consultation, the developer in coordination with USFWS/CDFG shall consider mitigation parcel locations that are within the range of the SJKF or adjoin its movement corridors. Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may

satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall pay all fees associated with the HCP/NCCP and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.

74. MM-A5: The developer shall retain a qualified biologist to perform pre-construction surveys necessary to be certain that the species is not nesting on-site during grading and construction. Pre-construction survey methods shall be reviewed and approved by the CDFG before surveys are conducted. The applicant shall provide the City with proof of CDFG approval of survey methods prior to issuance of a grading permit and/or conducting any stripping, or site preparation of the site. If nests are detected onsite the biologist shall devise a construction plan that would allow successful nesting and the applicant shall immediately notify the Engineering Department and Planning Division and provide the City with proof of CDFG consultation(s). The City shall not authorize any activities which may result in site disturbance without CDFG approval. Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall comply with the pre-construction survey requirements of the HCP / NCCP and shall pay all fees associated with the HCP/NCCP and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.
75. MM-A6: The developer shall retain a qualified biologist to perform pre-construction surveys necessary to be certain that the species is not nesting on-site during grading and construction. Pre-construction survey methods shall be reviewed and approved by the CDFG before surveys are conducted. The applicant shall provide the City with proof of CDFG approval of survey methods prior to issuance of a grading permit and/or conducting any stripping, or site preparation of the site. If nests are detected onsite the biologist shall devise a construction plan that would allow successful nesting and the applicant shall immediately notify the Engineering Department and Planning Division and provide the City with proof of CDFG consultation(s). The City shall not authorize any activities which may result in site disturbance without CDFG approval. Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall comply with the pre-construction survey requirements of the HCP / NCCP and shall pay all fees associated with the HCP/NCCP and comply with all conservation strategy

requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.

76. **MM-A7:** The developer shall retain a qualified biologist to perform pre-construction surveys necessary to be certain that the species is not nesting on-site prior to or during grading and construction. Pre-construction survey methods shall be reviewed and approved by the CDFG before surveys are conducted. The applicant shall provide the City with proof of CDFG approval of survey methods prior to issuance of a grading permit and/or conducting any stripping, or site preparation of the site. If nests are detected onsite the biologist shall devise a construction plan that would allow successful nesting and the applicant shall immediately notify the Engineering Department and Planning Division and provide the City with proof of CDFG consultation(s). The City shall not authorize any activities which may result in site disturbance without CDFG approval. Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall comply with the pre-construction survey requirements of the HCP / NCCP and shall pay all fees associated with the HCP/NCCP and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.
77. **MM-A8:** The developer shall prepare CC&Rs which shall include specific prohibitions to off-road travel around the site's perimeter and upland areas and prohibitions to travel on the service road. CC&Rs shall be submitted to the Engineering Department for review and approval prior to approval of the Final Map for the corresponding phase of development. The developer shall install street signs indicating such prohibitions. The design and location of the signage shall be subject to review and approval of the Engineering Department prior to approval of the improvement plans for the subdivision. Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall pay all fees associated with the HCP/NCCP and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.
78. **MM-A9:** The developer shall provide kiosk (see IMPACT A2, above) literature that includes pamphlets about prohibited activities including collecting or harassing protected species. The kiosk (see IMPACT A2, above) literature shall also include information on the designated walking trails in the area, restrictions on pets use of trails or non-designated areas off of designated trails. Kiosk

literature shall be subject to review and approval of the Planning Department prior to approval of plot plans for homes at the southern portion of the subdivision. Restrictions, if any apply, to hiking/walking on the reservoir service road shall be posted in accordance with requirements of CDFG and the City. If warranted, signs shall be installed prior to signing off on final building permit inspections. CC&Rs for this project shall include a list of invasive species of plant and shall prohibit planting of listed invasive species. CC&Rs shall be submitted to the Engineering Department for review and approval prior to approval of the first Final Map. Landscape plans shall comply with the City Landscaping Ordinance and approved plant list. Compliance with the above requirements shall be confirmed by the Planning Department prior to signing off on final building permit inspections for homes at the southern portion of the subdivision. Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall comply with the pre-construction survey requirements of the HCP / NCCP and shall pay all fees associated with the HCP/NCCP and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.

79. **MM-A11:** Fire break maintenance shall be performed by HOA, GHAD, or individual owners generally within the project's limits and never off-site. This requirement shall be refelected in the CC&Rs for the development and shall be subject to review and approval of the Engineering Department prior to final building permit sign off for homes.
80. **MM-A12:** Prior to the issuance of a grading permit or site disturbance activities, the developer shall:
 - a. Comply with the wetland mitigation required by USACE and RWQCB to compensate for on-site impacts to waters under federal or state jurisdiction.
 - b. Provide the Engineering Department and Planning Department with a wetlands delineation approved by the U.S. Army Corps of Engineers (USACE) prior to site disturbance or approval of a grading permit.
 - c. Provide the Engineering Department and Planning Department with authorization from USACE and RWQCB for project related impacts to wetlands and other waters of the U.S., or waters of the state prior to site disturbance or approval of a grading permit.
 - d. Prepare, in coordination with USACE, a compensatory Wetland Mitigation Plan prior to site disturbance or approval of a grading permit.

Jurisdictional areas shall be replaced at a minimum 1:1 ratio through wetland compensation off-site, or wetland protection and creation on-site, to ensure that no net loss of acreage or functions and values to these areas occurs.

- e. Apply for and obtain a Section 404 individual permit from USACE and a 1601 Streambed Alteration Agreement from CDFG prior to site disturbance or approval of a grading permit.
 - f. Apply for and obtain the Section 401 water quality certification, or waiver, from the San Francisco Bay Regional Water Quality Control Board prior to site disturbance or approval of a grading permit.
 - g. Apply for and obtain a 1601 Streambed Alteration Agreement from CDFG prior to site disturbance or approval of a grading permit.
81. MM-A15: The developer shall retain an arborist prior to grading to mark and map trees classified as mature trees under the City's prevailing regulations at the time of application for grading permit or else, in the absence of a regulation, by applying a trunk diameter standard of 12 inches or greater. A copy of the arborist's report shall be submitted to the Planning Department for review and approval prior to issuance of a building permit. This information shall be shown on the grading plan for the project. The developer shall replace an equal number of trees (as those trees to be removed with the project) in the immediate vicinity of the reservoir site, reservoir service road, and headwall areas. Tree species and siting shall be determined by the arborist. A copy of the arborist's assessment shall be submitted to the Planning Department and the species selection and planting areas shall be reflected on the landscaping plan for these areas.
82. MM-A16: The developer shall design and construct the off-site reservoir and service road so that they meet requirements of the USFWS/CDFG and do not become impediments to habitat functions used by covered species or barriers to the movement of covered species. Prior to submitting grading and improvement plans for the off-site reservoir, the developer shall provide proof of USFWS/CDFG approval of the design to the Planning Department and Engineering Department. The developer shall perform pre-construction surveys and construction monitoring in regard to development of the recommended off-site utility and service road. Pre-construction survey methods shall be reviewed and approved by the CDFG before surveys are conducted. The applicant shall provide the Planning Department and Engineering Department with proof of CDFG approval of survey methods prior to issuance of a grading permit and/or conducting any stripping, site preparation of the site. Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and

comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall comply with the pre-construction survey requirements of the HCP / NCCP and shall pay all fees associated with the HCP/NCCP and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.

83. **MM-B1:** Before issuance of grading permits, a Seismic Analysis Update shall be prepared by a Certified Engineering Geologist retained by the developer, which presents peak horizontal ground acceleration based on current knowledge. All recommendations of ENGEO Incorporated in its geotechnical report dated February 2002 shall also be confirmed or else modified based on the Seismic Analysis Update. The City Engineer independently, or acting upon the recommendation of an independent Certified Engineering Geologist, shall review, approve, or reject for modification, the seismic Analysis Update and recommendations prior to issuance of a grading permit.
84. **MM-B2:** The developer shall design proposed housing in accordance with provisions of the Building Code in effect at the future time of application for Building Permits. This requirement shall be met, to the satisfaction of the Chief Building Official, prior to approval of a building permit. The project Geotechnical and Civil Engineer shall assign the appropriate "seismic design criteria" for the design of utilities including on-site and off-site water reservoirs. This requirement shall be met, to the satisfaction of the City Engineer, prior to approval of a grading permit. The project Geotechnical and Civil Engineer in cooperation with PG&E shall assign and review seismic design criteria for cut and fill slopes that encroach within the PG&E easement or near power transmission towers. The developer shall provide proof of PG&E approval of the grading plan within the PG&E easement prior to approval of a grading permit.
85. **MM-B4:** The developer shall implement the following measures addressing landslide and compressible soils impacts:
 - a. Sub-excavate compressible colluvium and landslide deposits to bedrock, where feasible, and then backfill with engineered buttress fills, to allow for development of the proposed improvements without exposure of persons or property to avoidable risk of debris flow, compressible soils, and differential settlement.
 - b. Construct sub-surface keyways and benches as shown conceptually in Figure 12, through disrupted landslide materials and shear planes into underlying competent materials.
 - c. Install sub-drains, as shown conceptually in Figure 12, to drain water from engineered buttress fills.

- d. Size and then construct debris benches or other intervening undeveloped spaces to provide sufficient run-out areas for unmitigated landslides located upslope of the proposed houses, roads, and other improvements.
- e. Construct the surface drainage facilities as determined by the developer's Civil Engineer to collect and control storm water runoff.

Compliance with the requirements above shall be subject to review and approval of the Engineering Department prior to issuance of a grading permit.

86. **MM-B5:** The developer shall implement the following measures to ensure property design to prevent landslides:

- a. A complete design-level final geotechnical report and associated field work shall be completed by a Certified Engineering Geologist. The analysis presented in the geotechnical report shall conform to the California Geological Survey's recommendations presented in the "Guidelines for Evaluating Seismic Hazards in California."
- b. Analysis and recommendations in the geotechnical report shall be incorporated into the project's final engineering and design plans and submitted to the City Engineer for review and approval.
- c. The report shall identify building techniques appropriate for minimizing seismic damage.

Compliance with the requirements above shall be subject to review and approval of the Engineering Department and Building Division prior to issuance of a grading permit.

87. **MM-B6:** The developer shall size the width of the debris bench upslope of proposed Lots 95-106 to provide sufficient run-out area to protect Lots 95-106. The developer shall perform additional test pits and/or bores, as recommended in its reports, to enable the actual design dimensions and depth of bedrock east of previous Test Pits TP-37 and TP-38. Additional cross-sections for the area beneath and upslope of Lots 95-106 shall be prepared and submitted with the Grading Plan. The developer shall prepare and submit additional cross-sections (e.g., see Draft EIR, Chapter V.B, Geology & Seismicity, section line E-E' in Figure 11) to address the debris volume and run-out area for the mapped landslides beneath and upslope of the eastern headwalls, Lots 181-183, and Lots 188-190. These additional cross sections shall be submitted with the grading plans. Compliance with this condition shall be subject to review and approval of the Engineering Department prior to issuance of a grading permit.

88. **MM-B7:** The developer shall prepare and submit a Slope Management Plan to the City Engineer for review and approval prior to the approval of the first Final Map. The Slope Management Plan shall address the following issues:
- a. The Slope Management Plan shall identify the kinds of hazards found on the site and areas subject to continuing monitoring, maintenance, repair or supplementation, including areas in private and public ownership.
 - b. Improvements (e.g., structures, roads, and storm water collection and systems) shall be designed to divert excessive storm water runoff water from on-site slopes and avoid excessive irrigation water on on-site slopes.
 - c. The Slope Management Plan shall include provisions for periodic inspection and long-term maintenance, episodic repair, and as-needed supplementation of the identified re-graded slopes, repaired landslides, debris benches, v-ditches and storm water diversion headwalls and pipelines.
 - d. The Slope Management Plan shall identify its purpose, implementing entity, and funding mechanism, which may be a Hazard Abatement District, Homeowners Association (HOA), or another mechanism approved by the City.
 - e. The Slope Management Plan shall be developed by a Registered Geotechnical Engineer or Certified Engineering Geologist, who shall be responsible for identification re-graded slopes, built structures, or other built or natural features essential for the long-term stability of the fills and cuts.
 - f. The Program shall include provisions for maintenance and timely remediation of any identified problems within the purview of the Plan, which shall be implemented and funded through the responsible entities.

The Slope Management Plan shall be consistent with the Natural Grassland Element (see Chapters V. D and V.G, pp. V-180 and V-234 & -235). The Natural Grassland Element shall designate where 1) introduced species landscaped areas will be allowed and 2) where natural grassland areas are to be maintained. The undeveloped slopes in the southern portion of the project site, generally above 390 feet msl, will be designated for maintenance as natural grassland in the Natural Grassland Element. Both the Slope Management Plan and Natural Grassland Element shall be incorporated into the Codes, Covenants & Restrictions (CC&Rs) and shall be subject to review and approval of the Engineering Department prior to issuance of the first Final Map. Deed restrictions, easements, or other appropriate legal instruments shall be placed on all re-graded slopes to allow monitoring, maintenance, and remedial activities, and to require the property owners to maintain appropriate landscaping and

irrigation procedures. These legal instruments shall be implemented prior to the acceptance of the first Final Map.

89. **MM-B9:** The developer shall complete removal of landslide or colluvial deposits within the limits of the project site during remedial grading, unless subsequent supplemental exploration is performed and demonstrates that partial removal would be effective. Building plot plans shall not be issued until compliance with this measure has been verified by the Engineering Department. Final detailed geotechnical design documents shall be subject to review and approval of the City or independent Certified Engineering Geologist retained by the City, the cost of whose services shall be reimbursed by the Project Proponent. Geotechnical design documents shall be subject to review and approval of the Engineering Department prior to issuance of a grading permit. Engineering solutions that shall be included in the final geotechnical report shall include the following:
- a. Complete removal (over-excavation) of the landslide deposits, colluvium and unengineered fill material, or else settlement estimates, engineering measures, and/or structural siting guidelines for lots on which underlying compressible materials are left in-place.
 - b. Slope stabilization measures for potentially unstable landforms that are located upslope of proposed building pads (cross section 'D-D').
 - c. Calculations of upslope debris volumes and engineering backup for placement and size of debris benches for unrepaired off-site landslides (see Figures 9 or 11 of the DEIR)
 - d. Cost-benefit analysis for re-construction of off-site unstable slope areas.
 - e. Structural siting guidelines for lots located downslope from slopes that could remain unstable (avoidance).
90. **MM-B11:** Building foundations and other improvements (including sidewalks, roads, and utilities) in locations underlain by expansive soils and/or non-engineered fill shall be designed for expansive soil conditions. Design-level geotechnical work (for example, as required by Mitigation Measures for IMPACTS B5 and B6) shall include provisions to ensure that potential damage related to expansive soils and non-uniformly compacted fill are corrected. If warranted by the geotechnical engineer recommendations, the potential effects of expansive soil conditions shall be mitigated by removal of high Plasticity Index (PI) soils and replacement with lower PI soils, and also by designing and constructing improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements. On lots, driveways and streets having both cut and fill, or cut without fill, foundation subgrades and road/driveway subgrades shall be prepared by undercutting and backfilling with a suitable depth of select base material. Undercutting shall extend outward a suitable distance from the

road, driveway or foundation foot print. All mitigation measures, design criteria, performance standards and specifications set forth in the geotechnical and soils report shall be implemented with the grading plans and site grading for the project. The geotechnical and soils report shall be subject to review and approval of the Engineering Department prior to the issuance of a grading permit.

91. MM-B12: The applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) to be submitted to the City for review and approval prior to issuance of a grading permit. The following measures shall be addressed and incorporated into the SWPPP as necessary to decrease erosion and sedimentation:
 - a. Grading activities shall be performed generally in the "dry season" (April 15 - October 15) except as otherwise permitted by the grading permit.
 - b. Interim controls, such as water bars, mulching of exposed slopes, installation of temporary culverts, rock slope protection, sediment traps, silt fences and/or straw wattles consistent with the Association of Bay Area Governments Manual of Standards for Erosion and Sedimentation Control Measures or the San Francisco Bay Region Regional Water Quality Control Board Erosion and Sediment Control Field Manual shall be implemented.
 - c. Before grading is concluded, a positive gradient away from the slopes must be established to carry the runoff away from the slopes to areas where erosion and sedimentation can be controlled.
92. MM-C2: The developer shall provide all necessary documentation as required by CCWD for its application for inclusion of the project site in the CVP. The developer shall provide the Engineering Department a copy of a "Will Serve" letter from CCWD for the project prior to the issuance of a grading permit.
93. MM-C3: The developer shall include provisions for direct access for maintenance equipment and permanent easements to enable access to drainage structures including headwalls, catchment basins, and outfalls. These access easements shall be reflected on corresponding final maps for applicable phases of the development. Also see mitigation measure for MM-C4.
94. MM-C4: Developer shall include the following features in the design of drainage infrastructure for the project:
 - a. Headwalls shall not be designed or constructed to act as detention basins.
 - b. Headwall areas shall be graded, restored, and then maintained in a manner as to provide natural filtration of the area around each headwall.

- c. Headwalls and the outfall shall be designed with appropriate settlement, filtration and energy dissipation features. If deemed appropriate by the City Engineer, a trash rack at the headwall shall be installed to prevent trash and larger debris from entering the pipelines.
- d. If deemed appropriate by the City Engineer, the developer shall install 1) dissipaters and plantings at the headwalls and outfall to minimize erosion and provide natural filtration and settling; 2) gabion dissipaters at the outfall to reduce velocity and minimize erosion; 3) Rip rap or gravel beds at the three proposed headwalls along the southern boundary of the project site to reduce flow velocity and allow settling, and; 4) A vegetated buffer area upslope of the headwall to assist filtration and settling.
- e. A perpetual funding source, to the satisfaction of the City Engineer, shall be established for maintenance of the proposed on-site detention basin, headwalls and outfalls.
- f. The developer shall provide the Engineering Department with proof of infrastructure design approval of the Contra Costa County Flood Control and Water Conservation District (CCCFCWCD) for infrastructure impacting CCCFCWCD.

The above requirements shall be reflected on improvement plans and shall be subject to review and approval of the Engineering Department prior to the approval of improvement plans.

- 95. **MM-C6:** The developer shall provide for or ensure compliance with the following measures:
 - a. A SWPPP prepared in accordance with the City's grading ordinance that addresses specific grading activities on the project site, construction of headwalls, outfalls and dissipaters, and restoration of native grass cover on graded slopes.
 - b. Implementation of BMPs for erosion control as set forth in the SWPPP, including but not limited to application of soil stabilizers such as hydro-seeding, netting, erosion control mats, and rock slope protection.
 - c. Grading shall be performed generally in the "dry season" except as grading in the rainy season (October 15 – April 15) may be allowed in the SWPPP and Grading Permit subject to the approval of the Engineering Department.
 - d. Prior to re-establishment of vegetative cover, the developer shall use such temporary measures as fiber rolls along slopes, and silt fences at the boundaries of the construction site adjoining drainageways, as necessary.

- e. To prevent tracking of mud onto adjacent roads and airborne dust, developer shall construct temporary areas of aggregate "mats" over bare soil to create stable areas for off-road vehicles and construction employee vehicles.
- f. Construction entrances and exits shall be equipped with water and temporary collection of rinse water for tire rinsing to remove mud as needed.

The above requirements shall be actively complied with during construction. Lack of compliance with these requirements will result in a "stop work" order by Engineering Department field/project inspectors.

- 96. MM-C8: The developer shall submit to the City Engineering Department final detention basin design detail with 14-acre feet of storage (assuming 3:1 graded slopes, and 250-foot msl maximum surface water elevation) and the final HEC-1 hydrological routing calculations for the 100-year, 12-hour, 6-hour, and 3-hour storms. Design of the detention basin shall be subject to review and approval of the Engineering Department prior to the issuance of a grading permit.
- 97. MM-C11: It is the City's understanding that the project will provide drainage facilities that will not discharge storm drainage at a higher peak flow than current conditions. If, however, this project does impact the Kirker Creek downstream facilities, then the developer shall pay a fee of \$0.68 per square feet for increases in the area of impervious surfaces created for the project that do impact the facilities constructed under this program. Payment, if required, shall be made prior to the City Council's acceptance of the Final Map.
- 98. MM-C12: The developer shall prepare a Spill Prevention and Contingency Plan (SPCP) which shall be submitted to the City at the time of application for a Grading Permit. The SPCP shall be subject to review and approval of the Engineering Department prior to the issuance of a grading permit. The developer shall agree to (and the SPCP shall address):
 - a. Implement BMPs and provisions for emergency notification procedures and response contingencies, spill clean up kits, secure storage of hazardous materials, designated sanitary waste bins.
 - b. Use commercial equipment refueling on the project site and further agrees not to store diesel fuel or gasoline on-site.
 - c. Notify contractors and provide copies of the SWPPP and SPCP for all contractors.

- d. Provide guidelines for contractor handling of waste paints, waste adhesives, and other hazardous materials. Such materials generally shall not be stored on the project site, or if stored, said storage shall be inside secure, covered storage structure and limited to compatible materials. Storage of hazardous materials above exempt quantities requires permit and Hazardous Materials Business Plan from Contra Costa County Department of Environmental Health.
99. MM-C13: The developer shall implement the following measures to ensure long term operations and maintenance of on-site drainage systems:
- a. A perpetual funding source for periodic maintenance of the proposed detention basin, headwalls, and outfalls shall be created through agreement between the developer and City of Pittsburg.
 - b. An Operation and Maintenance Manual for periodic monitoring and maintenance of the detention basin, headwalls, open channel and outfalls. The manual should be written clearly so it could function as a complete guide for any commercial or public works maintenance entity.
 - c. BMPs and public awareness measures to limit or reduce such potential pollution and prevent some from entering the drainage system.
 - d. Before construction of the detention basin, headwalls, and outfalls, the funding source (for long-term monitoring, implementation of BMPs and public awareness programs, and maintenance of passive treatment BMPs) shall be established, subject to the review and approval of the City Engineer. The developer shall submit the O&M Manual to the City Engineer for review and approval prior to approval of grading plans for the detention basin.
100. MM-D1: The developer shall modify the roof color-palette to substitute natural, terrain-neutral color and restrict terra cotta or clay roof tiles on certain lots including proposed Lots 126-136, 206, 268, 300-309, 344-346, and all other lots generally above 350 feet msl. Also, the palette for proposed lots north of the Buchanan Bypass should be consistent with Highlands Ranch. Require Codes, Covenants & Restrictions that prohibit or limit roofing color changes by future owners. The developer shall modify the stucco and exterior trim color-palette to substitute more saturated terrain-neutral exterior colors and restrict white or light reflective exterior colors on certain lots. The palette for proposed lots north of the Buchanan Bypass should be consistent with Highlands Ranch. Require Codes, Covenants & Restrictions that prohibit or limit stucco or exterior paint color changes by future owners. These modifications shall be subject to review and approval of the Planning Department prior to approval of a building permit.

101. **MM-D2:** The developer shall prepare a design supplement, herein called a "Natural Grassland Element," to illustrate 1) where landscaped areas will be allowed and 2) where natural grassland areas are to be maintained as shown, for example, on Page V-175, Figure 19 of the DEIR. The developer shall incorporate the requirements of the "Natural Grassland Element" into the Codes, Covenants & Restrictions (CC&Rs) that prohibit introduced species on designated graded slopes and other designated as natural grassland areas. Codes, Covenants & Restrictions shall control the following:

- a. landscaping of slopes on specific lots (such as, for example, Lots 127-137, Lots 307, 308 and 379-381, and other undeveloped slopes in the southern portion of the project site generally above 390 feet msl) to achieve a sense of connection with the adjoining open grassy hills and ravines. The CC&Rs shall prohibit the planting of species such as ivy, ice plant, shrubs and trees on the slopes on these specific lots.
- b. fences on the slopes on specific lots (such as, for example, Lots 127-137 and Lots 307, 308 and 379-381) to maintain an open look of continuous, uninterrupted grassy contours. To maintain an open quality, solid fences on the slopes on these specific lots shall be prohibited; transparent, open fences are acceptable in lieu of solid fence designs. Chain link fencing shall not be an option for an open fence.

The above requirements shall be subject to the review and approval of the Planning Department and shall be implemented prior to approval of building plot plans.

102. **MM-D3:** Rear elevations of proposed houses on Lots 128-132 shall incorporate reduced window area to assure consistency of proposed window area on rear elevations with the design objective of avoiding a new source of substantial glare. This requirement shall be reflected on the building plans and subject to review and approval of the Planning Department prior to issuance of a building permit.

103. **MM-D4:** The developer shall use full cutoff street luminaires to direct light downward for outdoor fixtures on streets, homes and public open spaces. "Full cutoff" luminaire means a luminaire that allows no direct light emissions above a horizontal plane through the luminaire's lowest light-emitting part. The developer shall prepare a plan which shows the proposed height, location, and intensity of street lights on-site. The plan shall comply with minimum standards for roadway lighting, and shall be reviewed and approved by the Planning Department prior to the approval of lighting plans and architectural drawings for homes. Light fixture design requirements identified in MM-E1 shall comply with the above requirements. Codes, Covenants & Restrictions (CC&Rs) shall restrict the use of flood lighting and landscape lighting on the slopes and yards of specific lots (such as, for example, Lots 127-137 and Lots 307, 308 and 379-381) to avoid

light “trespass” or “spill” and excessive illumination levels and shall prohibit continuous all-night exterior lighting throughout the project.

104. **MM-E2:** Additional pedestrian connections shall be implemented as specified in condition 17 of this resolution.
105. **MM-G1:** The developer shall design, construct and pay for an on-site mini-park with swings and other play apparatus, and tennis courts within the subdivision. The site shall be in the location or vicinity of Lots 181-190 or as otherwise approved by the City Engineer. The design of the park shall be subject to review and approval of the Engineering Department and shall be subject to final approval by the Recreation Commission prior to the approval of a final map for the corresponding phase of development. Park improvements shall be completed prior to the acceptance of subdivision improvements for the development phase.
106. **MM-G2:** The developer shall pay an in lieu park fee, or dedicate park land, or perform a combination of both, equivalent to 5.89 acres (1.42 acres per 100 dwelling units) as required by the City Engineer. In the event that open space is dedicated under one of the alternatives to the proposed project, such dedication of open space shall not be counted as park land dedication. In Lieu park fees shall be paid prior to the recordation of the first final map. The developer shall protect right-of-way across the entire 110-foot width of the combined PG&E and Kinder Morgan Energy Partners easements, for future development of an east-west trail connection with Black Diamond Mines Regional Preserve (BDMRP). Protection of the trail right-of-way may be counted in the future as part of the developer’s park land dedication requirement, subject to the City Engineer, only at that time when trail improvements are made, and only for that portion of the right-of-way on which trail improvements are actually made.
107. **MM-G3:** The developer shall implement the following measures prior to site disturbance to minimize biological impacts resulting from the construction of the new park or trails:
 - a. Perform compensatory mitigation measures as described in Chapter V.A, Biology & Wetlands of the EIR.
 - b. Construct appropriate permanent barriers around all on-site park areas, to prevent movement of terrestrial wildlife across these areas.
 - c. Retain a qualified biologist to perform appropriate pre-construction or nesting surveys before constructing on-site park or trail improvements.

Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer

elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall pay all fees associated with the HCP/NCCP and conduct necessary preconstruction surveys and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.

108. **MM-G4:** Off site construction activities shall limit hours of construction to avoid nighttime construction through residential neighborhoods. The developer shall use trench cover plates to maintain open lanes of travel on Buchanan Road during the peak commute hours and implement dust control and street cleaning measures to control fugitive dust.
109. **MM-G5:** Prior to starting construction on the water reservoir needed for the project, the developer shall retain a qualified biologist to perform appropriate pre-construction or nesting surveys and perform compensatory mitigation measures, as needed and described in Chapter V.A, Biology & Wetlands. Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall pay all fees associated with the HCP/NCCP and conduct necessary preconstruction surveys and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.
110. **MM-G6:** Prior to starting construction on the off site water reservoir and service road improvements needed for the project, the developer shall retain a qualified biologist to perform appropriate pre-construction or nesting surveys. The developer shall perform compensatory mitigation measures, as described in Chapter V.A, Biology & Wetlands, for additional acreage estimated in the amount of 2.5 acres, or three times the acreage used for the reservoir and service road, whichever is less. The developer shall comply with these requirements prior to the issuance of a grading permit or site disturbance associated with construction of the reservoir. Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall pay all fees associated with the HCP/NCCP and conduct necessary preconstruction surveys and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.
111. **MM-G7:** The developer shall provide sanitary connections on Lots 162-204 to connect to a lateral that has gravity flow to the collection system in Black Diamond Ranch. In the event the City Engineer determines a gravity flow

collection system is infeasible, noise generated from sewer lift stations shall not exceed 65 dB CNEL at the property line of the lift station. This design shall be subject to review and approval of the Engineering Department prior to the approval of improvement plans and the first final map.

112. MM-G8: The developer shall implement the following measure to mitigate for biological impacts resulting from construction of the detention basin:
- a. Perform compensatory mitigation measures as described in Chapter V.A, Biology & Wetlands.
 - b. Construct appropriate permanent barriers around all on-site park areas, to prevent movement of terrestrial wildlife across these areas.
 - c. Retain a qualified biologist to perform appropriate pre-construction or nesting surveys before constructing on-site park or trail improvements.

Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall pay all fees associated with the HCP/NCCP and conduct necessary preconstruction surveys and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.

113. MM-G12: The developer shall construct or pay for the off-site improvements described in Chapter V.I, Community Noise.
114. MM-G13: The developer shall provide a copy of a "Will Serve" letter from CCWA for the project prior to the issuance of the first building permit.
115. MM-G14: The developer shall implement the following water conservation measures:
- a. Provide hot-water-pipe insulation and installation of a hot-water-recirculation device or other device or design to provide hot water to tap within 15 seconds, install 1.6 gallons-per-flush, ultra-low-flow toilets, and install water-saving showerheads using 2.5 gallons per minute or less. These features shall be shown on the building plans prior to issuance of a building permit.
 - b. Prepare a design supplement, herein called a "Natural Grassland Element," to illustrate 1) where landscaped areas will be allowed and 2) where natural grassland areas are to be maintained. Incorporate a Natural Grassland Element into the Codes, Covenants & Restrictions

(CC&Rs) that prohibit introduced species on designated graded slopes and other designated as natural grassland areas (also see MM-E1#4). The Natural Grassland Element shall be subject to review and approval of the Planning Department prior to approval of in-tract landscaping plans.

- c. Prepare CC&Rs to address landscape guidelines that feature water-conserving concepts and a list of drought-tolerant, low water use plants (see Draft EIR, Appendix F). CC&Rs shall be submitted to the Planning Department for review and approval before the approval of the first Final Map.
- 116. MM-G15: The developer shall isolate sewers under construction with sewer plugs or temporary grates left in-place until new sewers are fully cleaned and accepted by the City and shall register sewer plugs and ropes with the Engineering Department prior to construction.
 - 117. MM-H1: The developer shall pay a fair share for modification of the eastbound California Avenue approach to provide an additional through lane and pay a fair share for provision of right-turn overlap phasing for the northbound right-turn movement. Payment shall be made prior to the issuance of the first building permit for the project.
 - 118. MM-H2: Developer shall pay a fair share for modification of the northbound Loveridge Road approach at the ramps for provision of a separate right-turn lane. Payment shall be made prior to the issuance of the first building permit for the project.
 - 119. MM-H3: The developer shall pay a fair share for provision of an additional southbound left-turn lane and eastbound receiving lanes on the east leg of intersection #8 (Loveridge Road/Buchanan Road) to accommodate the two left-turn lanes followed by a merge to one lane. Optionally, the developer shall pay a fair share for provision of additional through-travel lanes on Buchanan Road from Loveridge Road to Ventura Drive, for a total of two eastbound and two westbound. In implementing this mitigation measure, the City shall preserve existing bicycle lanes. Alternatively, the developer shall limit the subdivision to no more than 207 units until the opening of the Buchanan Bypass for through-traffic connection. This measure shall be implemented prior to the issuance of the first building permit for the project.
 - 120. MM-H4: The developer shall pay a fair share towards the following improvements for Intersection #9 (Buchanan Road/Ventura Drive): the eastbound approach shall be re-striped to accommodate two through lanes from west of Ventura Avenue to east of Meadows Drive followed by a merge back to one lane. In implementing this measure, the City shall preserve the existing bicycle lanes. This striping will be permanent until the bypass is opened. This measure shall be implemented prior to the issuance of the first building permit for the project.

121. **MM-H6:** The developer shall pay a fair share for modification of the northbound Somersville Road approach and eastbound Buchanan Road approach for provision of an additional left-turn lane on each approach. The amount shall be determined by the City of Pittsburg in cooperation with the affected jurisdiction, the City of Antioch. Payment shall be made prior to the issuance of the first building permit for the project.
122. **MM-H7:** The Developer shall not construct more than 353 units, Prior to opening of the Buchanan Road Bypass, unless an alternative access to Buchanan Road from the Buchanan Road Bypass is provided via Standard Oil Avenue. If the developer constructs the future Standard Oil Avenue between Buchanan Road and the Buchanan Bypass it shall be to the standards required by the City of Antioch and as approved by the City Engineer (four lanes are expected). To discourage use of Ventura Drive, the developer shall construct a Neighborhood Diverter on Ventura Drive near the mouth of Buchanan Bypass. The design shall be approved by the City of Pittsburg. City shall not issue building permits for more than 353 units unless it is shown through professional traffic counting that the AADT on Ventura Drive, between Jensen/Rangewood and Meadows Avenue, will not exceed 5,000 vpd.
123. **MM-H8:** The developer shall pay up to 100 percent of the cost, or a fair share if other future projects could have a similar effect, for a Neighborhood Diverter which meets the City of Pittsburg's criteria, to discourage through traffic on Ventura Drive north of Buchanan Road. This measure shall be implemented prior to the issuance of the first building permit for the project.
124. **MM-H9:** The developer shall pay for modification of the northbound left-turn on the Ventura Drive approach at Buchanan Road for provision of 250 feet of stacking, appropriate deceleration length, and transitions. Payment shall be made prior to the issuance of the first building permit for the project.
125. **MM-H11:** The developer shall construct a suitable EVA across Lot 191 as recommended by CCCFPD. This EVA shall be accessible to emergency vehicles only and shall not be accessible to any other on road or off-road vehicular traffic. The design of the EVA access shall be subject to review and approval of the Engineering Department prior to the approval of a final map for the phase of development corresponding with the location of the EVA.
126. **MM-H14:** The developer shall pay a fair share for modification of the northbound Loveridge Road approach to Leland Road (Intersection #3) for provision of a separate left-turn lane. Payment shall be made prior to the issuance of the first building permit for the project.
127. **MM-H15:** The developer shall pay a fair share for modification of the northbound Railroad Avenue approach at Buchanan Road (Intersection #6) for provision of

two northbound right-turn lanes with overlap phasing. Payment shall be made prior to the issuance of the first building permit for the project.

128. **MM-H16:** The developer shall pay a fair share for provision of two travel lanes in each of the eastbound and westbound directions for Harbor Street and Buchanan Road (Intersection #7). Payment shall be made prior to the issuance of the first building permit for the project.
129. **MM-H17:** The developer shall pay a fair share for provision of two southbound left-turn lanes and eastbound receiving lanes on the east leg of the Loveridge Road/Buchanan Road intersection (Intersection #8) to accommodate the two left-turn lanes followed by a merge to one lane. As an alternative to this mitigation, the developer can limit the subdivision to no more than 207 units until the opening of the Buchanan Bypass. This measure shall be implemented prior to the issuance of the first building permit for the project.
130. **MM-M20:** The developer shall construct the Buchanan Bypass with the median in place even in the early phase before future opening of the bypass for through-traffic connection. The section of the bypass built within the project shall include provisions for U-turns west of "M" Street-"D" Street. This measure shall be implemented prior to the issuance of the first building permit for the project.
131. **MM-H24:** Intersection design for Kirker Pass Road/Buchanan Road Bypass (Intersection #15) as part of the bypass shall ensure that the intersection would operate with acceptable levels of service.
132. **MM-H25:** The developer shall construct traffic-calming features on the five block section of Ventura Drive, between Meadows Avenue and Rangewood Drive. Traffic-calming features shall be consistent with the measures listed in the City's Traffic-Calming Policy and their design shall be approved by the City Engineer. This measure shall be implemented prior to the issuance of the first building permit for the project.
133. **MM-H26:** The developer shall implement the following measures to minimize the impact of steep street grades within the subdivision:
 - a. The developer shall not construct curb cuts for driveways along the frontage of "B" Street between the Buchanan Bypass and "J" Court/"A" Street or along Ventura Drive within 300 feet of the Buchanan Bypass. Proposed Lots 11-17 and proposed Lots 235 and 236, proposed Lots 257-262, and proposed Lot 297 may not be developed as shown on the Vesting Tentative Map, unless either 1) alternative access is provided, for example, by way of modified flag lot designs with shared driveways on "J" Court, "A" Street, or Canyon Oaks Court, or 2) "B" Street is re-designed for traffic calming.

- b. The developer's redesign for purpose of recovering land area for developable lots may be considered by the Engineering Department only if redesign provides grade reduction below 14 percent, safety advantages, or other environmental benefits.
- c. The developer shall pave "B" Street between the Buchanan Bypass and "J" Court/"A" Street with a scored concrete all-weather surface, with section details and scoring pattern and depth subject to the approval of the City Engineer.
- d. The developer shall construct and sign all-way stops at the intersections of "B" Street with "A" Street/"J" Court and "K" Court.
- e. The developer's redesign of "B" Street and Ventura Drive, and their related intersections at "K" Court, "J" Court, and the Buchanan Bypass, if one is submitted, may be considered at the discretion of the Engineering Department within the "B" Street Traffic-Calming Design Zone (see Draft EIR, Chapter V.H, Traffic & Circulation, Figure 26).

The above measures shall be reflected on the improvement plans and final map for the corresponding phase of development.

- 134. MM-H27: The developer shall not 1) construct any driveway curb cuts within 150 feet, or 300 feet in the case of "B" Street," from the edge of curb of the Buchanan Bypass or 2) allow any on-street parking within 150-feet of the edge of curb of the Buchanan Bypass, on "B" Street, "D" Street, "M" Street, and Ventura Drive. This would result in elimination of proposed Lots 11, 17, 18, 72, 73, 257, and 381 and review or adjustment of driveway locations for proposed Lots 12, 16, 19, 71, 74, 258, and 380. These revisions shall be subject to review and approval of the Engineering Department prior to the approval of the final map for the corresponding phase of development.
- 135. MM-H28: The developer shall adjust the lot lines of proposed Lots 257, 258, and 259, to accommodate provisions for the "B" Street/Buchanan Bypass intersection as stated above; and shall adjust proposed Lot 11, to accommodate additional right- of-way width for a right-turn turnout from the Buchanan Bypass into Ventura Drive. These revisions shall be subject to review and approval of the Engineering Department prior to the approval of the final map for the corresponding phase of development.
- 136. MM-I1: The developer shall conduct a detailed sound study prepared by a practicing INCE acoustical engineer to evaluate design specifications for mitigating sound impacts identified in the EIR. The sound study shall be subject to review and approval of the Planning Department. In following the recommendations of the sound study, the developer shall install the following:

- a. An improved side yard return segment, either a fence or wall, for the backyard at 1485 Autumnwind Court.
- b. Sound-insulating windows for noise-exposed windows in the second-stories of 1457, 1473, and 1485 Autumnwind Court, to reduce the interior Ldn to 45 dBA, or below, as determined by the approved sound study.

Plans for the new windows and wall/fence shall be submitted with building permits for the new fence/wall and windows. The above requirements shall be implemented prior to City's issuance of building permits for the proposed project and may be waived by the Planning Department if homeowners do not agree to allow these improvements. The developer shall provide proof, acceptable to the Planning Department that a good faith effort has been made to cooperate with homeowners.

137. MM-I2: The developer shall conduct a detailed sound study prepared by a practicing INCE acoustical engineer to evaluate design specifications for mitigating sound impacts identified in the EIR. The sound study shall be subject to review and approval of the Planning Department. In following the recommendations of the sound study, the developer shall install the following:

- a. A 6-foot tall overlapped board fence along the southern property line in the backyard of 1555 Ventura Drive.
- b. Sound-insulating windows for noise-exposed windows in the 1-story, ranch-style house at 1555 Ventura Drive, to reduce the interior Ldn to 45 dBA as determined by the approved sound study.

The above requirements shall be implemented prior to City's issuance of building permits for the proposed project and may be waived by the Planning Department if homeowners do not agree to allow these improvements. The developer shall provide proof, acceptable to the Planning Department that a good faith effort has been made to cooperate with homeowners.

138. MM-I3: The developer shall conduct a detailed sound study prepared by a practicing INCE acoustical engineer to evaluate design specifications for mitigating sound impacts identified in the EIR. The sound study shall be subject to review and approval of the Planning Department. In following the recommendations of the sound study, the developer shall retrofit windows for seven (7) houses facing Ventura Drive, between Rangewood Drive and Glen Canyon Circle or Drive, and other houses having frontages along Ventura Drive in Highlands Ranch having a line-of-sight to Ventura Drive if interior noise (Ldn) exceeds 45 dBA as determined by the approved sound study. New windows shall be installed prior to issuance of building permits for the proposed project and may be waived by the Planning Department if homeowners do not agree to allow these improvements. The developer shall provide proof, acceptable to the

Planning Department that a good faith effort has been made to cooperate with homeowners.

139. **MM-14:** The developer shall conduct a detailed sound study prepared by a practicing INCE acoustical engineer to evaluate design specifications for mitigating sound impacts identified in the EIR. The sound study shall be subject to review and approval of the Planning Department. In following the recommendations of the sound study, the developer shall install an improved backyard return segment, either a matching masonry return wall or an improved fence as determined by the approved sound study, for sound impacts for houses at 9 Saddlehorn Court and 511, 529 and 531 Silver Saddle Drive. New windows shall be installed prior to issuance of building permits for the proposed project and may be waived by the Planning Department if homeowners do not agree to allow these improvements. The developer shall provide proof, acceptable to the Planning Department that a good faith effort has been made to cooperate with homeowners.
140. **MM-15:** The developer shall provide an off-site sound wall along Buchanan Road in the vicinity of the mobile home park located in Antioch (receptor location 6).
141. **MM-17:** The developer shall conduct a detailed sound study prepared by a practicing INCE acoustical engineer to evaluate design specifications for mitigating sound impacts identified in the EIR. The sound study shall be subject to review and approval of the Planning Department. In following the recommendations of the sound study, the developer shall install acoustic-rated windows or sliding glass doors on exposed first-story and second-story elevations for homes located at 1707 and 1711 Ventura Drive, and five additional houses between Rangewood Road and Glen Canyon Circle or Drive, to assure interior sound levels would be less than 45 dBA, as determined by the approved sound study. New windows shall be installed prior to issuance of building permits for the proposed project and may be waived by the Planning Department if homeowners do not agree to allow these improvements. The developer shall provide proof, acceptable to the Planning Department that a good faith effort has been made to cooperate with homeowners.
142. **MM-18:** The developer shall prepare Construction Specifications that will be become part of contractor documents and which could be enforced by the City of Pittsburg Building Division on an as-needed basis. The Construction Specifications will require that the Contractor perform the following tasks:
 - a. Limit construction activities to the hours between 7:30 a.m. and 7:00 p.m. on weekdays, and between 9:00 a.m. and 6:00 p.m. on Saturdays and Sundays. No construction shall take place on federal holidays.
 - b. Locate fixed construction equipment such as compressors and generators as far as feasibly possible from sensitive receptors (i.e., existing houses).

- c. Shroud or shield all impact tools, and muffle or shield all intake and exhaust ports on power construction equipment.

These specifications shall be reflected on the grading plan and building plan submittals and shall be subject to review and approval of the Planning Department prior to the issuance of grading or building permits.

- 143. MM-I10: The developer shall conduct a detailed sound study prepared by a practicing INCE acoustical engineer to evaluate design specifications for mitigating sound impacts identified in the EIR. The sound study shall be subject to review and approval of the Planning Department. In following the recommendations of the sound study, the developer shall construct/install the following:
 - a. A sound wall to attenuate sound to acceptable levels as determined by the approved sound study for homes located at sensitive receptor locations 7, 8 and 9A as presented in Impact I10 of the DEIR. The wall design shall be subject to review and approval of the Planning Department prior to the approval of improvement plans for the corresponding phase of development in the vicinity of sensitive receptor locations 7, 8, and 9A.
 - b. Acoustic-rated windows, sliding glass doors or entryway doors, adequate to provide an interior noise level of 45 dBA or lower for lots 18, 29-37, 72, 234-237, 256, 259-262, and 297. Sound transmission control ratings for windows shall be referenced on the building plans for these homes and shall comply with the recommendations of the approved sound study.
- 144. MM-I12: The developer shall conduct a detailed sound study prepared by a practicing INCE acoustical engineer to evaluate design specifications for mitigating sound impacts identified in the EIR. The sound study shall be subject to review and approval of the Planning Department. In following the recommendations of the sound study, the developer shall:
 - a. Re-design proposed Lots 257 and 258 for location farther south from the proposed Buchanan Bypass and to extend a return wall segment south along "B" Street or as directed by the approved acoustic study. The position of the wall shall not interfere with the driver line-of-sight toward the west along the bypass. This redesigned lots and extended wall shall be reflected on the final map and improvement plans for the corresponding phase of development.
 - b. Install windows, sliding glass doors or entryway doors upgraded with acoustic-ratings adequate to provide an interior Ldn of 45 dBA, or lower, for the first- and second-stories of houses on Lots 257 and 258. Sound transmission control ratings for windows shall be referenced on the

building plans for these homes and shall comply with the recommendations of the approved sound study.

145. MM-I14: The developer shall conduct a detailed sound study prepared by a practicing INCE acoustical engineer to evaluate design specifications for mitigating sound impacts identified in the EIR. The sound study shall be subject to review and approval of the Planning Department. In following the recommendations of the sound study, the developer shall:
- a. Install a 6-foot tall sound wall or fence of overlapping boards and acoustic-rated windows at noise-exposed second stories generally at Lots 127-138 in Black Diamond Ranch.
 - b. The developer shall submit plans demonstrating compliance with this condition satisfactory to the Planning Department prior to submitting plans to the City of Antioch for building permit approval. A copy of the approved plans by the City of Antioch shall be submitted to the Planning Department prior to the issuance of a building permit for the project.

These requirements may be waived by the Planning Department if homeowners do not agree to allow these improvements. The developer shall provide proof, acceptable to the Planning Department that a good faith effort has been made to cooperate with homeowners for the implementation of these measures.

146. MM-J1: The developer shall install natural gas-fired aesthetic fireplaces. Wood-burning in EPA-certified Phase II fireplace inserts, other EPA-certified Phase II appliances, or EPA-exempt pelletized-wood stoves shall be prohibited. Natural gas fireplaces shall be noted on building plan submittals for homes.
147. MM-J2: The developer shall implement the following measures to reduce dust during construction and grading:
- a. Perform active grading operations with watering at least 3 times per day including watering of any unpaved roads.
 - b. Limit off-road speeds to 15 mph on the project site.
 - c. Pave roads before deliveries of concrete or other construction materials are made to the lots.-Hydroseed or apply (non-toxic) soil stabilizer to inactive construction areas (previously graded areas inactive for ten days or more) or apply water daily.
 - d. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (soil, sand, cement, or aggregate materials.)
 - e. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

- f. Replant suitable grassland vegetation in disturbed areas as soon as feasible.

Failure to comply with this measure shall result in a "stop work" order on grading activities.

148. **MM-J3:** The developer shall implement the following measures if grading is located within 500 feet of existing residences:

- a. Perform grading operations with more frequent watering than three times daily watering, including watering on demand to keep surface soil moist or crusted at all times.
- b. Install and operate a temporary wind vane and anemometer during the grading. Developer shall suspend grading operations if adverse winds over 25 mph are blowing dust to any occupied residence.
- c. Provide perimeter dust monitoring for grading operations within 500 feet of an occupied dwelling. Monitoring reports shall be prepared and submitted daily to the City's Engineering Department.

Failure to comply with this measure shall result in a "stop work" order on grading activities.

149. **MM-J4:** Developer shall ensure that particle filters are properly installed and maintained on diesel earthmoving equipment including excavators, earthmovers, and compactors. A copy of invoices documenting that all equipment has been properly installed and maintained shall be made available to the City upon request. Failure to comply with this condition shall result in a "stop work" order on grading activities.

150. **MM-J5:** The developer shall comply with State of California Code of Regulations, Title 17, Section 93105, is an Asbestos Air Toxic Control Measures (ATCMs) to minimize or avoid naturally-occurring asbestos in grading dust. When applying for a general exemption from the ATCM via a geologic exemption, the developer shall contact the BAAQMD prior to submitting an exemption application. Proof of this correspondence with the BAAQMD shall be submitted to the Planning Department prior to the issuance of a grading permit.

151. **MM-J6:** The developer shall implement the following measures to reduce ROG (Reactive Organic Gasses):

- a. Design and construct garages with electrical hookups for recharging electric-powered or hybrid vehicles. These hookups shall be noted on the building plans for the new homes.
 - b. The developer shall require and employ architectural coatings with reduced-VOC (5 percent reduction in emission of ROG from painting). This specification shall be noted on building plans for new homes. Supplementary documentation to verify compliance shall be submitted to the Planning Department upon request.
 - c. The developer shall include as mandatory provisions of the CC&Rs restrictions to reduce on-site handling of gasoline.
 - d. The developer shall encourage homebuyers to use push-reel or electric-powered lawn mowers through dissemination of air/water pollution information pamphlets. This information shall be included with the brochure for water efficient landscaping techniques required by PMC §18.84.320. CC&Rs shall prohibit on-site refueling of vehicles or storage of gasoline in excess of 1-gallon.
152. **MM-K1:** The developer shall comply with the following measures to reduce exposure risk of residents and homes on "D" Street, "D" Court, and "C" Court to wildland fire risk on the Urban Wildland Interface:
- a. Include emergency service provisions on the recommended Zone III/IV reservoir service road. Such provisions shall include suitable driving surface, grade and turnaround for fire engines and hydrants. This feature shall be subject to review and approval of the Engineering Department prior to the approval of the improvement plans for the corresponding phase of development.
 - b. Provide access to open space at the site's perimeter. To accommodate this access the developer shall provide additional EVAs at locations to be selected by the Contra Costa County Fire Protection District and City Engineering. One EVA acceptable location is Lot 191 connecting to Markley Creek Drive in Black Diamond Ranch. These features shall be subject to review and approval of the Engineering Department prior to the approval of the improvement plans for the corresponding phase of development.
 - c. Disclose the Natural Hazard Disclosure (Fire) Map to home buyers, along with public information including PRC 4291 and/or landscape, defensible space, and fuel break requirements equivalent in content. This information shall be made available to homebuyers at sales trailer(s) and shall be made available upon request of the Planning Department. The

Planning Department shall not sign off on additional building plot plans if it determines that this measure is not being complied with.

153. **MM-K2:** The developer shall avoid siting the smallest-sized lots along the Urban Wildland Interface (UWI) or provide a buffer setback between the lots and the (UWI). The developer shall re-design "C" Court as a single-loaded street with Lots 176-180 along its north side and tennis courts, picnic area, or a tot park on its south side. These modifications shall be subject to review and approval of the Planning Department prior to approval of final maps along the UWI.
154. **MM-K3:** The developer shall construct all residences with residential fire sprinklers. Installation shall be as per NFPA #13D with the addition of sprinklers in the attics, garages, bathrooms, and closets. A four (4) head hydraulic calculation shall be used. All roofs shall be constructed with Class A rated roof assemblies. These features shall be shown on the building plans for homes.
155. **MM-K4:** The developer shall avoid new development within 100 horizontal feet from the PG&E easement centerline. Lots shall be adjusted to reflect this requirement and shall be subject to review and approval of the Engineering Department prior to the approval of final maps for the corresponding phase of development.
156. **MM-K5:** Building pad elevations shall be a minimum of 30 vertical feet from the ground to the existing PG&E transmission lines. Lots 76, 304-306, and 228-233 shall be graded to have a minimum 30 foot vertical clearance from the ground to existing PG&E transmission lines. The developer shall modify pad elevations to meet this requirement and provide exhibits, acceptable by the Planning Department, demonstrating compliance with this measure. This measure shall be subject to review and approval of the Planning Department prior to approval of a final map for the corresponding phase of development.
157. **MM-K6:** The developer shall provided vehicle access to the easternmost power transmission corridor from "B" Street and avoid cross-fencing of the easement to permit unimpeded service access at all times. This modification to the map shall be subject to review and approval of the Planning Department prior to approval of a final map for the corresponding phase of development.
158. **MM-K7:** The developer shall modify lot lines of proposed Lot 77 and proposed Lots 228-233, 236, 260, 305-306, 309, 342-343, and 378, to avoid cross-fencing of the petroleum pipeline easement and preserve unimpaired physical and visual access. These modifications to the map shall be subject to review and approval of the Planning Department prior to approval of a final map for the corresponding phase of development. The developer shall identify a relocation site for the relocated Zone II water reservoir near the end of "A" Court, in such a manner as to preserve physical and visual access to the petroleum product pipeline. The final location shall be subject to the review and approval of the City Engineer and

shall occur as required with water infrastructure needs for the project identified in the City's Water Master Plan.

159. **MM-K8:** The developer shall preserve the PG&E and Kinder Morgan Energy Partners easements outside of private lots. Infrastructure that overlaps the easements, such as the detention basin, water reservoir, "B" Street and "D" Street, common or parking areas, or a future trail, may be acceptable within the easement provided such infrastructure does not impair physical and visual access to the pipeline. Adjustments to the easement line shall be subject to review and approval of the Engineering Department prior to approval of a final map for the corresponding phase of development. The developer shall provide suitable disclosures of the presence of the petroleum product pipeline to future buyers of lots within a specified distance of the pipeline, including all lots located downslope of the pipeline and additional lots to be determined by City staff. This disclosure shall be made available at the home sales trailer(s) and included with all informational brochure packets for homes. The Planning Department shall not sign off on additional building plot plans if it determines that this measure is not being complied with.
160. **MM-L1:** The developer shall implement the following measures should archaeological or cultural resources are discovered during grading:
- a. Upon discovery of cultural resources, the grading contractor shall halt grading within a radius of 50 feet of the find and will call the Planning Department, a qualified archaeologist and the Native American Heritage Commission (or local California Indian). The developer shall provide the Planning Department with proof of correspondence with a qualified archaeologist and the Native American Heritage Commission (or local California Indian). Grading shall not continue until notice is given by the Planning Department to proceed.
 - b. The developer shall notify the Planning Department and Native American heritage Commission within 24 hours if any potentially significant cultural materials are encountered by the archaeologist.
 - c. Following examination of the find, the archaeologist will examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation and analysis of any significant cultural materials. A Report of Findings prepared by the archaeologist, documenting any data recovered during his/her monitoring, would be submitted to the City Planning Department on a monthly basis.
161. **MM-L2:** In the event that human skeletal remains are encountered, the contractor shall immediately halt excavation or disturbance of the burial site or any nearby area reasonably suspected to overlie adjacent human remains and notify the

County Coroner and Director of Planning. Excavation or disturbance shall remain suspended until the investigation of the County Coroner has been completed and recommendations of the coroner have been completely implemented including the conditional procedures outlined on the following page.

163. Except as expressly stated in these conditions of approval, the applicant shall pay all existing fees applicable to this subdivision and subsequent applications and permits in the amount in effect at the time the applicable fee is due. Fees not currently in effect, will not apply to this subdivision.

Section 5. The Conditions Imposed Substantially Advance a Legitimate Governmental Interest and are Roughly Proportional to the Burdens Created by the Subdivision.

A. In the case of Dolan vs. City of Tigard (1994) 114 SCt 2309, the United States Supreme Court expanded on the findings a local agency must make when it imposes a condition on development which constitutes a taking of a possessory interest in real property. To withstand constitutional challenge, Dolan requires the agency show that the condition substantially advances a legitimate governmental interest and does not deny an owner economically viable use of his property. Additionally, the agency must demonstrate that the benefits from the condition are roughly proportional to the burdens created by the project.

B. Fees, Exactions and Off-Site Improvements. The City has a legitimate governmental interest in ensuring that school districts (PUSD), utilities districts (DDSD, CCWD) and emergency services providers (CCCFPD) receive adequate funding to ensure that their facilities and services may be expanded, improved or upgraded in accordance with demands created by new development. General Plan policies have been designed to require developers to pay the fair share costs to fund the increase in demand for services that their projects create, in order to ensure that development "pays its own way" and does not divert, to a specific project-related improvement, general revenue funds that would otherwise benefit residents citywide.

C. Dedication of Curb, Gutter, Sidewalk and Right-of-Way. The City has a legitimate governmental interest in providing safe streets of a consistent design and in compliance with Engineering Department standards. Installation of curb, gutter, and sidewalk will allow safer pedestrian and bicycle movement within the development. Design of streets and roads in accordance with Engineering Department standards also ensures safe access for maintenance of public utilities and facilities.

D. Stormwater System. The City has a legitimate governmental interest in providing an adequate storm water system to mitigate flooding conditions in a flood zone area.

E. Undergrounding Utility Lines and Boxes. The City has a legitimate governmental interest in creating aesthetically pleasing roadways, reducing fire hazards

associated with overhead utility lines, increasing neighborhood property values and maintaining unrestricted views.

1. Aesthetic Considerations: Undergrounding of utilities, including boxes and transmission lines, will reduce visual clutter within the subdivision and improve views of the City. It will also contribute to creating uninterrupted views of the southern hills from properties within the subdivision.

Section 6. The Improvements are Reasonably Necessary to Meet the Needs of the Public Arising as a Result of the Subdivision

An improvement imposed as a condition of approval of a tentative map is valid to the extent that it is not excessive. An improvement is not considered excessive if it is reasonably necessary to meet public needs arising as a result of the subdivision (Government Code section 66465.4 (a)). As an additional finding, the Planning Commission hereby finds that the improvements described in section 4, above, are reasonably necessary to meet the needs of the public arising as a result of the Sky Ranch II Residential Development, as further described above.

Section 7. Effective Date

This resolution shall take effect upon LAFCO approval of annexation of the project site to the City of Pittsburg.

On motion by Commissioner Garcia, seconded by Commissioner Harris, the foregoing resolution was passed and adopted the 8th day of May, 2007, by the Planning Commission of the City of Pittsburg, California by the following vote:

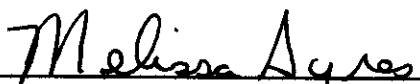
AYES: Diokno, Garcia, Harris, Ohlson, Thomas and Tumbaga

NOES:

ABSTAIN:

EXCUSED: Ramirez

I hereby attest the above signature and certify that the above Resolution No. 9711 was adopted by the Planning Commission of the City of Pittsburg on May 8, 2007.



MELISSA AYRES, SECRETARY
PITTSBURG PLANNING COMMISSION

**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
May 8, 2007**

ITEM: 3 SKY RANCH II RESIDENTIAL DEVELOPMENT. RZ-02-21, SUBD 8475, DR-02-48.

ORIGINATED BY: Louis Parsons of Discovery Builders Inc., 4061 Port Chicago Highway, Concord, CA 94524.

SUBJECT: This a public hearing on a request for 1) the rezoning of 166.5 acres located south of the Highlands Ranch subdivision to RS (Single Family Residential) District; 2) approval of a vesting tentative map (Tract 8475) to subdivide the land and portions of Highlands Ranch (Tract 7217) into 415 single-family residential lots ranging in size from 8,000 square feet to 2.9 acres, with related infrastructure improvements; and 3) design review approval of house plans for Tract 8475. The Commission is also being requested to consider appropriate zoning for the City-owned water tank site located south of Highlands Ranch. APNs 089-050-042, -066, -067 (and portions of Highlands Ranch).

RECOMMENDATION:

Staff recommends that the Commission take the following actions:

1. Adopt Resolution No. 9710 recommending the Council prezone the project site and the adjacent City water tank site to RS-6-O (Single-Family Residential District - with an overlay district establishing larger minimum lot sizes and allowing City water tanks as a permitted use in the district)
2. Adopt Resolution No. 9711 approving the Vesting Tentative Map for Sky Ranch II (Subdivision 8475), as conditioned.
3. Adopt Resolution No. 9712 approving Design Review Application No. DR-02-48, as conditioned.

BACKGROUND:

On October 2, 2006, the City Council certified the Final Environmental Impact Report (FEIR) for the Sky Ranch II Residential Development (City Council Resolution No 06-10632). The applicant is now requesting entitlements in order to develop the project according to Alternative 2 (the applicant's original proposal) of the FEIR. Entitlements necessary to build the proposed project include rezoning of the property, approval of the proposed vesting tentative map (Tract 8475), architectural approval of the house plans, and LAFCO approval to allow Pittsburg to annex the land.

The project requires Planning Commission approval of a vesting tentative map and house plans and a recommendation by the Planning Commission to the City Council on

what the property should be rezoned. The subdivision and design review approvals are contingent on the Council's final approval to rezone the property and LAFCO approval of annexation of the project site to the City of Pittsburg, Delta Diablo Sanitation District (DDSD) and Contra Costa Water District (CCWD).

Since the rezoning application was filed, the Planning Commission adopted a resolution recommending numerous amendments to the zoning ordinance, which would effectively delete any reference to the RS zoning district and replace it with an equivalent RS-6 zoning district. The Council is anticipated to approve those zoning amendments on May 21st. While not formally amending this project application, the applicant has reviewed the proposed RS-6 District development standards and is satisfied that the two are equivalent.

LAFCO will not be amenable to an annexation request that leaves an island of unincorporated land (the City water tank property) between Highlands Ranch and the Sky Ranch developments. For this reason, the Planning Commission is being requested by staff to recommend a rezoning designation on that land at the same time. Because water tanks are listed in the use classification table as "Utility, Major" and are not a permitted use in the RS-6 District as proposed to the City Council by the Planning Commission, and because a water tank may also be constructed within the proposed Sky Ranch development, staff is recommending that the Commission support a rezoning of both properties to RS-6 with a limited overlay that will allow City water tanks as a permitted use on both of these properties. Additionally, staff is requesting that the proposed overlay establish a minimum lot size within the property of 8,000, except for lots governed by an affordable housing agreement, which may be 6,000 square feet. A minimum 8,000 square foot lot standard is consistent with the proposed vesting tentative map. More discussion on this recommendation is included in the Project Description and Code Compliance sections of this report below.

PROJECT DESCRIPTION:

Existing Conditions: The project site is located just south of the City limits and the Highlands Ranch subdivision, near the southeast corner of the City. It is unincorporated territory in Contra Costa County, within Pittsburg's Sphere of Influence (SOI) and within the City Urban Limit Line (ULL). The neighborhood of the project site is residential, partially framed by residential subdivisions to the northwest, north (Highlands Ranch), and east (Black Diamond Ranch in the City of Antioch). To the west is the Thomas parcel, currently undeveloped and inside the ULL. To the northeast is an area called Meadow Lands, a future residential site in the City of Antioch.

The City's southern hills extend south beyond the project site, increasing in elevation from generally 200 to 500 feet elevation across the project site to over 800 feet in the area of Black Diamond Mines Regional Preserve to the south. The site has historically been used for cattle grazing. It has no buildings and is almost entirely annual grassland, with sparse individual trees along the site's southern boundary. The southwestern corner of the project site has very steep terrain that supports a remnant of

a chaparral shrub community. A 100 foot wide PG&E transmission corridor runs east-west through the property approximately 350 feet south of the proposed Buchanan Road Bypass through the property and it includes three towers on the property.

Proposed Pre-zoning: As noted in the Background section above, the applicant filed an application requesting that the Sky Ranch property be prezoned to RS (Single-Family Residential) District (minimum lot size 6,000 square feet), while submitting a tentative map with all lots a minimum of 8,000 square feet to address Housing Element policies supporting estate lot developments in the southern foothills. The current RS District and the Commission proposed RS-6 District under review by the Council have the same development standards. Along with the proposed prezoning request for single family residential use of the property, the Commission must consider the appropriate prezoning designation for the City owned water tank site located within the project area. Staff is recommending that both the project site and the City property be prezoned RS-6 with a limited overlay (RS-6-0) allowing water tanks as a permitted use and establishing the minimum lot size as 8,000 square feet, except for lots governed by an affordable housing agreement, which would have a 6,000 square foot minimum lot size. All other development standards of the pending RS-6 District (setbacks, lot coverage, building heights) before the Council are proposed to still apply to this development.

Subdivision: The proposed Vesting Tentative Map (VTM) would subdivide 166.5 acres into 415 single-family residential lots and create a 4.0 acre parcel for a detention basin (Parcel 'A') and a 0.65 acre parcel for a new water tank (Parcel 'B'). As proposed, the project would have a gross density of 2.46 units/acre.

Lots are varied in size, averaging 14,500 square feet with a maximum lot size of 125,520 square feet (Lot 379) and a minimum lot size of 8,000 square feet. Lots of varying sizes are interspersed throughout the project site. There are twenty flag lots proposed within the project (lots 89, 91, 92, 95, 96, 99, 100, 103, 104, 147, 148, 151, 152, 154, 160, 190, 190, 221, 222, and 301). Most lots are proposed to be padded. Many of these lots incorporate three foot high wood retaining walls and 2:1 slopes in side and portions of rear yards to transition between adjacent lots. Lots along D Street and I Street are proposed as front to back split level lots. Lots along the north side of Court D are shown to be recontoured slopes, but not padded, presumably to accommodate some upsloped custom units. The existing PG&E transmission towers are proposed to be located within Lots 343, 342, 244, 229 and the detention basin lot. As designed, the overhead transmission wires between the towers would cross multiple lots.

The submitted plans show lots (192-200 and 223-227) backing to the east and south property lines with proposed pad levels at an 8 to 45 foot grade differential with adjoining property. There is also a 38 foot grade differential shown between lots 236 and 238. No retaining walls or other information is noted on the grading plan to show how the grades would be transitioned along those common property lines. Long upsloped lots proposed along the west property line include a series of 8 foot wide benches and engineered slopes to transition home pads up to natural terrain offsite to

the west. Lots proposed south of the Buchanan Road Bypass and also east of Ventura Drive are located above the Bypass with a proposed 6 foot high masonry wall located at the top of a bench. The area between the wall and the ROW is shown to be located within individual lots. All other lots abutting the Bypass are at or below the grade of the Bypass with the proposed 6 foot high masonry wall proposed directly behind the ROW, except that no wall is proposed adjacent to the existing water tank or the proposed detention basin within this subdivision.

Access to the project site would be via Buchanan Road and Ventura Drive. Pending completion and opening of the Buchanan Road Bypass to through-traffic between Kirker Pass Road and Somersville Road, the bypass would be closed by barricades at both ends. Some eastbound project-generated traffic may use Meadows Avenue in place of Ventura Drive, thereby avoiding the segment of Ventura Drive between Buchanan Road and Meadows Avenue. Minor project-generated traffic is expected to use Jensen Drive for access to Foothill Elementary School, none of which would be PM peak hour traffic. Directly east of the project site, in the City of Antioch, is the approved Black Diamond Ranch residential subdivision. Though a segment of the Buchanan Road Bypass in Antioch (formal name James Donlon Boulevard) has been constructed within the limits of Black Diamond Ranch, the bypass segments within the proposed project and the adjoining Black Diamond Ranch subdivision would not be connected until the bypass is opened to through-traffic for its entire planned length from Kirker Pass Road to Somersville Road. Residential streets within the two subdivisions are also not shown to be connected, though both City staff and the applicant are in discussions with Antioch staff about providing limited connection opportunities between the two subdivisions at the southeast corner of the site.

Subdivision improvements—Streets, sidewalks and utilities: Roadways within the development are proposed to be public streets that generally conform to the City's adopted street standards. The streets would have 36 - 42 foot wide roadway widths, with parking and 6-foot wide sidewalks on both sides of the streets (typo on 48' R/W street section incorrectly shows 4.5 foot sidewalks) with a four foot wide PUE and additional 5 foot wide street tree maintenance easement setbacks behind the sidewalks. The project includes conventional curbs, gutters, and sidewalks, with catch basins and underground piping to collect and convey storm water to appropriate outlets.

The project includes construction of the Buchanan Road Bypass within the limits of the project site. The proposed segment of the Buchanan Road Bypass within the boundaries of the project site would ultimately be constructed as a four lane artery with a median divider. The bypass would remain closed to through-traffic at the eastern and western terminus until the entire bypass is completed west to Kirker Pass Road. In the interim, project-related traffic would use Ventura Drive through Highlands Ranch to Buchanan Road. As shown in the submitted street section, the Bypass would only have a sidewalk (6') on one side of the road.

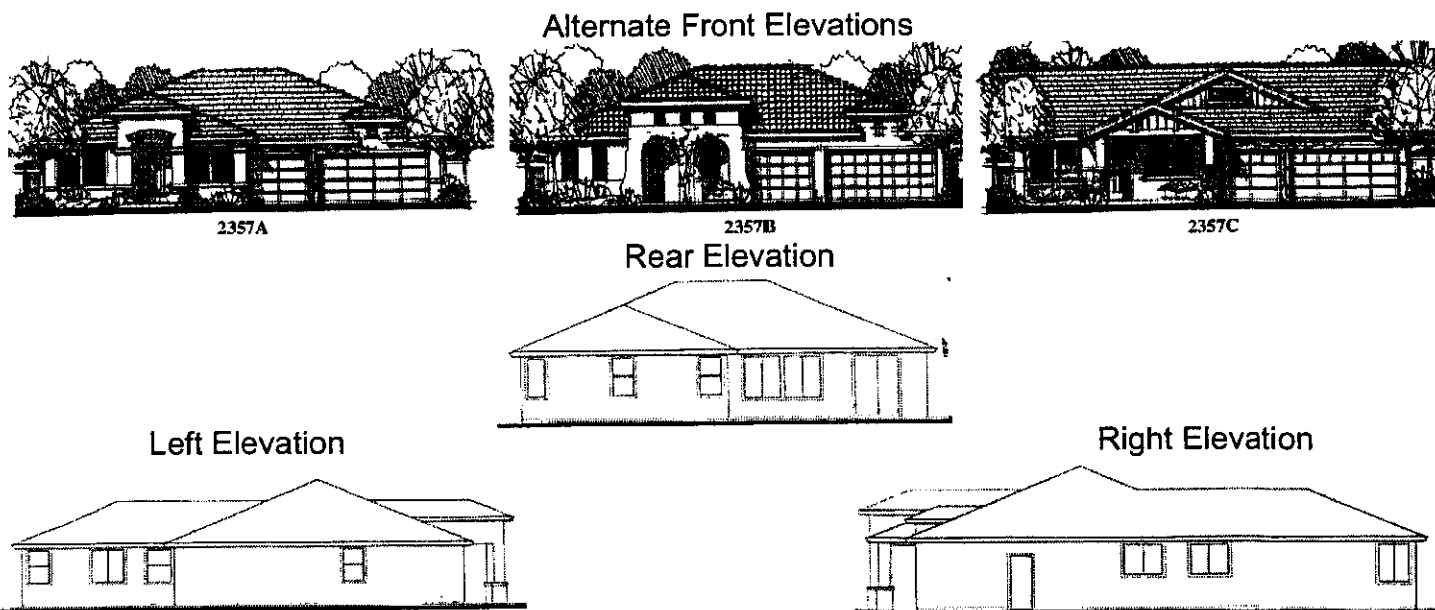
Storm water from approximately 80 acres of the site would be conveyed to a proposed 4.03 acre detention basin to be constructed within the project site. The proposed

detention basin is located near the southwest corner of the main access road (Ventura Drive extension and "B" Street) and the proposed right-of-way dedication for the Buchanan Road Bypass. Storm water from other portions of the site would be conveyed east to the collection system in Black Diamond Ranch, west to an outfall at an intermittent stream, or north to the existing collection system and detention basin in Highlands Ranch.

The water tank proposed at parcel 'B' will have to be moved to a higher elevation to serve Zone 3 units and an additional water tank will need to be constructed to serve Zone 2 units. These tanks are called for in the City's Water Master Plan.

Architecture: The applicant is proposing five floor plans featuring two, single story and three, two story designs. Each proposed floor plan has three street elevation options. The mix and siting of the homes are not proposed at this time. Below is a brief description of each floor plan:

Plan 2357 - A single story design with 2,357 sq. ft. of living area and a three car garage. This plan offers four bedrooms and two bathrooms and an optional den or master bedroom "retreat".



Plan 2408 - A single story design with 2,408 sq. ft. of living area and a two car garage and optional one car garage or multi-use room. This plan offers four bedrooms and two bathrooms and an optional den.



2408A

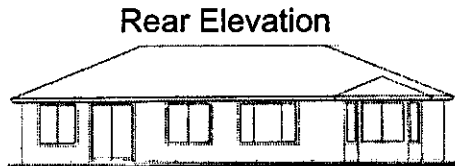


2408B



2408C

Alternate Front Elevations

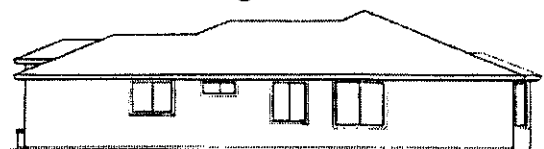


Rear Elevation

Left Elevation



Right Elevation



Plan 3013 - A two story design with 3,013 sq. ft. of living area and a three car garage. This plan offers five bedrooms and two and a half bathrooms and an optional den or 6th bedroom with a third bathroom.



3013A

Left Elevation



3013B

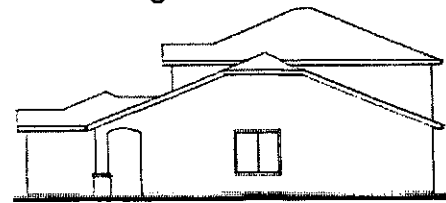
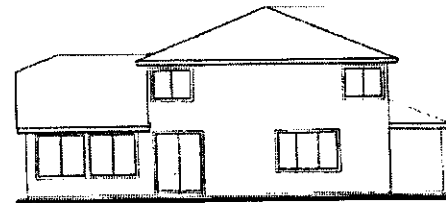
Rear Elevation



3013C

Right Elevation

Alternate Front Elevations



Plan 3588 - A two story design with 3,588 sq. ft. of living area and a three car garage. This plan offers five bedrooms and two and a half bathrooms and an optional den or 6th bedroom with a third bathroom. It also has an option for an additional 7th and 8th bedroom with a fourth bathroom.

Alternate Front Elevations



3588A

Left Elevation



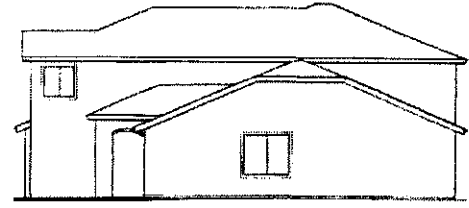
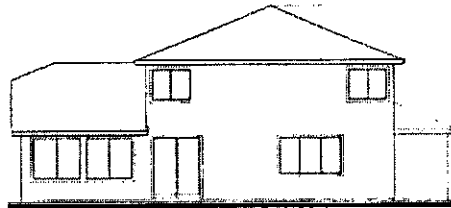
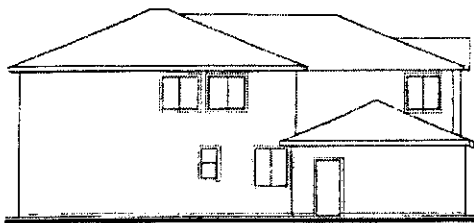
3588B

Rear Elevation



3588C

Right Elevation



Plan 3923 - A two story design with 3,923 sq. ft. of living area and a three car garage. This plan offers five bedrooms and three bathrooms and an optional bonus room, media room and master bedroom "retreat".

Alternate Front Elevations



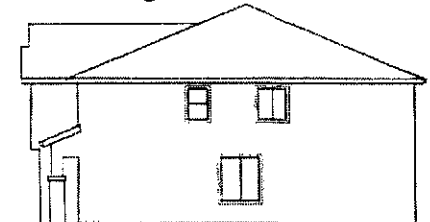
Left Elevation



Rear Elevation



Right Elevation



The applicant is proposing six different color schemes for the exteriors of the houses. Each color scheme consists of varied shades of white, beige, green and gray for the main body of the house. Trim and accent colors include shades of yellow, dark red, green and brown. A color palette was submitted with the application and will be presented to the Planning Commission at the meeting for review. Proposed building materials are summarized in Table 1:

Table 1:

BUILDING MATERIALS	
Roof	Composite flat roof tile or Spanish s-tile
Base Materials	Stucco
Accents	Shutters, wrought iron, window boxes, Hardiplank siding
Veneers	Stone or Brick
Windows	Vinyl frame, stucco covered foam trim
Garage Doors	Metal roll-up sectionals
Gutters	Painted galvanized sheet metal

GENERAL PLAN/CODE COMPLIANCE:

General Plan: The proposed subdivision is located in the Buchanan Planning Sub-area and is subject to policies of the City of Pittsburg's General Plan. The General Plan land use designation on the property is *Low Density Residential*. General Plan policy 2-P-71 limits the permitted density on this property to 3 du/ac. The proposed subdivision at 2.46 du/ac is consistent with this policy.

The General Plan includes many goals and policies applicable to this project. Development of this property as proposed would assist the City in implementing many of them, including, 2-G-4 (develop at lower intensities at the City's southern edge), 2-G-5 (promote a diversity of housing types, including opportunities for hillside estate development), 2-P-72 (pursue construction of the Buchanan Road Bypass), and 13-P-1.2 (ensure the construction of larger, high end housing in the southern foothills to provide move-up housing opportunities within the community).

The project is less successful in implementing other goals and policies of the General Plan that could reasonably be applied to this development, including 4-G-3 (provide transition from urban to open space on the City's edge), 4-P-7 (ensure that design treatment of new development at the City's southern border retains a rural feel by using materials and design that promote a rural feel and encourage development at the outer edge of the City to face outwards towards the rural landscape), 8-P-2 (pursue the development of park and recreation facilities within a reasonable walking distance of all homes), 8-P-16 (encourage dedication of public parks in new residential development with more than 150 units), and 13-P-2.4 (increase homeownership opportunities for Very Low, Low and Moderate Income households).

State regulations requiring the final map/site plan to include a 100 foot wide fire suppression buffer between new development and existing grasslands off the site will necessitate changes to the final map that will bring this project into conformance with General Plan goal 4-G-3. The design review resolution attached to this report includes proposed conditions to require that a percentage of the homes be clad in lap siding rather than stucco to evoke a more rural/ranch feel to the neighborhood and guidance on using open wire fencing in open space transition areas to implement General Plan policy 4-P-7. Most of the homes within this subdivision are not within walking distance of the new Highlands Ranch Community Park. While not shown on the tentative map, the applicant has expressed a willingness to create a new public park south of the Bypass to serve the future residents within this subdivision. The attached subdivision resolution includes a condition requiring construction of a park in that location would serve this subdivision in conformance with General Plan policies 8-P-2 and 8-P-16.

The Sky Ranch II project is not subject to the requirements of the Inclusionary Housing Ordinance adopted by the City in February, 2005. However, the project is subject to the City's adopted Housing Element policies which were adopted by the City Council prior to the Sky Ranch II application being deemed complete (April 19, 2004). The actual date of approval of the current Housing Element was November 17, 2003 (City Council Resolution No. 03-9967) with final HCD certification of the Housing Element several months thereafter. Table 13.6-4 of the Housing Element (required by HCD for certification of the Housing Element) identifies the Sky Ranch property as a key housing opportunity site with a projected unit count of 415. Table 13.6-7 (also required by HCD for certification) estimates that the proposed project will result in 42 moderate income units with the remaining balance expected to be above moderate (market rate). The proposed project is consistent with the housing element projection for the number of units to be constructed on the Sky Ranch II property, but provides no moderate income housing component. Staff believes the Planning Commission therefore may condition this subdivision to assist the City in increasing homeownership opportunities for Very Low and/or Moderate income households.

Requiring an affordable housing component as a condition of project approval will also help the City implement General Plan policy 13-P-2.4 noted above. Staff does not believe the site is suitable for Low or Very Low income housing. The lots are too far from transit, shopping, schools, jobs and social services to be easily accessible and too large to maintain for persons on very limited income. Reserving 10% of the units for Moderate Income Households within this subdivision (at affordable prices) as envisioned in Housing Element Table 13.6-7 would implement General Plan policy 13-P-2.4. Given that the City's priority at this time is to also create more Very Low Income rental units, staff would recommend offering the developer an option to comply with PMC §18.86.080 (Alternatives to construction of affordable units on-site of owner projects or low-density owner projects) to reserve and rent and equivalent 5% of the units (21) to Very Low Income Households and that same units be priced at a price deemed by the City to be affordable to an appropriately sized Very Low Income Household earning 50% of Area Median Income. The attached subdivision resolution

includes a condition that would require the developer to enter into an affordable housing agreement and implement one of these two alternatives to bring this subdivision into conformance with Housing Element policies.

General Plan policy 13-P-2.6 encourages the incorporation of energy conservation design features in future residential developments to conserve resources and reduce housing costs. Program A under that policy rests the responsibility to evaluate new subdivisions for passive solar and cooling opportunities with staff and the Planning Commission, while Program D supports the use of solar heating and other environmentally sound energy efficient methods for heating and cooling homes. No information has been provided as to whether the developer will be offering solar heating opportunities. Proposed lot sizes and orientations will provide opportunities to place garages on many north elevations, extend patio roofs on side and rear facing elevations, and plant deciduous trees in rear yards to cool south facing windows in the summer, all of which would provide passive heating and cooling benefits to future homeowners.

Zoning Ordinance: The project area is located in unincorporated territory in Contra Costa County, and is currently zoned A-2 General Agricultural District by the County. Pre-zoning the project area and the City parcel with the existing water tank on it to RS-6-O (Single Family Residential – with a limited overlay) District as described above would bring all of this land into conformance with the City's applicable *Low Density Residential* General Plan land use designation of the property at the time of annexation. The proposed single family housing product and vesting tentative map that will create 415 lots, are consistent with the proposed RS-6-O District development standards with respect to lot size and building height. As the homes have not been plotted on the lots, it can't be confirmed whether all or any of the homes can be built on every proposed lot. The proposed subdivision resolution includes a condition that requires the developer to submit a plotting plan prior to submitting the final map to ensure that approved home(s) can fit on each of the lots, in conformance with required setbacks/lot coverage requirements. This will need to be confirmed by staff, prior to acceptance of any final map. The "typical lot section" on the tentative map shows a 15 foot front yard and a 4.5 to 6 foot sidewalk. Under the proposed zoning district and adopted City street standards, a typical lot in this subdivision will be required to have a minimum 20 foot front yard and a 6 foot wide sidewalk.

Adopted Neighborhood Design Review Guidelines (DRGs): The proposed vesting tentative map and proposed home models comply with many, but not all of the applicable design guidelines. The proposed subdivision incorporates design guidelines which call for curvilinear streets (Guideline II.g), street maintenance easements (Guideline II.q), masonry walls between homes and arterial streets (Guideline I.g), siting future walls at tops of slopes (Guideline II.j), utilizing concrete tile roofs (Guideline I.c), and sectional garage doors (Guideline I.i).

The proposed subdivision and/or home designs do not comply with the adopted design guidelines that call for staggered masonry walls adjacent to public rights-of-way

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(Guideline II.f), landscape setbacks adjacent to walls at least the height of the wall (Guideline II.n), 360 architecture on the homes (Guidelines I.a and I.n), utilization of at least four different garage door designs (Guideline I.j), and utilization of side on garage doors on lots over 70 feet wide (only one plan offers this option). The attached subdivision and design review resolutions include recommended conditions to help bring this project into closer conformance with these adopted guidelines.

Conformance with other adopted design guidelines related to landscaping and fencing/wall design (Guidelines I.e., I.m., and II.b.. II.c, II.d.) cannot be determined at this time as submitted plans do not include preliminary landscape plans, wall/fence design plans. The attached subdivision and design review resolutions include recommend conditions that a landscape plan and conceptual front yard landscape plan be submitted with the subdivision improvement plans prior to acceptance of a final map and that the plan shall be subject to review and approval of the Planning Department for conformance with adopted landscape fencing regulations/guidelines.

Additionally, because a plotting plan is not included with the submittal, staff cannot determine if one-story homes are proposed on the most prominent corner lots in conformance with Guideline II.h., whether driveways at three way intersections will align with streets (Guideline II.k). A scan of the tentative map indicates that compliance with the latter is possible. The attached design review resolution includes a recommendation that prominent corner lots include single story homes or homes with prominent one-story elements along corner side yard street frontages.

Required Findings: In order to recommend that the Council prezone the property to RS-6-O District as recommended by staff in the project description section above, the Commission must find that the proposed rezoning is consistent with the objectives, policies, general land uses and programs in the General Plan, that there is a community need for the rezoning, and that the rezoning will be in conformity with public convenience, general welfare, and good zoning practice (PMC Section 18.16.020).

Pursuant to Section 17.20.060 C. (Planning Commission Review and Determination) of the Pittsburg Municipal Code, the Planning Commission may approve or conditionally approve a vesting tentative map if it finds that:

1. The proposed map is consistent with the general plan and any applicable specific plan, or other applicable provisions of this code;
2. The site is physically suitable for the type of development;
3. The site is physically suitable for the proposed density of development;
4. The design of the subdivision of the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. The design of the subdivision or the type of improvements will not cause serious public health problems; and
6. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

The Planning Commission may approve the proposed home designs submitted for this subdivision, if the Commission determines that:

1. The structures conform with good taste, good design and in general contributes to the character and image of the City as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality.
2. The exterior design and appearance of the structures are in harmony with proposed developments on land in the general area and is not of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value.

Environmental: The proposed project is consistent with Alternative 2 (the applicant's original proposal) of the FEIR. As explained under "Background" above, on October 2, 2006, the City Council certified the Final Environmental Impact Report (FEIR) for the Sky Ranch II Residential Development (City Council Resolution No 06-10632). The Commission does not need to re-certify the FEIR prior to taking action on the current rezoning, vesting tentative map, and design review applications, however, prior to taking action on the vesting tentative map or design review application, the Commission must independently review and consider the information contained in the Final EIR and find that it was prepared in compliance with Public Resources Code Section 21000 et seq., and the State CEQA Guidelines Section 15000 et seq and find that all impacts associated with the project have been analyzed in the FEIR.

The FEIR (including the Draft EIR and Response to Comments) identifies mitigation measures that need to be implemented with the proposed project, in order to bring its impacts to a less than significant level. Staff has reworded these mitigation measures as formal conditions of project approval and incorporated them as recommended conditions of approval in the applicable resolutions (subdivision and design review) attached to this report.

With its review of the proposed rezoning for the project, the City Council is the final decision making body for the approval of the Sky Ranch II project under CEQA. Should it decide to approve the rezoning application, the Council must make findings pursuant to CEQA related to the mitigation measures identified for the project, including a Mitigation Monitoring and Reporting Program (MMRP), the alternatives analyzed in the EIR, and Statement of Overriding Considerations (SOC) for project impacts that cannot be mitigated to a less than significant level - these unavoidable impacts are summarized as follows:

UNAVOIDABLE IMPACTS
Permanent Noise Increase
IMPACTS I7 and I9 acknowledge the permanent noise increase outdoors in the front yards of residences located at 1707 and 1711 Ventura Drive, and five additional houses between Rangewood Road and Glen Canyon Circle or Drive. After opening of the Buchanan Road Bypass, the future cumulative sound level in these areas could increase to 66 dBA from 60 Ldn, which would exceed the General Plan's normally acceptable level of 60 Ldn.
Temporary Construction Dust and Construction Noise
IMPACT G4 acknowledges significant unavoidable construction impacts related to an upgrade of the water conveyance system needed to accommodate the project. Construction impacts related to the water transmission pipe upgrade would occur along 9,600 lineal feet of 20-inch diameter pipe from the water treatment plant (WTP) along Crestview Drive and Buchanan Road to Harbor Street, 12,400 lineal feet of 16-inch diameter pipe from Harbor Street to Suzanne Drive, and a 16-inch diameter pipe for the "Buchanan Subarea Loop II," from Buchanan Road along Suzanne Drive and Kingsly Drive to Highlands Ranch.

The EIR identifies mitigation measures that call for design modifications that are linked to the discretion of the Planning Commission.

The following mitigation measure is subject to the Commission's VTM consideration:

Impact E2: The proposed project lacks connection to Black Diamond Ranch.

Mitigation Measure E2 (MM-E2)

The City shall consider requiring additional connections by means of pedestrian paths, which the developer shall build if required.

Staff does not believe connection between the two subdivision in different cities is necessary, except for a potential emergency access and pedestrian connection in the southeast corner of the property. A condition to this effect is included in the proposed subdivision resolution.

The following mitigation measure is subject to the Commission's Design Review consideration:

Impact E1: Without retaining connected open space as common area under common ownership by a Homeowners' Association, or without using a single-loaded street design, there is relatively less opportunity for orientation of future homes toward open space. The design of the houses, proposed streets, sidewalks, lighting, and fencing will

have considerable influence over the ultimate suburban atmosphere or rural atmosphere experienced within the project.

Mitigation Measure E1 (MM-E1)

The developer shall implement the following design modifications to the extent that they are required with Design Review approval:

1. Options such as modified front elevations to de-emphasize garage doors.
2. Staggered building setbacks in the southern portion of the project site.
3. Alternative street cross sections for the southern portions of "B" Street and "D" Street and for the entire length of "B" Court, "C" Court and "D" Court. Alternative street sections may not have conventional curbs and sidewalks in favor of a more rustic design with extra tree planting width.
4. A Fencing and Natural Grassland strategy to avoid visual interruption of prominent north facing slopes visible from Buchanan Road.
5. Reduced lighting requirements for the southern area of the site along the southern portions of "B" Street and "D" Street and for the entire length of "B" Court, "C" Court and "D" Court.

Staff believes that recommendations 1, 2, and 4 above are appropriate and has incorporated them as recommended conditions of approval in the attached design review and subdivision resolutions, respectively. Staff does not believe that recommendations 3 and 5 are necessary and has not incorporated them into the draft resolutions attached to this report. Other mitigation measures in the FEIR and recommended above and in the analysis section below will already assist with creating a rural feel in this area and the City Engineer does not support rural roads (lack of curb/gutter/sidewalk) for both safety and drainage reasons. With respect to lighting, no streets in this subdivision are above 500 foot elevation that may warrant more sensitive street lighting solutions.

Public Notice: On April 27, 2007, in accordance with PMC §18.14.010, a "Notice of Public Hearing" for this application was published in the local newspaper, posted at and near the project site, at City Hall and the Pittsburg Library, and was mailed to all owners of property within 300 feet of the project site, to the applicant and to individuals who requested such notice.

ANALYSIS:

Proposed Zoning: Staff believes that the Commission can make the required findings to recommend rezoning of the properties to RS-6-O (Single Family Residential – with a limited overlay) District, which would 1) establish 8,000 square foot minimum lot sizes, except for lots to be governed by an affordable housing agreement, which lots could be a minimum of 6,000 square feet and 2) allow City water tanks/reservoirs as a permitted use in this district. As discussed in the Code Compliance section of this report, this recommended zoning classification is consistent with the general plan land use

designation, and related goals and policies, including providing opportunities for both upscale and moderate income priced housing within the subdivision.

There is a community need for the recommended rezoning designation of these properties. General Plan policy 13-P-1.1 states the City should "support annexation of vacant land that is appropriate for residential and/or mixed use developments, when adjacent to the City limits". This land is both adjacent to the City and suitable for residential development. The City will be receiving its new Regional Fair Share Housing Needs Allocation (RHNA) numbers later this year for the reporting period of 2007-2014. Most of the sites identified for housing opportunities in Figure 13-2 of the General Plan received entitlements for housing development before or during the 1999-2006 reporting period. To meet the City's RHNA numbers during the 2007-2014 reporting period for all income categories, the City will need to annex additional land suitable for Moderate and Above Moderate priced houses.

The proposed rezoning will be in conformity with the public convenience, general welfare, and good zoning practice. The recommended RS-6-O District is consistent with, and will implement the objectives of the *Low Density Residential* General Plan land use designation which is in the general welfare of the public. The proposed development is surround on two sides by existing residential development and a third side (property to the west) is located within the ULL; facilitating develop on this property will result in a logical extension of urban development within the City, which is a good zoning practice. The proposed rezoning will also facilitate the annexation of the project site into the City of Pittsburg and thereby facilitate the construction of a second leg of the Buchanan Road Bypass, an identified Future Arterial and Route of Regional Significance (7-P-12); construction of this road will reduce congestion within the City to the convenience of the Pittsburg public. Rezoning the property in order to facilitate development that will assist the City in meeting its 2007-2014 RHNA numbers is also in the public convenience and general welfare in that California in general and the Bay Area in particular has an identified housing shortage, which the addition of these units will help to alleviate.

Proposed Vesting Tentative Map: Staff believes the Commission can make the findings necessary to approve the proposed vesting tentative map if any such approval includes 1) the mitigation measures identified in the FEIR for this project related to Alternative 2, as refined by staff and incorporated as recommended conditions of tentative map approval in the attached subdivision resolution are included in any Commission approval of the proposed map, 2) adopted design review guidelines related to neighborhood design and engineering staff recommended design changes also incorporated into the recommended conditions of tentative map approval in the attached subdivision resolution are made to the VTM; and 3) Planning staff recommended conditions to bring the project into conformance with the General Plan and proposed rezoning designation as described in the code compliance section above, including requiring an affordable housing component.

Conditional approval of the tentative map to include these recommended conditions will bring the tentative map into substantial compliance with the General Plan and result in a modified site plan and grading plan that will physically support the proposed density and type of development (single family detached homes) envisioned for this site without causing public health problems or causing substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Several of these measures will require that the layout/design of the proposed subdivision be modified. Implementation of these mitigation measures will result in changes to the configuration of streets, grading plans, location of the proposed water tank, orientation and position of lots, traffic flow patterns in and out of the development, and potentially, a reduction in residential units. Other engineering design related issues that are proposed as conditions of approval for the vesting tentative map may also result in similar changes to the layout/design of the subdivision. As written in the attached resolution, these modifications would be subject to the review and approval of the Planning Department and Engineering Department for conformance with the approved conditions prior to the acceptance of any final map. If the developer and staff do not agree on how to implement the conditions of approval, staff can bring the matter to the Commission for its interpretation. Additionally, if the solutions or methods proposed to implement the proposed conditions create new or increased impacts that have not been evaluated in the FEIR prepared for this subdivision, staff will determine what additional environmental review will need to be conducted on the proposed changes and report that information to the Planning Commission and developer. Any costs associated with preparing additional environmental analysis required for any modification made to the proposed map will be the responsibility of the developer.

The existing Black Diamond Ranch subdivision to the east has an established meandering landscape setback and sound wall. Staff recommends this design be replicated along the Sky Ranch II frontage to the maintain continuity along this future major arterial street. This will require that the developer increase the right of way width along the bypass to allow for a meandering pedestrian path and to match the design and finish of the wall used for the neighboring subdivision. Staff also recognizes an opportunity to minimize the use of subdivision perimeter walls (guideline II.r) along the south side of the bypass between lots 381 and 307, and recommends that a wrought iron fence with interspersed pilasters, or other open decorative fence design be used at this location to implement this design guideline. These two recommendations are reflected as conditions of approval in the attached VTM resolution.

Design Review: Staff believes the Commission can make the findings to approve the proposed homes and neighborhood design and find them in substantial compliance with the adopted design guidelines and applicable general plan policies, if the recommended design mitigation measures from the refined mitigation and monitoring program are incorporated as conditions of project approval, and the design conditions in the code compliance section of this report and the additional design considerations noted below are addressed in the conditions of design review approval.

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While the homes are large and sufficiently detailed on the front elevations, the homes do not incorporate 360 degree architecture, include sufficiently varied roof lines and nor evoke a rural feeling in the design and materials used on the homes as promoted by General Plan policies and adopted design guidelines. In order to make the required findings, staff is recommending that at least 25% of the homes be clad in horizontal siding instead of stucco (for all building elevations) and that at least 50% of the homes be required to include a substantial amount of natural materials such as stone and brick on the exterior finishes of the homes. Staff is also recommending increased and varied window trim treatments on the houses which wrap around all sides. These could include pop-out windows, second story recesses, shutters, double trims, garden boxes and iron work. To add shadow relief on the two-story homes side and rear elevations that can be seen by the public, staff is recommending that all stucco homes incorporate a horizontal band around the second floor expansion joints and that the bands on different models be varied. With these suggested revisions, which have all been incorporated into the attached design review resolution, staff believes the proposed homes can be found to be in harmony with the proposed develop of land in the southern foothills and in good taste, good design, and contribute to the character and image of the City as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality.

The proposed homes with the proposed changes will meet the housing needs for the area while providing a quality housing product complimentary to the existing residential neighborhoods in the area. The architecture and design of the homes with the proposed changes will be attractive and in harmony with the neighboring residential developments to the north and east.

As all the proposed homes are designed for flat pad grading and many of the lots within the proposed subdivision either show no padding or a split pad design, it would appear to staff that additional house plans will be necessary for those sites. The Planning Commission adopted a resolution delegating design review approval of several types of projects to staff, including review and approval of additional models added to subdivisions once the first models were approved. Any new models needed to be approved to fit on these more custom lots can be reviewed and approved by the Zoning Administer under staff delegated authority granted under that resolution.

Other: Adopted guidelines recommend that each new dwelling unit be required to be provided with complete front yard and corner-side yard landscaping and automatic irrigation system. Developers typically fulfill this requirement by planting a small amount of grass, a few shrubs near the base of the home within a sea of bark and one street tree per lot. This works well enough on the smaller infill lots that the City has primarily seen in the past, but due to the large size of these lots, staff has included a recommended condition in the attached design review resolution that will require the planting of street trees on average every 40 feet of street frontage. Such a spacing of wide canopy shade trees along streets with 20+ foot front yard setbacks and no overhead wires will help maintain a sense of balance with nature while providing filtered screening of these homes from existing homes at lower elevations to the north, and

providing shading and reduced heat gain over these new expanses of public streets and sidewalks in the southern foothills.

ACTION REQUIRED:

In order to approve the project as recommended, the Commission must:

Move to adopt Resolution No. 9710 recommending Council approval to prezone the project site and the adjacent City water tank site to RS-6 District, with a limited overlay.

Move to adopt Resolution No. 9711 approving the Vesting Tentative Map for Sky Ranch II (Subdivision 8475), as conditioned.

Move to adopt Resolution No. 9712 approving Design Review Application No. DR-02-48, as conditioned.

ATTACHMENTS:

1. Proposed Reso No. 9710 (recommending Council prezone the property RS-6-O)
2. Proposed Reso No. 9711 (approving Vesting Tentative Map 8475, subject to conditions)
3. Proposed Reso No. 9712 (approving Design Review Application No. 02-48, subject to conditions)
4. Proposed Vesting Tentative Map dated 3-16-04
5. Proposed house plans, including floor plans and elevations
6. Public Hearing Notices
7. Aerial Photograph of Property and Site Vicinity Map
8. Draft Mitigation and Monitoring Plan
9. Environmental Impact Report (Commission Only - Previously Distributed)

Prepared by: Chris Barton, Associate Planner ^{CB}
_{MA}

**PROPOSED
BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG**

In the Matter of:

Resolution Recommending that the City	)	
Council Prezone 166.5 Acres to RS-6-O	)	
(Single Family Residential District – with an	)	Resolution No. 9710
Overlay District Establishing Larger Minimum	)	
Lot Sizes and Allowing City water tanks as a	)	
permitted use in the District “Sky Ranch”	)	

Section 1. Background

- A. On July 23, 2004, Albert Seeno III, of Discovery Builders (the “applicant”) filed Rezoning Application No. RZ-02-21 requesting that City Council Prezone 166.5 acres to RS (Single-Family Residential) District as a first step toward annexation of the land into the City of Pittsburgh. The project is located at the terminus of Ventura Drive, south of the Highlands Ranch subdivision; APNs 089-050-042, and -067 (and portions of Highlands Ranch).
- B. In conjunction with this request, the applicant filed Subdivision Application 8475 and Design Review Application No. 02-48 “Sky Ranch Development” for the purpose of developing a 415 unit single family subdivision on the property. This land is currently outside the City limits and inside the City Urban Limit Line. The land must be annexed to the City prior to any residential development occurring on this property.
- C. An environmental impact report (EIR) was prepared for this project (SCH # 2004112092). On October 2, 2006, the City Council adopted Resolution No. 06-10632 certifying that the final environmental impact report (FEIR) was prepared in accordance with CEQA and the State CEQA Guidelines. The proposed application to prezone the property to RS-6-O is consistent with Alternative 2 of the FEIR. The objectives of this alternative are to:
 - 1. Develop a residential subdivision having approximately 415 lots consistent with the adopted General Plan Low Density Residential designation (3 du/ac); and
 - 2. Construct the Buchanan Road Bypass as a 4-lane arterial road within the limits of the project site.
- D. Since the prezone application was filed, the Planning Commission adopted a resolution recommending numerous amendments to the zoning ordinance, which would effectively delete any reference to the RS zoning district and replace it with

an equivalent RS-6 zoning district. The Council is anticipated to approve those zoning amendments on May 21st.

- E. LAFCO will not be amenable to an annexation request that leaves an island of unincorporated land (the City water tank property) between Highlands Ranch and the Sky Ranch developments. For this reason, it is important to establish a prezoning designation on the water tank site, so that both properties may be annexed into the City at the same time.
- F. Because water tanks are listed in the use classification table as "Utility, Major" and are not a permitted use in the RS-6 District as proposed to the City Council by the Planning Commission, and because a water tank may also be constructed within the proposed Sky Ranch development, the establishment of an overlay zoning district on both properties is warranted that will allow City water tanks as a permitted use on both of these properties. Because City Housing Element policies call for the creation of estate sized lots with estate sized homes in this area, while also encouraging home ownership opportunities for Very Low, Low and Moderate Income Households, it would be appropriate to establish a larger minimum lot size within the overlay zone than would otherwise be required in a standard RS-6 zoning district for this property except for lots which may be governed by an affordable housing agreement, which would still be appropriate at 6,000 square foot lot size.
- G. Adoption of a RS-6-O District as described in paragraph F above would facilitate future development of this property, once annexed in a manner consistent with the General Plan land use designation and related Housing Element policies, thereby furthering the City's vision for comprehensive planning in this area.
- H. The proposed RS-6-O District prezoning request would enable the construction of 415 single-family units, a detention basin, and a new water tank. It will also permit an existing City owned water tank.
- I. Section 18.16.020 of the Pittsburgh Municipal Code (PMC) requires that: "Before the Planning Commission makes its recommendation on an application to rezone a property, it shall determine whether or not:
 - 1. The change proposed is consistent with the objectives, policies, general land uses and programs specified in the general plan and applicable specific plan;
 - 2. A community need is demonstrated for the change proposed;
 - 3. Its adoption will be in conformity with public convenience, general welfare and good zoning practice.

- J. On April 27, 2007, in accordance with PMC §18.14.010, a "Notice of Public Hearing" for this application was posted at and near the project site, at City Hall and the Pittsburg Library, and was mailed to all owners of property within 300 feet of the project site, to the applicant and to individuals who requested such notice.
- K. On May 8, 2007, the Planning Commission held a public hearing for Rezoning Application No. RZ-02-21, at which time oral and/or written testimony was considered.

Section 2. Findings

The Planning Commission hereby finds that based on the Planning Staff Report entitled, "Sky Ranch II Residential Development. RZ-02-21, SUBD 8475, DR-02-48.", dated May 8, 2007, and related attachments, and based on all information in the Final (including Draft) EIR prepared for the project, and based on evidence collected during site visits to the project site and based on all the information contained in the Planning Department files on the project, adopted and incorporated here by reference and available for review in the Planning Department located at 65 Civic Avenue in Pittsburg, and based on all written and oral testimony presented at the public hearing that:

- A. All recitals above are true and correct and are incorporated herein by reference.
- B. The Final EIR for the Sky Ranch II Residential Subdivision project was prepared in compliance with Public Resources Code Section 21000 et seq., and the State CEQA Guidelines Section 15000 et seq, all impacts associated with this project have been analyzed in the EIR prepared for this project, and the Commission has independently reviewed and considered the information contained therein, prior to making its decision on this vesting tentative map request.
- C. Rezoning the subject parcels to RS-6-O is consistent with the objectives, policies, general land uses and programs in the Pittsburg General Plan in that:
 - 1. The proposed RS-6-O District is consistent with the *Low Density Residential* General Plan land use designation of the property.
 - 2. The proposed RS-6-O District is located in the southern edge of the City and will allow the site to be developed at a lower intensity than projects located in the downtown and other areas accessible to transit and services - this will provide for a range of development intensities in the City (General Plan Goal 2-G-4 and Policy 2-P-71).
 - 3. The proposed RS-6-O District and concurrently filed Vesting Tentative Map will allow for the development of large estate sized residences which will promote a diversity of housing types in the City (General Plan Goal 2-G-5).

4. The proposed RS-6-O District will allow the construction of the future Buchanan Road bypass through its boundaries (General Plan Policy 2-P-72).
5. The area to be rezoned can support the services needed for urban development as concluded by the EIR prepared for the project (General Plan Policy 3-P-1).
6. As concluded by the EIR prepared for the project, existing and planned roads will have adequate capacity to accommodate the project existing and proposed development (General Plan Policy 3-P-2).
7. The traffic impact analysis conducted for the EIR concludes that the project will operate at adopted Level of Service Standard Basic Routes and Routes of Regional Significance will operate at adopted Level of Service (LOS) standards. (General Plan Policy 3-P-3 and 3-P-10).
8. The residential development associated with the proposed RS-6-O will meet the City's public facilities performance standards either by design, through the implementation of mitigation measures identified in the EIR, or through the implementation of capital projects planned by the City or special districts (General Plan Policy 3-P-12).

D. A community need is demonstrated to rezone the property to the RS-6-O District:

1. To meet the City's Regional Fair Share Housing Needs Allocation (RHNA) numbers during the 2007-2014 reporting period for all income categories, the City will need to annex additional land suitable for Moderate and Above Moderate priced houses.
2. The project is generally consistent with the City of Pittsburg's General Plan goals and policies and the Land Use Map as outlined in Section 2(C) above and documented in the EIR.
3. General Plan policy 13-P-1.1 states the City should "support annexation of vacant land that is appropriate for residential and/or mixed use developments, when adjacent to the City limits". The Sky Ranch II property is both adjacent to the City and suitable for residential development.
4. The RS-6-O District would support development of higher-end, single-family homes that would diversify the City's existing affordable housing stock, provide increasing "move-up" housing options for current residents, and provide housing opportunities for new moderate and above-moderate

income level households, thereby establishing a broader tax base and income distribution among Pittsburg's residents (Housing Element policy 13-P-1.2).

5. The limited overlay associated with the base RS-6 District will allow water tanks (reservoirs) to be constructed and maintained to serve the water needs of residents.

E. Prezoning the subject properties to RS-6-O will be in conformance with the purpose of Title 18 (Zoning) and be general conformity with the public convenience, general welfare and good zoning practice for the following reasons:

1. The recommended RS-6-O District is consistent with, and will implement the objectives of the *Low Density Residential* General Plan land use designation which is in the general welfare of the public.
2. The proposed development is surround on two sides by existing residential development and a third side (property to the west) is located within the ULL; facilitating develop on this property will result in a logical extension of urban development within the City, which is a good zoning practice.
3. The proposed prezoning will facilitate its annexation and by extension it will facilitate the construction of a second leg of the Buchanan Road Bypass, through this property; because the Bypass is an identified Future Arterial and Route of Regional Significance (7-P-12), construction of this road will reduce congestion within the City to the convenience of the Pittsburg public.
4. Prezoning the property in order to facilitate development that will assist the City in meeting its 2007-2014 RHNA numbers is also in the public convenience and general welfare in that California in general and the Bay Area in particular has an identified housing shortage, which the addition of these units will help to alleviate.
5. Upon final LAFCO (Local Agency Formation Commission) approval of annexation of the site to the City of Pittsburg, the zoning will allow construction of homes, consistent with the General Plan; and provide expanded housing opportunities for the City's moderate and above-moderate income households, thereby balancing the City's housing stock and improving the resident-consumer tax base by diversifying the income levels of residents in the City.
6. Prezoning the property to RS-6-O to accommodate the proposed Sky Ranch Development, as proposed to be mitigated, will be compatible with agricultural (grazing) uses to the south and west (PMC Section

18.50.005.B.3) and existing low density residential developments to the north and east.

Section 3. Recommendation

Based on the findings and the authority set forth above, this Commission hereby recommends that the City Council:

1. Prezone the subject parcels, as identified in Exhibit "A" to this resolution, RS-6 with an Overlay District; and have that overlay district 1) establish 8,000 square foot minimum lot sizes, except for lots to be governed by an affordable housing agreement, which lots could be a minimum of 6,000 square feet in this District; and 2) allow City water tanks/reservoirs as a permitted use in this District.

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner _____, seconded by Commissioner _____, the foregoing resolution was passed and adopted the 8th day of May, 2007, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES:

NAYES:

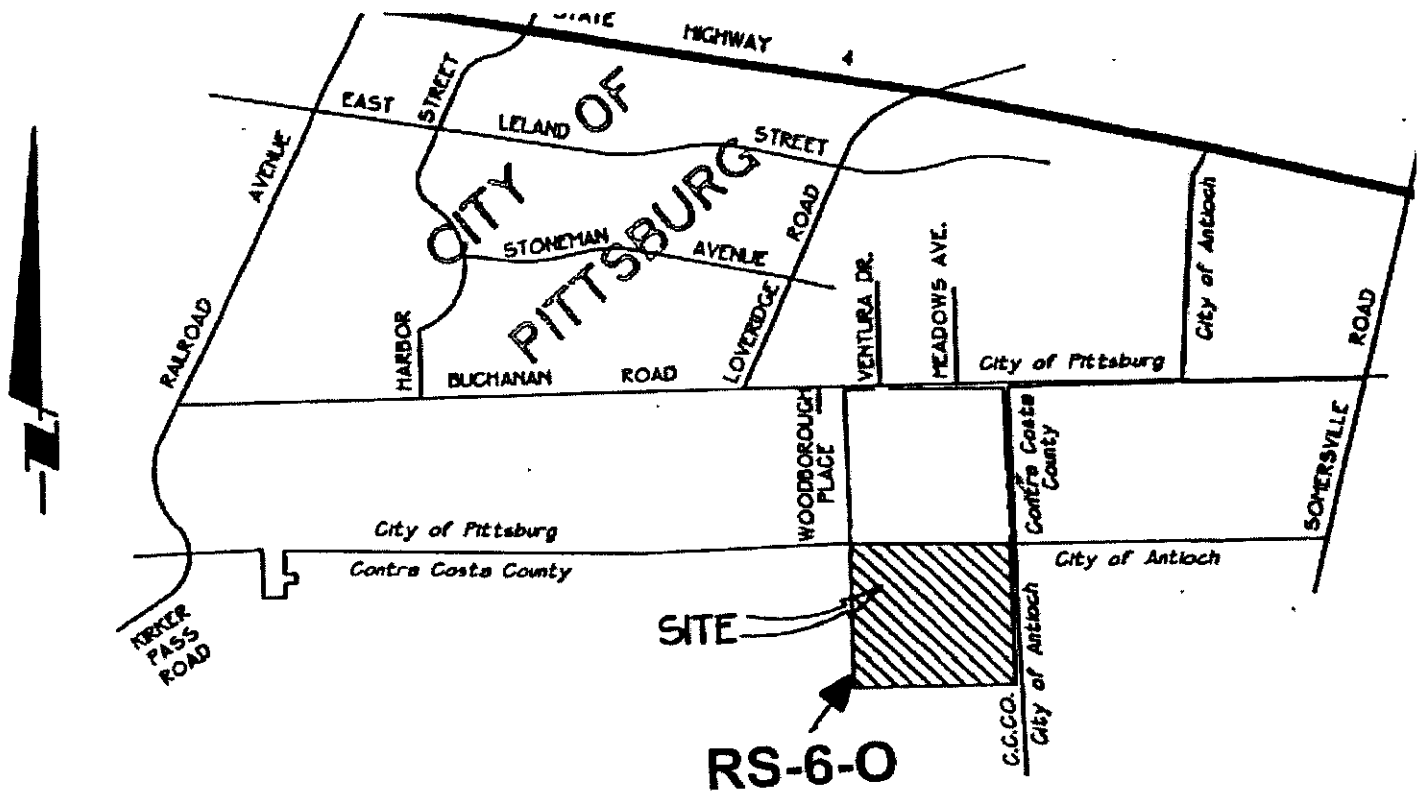
ABSTAIN:

ABSENT:

I hereby certify that the above Resolution No. 9710 was adopted by the Planning Commission of the City of Pittsburg on May 8, 2008.

MELISSA AYRES, SECRETARY
PITTSBURG PLANNING COMMISSION

EXHIBIT "A"
PC Resolution No. 9710



Proposed Rezoning Exhibit
Sky Ranch II Residential Development

Rezoning: RS-6-O (Single Family Residential – with a limited overlay)

Overlay Use Allowance: City water tanks/reservoirs are a permitted use

Development Standards: All applicable RS-6 base District standards apply except as follows:

Minimum Lot Size: 8,000 square feet, except for lots to be governed by an affordable housing agreement, which shall have a 6,000 square foot minimum lot size.

ATTACHMENT 2

PROPOSED BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Approving a Vesting Tentative Map	)	
to Subdivide 166.5 Acres into 415 Single-	)	
Family Residential Lots, One Detention Basin	)	
Parcel and One Water Reservoir Parcel	)	Resolution No. 9711
Located at the Terminus of Ventura Drive,	)	
South of the Highlands Ranch Subdivision For	)	
"Sky Ranch II Residential Subdivision. (Tract	)	
8475)."	)	

The Planning Commission DOES Resolve as follows:

Section 1. Background

- A. On December 20, 2002, Albert Seeno III of Discovery Builders (the "applicant") filed Vesting Tentative Map Application No. 8475, in accordance with Chapter 17.20 of the Pittsburg Municipal Code (PMC), requesting to subdivide a 1.66.5 acre site, including portions of Highlands Ranch (Tract 7217) into 415 single-family residential lots ranging in size from 8,000 square feet to 2.9 acres, with related infrastructure improvements. The project is located at the terminus of Ventura Drive, south of the Highlands Ranch subdivision; APNs 089-050-067 (and portions of Highlands Ranch).
- B. In conjunction with this request, the applicant filed applications requesting to prezone the property and obtain design review approval of the homes. This land is currently outside the City limits and inside the City ULL. The property must be annexed to the City prior to any actions by this Commission taking effect on this project.
- C. An environmental impact report (EIR) was prepared for this project (SCH # 2004112092). On October 2, 2006, the City Council adopted Resolution No. 06-10632 certifying that the final environmental impact report (FEIR) was prepared in accordance with CEQA and the State CEQA Guidelines. The proposed Vesting Tentative Map is consistent with Alternative 2 of the FEIR. The objectives of this alternative are to:
 - 1. Develop a residential subdivision having approximately 415 lots consistent with the adopted General Plan Low Density Residential designation (3 du/ac); and
 - 2. Construct the Buchanan Road Bypass as a 4-lane arterial road within the limits of the project site.

- D. On May 8, 2007, the Planning Commission adopted Resolution No. 9710 recommending that the Council prezone the subject property to RS-6-O (Single Family with and Overlay) District. The proposed zoning district, if adopted, would establish development standards to guide development of this property if it is ultimately annexed into the City of Pittsburg. The proposed subdivision is consistent with the prezoning designation recommended by the Planning Commission to the Council in PC Resolution No. 9710.
- E. Vesting Tentative Map and Design Review approvals for this project would be contingent on the Council's final approval to prezone the property to RS-6-O and LAFCO approval of annexation of the project site to the City of Pittsburg, Delta Diablo Sanitation District (DDSD) and Contra Costa Water District (CCWD).
- F. The proposed Vesting Tentative Map (VTM) would subdivide the property to construct 415 single family homes at 2.46 residential dwelling units per gross acre. This is consistent with the General Plan land use designation of *Low Density Residential* and General Plan policy 2-P-71, which allow a maximum of 3 du/ac on this property.
- G. The EIR identifies mitigation measures to reduce the proposed project's impacts to a less than significant level. Several of these measures will require that the layout/design of the proposed subdivision be modified. Implementation of these mitigation measures will result in changes to the configuration of streets, grading plans, location of the proposed water tank, orientation and position of lots, traffic flow patterns in and out of the development, and potentially, a reduction in residential units.
- H. The General Plan includes many goals and policies applicable to this project. Development of this property as proposed would assist the City in implementing, General Plan goals 2-G-4 (develop at lower intensities at the City's southern edge), 2-G-5 (promote a diversity of housing types, including opportunities for hillside estate development), 2-P-72 (pursue construction of the Buchanan Road Bypass), and 13-P-1.2 (ensure the construction of larger, high end housing in the southern foothills to provide move-up housing opportunities within the community).
- I. The project is less successful in implementing other goals and policies of the General Plan that could reasonably be applied to this development, including 4-G-3 (provide transition from urban to open space on the City's edge), 4-P-7 (ensure that design treatment of new development at the City's southern border retains a rural feel by using materials and design that promote a rural feel and encourage development at the outer edge of the City to face outwards towards the rural landscape), 8-P-2 (pursue the development of park and recreation facilities within a reasonable walking distance of all homes), 8-P-16 (encourage dedication of public parks in new residential development with more than 150

units), and 13-P-2.4 (increase homeownership opportunities for Very Low, Low and Moderate Income households).

- J. State regulations requiring the final map/site plan to include a 100 foot wide fire suppression buffer between new development and existing grasslands off the site will necessitate changes to the final map that will bring this project into conformance with General Plan goal 4-G-3. Requiring that a percentage of the homes in this subdivision be clad in lap siding rather than stucco to evoke a more rural/ranch feel to the neighborhood and guidance on using open wire fencing in open space transition areas to implement General Plan policy 4-P-7. Most of the homes within this subdivision are not within walking distance of the new Highlands Ranch Community Park. Creation of a park within this subdivision, south of the proposed Buchanan Road Bypass would bring this project into conformance with General Plan policies 8-P-2 and 8-P-16.
- K. The Sky Ranch II project is not subject to the requirements of the Inclusionary Housing Ordinance adopted by the City in February, 2005. However, the project is subject to the City's adopted Housing Element policies which were adopted by the City Council prior to the Sky Ranch II application being deemed complete (April 19, 2004). The actual date of approval of the current Housing Element was November 17, 2003 (City Council Resolution No. 03-9967) with final HCD certification of the Housing Element several months thereafter. Table 13.6-4 of the Housing Element (required by HCD for certification of the Housing Element) identifies the Sky Ranch property as a key housing opportunity site with a projected unit count of 415. Table 13.6-7 (also required by HCD for certification) estimates that the proposed project will result in 42 moderate income units with the remaining balance expected to be above moderate (market rate). The proposed project is consistent with the housing element projection for the number of units to be constructed on the Sky Ranch II property, but provides no affordable housing component. The Planning Commission, therefore, may condition this subdivision to assist the City in increasing homeownership opportunities for Very Low and/or Moderate income households.
- L. Requiring an affordable housing component as a condition of project approval will also help the City implement General Plan policy 13-P-2.4 noted above. The site is not suitable for Low or Very Low income housing. The lots are too far from transit, shopping, schools, jobs and social services to be easily accessible and too large to maintain for persons on very limited income. Reserving 10% of the units within this subdivision for Moderate Income Households (at affordable prices) as envisioned in Housing Element Table 13.6-7 would implement General Plan policy 13-P-2.4. Given that the City's priority at this time is to also create more Very Low Income rental units, offering the developer an option to comply with PMC §18.86.080 (Alternatives to construction of affordable units on-site of owner projects or low-density owner projects) to reserve and rent and equivalent 5% of the units (21) to Very Low Income Households and that same units be priced at a price deemed by the City to be affordable to an appropriately sized

Very Low Income Household earning 50% of Area Median Income would assist the City in implementing Housing Element policy 13-P-2.5 (Increase the supply of rental housing available and affordable to ... Very Low Income Households..) .

- M. General Plan policy 13-P-2.6 encourages the incorporation of energy conservation design features in future residential developments to conserve resources and reduce housing costs. Program A under that policy rests the responsibility to evaluate new subdivisions for passive solar and cooling opportunities with staff and the Planning Commission, while Program D supports the use of solar heating and other environmentally sound energy efficient methods for heating and cooling homes. No information has been provided as to whether the developer will be offering solar heating opportunities. Proposed lot sizes and orientations will provide opportunities to place garages on many north elevations, extend patio roofs on side and rear facing elevations, and plant deciduous trees in rear yards to cool south facing windows in the summer, all of which would provide passive heating and cooling benefits to future homeowners.
- N. The proposed vesting tentative map complies with many, but not all of the applicable subdivision design guidelines. The proposed subdivision incorporates design guidelines which call for curvilinear streets (Guideline II.g), street maintenance easements (Guideline II.q), masonry walls between homes and arterial streets (Guideline I.g), and the siting future walls at tops of slopes (Guideline II.j).
- O. The proposed subdivision does not comply with the adopted design guidelines that call for staggered masonry walls adjacent to public rights-of-way (Guideline II.f), landscape setbacks adjacent to walls at least the height of the wall (Guideline II.n).
- P. Conformance with other adopted design guidelines related to landscaping and fencing/wall design (Guidelines I.e., I.m., and II.b.. II.c, II.d.) cannot be determined at this time as submitted plans do not include preliminary landscape plans, wall/fence design plans.
- Q. Because a plotting plan is not included with the submittal, the Commission cannot determine that one-story homes are proposed on the most prominent corner lots in conformance with Guideline II.h., or whether driveways at three way intersections will align with streets (Guideline II.k.).
- R. The project includes construction of the Buchanan Road Bypass within the limits of the project site. The proposed segment of the Buchanan Road Bypass within the boundaries of the project site would ultimately be constructed as a four lane artery with a median divider. The bypass would remain closed to through-traffic at the eastern and western terminus until the entire bypass is completed west to Kirker Pass Road. In the interim, project-related traffic would use Ventura Drive through Highlands Ranch to Buchanan Road. As shown in the submitted street

section, the Bypass would only have a sidewalk (6') on one side of the road, where sidewalks on both sides of the street is preferred..

- S. Roadways within the development are proposed to be public streets that generally conform to the City's adopted street standards. The streets would have 36 - 42 foot wide roadway widths, with parking and 6-foot wide sidewalks on both sides of the streets (typo on 48' R/W street section incorrectly shows 4.5 foot sidewalks) with a four foot wide PUE and additional 5 foot wide street tree maintenance easement setbacks behind the sidewalks. The project includes conventional curbs, gutters, and sidewalks, with catch basins and underground piping to collect and convey storm water to appropriate outlets.
- T. Section 5.2.1 of the 2000 Water Master Plan, Amendment No. 3 identifies the need for water infrastructure improvements in order to serve the proposed development. Prior to occupying the first home in the subdivision, these infrastructure improvements must be constructed.
- U. With its review of the proposed rezoning for the project, the City Council is the final decision making body for the approval of the Sky Ranch II project under CEQA. Should it decide to approve the rezoning application, the Council must make findings pursuant CEQA related to mitigation measures identified for the project, including a Mitigation Monitoring and Reporting Program (MMRP), the alternatives analyzed in the EIR, and Statement of Overriding Considerations (SOC) for project impacts that cannot be mitigated to a less than significant level.
- V. The FEIR and Draft EIR identify mitigation measures that must be implemented with the project. Refining mitigation measures for clarity and incorporating them directly as conditions of project approval, will further ensure that the project is developed in a manner that will not create a significant permanent adverse environmental impact.
- W. Pursuant to Section 17.20.060 C. (Planning Commission Review and Determination) of the Pittsburg Municipal Code, the Planning Commission may approve or conditionally approve a vesting tentative map if it finds that:
 - 1. The proposed map is consistent with the general plan and any applicable specific plan, or other applicable provisions of this code;
 - 2. The site is physically suitable for the type of development;
 - 3. The site is physically suitable for the proposed density of development;
 - 4. The design of the subdivision of the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. The design of the subdivision or the type of improvements will not cause serious public health problems; and
 6. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
- X. On April 27, 2007, in accordance with PMC §18.14.010, a "Notice of Public Hearing" for this application was posted at and near the project site, at City Hall and the Pittsburg Library, and was mailed to all owners of property within 300 feet of the project site, to the applicant and to individuals who requested such notice.
- Y. On May 8, 2007, the Planning Commission held a public hearing for Vesting Tentative Map Application No. 8475 (SUBD 8475), at which time oral and/or written testimony was considered.

Section 2. Authority

- A. Article XI, Section 7 of the California Constitution confers on cities the authority to regulate land use within their jurisdictions under the police power and to make and enforce ordinances to protect the public health, safety and welfare. Aesthetic reasons alone justify exercise of the police power. (*Metromedia, Inc. vs. City of San Diego* (1980) 264 C3d 848, 164 CR 510).
- B. The general plan is the single most important planning document and represents the most comprehensive statement of the city's interests and welfare. (Government Code section 65300; *Citizens of Goleta Valley vs. Board of Supervisors* (1990) 52 CA3d 553, 276 CR 410.) In general, all land use decisions must be consistent with the general plan. Consistency exists between a city's land use action and the general plan when a city has officially adopted such a plan, and the various land uses approved are compatible with the objectives, policies, general land uses and programs specified in the plan. (*Leshar Communications, Inc. vs. City of Walnut Creek* (1990) 52 C3d 531, 277 CR1.)
- C. The Subdivision Map Act (Government Code section 66410, et seq.) vests in cities the power to regulate and control the design and improvement of subdivisions within their boundaries. (Government Code section 66411.) "Improvement" is broadly defined to include any specific improvement or type of improvement, the installation of which is necessary to ensure consistency with the general plan. (Government Code section 66419 (b).)
- D. A city may not approve a tentative map unless it finds that the proposed subdivision, together with the provisions of its design and improvement, is consistent with the general plan. (Government Code section 66473.5.)

1. Pittsburg's General Plan includes, among its objectives, designing aesthetically pleasing roadways, providing public improvements that enhance neighborhood values, enforcing City ordinances that improve the appearance of residential neighborhoods, encouraging residential neighborhoods that are in close proximity to recreation facilities and maintaining lighting on city streets. To ensure that these goals are met, the General Plan requires:

- a. Improvements to or equitable cost-sharing for expansion of water, sewer and drainage facilities (General Plan policies 9-P-21, 11-P-7, 11-P-18). These improvements or fees are necessary to ensure that adequate facilities are available to serve new development without detriment to existing development. Public improvements including street lighting and utilities are proposed with the Sky Ranch II development.
- b. Construction of new parks, dedication of land for new parks, or payment of fees to help the City to meet its park and recreation facility standards (General Plan policies 8-P-1, 8-P-2, 8-P-11).

E. The following General Plan and Housing Element Goals and policies apply to the development associated with the proposed Vesting Tentative Map:

1. Goal 2-G-4: Provide a range of development intensities, with the highest intensities in Downtown and in areas accessible to transit and services, and lower intensities in the hillsides and at the southern edge. The project will offer estate sized lots which will help diversify the intensity of development in the City.
2. Goal 2-G-5: Promote a diversity of housing types, including opportunities for hillside estate development, as well as smaller lot, infill, and high-density housing. The project offers estate development in the southern hills.
3. Policy 2-P-72: Pursue construction of the Buchanan Road Bypass, as designated in the General Plan Diagram, providing an alternative route for commuters traveling from Kirker Pass Road to destinations east of Pittsburg. The project will facilitate the development of the bypass.
4. Policy 13-P-1.2: Ensure the construction of larger, high end housing in the southern foothills to provide move-up housing opportunities within the community. The project offers move-up housing opportunities with its estate size housing product.
5. Policy 2-P-7: During development review, consider project compatibility with existing surrounding land uses. Ensure that sensitive uses—such as residences, schools, and parks—are not subject to hazardous or unhealthy conditions. Land use compatibility occurs when a land use exists and functions without creating a nuisance, hazardous, or unhealthy condition with adjacent land uses. The EIR

prepared for the project concluded that the project will not expose residents to nuisance, hazardous, or unhealthy conditions, as mitigated.

6. Policy 2-P-70: During development review, ensure that new development maintains views of the southern hills. Views will be maintained with the implementation of the mitigation measures identified in the EIR for preserving aesthetic resources.
7. Policy 2-P-71: New residential development south of Buchanan Road should:
 - a. Ensure that adequate acreage is dedicated for a neighborhood park directly adjacent to Buchanan Road;
 - b. Not result in any net increase of peak -hour stormwater flow;
 - c. Preserve and enhance existing north-south creeks;
 - d. Respect natural topography in the design and construction of new units; and
 - e. Be limited to a maximum density of 3.0 dwelling units/acre.

The newly constructed Highlands Ranch Park, located directly adjacent to Buchanan Road, addresses the park identified in Policy 2-P-71. Chapter V, section C of the EIR analyzes the stormwater flows the project will generate. The EIR concludes that the peak-hour flows will remain below the pre-development condition because of the proposed detention basin included with the project design. The project does not have any north-south creeks with defined bed and bank supporting the growth of riparian vegetation that would make the project subject to creek preservation or setback requirements of the General Plan. The design and construction of the new housing units is typical for most subdivisions throughout the City and is not necessarily designed to respect the natural topography of the area. The mitigation measures identified in the EIR for visual impacts of the project identifies modifications to the exterior finishes of the proposed homes to improve their compatibility with the natural setting of the project in the hills (also see Policy 2-P-70). The proposed gross residential density of 2.46 dwelling units/acre is within the maximum density requirement established by Policy 2-P-71.

8. Policy 3-P-1: Allow urban development only in areas that are served or where service can be provided. The EIR did not identify any unmitigable constraints to providing service to the proposed development.
9. Policy 3-P-2: Before project approval, ensure that existing and planned roads will have adequate capacity to accommodate existing and proposed development. The EIR included an analysis of existing and planned roadway capacity to accommodate additional vehicle trips that the project will generate. Traffic impact mitigation measures were identified for making any necessary improvements to proposed and existing roadways in order to maintain sufficient capacity for additional vehicles trips from the project.

10. Policy 3-P-3: Assure Basic Routes and Routes of Regional Significance will operate at adopted Level of Service (LOS) standards. The traffic impact analysis conducted for the EIR evaluates the LOS for basic routes and routes of regional significance. This analysis identified specific mitigations measures for maintaining an acceptable LOS with the additional vehicle trips associated with the buildout of the project.
11. Policy 3-P-10: Approve proposed development projects generating over 100 commute hour trips only if the project is consistent with adopted traffic LOS standards. The project will be consistent with adopted traffic LOS standards with the implementation of mitigation measures identified in the EIR prepared for the project.
12. Policy 3-P-12: Approve new development projects only if at least one of the following conditions is met:
- a. Adopted performance standards (General Plan Performance Standards 3-S-1 - 3-S-18) will be maintained following project occupancy;
 - b. Project specific mitigation measures are planned and implemented in order to ensure maintenance of adopted performance standards; or
 - c. Capital projects planned by the City or special districts will result in maintenance of adopted performance standards.

The project will meet the City's public facilities performance standards through a combination of design, through the payment of current City fees, implementation of mitigation measures identified in the EIR, and through the implementation of capital projects planned by the City or special districts.

13. Policy 4-P-7: Ensure that design treatment of new development at the City's southern boundary retains a rural feel by:
- a. Discouraging the use of solid walls along these edges (fences must be visually permeable; however, discourage use of chain link in front and side yards).
 - b. Using Materials and designs to promote a rural feeling (for example, wooden or other rustic materials); and
 - c. Encouraging development at the outer edge of the City to face outwards towards the rural landscape (Preventing a solid wall of residential backyard fences).

The subdivision does not face outwards, but required fire buffers between new development and adjacent open spaces will facilitate in the creation of a final map that more successfully addresses this design goal. Mitigation Measures provide for the creation of a park near the southern border which also help implement this policy.

14. Policy 11-P-29: Ensure adequate road widths in new development for fire response trucks, per the subdivision regulations. The proposed streets are designed to allow for fire response truck access to the development. The streets comply with City standards and have been reviewed by the Contra Costa County Fire Protection District.
15. Policy 13-P-1.1: Ensure there is an adequate supply of mixed use and residentially zoned land of appropriate densities to accommodate existing and anticipated housing needs through 2020.
16. Policy 13-P-1.2: Ensure the construction of larger, high end housing in the southern foothills to provide move-up housing opportunities within the community. The project offers a larger sized housing product that qualifies as high end housing in the City of Pittsburg.
17. Policy 13-P-1.8: Meet the City's fair share regional housing needs. Housing needs are outlined in the applicable housing element adopted at the time the project was deemed complete. The Commission has discretion to impose these requirements on this project as deemed necessary.
18. Policy 13-P-2.4: Increase homeownership opportunities for Very Low, Low and Moderate income households. Housing needs are outlined in the applicable housing element adopted at the time the project was deemed complete. The Commission has discretion to impose these requirements on this project as deemed necessary.

F. The conditions and requirements imposed on the project and further described in Section 4, are necessary to achieve the objectives of and to ensure consistency with the City's General Plan.

Section 3. Findings

The Planning Commission hereby finds that based on the Planning Staff Report entitled, "Sky Ranch II Residential Development. RZ-02-21, SUBD 8475, DR-02-48.", dated May 8, 2007, and related attachments, and based on all information in the Final (including Draft) EIR prepared for the project, and based on evidence collected during site visits to the project site and based on all the information contained in the Planning Department files on the project, adopted and incorporated here by reference and available for review in the Planning Department located at 65 Civic Avenue in Pittsburg, and based on all written and oral testimony presented at the public hearing that:

- A. All recitals above are true and correct and are incorporated herein by reference.
- B. The Final EIR for the Sky Ranch II Residential Subdivision project was prepared in compliance with Public Resources Code Section 21000 et seq., and the State CEQA Guidelines Section 15000 et seq, all impacts associated with this project have been

analyzed in the EIR prepared for this project, and the Commission has independently reviewed and considered the information contained therein, prior to making its decision on this vesting tentative map request.

- C. Conditional approval of the tentative map to include the conditions contained in section 4 of this resolution will bring the tentative map into substantial compliance with the General Plan and result in a modified site plan and grading plan that will physically support the proposed density and type of development (single family detached homes) envisioned for this site without causing public health problems or causing substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- D. The project will comply with Housing Element policies 13-P-1.8 (fair share regional housing needs) and 13-P-2.4 (opportunities for Very Low, Low and Moderate income households), 13-P-1.2 (larger, high end housing in the southern foothills to provide move-up housing opportunities) if conditions of approval are imposed that require the applicant to:
 - 1. Enter into an affordable housing agreement, subject to City Council approval, prior to acceptance of the final map. The agreement must either: 1) provide that the developer reserve and sell 10% (42) of the approved 415 units/lots within the subdivision to Moderate Income Households and that same units/lots will be priced at a price deemed by the City to be affordable to an appropriately sized Moderate Income Household earning 110% of Area Median Income. The units will remain affordable for a period not less than 45 years; OR 2) provide that the developer comply with PMC §18.86.080 (Alternatives to construction of affordable units on-site of owner projects or low-density owner projects) to reserve and rent 21 units to Very Low Income Households and that same units be priced at a price deemed by the City to be affordable to an appropriately sized Very Low Income Household earning 50% of Area Median Income (policies 13-P-1.8 and 13-P-2.4).
 - 2. Ensure all lots within the subdivision are a minimum of 8,000 square feet, except that lots reserved under an affordable housing agreement required in the condition above may be a minimum of 6,000 square feet. Lots reserved under the affordable housing agreement for Moderate Income Households may be scattered generally evenly throughout the subdivision or located entirely north of the Buchanan Road Bypass (policy 13-P-1.2).
 - 3. Ensure at least one-quarter of the single-family homes within the subdivision are at least 3,000 square feet in size (net garage) (policy 13-P-1.2).
- E. The technical analysis contained in section 5.2.1 of the most recent version of the 2000 Water Master Plan, Amendment No. 3 identifies the need for water infrastructure improvements in order to serve the proposed development and that prior to occupying the first home in the subdivision, these infrastructure

improvements must be constructed in order to comply with growth management policies of the General Plan.

- F. In accordance with PMC Section 17.20.050, all governmental and utility agencies known to have a potential interest in the project were provided a copy of the tentative map and given the opportunity to provide comments thereon; copies of the tentative map were mailed to 36 state, federal, regional and local agencies for a minimum 18-day comment period that began on January 2, 2003.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat. Biological impacts associated with the project will be reduced to a less than significant level with the implementation of the Mitigation Measures identified in the EIR and conditioned herein.
- H. As evaluated in the EIR and with the implementation of the Mitigation Measures identified in the EIR, the design of the subdivision or the type of improvements will not cause serious public health problems.
- I. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. Implementation of the Mitigation Measures identified in the EIR will ensure that that the project does not create conflicts with existing or future easements on the project site. Access into and within the subdivision will be on public roadways. Access to the public utilities on-site (water tank and detention basin) will be via roadway easements or other mechanism deemed appropriate by the City Engineer.
- J. Collection of current City fees for this project is necessary in order to comply with the growth management element of the General Plan. This will ensure the protection public health, safety and welfare as it relates to increase demand on City infrastructure and services resulting from this project.

Section 4. Decision

- A. Based on the findings and authority set forth above, the Planning Commission hereby approves Vesting Tentative Map No. 8475 (SUBD 8475), subject to the following conditions:

General Conditions:

- 1. The project shall be constructed in substantial conformance with Vesting Tentative Map No. 8475, date stamped March 23, 2004 and February 27, 2007 by the Planning Department, except as hereinafter modified.

2. The Standard Conditions of Development as adopted by the Pittsburg Planning Commission by Resolution No. 8931 shall apply as conditions of approval of this project, as determined applicable by the Planning Department. Where there is conflict between Resolution No. 8931 and the specific conditions identified in this resolution, the specific conditions of this resolution shall govern.
3. The applicant shall comply with all the requirements of the Planning Department, Engineering Department, Contra Costa Department of Environmental Health, Contra Costa County Fire Protection District, California Regional Water Quality Control Board, and all applicable local, state and federal agencies. It is the responsibility of the applicant to check with each agency for requirements that may pertain to the project.
4. The developer shall defend, indemnify and hold harmless the City of Pittsburg, its agents, officers, and employees from any claim, action or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval, which action is brought within the applicable time period of Government Code section 66499.37. In the event the City becomes aware of any such claim, action or proceeding, the City shall promptly notify the developer and shall cooperate fully in the defense. If the City fails to promptly notify the developer, or if the City fails to cooperate fully in the defense, the developer shall not thereafter be responsible to defend, indemnify, or hold harmless the City. Nothing contained in this condition prohibits the City from participating in the defense of any claim, action, or proceeding, if both of the following occur: (a) the City bears its own attorneys' fees and costs; and (b) the City defends the action in good faith. The developer shall not be required to pay or perform any settlement unless the settlement is approved by the developer.

Planning Conditions:

5. Subdivision 8475 shall comply with the applicable RS-6-O (Single Family Residential with an Overlay) District development standards as may be adopted by the City Council for this property.
6. The triangle shaped area shown on the vesting map located directly south of the City water tank site and east of Lot 37 shall be made into a non-buildable parcel that is offered to the GHAD for maintenance or transferred to the City and merged with the Water Tank property. This issue shall be addressed to the satisfaction of the City Engineer prior to the approval of a final map.
7. Lots 14-17 shall be eliminated. The remnant portion of Lot 14 inside the subdivision shall be merged with the adjacent lot in Highlands Ranch Subdivision. Portions of the other proposed lots (15-17) shall be converted to an unbuildable parcel that is either offered to the GHAD for maintenance, transferred to the City and merged with the Water Tank property, or fully landscaped and placed in the applicable LLD. This subdivision approval in no

way authorizes the developer to purchase, own, subdivide or develop any portion of the City Water Tank Site. The final disposition of the matter shall be to the satisfaction of the City Council prior to acceptance of the Final Map.

8. The subdivision is approved for a maximum of 415 single-family residential lots. Incorporation of all applicable conditions and mitigation measures may necessitate the elimination of some lots within the subdivision. Prior to preparation of the final map and improvement plans, the subdivider shall submit a modified site plan/map and grading plan incorporating all applicable design changes to the City staff for review of compliance with the applicable conditions of approval prior to submittal of the final map and improvement plans to the Engineering Department for plan check. The final map and improvement plans shall be in substantial conformance with the modified site plan/map and grading plan accepted by City staff as consistent with the conditionally approved tentative map.
9. The Developer shall submit a Plotting Plan to demonstrate how the placement of the homes will not create a negative visual effect from the massing of homes. Lots on the Plotting Plan shall accurately reflect the final subdivision design (not the tentative map) and shall also summarize graphically and with a table, how each lots complies with the applicable PMC zoning standards and other applicable conditions of approval related to mix of architecture and house siting. This exhibit shall be submitted to the Planning Department for each final map and shall be subject to review and approval of the Planning Department prior to Council acceptance of the final map for each respective phase.
10. The applicant shall enter into an affordable housing agreement, subject to City Council approval, prior to acceptance of the final map. The agreement shall: 1) provide that the developer reserve and sell 10% (42) of the approved 415 units/lots within the subdivision to Moderate Income Households and that same units/lots shall be priced at a price deemed by the City to be affordable to an appropriately sized Moderate Income Household earning 110% of Area Median Income. The units shall remain affordable for a period not less than 45 years; OR 2) provide that the developer comply with PMC §18.86.080 (Alternatives to construction of affordable units on-site of owner projects or low-density owner projects) to reserve and rent 21 units to Very Low Income Households and that same units be priced at a price deemed by the City to be affordable to an appropriately sized Very Low Income Household earning 50% of Area Median Income.
11. Modifications to the vesting tentative map resulting from the conditions of approval shall not substantially alter the visual impact of the project as viewed from Buchanan Road. If substantial changes in grading are proposed with the revised vesting tentative map produced for implementing the conditions of approval for this project, the developer shall demonstrate that the changes are consist with the visual impact analysis of the EIR. This information shall be

submitted to the Planning Department prior to the approval of the first final map. The first final map shall not be issued if substantial changes to views result from changes to the vesting tentative map.

12. Retaining walls visible from the Buchanan Bypass shall be constructed of the same materials or match the design of soundwalls used for the subdivision.
13. All lots within the subdivision shall be a minimum of 8,000 square feet, except that lots reserved under an affordable housing agreement required in the condition above may be a minimum of 6,000 square feet. Lots that may be reserved under the affordable housing agreement for Moderate Income Households may be scattered generally evenly throughout the subdivision or located entirely north of the Buchanan Road Bypass.
14. At least on quarter of the single-family homes within this subdivision shall be at least 3,000 square feet in size (net garage).
15. The soundwall along Buchanan Road Bypass shall match the same street side design as the wall in the subdivision to the east. The other side of the wall shall incorporate a decorative cap detail, subject to review and approval of the Planning Department.
16. Perimeter walls and/or sound walls shall include decoratively designed pilasters that are positioned at least 50-foot on center with the exception that the design of the wall along the Buchanan Road Bypass shall match the wall constructed along the Bypass in the subdivision to the east. This feature shall be reflected on the in-tract landscaping plan and landscaping plan and shall be subject to review and approval of the Planning Department prior to the approval of building plot plans.
17. Fences/walls shall be positioned at the top of downslope banks unless otherwise approved by the City Engineer. Fences at the top of slopes visible from Buchanan Road shall comply with MM-E1 #4 to maintain unobstructed views.
18. The developer shall minimize the use of subdivision perimeter walls along the bypass where sound attenuation features are not needed to comply with Noise Element policies of the General Plan. Wrought iron fencing with interspersed pilasters, or other open decorative fence design shall be used in lieu of masonry walls in these circumstances. The developer shall evaluate this change in a noise/sound assessment in areas that may be conducive to the use of such fences. At a minimum, the developer shall evaluate the use of this alternative fencing design in lieu of the solid masonry wall proposed on the south side of the bypass between lots 381 and 307. This evaluation shall be submitted to the Planning Department and shall be subject to its review and approval prior to the approval of the landscaping plan for the Buchanan Bypass portion of the project.

19. In the event that it is determined that sound walls are needed for the project which exceed 6-feet in height, the developer shall incorporate into the design of the wall, measures that will reduce the perceived height of the wall, whenever possible. This may include techniques such as creating earthen berms and mounds near the base of the wall or using retaining walls to offset the height of the wall. This condition of approval will also be included with the conditions of approval of the vesting tentative map to ensure consistency in implementation.
20. The applicant shall design fencing along prominent north facing slopes visible from Buchanan Road in a fashion that uses open fences that avoid visual interruption. The fence design shall be shown on the in-tract landscaping plan for the subdivision and shall be subject to review and approval of the Planning Department prior to the issuance of building plot plans.
21. The required subdivision park (MM-G1) shall be conveniently accessible to pedestrians and bicyclists. This may require the installation of trail connections within the subdivision or placement of the park in a location easily accessible to residents within the subdivision. The Pedestrian/Bicycle connection(s) shall be landscaped and shall be installed prior to acceptance of subdivision improvements for each phase. Park credit for the trail and its associated improvements shall be subject to evaluation by the City Engineer.

Engineering Conditions:

22. These engineering conditions are prepared based upon the Vesting Tentative Map dated March, 2004 and date stamped March 23, 2004 and February 27, 2007 by the Planning Department. A revised project site plan submittal, to supplement Vesting Tentative Map No. 8475 shall be submitted to the Engineering Department incorporating all site plan revisions, design and grading related conditions of approval within this resolution for review and approval by City staff prior to submitting engineering design plans or final maps for review. This submittal shall also include proposed phasing plans and proposed major utility box locations for electric, telephone, or cable.

FEES AND EXACTIONS:

23. When the developer submits plans, maps, or other documents for checking, a deposit equal to one half of the estimated fee shall be made to the Engineering Department based upon the submitted Engineer's Estimate. The deposit shall be credited to the final fee as determined at engineering permit issuance based upon the final, approved Engineer's Estimate. The deposit shall be paid to the Engineering Department at the time of the developer's first plan submittal.
24. The developer shall pay \$2,300.00 for 5-50 lots, (plus \$800 for each additional plan check after the third review), \$3,000.00 for 51-150 lots, (plus \$1,065.00 for each additional plan check after third review), and \$3,365.00 for 151-250 lots,

(plus \$1,330.00 for each additional plan check after third review). This fee shall be paid to the Engineering Department prior to the issuance of an Engineering Grading and /or Improvement Permit.

25. The developer shall pay remaining fee balances based upon the approved Engineer's Estimate with the final set of improvement and/or grading plans which are submitted for signature by the Engineer. Payment for the balance of the plans review and inspection fees shall be paid at issuance of the grading permit or approval of improvement plans and in the amounts specified in City code that are in effect at that time. The current fees are:
 - a. The improvement plan check fees are 3.5% of the cost of the improvements based upon the approved Engineer's Estimate. The inspection fees for improvements vary from 3.6% to 6.5% depending upon the total costs of the final approved improvements.
 - b. The grading plans check and inspection fees are 5.50% of the cost for grading based upon the approved Engineer's Estimate or per the Grading Fee Table approved by City Council.
26. If additional engineering studies are deemed necessary by the City Engineer, i.e. geotechnical, structural, hydraulic, etc., or expedited reviews are requested by the developer, the developer shall pay for all costs related to the extra work. The costs may include the preparation of special studies, additional staff time, and/or reviews of the special studies if studies are prepared by the developer's engineer. These fees shall be paid by the Developer to the Engineering Department prior to contracting for outside services and prior issuance of the Engineering Permit, grading or improvement.
27. The developer shall pay the City of Pittsburg Facilities Reserve Charge (PMC Chapters 13.08, 13.12 and 13.24)(the "FRC") for water and sewer service in the amounts in effect when the developer obtains a building permit in accordance with City of Pittsburg Ordinance 06-1267. The developer agrees to pay water fees for buy-in into the water treatment plant and existing water system prior to the issuance of any Engineering Permits. The developer understands that the current water FRC is described in the fee schedule approved by Resolution No. 05-10291 and amended by Resolution No. 05-10372, a copy of which is available at the City. In order to clarify the fees to apply to this project, note that line 2 (Zone III) was meant to apply to Zone III and higher facilities and will apply to Zone III and IV facilities in this subdivision. These FRC amounts will be automatically increased on November 1 in future years. For reference, the increases approved through November 2008 are shown on the fee schedule established by Resolution No. 05-10291. Other water fees may be resolved by the developer constructing water facilities as required by the City Engineer and described in the City's Water Master Plan and latest Amendments to it.

28. The FRC fee for sewer shall be paid to the Engineering Department prior to the issuance of a building permit by the City's Building Division.
29. The City periodically updates master plans for sewer and water facilities that establish the financial responsibility that each development planned within the City of Pittsburg has toward designing and constructing related improvements. The recent updates (Amendment 3) for water requires that any additional development in the southeastern portion of Pittsburg, in the area where this site is located, needs a pipeline from the water treatment plant and a new concrete Zone II reservoir prior to serving any new homes. While this development needs the facilities to proceed, some of the financial responsibility is the City's and some is future anticipated development. The developer may proceed by building the needed facilities and being reimbursed the City's share after construction is completed. The costs to be reimbursed to the developer by future development will be effectuated under a mutually acceptable Reimbursement Agreement between the City and the developer that will be completed prior to the issuance of any engineering permits or map approvals. The City will agree, per the conditions of the Agreement, to pass on to the developer related water fees collected by the City for future development for any development that occurs within the area serviced by the Zone II reservoir and the Zone II transmission line for a period not to exceed twenty years from the date from the approval of this development's first final map. The developer may be eligible to receive a 5% management fee to construct the Zone II concrete reservoir and the 16" to 20" water line from the water treatment plant to the project site if an agreement for services to be performed is executed to the satisfaction of the City Engineer.
30. The developer shall pay the Contra Costa Water District Facilities Reserve Charge (PMC Chapter 13.10) (the "CCWD FRC") amount in effect when the developer obtains a building permit. A schedule of the current fees is available from the City. The developer understands that the CCWD FRC is set by the CCWD Board of Directors, and collected through ordinance or resolution by the City of Pittsburg, which then remits the fee to the CCWD. The developer understands that the FRC is based on water meter size and may increase at anytime at CCWD's discretion. Although the City does not set the CCWD FRC fee, the City of Pittsburg may impose a surcharge on the CCWD FRC to recover its administrative costs. The City recommends that the developer consult with the CCWD regarding the nature and amount of any increases in the CCWD FRC. Fees shall be paid prior to issuance of a building permit by the City's Building Division.
31. The developer shall pay the Local Transportation Mitigation Fee (PMC Chapter 15.90) (the "LTMF") amount in effect when the developer obtains a building permit. The developer understands that the LTMF currently on file is \$7,242.00 per unit and \$1.27 per square foot for commercial uses. The developer further understands that the LTMF is reviewed and adjusted annually to the current Construction Cost Index (CCI) and may be increased at the City Council's

discretion based on revised cost estimates for roadway and transit facilities and other factors that demonstrate an increase is needed to offset traffic impacts caused by new development. The LTMF is calculated by dividing the total fee share of improvement costs by the total number of Dwelling Unit Equivalencies ("DUE") in the City, as described in PMC Chapter 15.90 and the Pittsburg Local Transportation Mitigation Fee Program Update, copies of which are available from the City. Fees shall be paid prior to issuance of a building permit by the City's Building Division.

32. The developer shall pay the Regional Transportation-Development Impact Mitigation Fee (PMC Chapter 15.102) (the "RTDIM") amount in effect when the developer obtains a building permit. The developer understands that the RTDIM currently on file is \$16,834.00 for a single-family residence and \$1.40 per square foot for commercial uses. The RTDIM will be automatically increased or decreased on January 1 of each year based on the percent change in the Engineering News-Record Construction Costs Index – San Francisco Bay Area between September 1 and September 1 of the preceding two calendar years. The developer further understands that the City Council may, by resolution, increase the RTDIM based on updates to the adopted East Contra Costa Regional Fee and Financing Authority ("ECCRFFA") Fee Program Report, a copy of which is available from the City. Fees shall be paid prior to issuance of a building permit by the City's Building Division.
33. The developer shall pay the In-Lieu of Parkland dedication fee to the Engineering Department prior to the City Council's approval of the Final Map. The fee to be paid is based on a valuation of \$12 per square foot for land in January of 2006, and will increase by 3% on January 1st of each subsequent year unless otherwise revised. It currently stands at \$12.36 per square foot for land. The amount required is affected, per the City ordinance, by park facilities constructed for this development.
34. The developer shall pay the following deposits, which are refundable at the completion of the project, and are due and payable prior to the City Council's approval of the Final Map.
 - a. \$500.00 for Final Map Mylar.
 - b. \$500.00 for As-Built Mylar deposit and electronic file of grading and improvement plans.
 - c. A Sanitary Sewer Inspection Deposit of \$250.00 plus \$0.85 per linear foot of sewer main.
35. The developer shall pay the City \$0.05 per square foot of commercial or multi-family building and/or \$25 per dwelling unit to update the City Land Information System prior to the City Council's approval of the Final Map.

36. It is the City's understanding that the project will provide drainage facilities that will not discharge storm drainage at a higher peak flow than current conditions. If, however, this project does impact the Kirker Creek downstream facilities, then the developer shall pay a fee of \$0.68 per square foot for increases in the area of impervious surfaces created for the project that do impact the facilities constructed under this program. Payment, if required, shall be made prior to the City Council's approval of the Final Map.
37. The developer shall deliver written approval that the owner of the parcel is electing to annex the subject property into Community Facilities District 2007-1 prior to the approval of the final map. The CFD will provide funding for certain landscape and lighting costs.
38. The applicant shall deliver written approval that the owner of the parcel is electing to annex the subject property into the City-wide Lighting and Landscape District No. 88-01 prior to the approval of the final map. If future increases in this fee are implemented, corresponding reductions will be made to the fee for CFD 2007-1.
39. The applicant shall deliver written approval that the owner of the parcel is electing to annex the subject property into the Community Facilities District (CFD) 2005-1 prior to the approval of the final map. The fee will provide funding for an increase of police needed to provide coverage in the project area. The rate of the CFD fee is subject to City Council Ordinance No. 05-1246.
40. The final map will not be accepted by the City Council until after the owner has fully implemented all three districts required under these conditions.

SUBMITTALS:

41. The developer shall submit to the City of Pittsburg Engineering Department, five (5) sets of Grading and Improvement Plans, and three (3) copies of the Parcel Map, or Final Map. Engineering Plans submitted for review and comment shall include but not be limited to the following:
 - a. Site Plan
 - b. Signing and Striping/Traffic Plans
 - c. Grading and Drainage Plan
 - d. Erosion Control Plan and SWPPP
 - e. Utilities Plan/Improvement Plans
 - f. Landscaping and Irrigation Plan
 - g. Conceptual Joint Utility Trench Plans and Lighting Plan (Note: The City will review major utility box locations with the revised project site map and prior to preparation of joint trench plans to assure that locations proposed are acceptable early in the process)

42. The developer shall evaluate all existing storm, sewer, and water facilities for adequate capacity and provide the results to the City Engineer for review and acceptance when improvement plans are submitted for checking to identify any service or supply problems. The cost for installation of additional facilities shall be borne by the developer. All studies shall be submitted to the Engineering Department for approval prior to issuance of grading permit and/or approval of final map.
43. Before project acceptance, the developer shall submit a complete set of record drawings to the Engineering Department, in an acceptable electronic format, that is AutoCad compatible (including final maps, grading plans, improvement plans, landscaping, irrigation plans, etc.).
44. The developer shall submit a complete area study onsite for storm water (10 year storm design) capabilities, prior to the approval of the final map, and mitigate additional storm runoff demands anticipated under build out conditions. The study shall include a review of the impact of the site grading 10-year flood level in accordance with FEMA guidelines. If the study determines that any additional mitigation measures are required then the study and measures shall be submitted to the City Engineer for review and acceptance. The cost of any measures required shall be at the sole expense of the developer.
45. The developer shall provide water lines sized and located for each unit or as required by Master Plans to the satisfaction of the City Engineer to meet the domestic and fire protection demands for the subdivision prior to issuance and Engineering Permits, or approval of the final maps or improvement plans by the City Council.
46. The developer shall provide sanitary sewer capacity sized and located to the satisfaction of the City Engineer to accommodate the subdivision's wastewater demand.
47. All plans, maps, and other documents for the project shall conform to all related City of Pittsburgh Municipal codes as determined by the City Engineer. All EIR mitigation measures shall be implemented to the satisfaction of the City Engineer at the sole expense of the developer.

TECHNICAL CONDITIONS:

48. All site development shall comply with Title 12 (Streets, Sidewalks, and Utilities), Title 13 (Water and Sewers), and Title 15 (Buildings and Construction) of the Pittsburgh Municipal Code, and City Standard Details as determined by the City Engineer.
49. The developer shall provide a funding mechanism, acceptable to the City Engineer, for maintenance of any private infrastructure such as EIR mitigation

measures, roadways, open spaces, utilities, retaining walls, landscaping, and irrigation systems. If CC&R's are utilized to provide for maintenance, the developer shall submit a set of acceptable documents, for the City's review, to the Engineering Department prior to the final inspection of the first home in each phase of the subdivision. The Developer shall be responsible for creating a mechanism, to the satisfaction, of the City Engineer for enforcing the CC&R's.

50. The developer shall provide written notification, satisfactory to the City Engineer, to adjacent affected agencies and/or property owners for any drainage work required to collect or convey storm runoff affecting their properties, prior to the issuance of a grading permit.
51. Prior to any clearing or grading of the site, the developer shall submit to the Engineering Department, in a form acceptable to the City Engineer, an Erosion and Sedimentation Control Plan and a copy of the Notice of Intent to Comply with the NPDES General Permit (NOI), submitted to the State Water Resources Control Board. The Erosion Control / Storm Water Pollution Prevention Plan (SWPPP) shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. The SWPPP measures shall also include erosion control measures to prevent soil, dirt, and debris from entering the storm drain system, in accordance with the regulations outlined in the California Regional Water Quality Control, San Francisco Bay Region, Erosion and Sediment Control Field Manual.
52. The developer shall submit a design-level geotechnical report to the Engineering Department prior to the review of any civil plans and issuance of a grading permit. Due to the geotechnical complexities of the project site, the City anticipates that a consultant with specialized expertise will be contracted with, at the developer's expense, to review the submitted documents for conformance with the EIR mitigation measures, applicable codes, and good design practices.

GRADING:

53. All grading must be designed to the satisfaction of the City Engineer. The proposed plans are submitted at 100 scale and have insufficient data regarding existing and proposed grades to allow all issues to be addressed at this time. Comments regarding the grading design would be more valuable if the re-submittal map were prepared to 40 scale to allow the evaluation of the internal grading and conforming grades to adjacent properties.
54. The developer shall conform to all requirements of the EIR mitigation measures and to all related City of Pittsburg Municipal codes regarding grading. The City is especially concerned about preventing (when possible) or minimizing all construction related impacts to adjoining homes, particularly with respect to dust, construction debris, and noise (see MM-J2). The City intends to closely monitor and require that appropriate dust control and all other available measures are

utilized. Prior to the commencement of any construction activities, and periodically as determined by the City Engineer, the developer shall hold a public meeting with homeowners and residents to discuss the construction plan and schedule, provide contact information for complaints with the developer and contractor, and allow the public to ask questions. The developer will be responsible for all claims related to the construction activity involved with the project.

55. The following conditions related to grading have been identified for the 2004 map to be addressed in subsequent submittals. The developer shall design all proposed grading to the satisfaction of the City Engineer prior to issuance of a grading permit unless stipulated otherwise (this conditions may be phased if deemed appropriate by the City Engineer):

- a. A detailed grading plan shall be provided showing detailed information regarding the grading of adjacent subdivision on the east side of the Sky Ranch with the first submittal of the revised plan. There is a large grade difference between the proposed homes and the existing homes on the Antioch side. The proposed methods of conforming to existing needs to be resolved to the City Engineer's satisfaction.
- b. Provide existing topographic information 100 feet outside of the boundary of the project unless specific exception is allowed by the City Engineer.
- c. Provide plan for repairing the existing slides within the subdivision such as Lots 151 and 152 and for those slides that cross property lines such as the four that are along the southern boundary of the project. This is one of the issues that must be addressed in the design-level geotechnical report required as part of the EIR mitigation measures. These slides shall be completely repaired or provisions made, acceptable to the City Engineer, to protect existing and future improvements during and after construction of the subdivision. The City may not have condemnation rights to require the adjoining Antioch School District to allow access.
- d. Wood walls between lots will not be allowed. Provide a wall made of concrete blocks or gravity walls of concrete, stone or similar material.
- e. The grading east of Lots 202 to 209 is not consistent with the Tentative Map submitted to the City of Antioch for the adjoining subdivision. The two projects shall be designed and constructed to be consistent with each other.
- f. The developer shall design an access road, acceptable to the City Engineer, to allow routine maintenance of the detention basin during wet weather. The discharge pipe from the basin shall be shown on the revised plan. Developer shall provide calculations with the improvement plan

submittal to show that the proposed system operates properly prior to issuance of grading permit.

- g. Developer shall provide a mechanism, satisfactory to the City Engineer to fund the maintenance and replacement of improvements of the detention basin in perpetuity. A GHAD will be acceptable and may serve to meet this condition. Note however that establishing the GHAD will require a process, established by law, to establish the budget and the process required to accept improvements by the GHAD for long-term responsibility. If developer chooses to use a GHAD, the GHAD shall be established prior to the approval of the first final map.
- h. The grading plans shall be revised where feasible to eliminate draining across lot lines unless the developer acquires specific written approval of the City Engineer. Using easements on private property has proven problematic over the long-term for maintaining these types of facilities. Lots 127 through 135 and others appear to have these issues, that are yet to be resolved.
- i. Revise the design to provide maintenance vehicle access where appropriate for the maintenance of drainage in sloped areas, such as along the western boundary of the subdivision. Provide a funding mechanism acceptable to the City Engineer to assure that maintenance is properly financed in this matter.
- j. The design of "K" Street cul-de-sac as submitted creates a number of engineering problems that require resolution for the drainage, sewers, and grading. The pads at the east end of the street shall be revised to minimize or eliminate access drainage, and maintenance issues related to the adjacent subdivision. The sewer main and laterals are too deep as designed at the west end of "K" street, and the drainage as designed has no provision for "overland release" of water without threatening homes. Developer shall revise the design to resolve these issues, to the satisfaction of the City Engineer, prior to the approval of the grading plans.

56. The following conditions related to drainage have been identified for the 2004 map to be addressed in subsequent submittals. Developer shall design all proposed drainage improvements to the satisfaction of the City Engineer prior to issuance of the grading permit (unless stipulated otherwise):

- a. City staff will review the submitted revised site map to evaluate drainage issues. The developer will be required to correct the capacity deficiencies, to the satisfaction of the City Engineer. Approvals from other districts or agencies may be required, i.e. the City of Antioch, Army Corps of Engineers, Fish and Game, C.C.W.D., etc. and are the sole responsibility of the developer.

- b. Developer shall conform to all requirements of the EIR mitigation measures especially those items identified in Section V.C Hydrology and Water Quality Impacts. An Operation and Maintenance Manual is required for all drainage facilities (Impact C13) prior to issuance of first building permit.
- c. The plan shows drainage headwalls to be constructed along the project boundary without acceptable access for maintenance. The plans shall include all weather access roads (minimum 12' wide with 2' shoulders and ditch) to the headwalls and sufficient areas for maintenance work to be performed in the vicinity of the headwalls. Construction within the Contra Costa County or City of Antioch jurisdictions will require approvals of the County for work performed there.
- d. The proposed drainage areas will catch sediment and store storm water on adjacent properties outside of this subdivision. Developer shall provide easements and agreements from these adjacent parcel owners to accept and store the runoff and allow access for maintenance and repair. All copies of such agreements made with adjacent property owners shall be submitted to the City Engineer prior to the issuance of the grading permit. The City would prefer, if feasible, that these basin areas be relocated within the subdivision boundaries.
- e. The developer shall provide a funding mechanism for all future maintenance, repair, and replacement of the headwalls, pipes, structures, and basins (including Parcel A) to the City Engineer's satisfaction prior to approval of the first final map. This may be included in the scope of a GHAD for the project (must be fully formed prior to the approval of the first final map).
- f. The design shall be revised to provide a safe release of drainage, without the water passing over private property, from sump areas to allow water to safely escape overland on public property without damaging public or private improvements when the drainage system malfunctions. This condition exists in "M" Court, "K" Street, and "A" Street. Additional areas may be found when subsequent maps are submitted.
- g. The developer shall provide a bench for the concrete-j ditches that is acceptable to the City Engineer to allow maintenance equipment to clean and repair drainage facilities, which run in the yards of various properties and along project boundary. The grading of these benches shall be in conformance with City of Pittsburg Municipal Code Section 15.88. Developer shall provide a method to maintain and repair the ditches prior to approval of grading plan. The Developer understands the Cities of Pittsburg and Antioch are concerned about maintaining drainage facilities

along the eastern boundary of the subdivision. Both cities would prefer that grading be designed to eliminate ditches or swales between rear yards, even if existing lots are re-graded in Antioch to put property lines at the top of a slope, and the entire slope within one lot.

- h. The developer shall submit a letter from the Contra Costa Flood Control District (CCFCD) regarding the feasibility of the drainage for this project. It is anticipated that calculations may be submitted by the City for review by CCFCD at the developer's expense.

TRAFFIC:

- 57. The following conditions related to traffic have been identified for the 2004 map to be addressed in subsequent submittals. Developer shall design all proposed traffic related improvements to the satisfaction of the City Engineer prior to the City Council approval of the first final map or approval of grading plans (this condition may be phased if deemed acceptable to the City Engineer):

- a. The developer shall construct the James Donlon Expressway as stipulated in MM-H7 and as approved by the City Engineer. The alignment and design shall match the approved January 2006 Feasibility Study and the portion already constructed in the adjacent subdivision in Antioch as approved by the City Engineer. The developer will be credited Regional Traffic Fees in an amount equivalent to the cost of the median and the two inside lanes (one in each direction). The developer is responsible for the costs of the two outside lanes, frontage improvements, traffic signals, and turning lanes for the Bypass within the project limits. If the East Contra Costa Regional Fee and Financing Authority will not grant the credit for the median and inside lanes then they will not be required as a part of this project. Developer will be reimbursed for ½ of the actual costs of grading through Local Transportation Mitigation Fee credits, to a maximum amount of \$400,000 (in 2007 dollars), if ECCRFFA refuses to pay for the roadway grading costs for the Expressway. The final credit for grading shall include direct costs for staking and testing or proportional costs (based upon volume for grading, remedial grading if required, and or area for items like erosion control and clearing and grubbing), in an amount acceptable to the City Engineer. Prior to construction the developer shall enter into a Memorandum of Understanding with the City of Pittsburg to establish how credits will be applied. Credits will be applied on Regional or Local Transportation Mitigation Fees, but not both.
- b. The developer shall design and install bus pull-outs and bus shelters for Buchanan Bypass at Ventura Drive as approved by the City Engineer.
- c. The developer shall design Markley Creek Drive to be used initially as an emergency access road only. The design of Markley Drive shall include

provisions to open for through traffic when the Buchanan Bypass is constructed. The plans shall be designed in a fashion acceptable to the City Engineer. The developer shall provide an access gate per the CCFD's Standards. This access point shall also include a pedestrian and bicycle access connecting Sky Ranch II with the neighboring Black Diamond Ranch subdivision at Markley Drive, this connection shall be designed in a manner acceptable to both the cities of Pittsburg and Antioch.

- d. Developer shall provide 6' meandering sidewalks where feasible and as approved by the City Engineer on both sides of the Buchanan Road bypass and dedicate right of ways to match those portions of the Buchanan Bypass in Antioch. It appears that a 118 feet ROW will be needed for the Buchanan Bypass (James Donlon Way) to conform to the roadway and pedestrian improvements constructed in Antioch, and allow the sidewalks to adequately meander within the ROW.
- e. Developer shall provide turning lanes on Ventura Drive at the intersection of the Buchanan Bypass and Ventura Road. The configuration of the intersection requires additional revisions to conform to MM-H28. Developer understands these changes will impact lot layout and other design issues. These changes shall be addressed in the resubmitted overall site map to the satisfaction of the City Engineer.
- f. Developer shall provide a phasing plan for the development (refer to item MM-H7) prior to approval of final map or engineering permits whichever occurs first. The developer shall not construct more than 353 units, prior to the opening of the Buchanan Bypass.
- g. The developer shall re-evaluate creating an access road to serve lots 16-72 from Ventura Drive along the Zone II Reservoir or from Palo Verde Drive. Developer understands this neighborhood will be greatly impacted once the remainder of the Buchanan Bypass is built, as they will not be able to make left turns onto the Buchanan Bypass unless a signal is installed. If access is allowed from Buchanan Bypass into "M" Street, safety considerations (a traffic signal and/or additional traffic turning lanes, for example) have to be considered in the subsequent submittal of the site plan to allow safe ingress and egress to this portion of the subdivision. Specific solutions will be based upon the final design proposed by the developer. Alternative designs shall be submitted within the resubmitted site plan and approved by City Engineer prior to submittal of design plans for City review. The City prefers to revise the design to eliminate the primary access to the area from Buchanan Road.
- h. Developer understands that the EVA shown across lot 37 is not acceptable as designed. Access off Buchanan Road is not the preferred

location. The EVA cannot be jointly used as an EVA and access to a private lot.

- i. Developer shall provide pedestrian access if feasible, as determined by the City Engineer, from "M" Street and "M" Court to allow residents to walk directly to Highlands Ranch Park. Developers shall evaluate all options that seem available within the resubmitted site plan, including constructing a roadway with sidewalks to Ventura Drive or to Palo Verde Drive to the west.
- j. Pedestrian access to the new park site within the project shall be provided, as feasible, for all residents. For example, if the park is located in the area suggested by the EIR (Lots 181-190), access from homes on "D" Court and/or "D" Street shall be provided, to the City Engineer's satisfaction. Due to steep hillside conditions, ADA accessibility may not prove feasible.
- k. Developer shall provide design concepts with the resubmitted site map to address impact MM-H25. These traffic calming methods shall be designed to the satisfaction of the City Engineer and be constructed prior to the issuance of a certificate of occupancy for any home.
- l. Redesign the project along Ventura and "B" Street, within 300', and "D" and "M" Streets within 150' of the intersection with the Buchanan Bypass, as described in MM-H26 and MM-H27, to the satisfaction of the City Engineer. Submit the proposed changes on the site map to be submitted prior to final design plan preparation.
- m. Traffic signals at the James Donlan Expressway shall be installed when the Expressway is opened to through traffic.

WATER IMPROVEMENTS:

58. The following conditions related to water improvements have been identified for the 2004 map to be addressed in subsequent submittals. The developer shall design all proposed water improvements to the satisfaction of the City Engineer prior to approval of the improvement plans unless stipulated otherwise (this condition may be applied with the phasing of the development as approved by the City Engineer):
- a. Developer shall submit a site map that provides size and locations of distribution mains, pump stations, and reservoirs for Zones II and IV including access roads. Developer understands that the City requires buried concrete reservoirs and complete pump stations. Pump stations in proximity to homes will be designed to inconspicuously blend into the surrounding community of homes by constructing it utilizing similar

architecture, landscaping, etc. to the surrounding homes. The developer shall describe the planned phasing of the subdivision and the water facilities in particular. The design shall be consistent with the recommendations outlined in the 2000 Water Master Plan Amendment No. 3. Final design must meet the City Engineer's requirements and all applicable codes. Land acquired from the developer for the Zone II reservoir is expected to be at fair market value as determined by the City Engineer.

- b. The developer shall provide a water storage tank to service Zone III and IV, including dedication of land, to the City at a minimum pad elevation of 100 feet above the pad of the highest home proposed. Developer understands that if the tank is located on Antioch School District property south of the subdivision, the City cannot condemn the school district's property. The developer shall provide information regarding the status of acquiring the land with the submittal of the revised project site map. The developer understands that there are slides in the vicinity of the tank (See the EIR drawings) that may need remediation to assure the long-term stability of the site.
- c. The developer shall provide a water line and electrical service along the proposed new access road for the existing Zone II Reservoir. The access to the existing tank shall not be from the Buchanan Bypass.
- d. Prior to the occupancy of the first home, the developer shall construct a new water transmission line as follows:
 - i. a 20" line from the Water Treatment Plant down Crestview Drive approximately 5000 feet to Railroad Avenue/Kirker Pass Road;
 - ii. the pipe continues as a 16" main for another 1400 feet east along Buchanan Road ending near the Pump Station; and
 - iii. a 12" main extends from there on Buchanan Road approximately 6800 feet where it will connect to an existing 16 inch main at Ventura Road.

Refer to Section 5.2.1 of the 2000 Water Master Plan Amendment No. 3 for more details. See Fees and Exactions portion of these conditions regarding reimbursement for these improvements.

- e. Developer shall provide landscaping and fencing acceptable to the City Engineer for the reservoirs prior to final acceptance of the facility by the City.
- f. The water system shall be looped to the same water zone to provide reliability. Developer understands this is needed in the neighborhood north of the Bypass (Lots 1-57) and may be an issue in other areas when more details are provided later to the City for review.

- g. Developer shall construct a Zone II tank (estimated at a minimum of 1.3 MG) within the subdivision at an elevation of 381 feet in a location acceptable to the City Engineer prior to the issuance of certificates of occupancy of any homes built within Zone II. The developer is financially responsible for a portion of the total costs as described in the City's Water Master Plans and Amendments (including Amendment #3). See Fees and Exactions portion of these conditions regarding reimbursements for non-developer costs.
- h. Water sampling stations are required at the discretion of the Public Works Department of the City of Pittsburg.

SANITARY SEWER SYSTEM:

- 59. The following conditions related to the sanitary sewer system have been identified for the 2004 map to be addressed in subsequent submittals. The developer shall design all proposed sewer improvements to the satisfaction of the City Engineer prior to approval of improvement plans unless stipulated otherwise. (this condition may be applied with the phasing of the development as approve by the City Engineer):
- 60. Developer understands the City does not usually accept sewer pump stations within the City of Pittsburg. If no other alternative is feasible, as determined by the City Engineer, then a sewer pump station will be considered as long as funds are provided, in perpetuity, to maintain and replace the facility and noise from the pump station does not create a significant impact.
- 61. The City of Antioch has not agreed at this time to connect the homes in the southeastern valley area to their collection system. The developer shall provide a copy of an agreement that has been executed with the City of Antioch with regards to the sanitary sewer connection proposed in the map to the City of Antioch's collection system, at the south-eastern portion of the proposed subdivision (affects approximately 34 lots) prior to issuance of any engineering permit. The developer shall provide calculations that evaluates the sewer system within Antioch and proves that capacity exists. The City of Pittsburg will maintain all facilities within its jurisdiction. Developer shall label clearly on the plan and final map where the City of Pittsburg's responsibility ends per this agreement.
- 62. The developer shall provide a sanitary sewer capacity analysis of the existing system downstream of the final approved connection point or points to assure that sufficient capacity is available in the system to carry the flows from this subdivision to the treatment plant with first submittal of plans to be approved prior to issuance of an engineering permit. Developer understands if existing improvements do not have capacity downstream, new sewer mains will be required in existing streets as deemed as necessary by the City Engineer.

63. If the City approves routing a sewer main to Glen Canyon Circle and the existing line has capacity available, the connection shall be through the lot west of lot 86 of Highlands Ranch and not between existing homes on private property.
64. There are several proposed sewers that, as designed, are over 15 feet deep in proposed streets. The developer shall redesign the system to reduce the depth of sewers and laterals to a depth acceptable to the City Engineer (to a maximum of 10 to 15 feet). Two problem areas identified on the March 2004 map are at the intersection of "B" and "K" Streets and in front of Lot 65. This design criteria shall be applied to all future designs for the project.

OTHER:

65. Certain items in Section K, Public Health and Safety, of the EIR mitigation measures are expected to significantly impact the design of the subdivision, especially those related to impacts in K-1, -2, -4, -7, and -8 (wild land fire hazards). The changes to the design of the subdivision to mitigate for these items will be reviewed with the map re-submittal.
66. All fencing shall be subject to the review and approval of the Planning Department. Vinyl clad chain link fencing may be deemed acceptable around the detention basin or portions of the future park, which abut other open space land.
67. The developer's plans shall conform to City Standards currently under revision and scheduled for approval by the City Council on May 7, 2007. Future revisions will be utilized if health and safety related issues require it or new requirements are imposed by State or Federal agencies.

Mitigation Measures:

68. The developer shall comply with the EIR Mitigation Measures identified in this resolution. Where there is conflict between the measures identified in this resolution and the final adoption of the Mitigation Monitoring and Reporting Program by the City Council, the mitigation measures identified in the MMRP adopted by the City Council shall govern.
69. MM-A1: The developer shall develop A CTS Mitigation Plan in coordination with USFWS as part of the federal ESA Section 7 or Section 10 consultation. The CTS Mitigation Plan shall be approved by USFWS prior to site disturbance or approval of a grading permit. Habitat acquisition shall occur before initiation of grading on the project site. The CTS Mitigation Plan shall include provisions for relocation of CTS individuals from the project site, long-term conservation of the mitigation land, management activities to assure long-term protection of mitigation wetlands, and long-term maintenance of CTS breeding, refugial and dispersal habitats. During construction, the applicant/developer shall employ

qualified biological monitors during all construction or excavation activities associated with the project. The monitors shall hold appropriate permits from USFWS and shall implement provisions of the CTS Mitigation Plan including CTS trap-and-relocate as-needed. Prior to and during construction, the applicant/developer shall employ a qualified biologist to deploy barriers to keep CTS that may be present in adjacent off-site areas out of developed areas of the project. The location and installation of these barriers shall be reflected on all grading and improvement plans. Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall pay all fees associated with the HCP/NCCP and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.

70. MM-A2: The developer shall implement the following measures related to the California tiger salamander:
- a. The developer shall construct and maintain a permanent barrier that would keep CTS, which may be present on the adjacent Thomas and AUSD-owned parcels, out of the developed area. This feature shall be reflected on the grading and improvement plans for the first final map for the subdivision.
 - b. The developer shall implement low-light measures in the design of fixtures/light standards at the outer perimeter of the project site, especially the site's southern boundary, and off-site water reservoir service road. Low light measures shall be reflected on lighting and landscaping plans for the subdivision and site development plans for the water tank. A lighting plan shall be submitted with these plans to demonstrate that this requirement has been satisfied. The lighting plan shall be subject to review and approval by the Planning Department.
 - c. The developer shall construct an information kiosk in the southern portion of the project site to foster resident and visitor awareness of wildlife needs. The information kiosk shall be located in the mini-park if it is constructed in the area south of "C" Court, as recommend in Chapter V.G. The information kiosk shall be shown on the improvement plans for the final map corresponding to the development of the southern portion of the project nearest the wildland-urban interface. The kiosk shall also be shown on the grading plans for this area.
 - d. The developer shall construct access-restricting barriers to the off-site water reservoir and service road, and other EVA roads, to minimize

wildlife disturbance and road kill. The recommended CTS barriers shall be designed to prevent CTS from entering the developed area. The design of the access restricting barriers shall be acceptable to the CDFG and subject to final approval by Planning Department. Access restricting barriers shall be shown on grading and improvement plans for the construction of off site water reservoirs and other service roads within the subdivision.

- e. Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall pay all fees associated with the HCP/NCCP and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.

- 71. MM-A3: The CTS Mitigation Plan as required in MM-A1 shall be implemented in order to mitigate impacts to SJKF. This will compensate for the same kind of habitat used by the SJKF. The CTS Mitigation Plan shall be approved by USFWS prior to site disturbance or approval of a grading permit. Habitat acquisition shall occur before initiation of site disturbance/grading on the project site. During Section 7, or Section 10, consultation, the developer in coordination with USFWS/CDFG shall consider mitigation parcel locations that are within the range of the SJKF or adjoin its movement corridors. Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall pay all fees associated with the HCP/NCCP and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.
- 72. MM-A5: The developer shall retain a qualified biologist to perform pre-construction surveys necessary to be certain that the species is not nesting on-site during grading and construction. Pre-construction survey methods shall be reviewed and approved by the CDFG before surveys are conducted. The applicant shall provide the City with proof of CDFG approval of survey methods prior to issuance of a grading permit and/or conducting any stripping, or site preparation of the site. If nests are detected onsite the biologist shall devise a construction plan that would allow successful nesting and the applicant shall immediately notify the Engineering Department and Planning Division and provide the City with proof of CDFG consultation(s). The City shall not authorize any activities which may result in site disturbance without CDFG approval.

Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall comply with the pre-construction survey requirements of the HCP / NCCP and shall pay all fees associated with the HCP/NCCP and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.

73. MM-A6: The developer shall retain a qualified biologist to perform pre-construction surveys necessary to be certain that the species is not nesting on-site during grading and construction. Pre-construction survey methods shall be reviewed and approved by the CDFG before surveys are conducted. The applicant shall provide the City with proof of CDFG approval of survey methods prior to issuance of a grading permit and/or conducting any stripping, or site preparation of the site. If nests are detected onsite the biologist shall devise a construction plan that would allow successful nesting and the applicant shall immediately notify the Engineering Department and Planning Division and provide the City with proof of CDFG consultation(s). The City shall not authorize any activities which may result in site disturbance without CDFG approval. Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall comply with the pre-construction survey requirements of the HCP / NCCP and shall pay all fees associated with the HCP/NCCP and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.
74. MM-A7: The developer shall retain a qualified biologist to perform pre-construction surveys necessary to be certain that the species is not nesting on-site prior to or during grading and construction. Pre-construction survey methods shall be reviewed and approved by the CDFG before surveys are conducted. The applicant shall provide the City with proof of CDFG approval of survey methods prior to issuance of a grading permit and/or conducting any stripping, or site preparation of the site. If nests are detected onsite the biologist shall devise a construction plan that would allow successful nesting and the applicant shall immediately notify the Engineering Department and Planning Division and provide the City with proof of CDFG consultation(s). The City shall not authorize any activities which may result in site disturbance without CDFG approval. Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy

the requirements of the above mitigation measure, the developer shall comply with the pre-construction survey requirements of the HCP / NCCP and shall pay all fees associated with the HCP/NCCP and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.

75. MM-A8: The developer shall prepare CC&Rs which shall include specific prohibitions to off-road travel around the site's perimeter and upland areas and prohibitions to travel on the service road. CC&Rs shall be submitted to the Engineering Department for review and approval prior to approval of the Final Map for the corresponding phase of development. The developer shall install street signs indicating such prohibitions. The design and location of the signage shall be subject to review and approval of the Engineering Department prior to approval of the improvement plans for the subdivision. Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall pay all fees associated with the HCP/NCCP and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.
76. MM-A9: The developer shall provide kiosk (see IMPACT A2, above) literature that includes pamphlets about prohibited activities including collecting or harassing protected species. The kiosk (see IMPACT A2, above) literature shall also include information on the designated walking trails in the area, restrictions on pets use of trails or non-designated areas off of designated trails. Kiosk literature shall be subject to review and approval of the Planning Department prior to approval of plot plans for homes at the southern portion of the subdivision. Restrictions, if any apply, to hiking/walking on the reservoir service road shall be posted in accordance with requirements of CDFG and the City. If warranted, signs shall be installed prior to signing off on final building permit inspections. CC&Rs for this project shall include a list of invasive species of plant and shall prohibit planting of listed invasive species. CC&Rs shall be submitted to the Engineering Department for review and approval prior to approval of the first Final Map. Landscape plans shall comply with the City Landscaping Ordinance and approved plant list. Compliance with the above requirements shall be confirmed by the Planning Department prior to signing off on final building permit inspections for homes at the southern portion of the subdivision. Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall comply with the pre-construction survey requirements of the HCP

/ NCCP and shall pay all fees associated with the HCP/NCCP and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.

77. MM-A11: Fire break maintenance shall be performed by HOA, GHAD, or individual owners generally within the project's limits and never off-site. This requirement shall be refelected in the CC&Rs for the development and shall be subject to review and approval of the Engineering Department prior to final building permit sign off for homes.
78. MM-A12: Prior to the issuance of a grading permit or site disturbance activities, the developer shall:
 - a. Comply with the wetland mitigation required by USACE and RWQCB to compensate for on-site impacts to waters under federal or state jurisdiction.
 - b. Provide the Engineering Department and Planning Department with a wetlands delineation approved by the U.S. Army Corps of Engineers (USACE) prior to site disturbance or approval of a grading permit.
 - c. Provide the Engineering Department and Planning Department with authorization from USACE and RWQCB for project related impacts to wetlands and other waters of the U.S., or waters of the state prior to site disturbance or approval of a grading permit.
 - d. Prepare, in coordination with USACE, a compensatory Wetland Mitigation Plan prior to site disturbance or approval of a grading permit. Jurisdictional areas shall be replaced at a minimum 1:1 ratio through wetland compensation off-site, or wetland protection and creation on-site, to ensure that no net loss of acreage or functions and values to these areas occurs.
 - e. Apply for and obtain a Section 404 individual permit from USACE and a 1601 Streambed Alteration Agreement from CDFG prior to site disturbance or approval of a grading permit.
 - f. Apply for and obtain the Section 401 water quality certification, or waiver, from the San Francisco Bay Regional Water Quality Control Board prior to site disturbance or approval of a grading permit.
 - g. Apply for and obtain a 1601 Streambed Alteration Agreement from CDFG prior to site disturbance or approval of a grading permit.
79. MM-A15: The developer shall retain an arborist prior to grading to mark and map trees classified as mature trees under the City's prevailing regulations at the time

of application for grading permit or else, in the absence of a regulation, by applying a trunk diameter standard of 12 inches or greater. A copy of the arborist's report shall be submitted to the Planning Department for review and approval prior to issuance of a building permit. This information shall be shown on the grading plan for the project. The developer shall replace an equal number of trees (as those trees to be removed with the project) in the immediate vicinity of the reservoir site, reservoir service road, and headwall areas. Tree species and siting shall be determined by the arborist. A copy of the arborist's assessment shall be submitted to the Planning Department and the species selection and planting areas shall be reflected on the landscaping plan for these areas.

80. MM-A16: The developer shall design and construct the off-site reservoir and service road so that they meet requirements of the USFWS/CDFG and do not become impediments to habitat functions used by covered species or barriers to the movement of covered species. Prior to submitting grading and improvement plans for the off-site reservoir, the developer shall provide proof of USFWS/CDFG approval of the design to the Planning Department and Engineering Department. The developer shall perform pre-construction surveys and construction monitoring in regard to development of the recommended off-site utility and service road. Pre-construction survey methods shall be reviewed and approved by the CDFG before surveys are conducted. The applicant shall provide the Planning Department and Engineering Department with proof of CDFG approval of survey methods prior to issuance of a grading permit and/or conducting any stripping, site preparation of the site. Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall comply with the pre-construction survey requirements of the HCP / NCCP and shall pay all fees associated with the HCP/NCCP and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.
81. MM-B1: Before issuance of grading permits, a Seismic Analysis Update shall be prepared by a Certified Engineering Geologist retained by the developer, which presents peak horizontal ground acceleration based on current knowledge. All recommendations of ENGEO Incorporated in its geotechnical report dated February 2002 shall also be confirmed or else modified based on the Seismic Analysis Update. The City Engineer independently, or acting upon the recommendation of an independent Certified Engineering Geologist, shall review, approve, or reject for modification, the seismic Analysis Update and recommendations prior to issuance of a grading permit.

82. MM-B2: The developer shall design proposed housing in accordance with provisions of the Building Code in effect at the future time of application for Building Permits. This requirement shall be met, to the satisfaction of the Chief Building Official, prior to approval of a building permit. The project Geotechnical and Civil Engineer shall assign the appropriate "seismic design criteria" for the design of utilities including on-site and off-site water reservoirs. This requirement shall be met, to the satisfaction of the City Engineer, prior to approval of a grading permit. The project Geotechnical and Civil Engineer in cooperation with PG&E shall assign and review seismic design criteria for cut and fill slopes that encroach within the PG&E easement or near power transmission towers. The developer shall provide proof of PG&E approval of the grading plan within the PG&E easement prior to approval of a grading permit.
83. MM-B4: The developer shall implement the following measures addressing landslide and compressible soils impacts:
- a. Sub-excavate compressible colluvium and landslide deposits to bedrock, where feasible, and then backfill with engineered buttress fills, to allow for development of the proposed improvements without exposure of persons or property to avoidable risk of debris flow, compressible soils, and differential settlement.
 - b. Construct sub-surface keyways and benches as shown conceptually in Figure 12, through disrupted landslide materials and shear planes into underlying competent materials.
 - c. Install sub-drains, as shown conceptually in Figure 12, to drain water from engineered buttress fills.
 - d. Size and then construct debris benches or other intervening undeveloped spaces to provide sufficient run-out areas for unmitigated landslides located upslope of the proposed houses, roads, and other improvements.
 - e. Construct the surface drainage facilities as determined by the developer's Civil Engineer to collect and control storm water runoff.

Compliance with the requirements above shall be subject to review and approval of the Engineering Department prior to issuance of a grading permit.

84. MM-B5: The developer shall implement the following measures to ensure property design to prevent landslides:
- a. A complete design-level final geotechnical report and associated field work shall be completed by a Certified Engineering Geologist. The analysis presented in the geotechnical report shall conform to the

California Geological Survey's recommendations presented in the "Guidelines for Evaluating Seismic Hazards in California."

- b. Analysis and recommendations in the geotechnical report shall be incorporated into the project's final engineering and design plans and submitted to the City Engineer for review and approval.
- c. The report shall identify building techniques appropriate for minimizing seismic damage.

Compliance with the requirements above shall be subject to review and approval of the Engineering Department and Building Division prior to issuance of a grading permit.

- 85. MM-B6: The developer shall size the width of the debris bench upslope of proposed Lots 95-106 to provide sufficient run-out area to protect Lots 95-106. The developer shall perform additional test pits and/or bores, as recommended in its reports, to enable the actual design dimensions and depth of bedrock east of previous Test Pits TP-37 and TP-38. Additional cross-sections for the area beneath and upslope of Lots 95-106 shall be prepared and submitted with the Grading Plan. The developer shall prepare and submit additional cross-sections (e.g., see Draft EIR, Chapter V.B, Geology & Seismicity, section line E-E' in Figure 11) to address the debris volume and run-out area for the mapped landslides beneath and upslope of the eastern headwalls, Lots 181-183, and Lots 188-190. These additional cross sections shall be submitted with the grading plans. Compliance with this condition shall be subject to review and approval of the Engineering Department prior to issuance of a grading permit.
- 86. MM-B7: The developer shall prepare and submit a Slope Management Plan to the City Engineer for review and approval prior to the approval of the first Final Map. The Slope Management Plan shall address the following issues:
 - a. The Slope Management Plan shall identify the kinds of hazards found on the site and areas subject to continuing monitoring, maintenance, repair or supplementation, including areas in private and public ownership.
 - b. Improvements (e.g., structures, roads, and storm water collection and systems) shall be designed to divert excessive storm water runoff water from on-site slopes and avoid excessive irrigation water on on-site slopes.
 - c. The Slope Management Plan shall include provisions for periodic inspection and long-term maintenance, episodic repair, and as-needed supplementation of the identified re-graded slopes, repaired landslides, debris benches, v-ditches and storm water diversion headwalls and pipelines.

- d. The Slope Management Plan shall identify its purpose, implementing entity, and funding mechanism, which may be a Hazard Abatement District, Homeowners Association (HOA), or another mechanism approved by the City.
- e. The Slope Management Plan shall be developed by a Registered Geotechnical Engineer or Certified Engineering Geologist, who shall be responsible for identification re-graded slopes, built structures, or other built or natural features essential for the long-term stability of the fills and cuts.
- f. The Program shall include provisions for maintenance and timely remediation of any identified problems within the purview of the Plan, which shall be implemented and funded through the responsible entities.

The Slope Management Plan shall be consistent with the Natural Grassland Element (see Chapters V. D and V.G, pp. V-180 and V-234 & -235). The Natural Grassland Element shall designate where 1) introduced species landscaped areas will be allowed and 2) where natural grassland areas are to be maintained. The undeveloped slopes in the southern portion of the project site, generally above 390 feet msl, will be designated for maintenance as natural grassland in the Natural Grassland Element. Both the Slope Management Plan and Natural Grassland Element shall be incorporated into the Codes, Covenants & Restrictions (CC&Rs) and shall be subject to review and approval of the Engineering Department prior to issuance of the first Final Map. Deed restrictions, easements, or other appropriate legal instruments shall be placed on all re-graded slopes to allow monitoring, maintenance, and remedial activities, and to require the property owners to maintain appropriate landscaping and irrigation procedures. These legal instruments shall be implemented prior to the approval of the first Final Map.

- 87. MM-B9: The developer shall complete removal of landslide or colluvial deposits within the limits of the project site during remedial grading, unless subsequent supplemental exploration is performed and demonstrates that partial removal would be effective. Building plot plans shall not be issued until compliance with this measure has been verified by the Engineering Department. Final detailed geotechnical design documents shall be subject to review and approval of the City or independent Certified Engineering Geologist retained by the City, the cost of whose services shall be reimbursed by the Project Proponent. Geotechnical design documents shall be subject to review and approval of the Engineering Department prior to issuance of a grading permit. Engineering solutions that shall be included in the final geotechnical report shall include the following:
 - a. Complete removal (over-excavation) of the landslide deposits, colluvium and unengineered fill material, or else settlement estimates, engineering measures, and/or structural siting guidelines for lots on which underlying compressible materials are left in-place.

- b. Slope stabilization measures for potentially unstable landforms that are located upslope of proposed building pads (cross section 'D-D').
 - c. Calculations of upslope debris volumes and engineering backup for placement and size of debris benches for unrepaired off-site landslides (see Figures 9 or 11 of the DEIR)
 - d. Cost-benefit analysis for re-construction of off-site unstable slope areas.
 - e. Structural siting guidelines for lots located downslope from slopes that could remain unstable (avoidance).
88. MM-B11: Building foundations and other improvements (including sidewalks, roads, and utilities) in locations underlain by expansive soils and/or non-engineered fill shall be designed for expansive soil conditions. Design-level geotechnical work (for example, as required by Mitigation Measures for IMPACTS B5 and B6) shall include provisions to ensure that potential damage related to expansive soils and non-uniformly compacted fill are corrected. If warranted by the geotechnical engineer recommendations, the potential effects of expansive soil conditions shall be mitigated by removal of high Plasticity Index (PI) soils and replacement with lower PI soils, and also by designing and constructing improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements. On lots, driveways and streets having both cut and fill, or cut without fill, foundation subgrades and road/driveway subgrades shall be prepared by undercutting and backfilling with a suitable depth of select base material. Undercutting shall extend outward a suitable distance from the road, driveway or foundation foot print. All mitigation measures, design criteria, performance standards and specifications set forth in the geotechnical and soils report shall be implemented with the grading plans and site grading for the project. The geotechnical and soils report shall be subject to review and approval of the Engineering Department prior to the issuance of a grading permit.
89. MM-B12: The applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) to be submitted to the City for review and approval prior to issuance of a grading permit. The following measures shall be addressed and incorporated into the SWPPP as necessary to decrease erosion and sedimentation:
- a. Grading activities shall be performed generally in the "dry season" (April 15 - October 15) except as otherwise permitted by the grading permit.
 - b. Interim controls, such as water bars, mulching of exposed slopes, installation of temporary culverts, rock slope protection, sediment traps, silt fences and/or straw wattles consistent with the Association of Bay Area Governments Manual of Standards for Erosion and Sedimentation Control Measures or the San Francisco Bay Region Regional Water

Quality Control Board Erosion and Sediment Control Field Manual shall be implemented.

- c. Before grading is concluded, a positive gradient away from the slopes must be established to carry the runoff away from the slopes to areas where erosion and sedimentation can be controlled.
90. MM-C2: The developer shall provide all necessary documentation as required by CCWD for its application for inclusion of the project site in the CVP. The developer shall provide the Engineering Department a copy of a "Will Serve" letter from CCWD for the project prior to the issuance of a grading permit.
91. MM-C3: The developer shall include provisions for direct access for maintenance equipment and permanent easements to enable access to drainage structures including headwalls, catchment basins, and outfalls. These access easements shall be reflected on corresponding final maps for applicable phases of the development. Also see mitigation measure for MM-C4.
92. MM-C4: Developer shall include the following features in the design of drainage infrastructure for the project:
- a. Headwalls shall not be designed or constructed to act as detention basins.
 - b. Headwall areas shall be graded, restored, and then maintained in a manner as to provide natural filtration of the area around each headwall.
 - c. Headwalls and the outfall shall be designed with appropriate settlement, filtration and energy dissipation features. If deemed appropriate by the City Engineer, a trash rack at the headwall shall be installed to prevent trash and larger debris from entering the pipelines.
 - d. If deemed appropriate by the City Engineer, the developer shall install 1) dissipaters and plantings at the headwalls and outfall to minimize erosion and provide natural filtration and settling; 2) gabion dissipaters at the outfall to reduce velocity and minimize erosion; 3) Rip rap or gravel beds at the three proposed headwalls along the southern boundary of the project site to reduce flow velocity and allow settling, and; 4) A vegetated buffer area upslope of the headwall to assist filtration and settling.
 - e. A perpetual funding source, to the satisfaction of the City Engineer, shall be established for maintenance of the proposed on-site detention basin, headwalls and outfalls.
 - f. The developer shall provide the Engineering Department with proof of infrastructure design approval of the Contra Costa County Flood Control

and Water Conservation District (CCCFCWCD) for infrastructure impacting CCCFCWCD.

The above requirements shall be reflected on improvement plans and shall be subject to review and approval of the Engineering Department prior to the approval of improvement plans.

93. MM-C6: The developer shall provide for or ensure compliance with the following measures:

- a. A SWPPP prepared in accordance with the City's grading ordinance that addresses specific grading activities on the project site, construction of headwalls, outfalls and dissipaters, and restoration of native grass cover on graded slopes.
- b. Implementation of BMPs for erosion control as set forth in the SWPPP, including but not limited to application of soil stabilizers such as hydro-seeding, netting, erosion control mats, and rock slope protection.
- c. Grading shall be performed generally in the "dry season" except as grading in the rainy season (October 15 – April 15) may be allowed in the SWPPP and Grading Permit subject to the approval of the Engineering Department.
- d. Prior to re-establishment of vegetative cover, the developer shall use such temporary measures as fiber rolls along slopes, and silt fences at the boundaries of the construction site adjoining drainageways, as necessary.
- e. To prevent tracking of mud onto adjacent roads and airborne dust, developer shall construct temporary areas of aggregate "mats" over bare soil to create stable areas for off-road vehicles and construction employee vehicles.
- f. Construction entrances and exits shall be equipped with water and temporary collection of rinse water for tire rinsing to remove mud as needed.

The above requirements shall be actively complied with during construction. Lack of compliance with these requirements will result in a "stop work" order by Engineering Department field/project inspectors.

94. MM-C8: The developer shall submit to the City Engineering Department final detention basin design detail with 14-acre feet of storage (assuming 3:1 graded slopes, and 250-foot msl maximum surface water elevation) and the final HEC-1 hydrological routing calculations for the 100-year, 12-hour, 6-hour, and 3-hour

storms. Design of the detention basin shall be subject to review and approval of the Engineering Department prior to the issuance of a grading permit.

95. MM-C11: It is the City's understanding that the project will provide drainage facilities that will not discharge storm drainage at a higher peak flow than current conditions. If, however, this project does impact the Kirker Creek downstream facilities, then the developer shall pay a fee of \$0.68 per square foot for increases in the area of impervious surfaces created for the project that do impact the facilities constructed under this program. Payment, if required, shall be made prior to the City Council's approval of the Final Map.

96. MM-C12: The developer shall prepare a Spill Prevention and Contingency Plan (SPCP) which shall be submitted to the City at the time of application for a Grading Permit. The SPCP shall be subject to review and approval of the Engineering Department prior to the issuance of a grading permit. The developer shall agree to (and the SPCP shall address):

- a. Implement BMPs and provisions for emergency notification procedures and response contingencies, spill clean up kits, secure storage of hazardous materials, designated sanitary waste bins.
- b. Use commercial equipment refueling on the project site and further agrees not to store diesel fuel or gasoline on-site.
- c. Notify contractors and provide copies of the SWPPP and SPCP for all contractors.
- d. Provide guidelines for contractor handling of waste paints, waste adhesives, and other hazardous materials. Such materials generally shall not be stored on the project site, or if stored, said storage shall be inside secure, covered storage structure and limited to compatible materials. Storage of hazardous materials above exempt quantities requires permit and Hazardous Materials Business Plan from Contra Costa County Department of Environmental Health.

97. MM-C13: The developer shall implement the following measures to ensure long term operations and maintenance of on-site drainage systems:

- a. A perpetual funding source for periodic maintenance of the proposed detention basin, headwalls, and outfalls shall be created through agreement between the developer and City of Pittsburg.
- b. An Operation and Maintenance Manual for periodic monitoring and maintenance of the detention basin, headwalls, open channel and outfalls. The manual should be written clearly so it could function as a complete guide for any commercial or public works maintenance entity.

- c. BMPs and public awareness measures to limit or reduce such potential pollution and prevent some from entering the drainage system.
 - d. Before construction of the detention basin, headwalls, and outfalls, the funding source (for long-term monitoring, implementation of BMPs and public awareness programs, and maintenance of passive treatment BMPs) shall be established, subject to the review and approval of the City Engineer. The developer shall submit the O&M Manual to the City Engineer for review and approval prior to approval of grading plans for the detention basin.
98. MM-D1: The developer shall modify the roof color-palette to substitute natural, terrain-neutral color and restrict terra cotta or clay roof tiles on certain lots including proposed Lots 126-136, 206, 268, 300-309, 344-346, and all other lots generally above 350 feet msl. Also, the palette for proposed lots north of the Buchanan Bypass should be consistent with Highlands Ranch. Require Codes, Covenants & Restrictions that prohibit or limit roofing color changes by future owners. The developer shall modify the stucco and exterior trim color-palette to substitute more saturated terrain-neutral exterior colors and restrict white or light reflective exterior colors on certain lots. The palette for proposed lots north of the Buchanan Bypass should be consistent with Highlands Ranch. Require Codes, Covenants & Restrictions that prohibit or limit stucco or exterior paint color changes by future owners. These modifications shall be subject to review and approval of the Planning Department prior to approval of a building permit.
99. MM-D2: The developer shall prepare a design supplement, herein called a "Natural Grassland Element," to illustrate 1) where landscaped areas will be allowed and 2) where natural grassland areas are to be maintained as shown, for example, on Page V-175, Figure 19 of the DEIR. The developer shall incorporate the requirements of the "Natural Grassland Element" into the Codes, Covenants & Restrictions (CC&Rs) that prohibit introduced species on designated graded slopes and other designated as natural grassland areas. Codes, Covenants & Restrictions shall control the following:
- a. landscaping of slopes on specific lots (such as, for example, Lots 127-137, Lots 307, 308 and 379-381, and other undeveloped slopes in the southern portion of the project site generally above 390 feet msl) to achieve a sense of connection with the adjoining open grassy hills and ravines. The CC&Rs shall prohibit the planting of species such as ivy, ice plant, shrubs and trees on the slopes on these specific lots.
 - b. fences on the slopes on specific lots (such as, for example, Lots 127-137 and Lots 307, 308 and 379-381) to maintain an open look of continuous, uninterrupted grassy contours. To maintain an open quality, solid fences on the slopes on these specific lots shall be prohibited; transparent, open

fences are acceptable in lieu of solid fence designs. Chain link fencing shall not be an option for an open fence.

The above requirements shall be subject to the review and approval of the Planning Department and shall be implemented prior to approval of building plot plans.

100. MM-D3: Rear elevations of proposed houses on Lots 128-132 shall incorporate reduced window area to assure consistency of proposed window area on rear elevations with the design objective of avoiding a new source of substantial glare. This requirement shall be reflected on the building plans and subject to review and approval of the Planning Department prior to issuance of a building permit.
101. MM-D4: The developer shall use full cutoff street luminaires to direct light downward for outdoor fixtures on streets, homes and public open spaces. "Full cutoff" luminaire means a luminaire that allows no direct light emissions above a horizontal plane through the luminaire's lowest light-emitting part. The developer shall prepare a plan which shows the proposed height, location, and intensity of street lights on-site. The plan shall comply with minimum standards for roadway lighting, and shall be reviewed and approved by the Planning Department prior to the approval of lighting plans and architectural drawings for homes. Light fixture design requirements identified in MM-E1 shall comply with the above requirements. Codes, Covenants & Restrictions (CC&Rs) shall restrict the use of flood lighting and landscape lighting on the slopes and yards of specific lots (such as, for example, Lots 127-137 and Lots 307, 308 and 379-381) to avoid light "trespass" or "spill" and excessive illumination levels and shall prohibit continuous all-night exterior lighting throughout the project.
102. MM-E2: Additional pedestrian connections shall be implemented as specified in condition 17 of this resolution.
103. MM-G1: The developer shall design, construct and pay for an on-site mini-park with swings and other play apparatus, and tennis courts within the subdivision. The site shall be in the location or vicinity of Lots 181-190 or as otherwise approved by the City Engineer. The design of the park shall be subject to review and approval of the Engineering Department and shall be subject to final approval by the Recreation Commission prior to the approval of a final map for the corresponding phase of development. Park improvements shall be completed prior to the acceptance of subdivision improvements for the development phase.
104. MM-G2: The developer shall pay an in lieu park fee, or dedicate park land, or perform a combination of both, equivalent to 5.89 acres (1.42 acres per 100 dwelling units) as required by the City Engineer. In the event that open space is dedicated under one of the alternatives to the proposed project, such dedication of open space shall not be counted as park land dedication. In Lieu park fees

shall be paid prior to the recordation of the first final map. The developer shall protect right-of-way across the entire 110-foot width of the combined PG&E and Kinder Morgan Energy Partners easements, for future development of an east-west trail connection with Black Diamond Mines Regional Preserve (BDMRP). Protection of the trail right-of-way may be counted in the future as part of the developer's park land dedication requirement, subject to the City Engineer, only at that time when trail improvements are made, and only for that portion of the right-of-way on which trail improvements are actually made.

105. MM-G3: The developer shall implement the following measures prior to site disturbance to minimize biological impacts resulting from the construction of the new park or trails:
- a. Perform compensatory mitigation measures as described in Chapter V.A, Biology & Wetlands of the EIR.
 - b. Construct appropriate permanent barriers around all on-site park areas, to prevent movement of terrestrial wildlife across these areas.
 - c. Retain a qualified biologist to perform appropriate pre-construction or nesting surveys before constructing on-site park or trail improvements.

Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall pay all fees associated with the HCP/NCCP and conduct necessary preconstruction surveys and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.

106. MM-G4: Off site construction activities shall limit hours of construction to avoid nighttime construction through residential neighborhoods. The developer shall use trench cover plates to maintain open lanes of travel on Buchanan Road during the peak commute hours and implement dust control and street cleaning measures to control fugitive dust.
107. MM-G5: Prior to starting construction on the water reservoir needed for the project, the developer shall retain a qualified biologist to perform appropriate pre-construction or nesting surveys and perform compensatory mitigation measures, as needed and described in Chapter V.A, Biology & Wetlands. Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall pay all fees

associated with the HCP/NCCP and conduct necessary preconstruction surveys and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.

108. MM-G6: Prior to starting construction on the off site water reservoir and service road improvements needed for the project, the developer shall retain a qualified biologist to perform appropriate pre-construction or nesting surveys. The developer shall perform compensatory mitigation measures, as described in Chapter V.A, Biology & Wetlands, for additional acreage estimated in the amount of 2.5 acres, or three times the acreage used for the reservoir and service road, whichever is less. The developer shall comply with these requirements prior to the issuance of a grading permit or site disturbance associated with construction of the reservoir. Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall pay all fees associated with the HCP/NCCP and conduct necessary preconstruction surveys and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.
109. MM-G7: The developer shall provide sanitary connections on Lots 162-204 to connect to a lateral that has gravity flow to the collection system in Black Diamond Ranch. In the event the City Engineer determines a gravity flow collection system is infeasible, noise generated from sewer lift stations shall not exceed 65 dB CNEL at the property line of the lift station. This design shall be subject to review and approval of the Engineering Department prior to the approval of improvement plans and the first final map.
110. MM-G8: The developer shall implement the following measure to mitigate for biological impacts resulting from construction of the detention basin:
 - a. Perform compensatory mitigation measures as described in Chapter V.A, Biology & Wetlands.
 - b. Construct appropriate permanent barriers around all on-site park areas, to prevent movement of terrestrial wildlife across these areas.
 - c. Retain a qualified biologist to perform appropriate pre-construction or nesting surveys before constructing on-site park or trail improvements.

Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy

the requirements of the above mitigation measure, the developer shall pay all fees associated with the HCP/NCCP and conduct necessary preconstruction surveys and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.

111. MM-G12: The developer shall construct or pay for the off-site improvements described in Chapter V.I, Community Noise.
112. MM-G13: The developer shall provide a copy of a "Will Serve" letter from CCWA for the project prior to the issuance of the first building permit.
113. MM-G14: The developer shall implement the following water conservation measures:
 - a. Provide hot-water-pipe insulation and installation of a hot-water-recirculation device or other device or design to provide hot water to tap within 15 seconds, install 1.6 gallons-per-flush, ultra-low-flow toilets, and install water-saving showerheads using 2.5 gallons per minute or less. These features shall be shown on the building plans prior to issuance of a building permit.
 - b. Prepare a design supplement, herein called a "Natural Grassland Element," to illustrate 1) where landscaped areas will be allowed and 2) where natural grassland areas are to be maintained. Incorporate a Natural Grassland Element into the Codes, Covenants & Restrictions (CC&Rs) that prohibit introduced species on designated graded slopes and other designated as natural grassland areas (also see MM-E1#4). The Natural Grassland Element shall be subject to review and approval of the Planning Department prior to approval of in-tract landscaping plans.
 - c. Prepare CC&Rs to address landscape guidelines that feature water-conserving concepts and a list of drought-tolerant, low water use plants (see Draft EIR, Appendix F). CC&Rs shall be submitted to the Planning Department for review and approval before the approval of the first Final Map.
114. MM-G15: The developer shall isolate sewers under construction with sewer plugs or temporary grates left in-place until new sewers are fully cleaned and accepted by the City and shall register sewer plugs and ropes with the Engineering Department prior to construction.
115. MM-H1: The developer shall pay a fair share for modification of the eastbound California Avenue approach to provide an additional through lane and pay a fair share for provision of right-turn overlap phasing for the northbound right-turn movement. Payment shall be made prior to the issuance of the first building permit for the project.

116. MM-H2: Developer shall pay a fair share for modification of the northbound Loveridge Road approach at the ramps for provision of a separate right-turn lane. Payment shall be made prior to the issuance of the first building permit for the project.
117. MM-H3: The developer shall pay a fair share for provision of an additional southbound left-turn lane and eastbound receiving lanes on the east leg of intersection #8 (Loveridge Road/Buchanan Road) to accommodate the two left-turn lanes followed by a merge to one lane. Optionally, the developer shall pay a fair share for provision of additional through-travel lanes on Buchanan Road from Loveridge Road to Ventura Drive, for a total of two eastbound and two westbound. In implementing this mitigation measure, the City shall preserve existing bicycle lanes. Alternatively, the developer shall limit the subdivision to no more than 207 units until the opening of the Buchanan Bypass for through-traffic connection. This measure shall be implemented prior to the issuance of the first building permit for the project.
118. MM-H4: The developer shall pay a fair share towards the following improvements for Intersection #9 (Buchanan Road/Ventura Drive): the eastbound approach shall be re-striped to accommodate two through lanes from west of Ventura Avenue to east of Meadows Drive followed by a merge back to one lane. In implementing this measure, the City shall preserve the existing bicycle lanes. This striping will be permanent until the bypass is opened. This measure shall be implemented prior to the issuance of the first building permit for the project.
119. MM-H6: The developer shall pay a fair share for modification of the northbound Somersville Road approach and eastbound Buchanan Road approach for provision of an additional left-turn lane on each approach. The amount shall be determined by the City of Pittsburg in cooperation with the affected jurisdiction, the City of Antioch. Payment shall be made prior to the issuance of the first building permit for the project.
120. MM-H7: The Developer shall not construct more than 353 units, Prior to opening of the Buchanan Road Bypass, unless an alternative access to Buchanan Road from the Buchanan Road Bypass is provided via Standard Oil Avenue. If the developer constructs the future Standard Oil Avenue between Buchanan Road and the Buchanan Bypass it shall be to the standards required by the City of Antioch and as approved by the City Engineer (four lanes are expected). To discourage use of Ventura Drive, the developer shall construct a Neighborhood Diverter on Ventura Drive near the mouth of Buchanan Bypass. The design shall be approved by the City of Pittsburg. City shall not issue building permits for more than 353 units unless it is shown through professional traffic counting that the AADT on Ventura Drive, between Jensen/Rangewood and Meadows Avenue, will not exceed 5,000 vpd.

121. MM-H8: The developer shall pay up to 100 percent of the cost, or a fair share if other future projects could have a similar effect, for a Neighborhood Diverter which meets the City of Pittsburgh's criteria, to discourage through traffic on Ventura Drive north of Buchanan Road. This measure shall be implemented prior to the issuance of the first building permit for the project.
122. MM-H9: The developer shall pay for modification of the northbound left-turn on the Ventura Drive approach at Buchanan Road for provision of 250 feet of stacking, appropriate deceleration length, and transitions. Payment shall be made prior to the issuance of the first building permit for the project.
123. MM-H11: The developer shall construct a suitable EVA across Lot 191 as recommended by CCCFPD. This EVA shall be accessible to emergency vehicles only and shall not be accessible to any other on road or off-road vehicular traffic. The design of the EVA access shall be subject to review and approval of the Engineering Department prior to the approval of a final map for the phase of development corresponding with the location of the EVA.
124. MM-H14: The developer shall pay a fair share for modification of the northbound Loveridge Road approach to Leland Road (Intersection #3) for provision of a separate left-turn lane. Payment shall be made prior to the issuance of the first building permit for the project.
125. MM-H15: The developer shall pay a fair share for modification of the northbound Railroad Avenue approach at Buchanan Road (Intersection #6) for provision of two northbound right-turn lanes with overlap phasing. Payment shall be made prior to the issuance of the first building permit for the project.
126. MM-H16: The developer shall pay a fair share for provision of two travel lanes in each of the eastbound and westbound directions for Harbor Street and Buchanan Road (Intersection #7). Payment shall be made prior to the issuance of the first building permit for the project.
127. MM-H17: The developer shall pay a fair share for provision of two southbound left-turn lanes and eastbound receiving lanes on the east leg of the Loveridge Road/Buchanan Road intersection (Intersection #8) to accommodate the two left-turn lanes followed by a merge to one lane. As an alternative to this mitigation, the developer can limit the subdivision to no more than 207 units until the opening of the Buchanan Bypass. This measure shall be implemented prior to the issuance of the first building permit for the project.
128. MM-M20: The developer shall construct the Buchanan Bypass with the median in place even in the early phase before future opening of the bypass for through-traffic connection. The section of the bypass built within the project shall include provisions for U-turns west of "M" Street-"D" Street. This measure shall be implemented prior to the issuance of the first building permit for the project.

129. MM-H24: Intersection design for Kirker Pass Road/Buchanan Road Bypass (Intersection #15) as part of the bypass shall ensure that the intersection would operate with acceptable levels of service.
130. MM-H25: The developer shall construct traffic-calming features on the five block section of Ventura Drive, between Meadows Avenue and Rangewood Drive. Traffic-calming features shall be consistent with the measures listed in the City's Traffic-Calming Policy and their design shall be approved by the City Engineer. This measure shall be implemented prior to the issuance of the first building permit for the project.
131. MM-H26: The developer shall implement the following measures to minimize the impact of steep street grades within the subdivision:
 - a. The developer shall not construct curb cuts for driveways along the frontage of "B" Street between the Buchanan Bypass and "J" Court/"A" Street or along Ventura Drive within 300 feet of the Buchanan Bypass. Proposed Lots 11-17 and proposed Lots 235 and 236, proposed Lots 257-262, and proposed Lot 297 may not be developed as shown on the Vesting Tentative Map, unless either 1) alternative access is provided, for example, by way of modified flag lot designs with shared driveways on "J" Court, "A" Street, or Canyon Oaks Court, or 2) "B" Street is re-designed for traffic calming.
 - b. The developer's redesign for purpose of recovering land area for developable lots may be considered by the Engineering Department only if redesign provides grade reduction below 14 percent, safety advantages, or other environmental benefits.
 - c. The developer shall pave "B" Street between the Buchanan Bypass and "J" Court/"A" Street with a scored concrete all-weather surface, with section details and scoring pattern and depth subject to the approval of the City Engineer.
 - d. The developer shall construct and sign all-way stops at the intersections of "B" Street with "A" Street/"J" Court and "K" Court.
 - e. The developer's redesign of "B" Street and Ventura Drive, and their related intersections at "K" Court, "J" Court, and the Buchanan Bypass, if one is submitted, may be considered at the discretion of the Engineering Department within the "B" Street Traffic-Calming Design Zone (see Draft EIR, Chapter V.H, Traffic & Circulation, Figure 26).

The above measures shall be reflected on the improvement plans and final map for the corresponding phase of development.

132. MM-H27: The developer shall not 1) construct any driveway curb cuts within 150 feet, or 300 feet in the case of "B" Street," from the edge of curb of the Buchanan Bypass or 2) allow any on-street parking within 150-feet of the edge of curb of the Buchanan Bypass, on "B" Street, "D" Street, "M" Street, and Ventura Drive. This would result in elimination of proposed Lots 11, 17, 18, 72, 73, 257, and 381 and review or adjustment of driveway locations for proposed Lots 12, 16, 19, 71, 74, 258, and 380. These revisions shall be subject to review and approval of the Engineering Department prior to the approval of the final map for the corresponding phase of development.
133. MM-H28: The developer shall adjust the lot lines of proposed Lots 257, 258, and 259, to accommodate provisions for the "B" Street/Buchanan Bypass intersection as stated above; and shall adjust proposed Lot 11, to accommodate additional right- of-way width for a right-turn turnout from the Buchanan Bypass into Ventura Drive. These revisions shall be subject to review and approval of the Engineering Department prior to the approval of the final map for the corresponding phase of development.
134. MM-I1: The developer shall conduct a detailed sound study prepared by a practicing INCE acoustical engineer to evaluate design specifications for mitigating sound impacts identified in the EIR. The sound study shall be subject to review and approval of the Planning Department. In following the recommendations of the sound study, the developer shall install the following:
- a. An improved side yard return segment, either a fence or wall, for the backyard at 1485 Autumnwind Court.
 - b. Sound-insulating windows for noise-exposed windows in the second-stories of 1457, 1473, and 1485 Autumnwind Court, to reduce the interior Ldn to 45 dBA, or below, as determined by the approved sound study.

Plans for the new windows and wall/fence shall be submitted with building permits for the new fence/wall and windows. The above requirements shall be implemented prior to City's issuance of building permits for the proposed project and may be waived by the Planning Department if homeowners do not agree to allow these improvements. The developer shall provide proof, acceptable to the Planning Department that a good faith effort has been made to cooperate with homeowners.

135. MM-I2: The developer shall conduct a detailed sound study prepared by a practicing INCE acoustical engineer to evaluate design specifications for mitigating sound impacts identified in the EIR. The sound study shall be subject to review and approval of the Planning Department. In following the recommendations of the sound study, the developer shall install the following:

- a. A 6-foot tall overlapped board fence along the southern property line in the backyard of 1555 Ventura Drive.
- b. Sound-insulating windows for noise-exposed windows in the 1-story, ranch-style house at 1555 Ventura Drive, to reduce the interior Ldn to 45 dBA as determined by the approved sound study.

The above requirements shall be implemented prior to City's issuance of building permits for the proposed project and may be waived by the Planning Department if homeowners do not agree to allow these improvements. The developer shall provide proof, acceptable to the Planning Department that a good faith effort has been made to cooperate with homeowners.

136. MM-I3: The developer shall conduct a detailed sound study prepared by a practicing INCE acoustical engineer to evaluate design specifications for mitigating sound impacts identified in the EIR. The sound study shall be subject to review and approval of the Planning Department. In following the recommendations of the sound study, the developer shall retrofit windows for seven (7) houses facing Ventura Drive, between Rangewood Drive and Glen Canyon Circle or Drive, and other houses having frontages along Ventura Drive in Highlands Ranch having a line-of-sight to Ventura Drive if interior noise (Ldn) exceeds 45 dBA as determined by the approved sound study. New windows shall be installed prior to issuance of building permits for the proposed project and may be waived by the Planning Department if homeowners do not agree to allow these improvements. The developer shall provide proof, acceptable to the Planning Department that a good faith effort has been made to cooperate with homeowners.
137. MM-I4: The developer shall conduct a detailed sound study prepared by a practicing INCE acoustical engineer to evaluate design specifications for mitigating sound impacts identified in the EIR. The sound study shall be subject to review and approval of the Planning Department. In following the recommendations of the sound study, the developer shall install an improved backyard return segment, either a matching masonry return wall or an improved fence as determined by the approved sound study, for sound impacts for houses at 9 Saddlehorn Court and 511, 529 and 531 Silver Saddle Drive. New windows shall be installed prior to issuance of building permits for the proposed project and may be waived by the Planning Department if homeowners do not agree to allow these improvements. The developer shall provide proof, acceptable to the Planning Department that a good faith effort has been made to cooperate with homeowners.
138. MM-I5: The developer shall provide an off-site sound wall along Buchanan Road in the vicinity of the mobile home park located in Antioch (receptor location 6).

139. MM-I7: The developer shall conduct a detailed sound study prepared by a practicing INCE acoustical engineer to evaluate design specifications for mitigating sound impacts identified in the EIR. The sound study shall be subject to review and approval of the Planning Department. In following the recommendations of the sound study, the developer shall install acoustic-rated windows or sliding glass doors on exposed first-story and second-story elevations for homes located at 1707 and 1711 Ventura Drive, and five additional houses between Rangewood Road and Glen Canyon Circle or Drive, to assure interior sound levels would be less than 45 dBA, as determined by the approved sound study. New windows shall be installed prior to issuance of building permits for the proposed project and may be waived by the Planning Department if homeowners do not agree to allow these improvements. The developer shall provide proof, acceptable to the Planning Department that a good faith effort has been made to cooperate with homeowners.

140. MM-I8: The developer shall prepare Construction Specifications that will be become part of contractor documents and which could be enforced by the City of Pittsburg Building Division on an as-needed basis. The Construction Specifications will require that the Contractor perform the following tasks:

- a. Limit construction activities to the hours between 7:30 a.m. and 7:00 p.m. on weekdays, and between 9:00 a.m. and 6:00 p.m. on Saturdays and Sundays. No construction shall take place on federal holidays.
- b. Locate fixed construction equipment such as compressors and generators as far as feasibly possible from sensitive receptors (i.e., existing houses).
- c. Shroud or shield all impact tools, and muffle or shield all intake and exhaust ports on power construction equipment.

These specifications shall be reflected on the grading plan and building plan submittals and shall be subject to review and approval of the Planning Department prior to the issuance of grading or building permits.

141. MM-I10: The developer shall conduct a detailed sound study prepared by a practicing INCE acoustical engineer to evaluate design specifications for mitigating sound impacts identified in the EIR. The sound study shall be subject to review and approval of the Planning Department. In following the recommendations of the sound study, the developer shall construct/install the following:

- a. A sound wall to attenuate sound to acceptable levels as determined by the approved sound study for homes located at sensitive receptor locations 7, 8 and 9A as presented in Impact I10 of the DEIR. The wall design shall be subject to review and approval of the Planning Department prior to the

approval of improvement plans for the corresponding phase of development in the vicinity of sensitive receptor locations 7, 8, and 9A.

- b. Acoustic-rated windows, sliding glass doors or entryway doors, adequate to provide an interior noise level of 45 dBA or lower for lots 18, 29-37, 72, 234-237, 256, 259-262, and 297. Sound transmission control ratings for windows shall be referenced on the building plans for these homes and shall comply with the recommendations of the approved sound study.

142. MM-I12: The developer shall conduct a detailed sound study prepared by a practicing INCE acoustical engineer to evaluate design specifications for mitigating sound impacts identified in the EIR. The sound study shall be subject to review and approval of the Planning Department. In following the recommendations of the sound study, the developer shall:

- a. Re-design proposed Lots 257 and 258 for location farther south from the proposed Buchanan Bypass and to extend a return wall segment south along "B" Street or as directed by the approved acoustic study. The position of the wall shall not interfere with the driver line-of-sight toward the west along the bypass. This redesigned lots and extended wall shall be reflected on the final map and improvement plans for the corresponding phase of development.
- b. Install windows, sliding glass doors or entryway doors upgraded with acoustic-ratings adequate to provide an interior Ldn of 45 dBA, or lower, for the first- and second-stories of houses on Lots 257 and 258. Sound transmission control ratings for windows shall be referenced on the building plans for these homes and shall comply with the recommendations of the approved sound study.

143. MM-I14: The developer shall conduct a detailed sound study prepared by a practicing INCE acoustical engineer to evaluate design specifications for mitigating sound impacts identified in the EIR. The sound study shall be subject to review and approval of the Planning Department. In following the recommendations of the sound study, the developer shall:

- a. Install a 6-foot tall sound wall or fence of overlapping boards and acoustic-rated windows at noise-exposed second stories generally at Lots 127-138 in Black Diamond Ranch.
- b. The developer shall submit plans demonstrating compliance with this condition satisfactory to the Planning Department prior to submitting plans to the City of Antioch for building permit approval. A copy of the approved plans by the City of Antioch shall be submitted to the Planning Department prior to the issuance of a building permit for the project.

These requirements may be waived by the Planning Department if homeowners do not agree to allow these improvements. The developer shall provide proof, acceptable to the Planning Department that a good faith effort has been made to cooperate with homeowners for the implementation of these measures.

144. MM-J1: The developer shall install natural gas-fired aesthetic fireplaces. Wood-burning in EPA-certified Phase II fireplace inserts, other EPA-certified Phase II appliances, or EPA-exempt pelletized-wood stoves shall be prohibited. Natural gas fireplaces shall be noted on building plan submittals for homes.
145. MM-J2: The developer shall implement the following measures to reduce dust during construction and grading:
- a. Perform active grading operations with watering at least 3 times per day including watering of any unpaved roads.
 - b. Limit off-road speeds to 15 mph on the project site.
 - c. Pave roads before deliveries of concrete or other construction materials are made to the lots.-Hydroseed or apply (non-toxic) soil stabilizer to inactive construction areas (previously graded areas inactive for ten days or more) or apply water daily.
 - d. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (soil, sand, cement, or aggregate materials.)
 - e. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - f. Replant suitable grassland vegetation in disturbed areas as soon as feasible.

Failure to comply with this measure shall result in a "stop work" order on grading activities.

146. MM-J3: The developer shall implement the following measures if grading is located within 500 feet of existing residences:
- a. Perform grading operations with more frequent watering than three time daily watering, including watering on demand to keep surface soil moist or crusted at all times.
 - b. Install and operate a temporary wind vane and anemometer during the grading. Developer shall suspend grading operations if adverse winds over 25 mph are blowing dust to any occupied residence.

- c. Provide perimeter dust monitoring for grading operations within 500 feet of an occupied dwelling. Monitoring reports shall be prepared and submitted daily to the City's Engineering Department.

Failure to comply with this measure shall result in a "stop work" order on grading activities.

147. MM-J4: Developer shall ensure that particle filters are properly installed and maintained on diesel earthmoving equipment including excavators, earthmovers, and compactors. A copy of invoices documenting that all equipment has been properly installed and maintained shall be made available to the City upon request. Failure to comply with this condition shall result in a "stop work" order on grading activities.
148. MM-J5: The developer shall comply with State of California Code of Regulations, Title 17, Section 93105, is an Asbestos Air Toxic Control Measures (ATCMs) to minimize or avoid naturally-occurring asbestos in grading dust. When applying for a general exemption from the ATCM via a geologic exemption, the developer shall contact the BAAQMD prior to submitting an exemption application. Proof of this correspondence with the BAAQMD shall be submitted to the Planning Department prior to the issuance of a grading permit.
149. MM-J6: The developer shall implement the following measures to reduce ROG (Reactive Organic Gasses):
 - a. Design and construct garages with electrical hookups for recharging electric-powered or hybrid vehicles. These hookups shall be noted on the building plans for the new homes.
 - b. The developer shall require and employ architectural coatings with reduced-VOC (5 percent reduction in emission of ROG from painting). This specification shall be noted on building plans for new homes. Supplementary documentation to verify compliance shall be submitted to the Planning Department upon request.
 - c. The developer shall include as mandatory provisions of the CC&Rs restrictions to reduce on-site handling of gasoline.
 - d. The developer shall encourage homebuyers to use push-reel or electric-powered lawn mowers through dissemination of air/water pollution information pamphlets. This information shall be included with the brochure for water efficient landscaping techniques required by PMC §18.84.320. CC&Rs shall prohibit on-site refueling of vehicles or storage of gasoline in excess of 1-gallon.

150. MM-K1: The developer shall comply with the following measures to reduce exposure risk of residents and homes on "D" Street, "D" Court, and "C" Court to wildland fire risk on the Urban Wildland Interface:
- a. Include emergency service provisions on the recommended Zone III/IV reservoir service road. Such provisions shall include suitable driving surface, grade and turnaround for fire engines and hydrants. This feature shall be subject to review and approval of the Engineering Department prior to the approval of the improvement plans for the corresponding phase of development.
 - b. Provide access to open space at the site's perimeter. To accommodate this access the developer shall provide additional EVAs at locations to be selected by the Contra Costa County Fire Protection District and City Engineering. One EVA acceptable location is Lot 191 connecting to Markley Creek Drive in Black Diamond Ranch. These features shall be subject to review and approval of the Engineering Department prior to the approval of the improvement plans for the corresponding phase of development.
 - c. Disclose the Natural Hazard Disclosure (Fire) Map to home buyers, along with public information including PRC 4291 and/or landscape, defensible space, and fuel break requirements equivalent in content. This information shall be made available to homebuyers at sales trailer(s) and shall be made available upon request of the Planning Department. The Planning Department shall not sign off on additional building plot plans if it determines that this measure is not being complied with.
151. MM-K2: The developer shall avoid siting the smallest-sized lots along the Urban Wildland Interface (UWI) or provide a buffer setback between the lots and the (UWI). The developer shall re-design "C" Court as a single-loaded street with Lots 176-180 along its north side and tennis courts, picnic area, or a tot park on its south side. These modifications shall be subject to review and approval of the Planning Department prior to approval of final maps along the UWI.
152. MM-K3: The developer shall construct all residences with residential fire sprinklers. Installation shall be as per NFPA #13D with the addition of sprinklers in the attics, garages, bathrooms, and closets. A four (4) head hydraulic calculation shall be used. All roofs shall be constructed with Class A rated roof assemblies. These features shall be shown on the building plans for homes.
153. MM-K4: The developer shall avoid new development within 100 horizontal feet from the PG&E easement centerline. Lots shall be adjusted to reflect this requirement and shall be subject to review and approval of the Engineering Department prior to the approval of final maps for the corresponding phase of development.

154. MM-K5: Building pad elevations shall be a minimum of 30 vertical feet from the ground to the existing PG&E transmission lines. Lots 76, 304-306, and 228-233 shall be graded to have a minimum 30 foot vertical clearance from the ground to existing PG&E transmission lines. The developer shall modify pad elevations to meet this requirement and provide exhibits, acceptable by the Planning Department, demonstrating compliance with this measure. This measure shall be subject to review and approval of the Planning Department prior to approval of a final map for the corresponding phase of development.
155. MM-K6: The developer shall provide vehicle access to the easternmost power transmission corridor from "B" Street and avoid cross-fencing of the easement to permit unimpeded service access at all times. This modification to the map shall be subject to review and approval of the Planning Department prior to approval of a final map for the corresponding phase of development.
156. MM-K7: The developer shall modify lot lines of proposed Lot 77 and proposed Lots 228-233, 236, 260, 305-306, 309, 342-343, and 378, to avoid cross-fencing of the petroleum pipeline easement and preserve unimpaired physical and visual access. These modifications to the map shall be subject to review and approval of the Planning Department prior to approval of a final map for the corresponding phase of development. The developer shall identify a relocation site for the relocated Zone II water reservoir near the end of "A" Court, in such a manner as to preserve physical and visual access to the petroleum product pipeline. The final location shall be subject to the review and approval of the City Engineer and shall occur as required with water infrastructure needs for the project identified in the City's Water Master Plan.
157. MM-K8: The developer shall preserve the PG&E and Kinder Morgan Energy Partners easements outside of private lots. Infrastructure that overlaps the easements, such as the detention basin, water reservoir, "B" Street and "D" Street, common or parking areas, or a future trail, may be acceptable within the easement provided such infrastructure does not impair physical and visual access to the pipeline. Adjustments to the easement line shall be subject to review and approval of the Engineering Department prior to approval of a final map for the corresponding phase of development. The developer shall provide suitable disclosures of the presence of the petroleum product pipeline to future buyers of lots within a specified distance of the pipeline, including all lots located downslope of the pipeline and additional lots to be determined by City staff. This disclosure shall be made available at the home sales trailer(s) and included with all informational brochure packets for homes. The Planning Department shall not sign off on additional building plot plans if it determines that this measure is not being complied with.
158. MM-L1: The developer shall implement the following measures should archaeological or cultural resources be discovered during grading:

- a. Upon discovery of cultural resources, the grading contractor shall halt grading within a radius of 50 feet of the find and will call the Planning Department, a qualified archaeologist and the Native American Heritage Commission (or local California Indian). The developer shall provide the Planning Department with proof of correspondence with a qualified archaeologist and the Native American Heritage Commission (or local California Indian). Grading shall not continue until notice is given by the Planning Department to proceed.
- b. The developer shall notify the Planning Department and Native American heritage Commission within 24 hours if any potentially significant cultural materials are encountered by the archaeologist.
- c. Following examination of the find, the archaeologist will examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation and analysis of any significant cultural materials. A Report of Findings prepared by the archaeologist, documenting any data recovered during his/her monitoring, would be submitted to the City Planning Department on a monthly basis.

159. MM-L2: In the event that human skeletal remains are encountered, the contractor shall immediately halt excavation or disturbance of the burial site or any nearby area reasonably suspected to overlie adjacent human remains and notify the County Coroner and Director of Planning. Excavation or disturbance shall remain suspended until the investigation of the County Coroner has been completed and recommendations of the coroner have been completely implemented including the conditional procedures outlined on the following page.

Section 5. The Conditions Imposed Substantially Advance a Legitimate Governmental Interest and are Roughly Proportional to the Burdens Created by the Subdivision.

A. In the case of Dolan vs. City of Tigard (1994) 114 SCt 2309, the United States Supreme Court expanded on the findings a local agency must make when it imposes a condition on development which constitutes a taking of a possessory interest in real property. To withstand constitutional challenge, Dolan requires the agency show that the condition substantially advances a legitimate governmental interest and does not deny an owner economically viable use of his property. Additionally, the agency must demonstrate that the benefits from the condition are roughly proportional to the burdens created by the project.

B. Fees, Exactions and Off-Site Improvements. The City has a legitimate governmental interest in ensuring that school districts (PUSD), utilities districts (DDSD, CCWD) and emergency services providers (CCCFPD) receive adequate funding to ensure that their facilities and services may be expanded, improved or upgraded in

accordance with demands created by new development. General Plan policies have been designed to require developers to pay the fair share costs to fund the increase in demand for services that their projects create, in order to ensure that development "pays its own way" and does not divert, to a specific project-related improvement, general revenue funds that would otherwise benefit residents citywide.

C. Dedication of Curb, Gutter, Sidewalk and Right-of-Way. The City has a legitimate governmental interest in providing safe streets of a consistent design and in compliance with Engineering Department standards. Installation of curb, gutter, and sidewalk will allow safer pedestrian and bicycle movement within the development. Design of streets and roads in accordance with Engineering Department standards also ensures safe access for maintenance of public utilities and facilities.

D. Stormwater System. The City has a legitimate governmental interest in providing an adequate storm water system to mitigate flooding conditions in a flood zone area.

E. Undergrounding Utility Lines and Boxes. The City has a legitimate governmental interest in creating aesthetically pleasing roadways, reducing fire hazards associated with overhead utility lines, increasing neighborhood property values and maintaining unrestricted views.

1. Aesthetic Considerations: Undergrounding of utilities, including boxes and transmission lines, will reduce visual clutter within the subdivision and improve views of the City. It will also contribute to creating uninterrupted views of the southern hills from properties within the subdivision.

Section 6. The Improvements are Reasonably Necessary to Meet the Needs of the Public Arising as a Result of the Subdivision

An improvement imposed as a condition of approval of a tentative map is valid to the extent that it is not excessive. An improvement is not considered excessive if it is reasonably necessary to meet public needs arising as a result of the subdivision (Government Code section 66465.4 (a)). As an additional finding, the Planning Commission hereby finds that the improvements described in section 4, above, are reasonably necessary to meet the needs of the public arising as a result of the Sky Ranch II Residential Development, as further described above.

Section 7. Effective Date

This resolution shall take effect upon LAFCO approval of annexation of the project site to the City of Pittsburg.

On motion by Commissioner _____, seconded by Commissioner _____, the foregoing resolution was passed and adopted the 8th day of May, 2007, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES:

NAYES:

ABSTAIN:

ABSENT:

I hereby attest the above signature and certify that the above Resolution No. 9711 was adopted by the Planning Commission of the City of Pittsburg on May 8, 2007.

MELISSA AYRES, SECRETARY
PITTSBURG PLANNING COMMISSION

ATTACHMENT 3

PROPOSED BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution for Design Review Approval of	)	
Proposed Home Designs for a 415-Lot	)	
Residential Subdivision to be Located at the	)	
Terminus of Ventura Drive, South of the	)	Resolution No. 9712
Highlands Ranch Subdivision For "Sky Ranch	)	
II Residential Subdivision. (DR-02-48).")	)	

The Planning Commission DOES Resolve as follows:

Section 1. Background

- A. On July 23, 2004, Albert Seeno III, of Discovery Builders (the "applicant") filed Design Review Application No. DR-02-48 in accordance with Chapter 18.12 of the Pittsburg Municipal Code (PMC), requesting design review approval of architectural plans and elevations for 415 single-family residential units to be constructed in Tract No. 8475 to be located at the terminus of Ventura Drive, south of the Highlands Ranch subdivision; APNs 089-050-067 & 042 (and portions of Highlands Ranch).
- B. In conjunction with this request, the applicant simultaneously filed applications requesting that the property be prezoned and that a vesting tentative map be approved thereon to allow the subdivision of the land to create 415 single-family lots (Tract 8475). This land is currently outside the City limits and must be annexed to the City prior to any actions by this Commission taking affect on this project.
- C. On May 8, 2007, the Planning Commission adopted Resolution No. 9710 recommending that the Council prezone the subject property to RS-6-O (Single Family with and Overlay) District. The proposed zoning district, if adopted, would establish development standards to guide development of this property if it is ultimately annexed into the City of Pittsburg.
- D. This design review approval is contingent on the Commission's approval of Vesting Tentative Map 8475, the Council's final approval to prezone the property and LAFCO approval of annexation of the project site to the City of Pittsburg, Delta Diablo Sanitation District (DDSD) and Contra Costa Water District (CCWD).
- E. An environmental impact report (EIR) was prepared for this project (SCH # 2004112092). On October 2, 2006, the City Council adopted Resolution No. 06-

10632 certifying that the final environmental impact report (FEIR) was prepared in accordance with CEQA and the State CEQA Guidelines. The proposed Vesting Tentative Map is consistent with Alternative 2 of the FEIR.

- F. The applicant is proposing five floor plans featuring two, single story and three, two story designs. Each proposed floor plan has three street elevation options. The mix and siting of the homes are not proposed at this time.
- G. The applicant is proposing six different color schemes for the exteriors of the houses. Each color scheme consists of varied shades of white, beige, green and gray for the main body of the house. Trim and accent colors include shades of yellow, dark red, green and brown.
- H. The proposed house plans are designed for single family residential use which is consistent with the *Low Density Residential* General Plan land use designation for the project and RS-6-O District rezoning recommendation made by the Planning Commission to the City Council in PC Resolution No. 9710.
- I. The proposed home designs comply with some, but not all of the applicable design guidelines. The proposed homes incorporate concrete tile roofs (Guideline I.c), and sectional garage doors (Guideline I.i).
- J. The proposed home designs do not comply with the adopted design guidelines that call for 360 architecture on the homes (Guidelines I.a and I.n), utilization of at least four different garage door designs (Guideline I.j), and utilization of side on garage doors on lots over 70 feet wide (only one plan offers this option).
- K. Conformance with other adopted design guidelines related to landscaping and fencing/wall design (Guidelines I.e., I.m., and II.b., II.c, II.d.) cannot be determined at this time as submitted plans do not include preliminary landscape plans, wall/fence design plans.
- L. Conformance with adopted design guidelines related to placing one-story homes on the most prominent corner lots in conformance with Guideline II.h., or whether driveways at three way intersections will align with streets (Guideline II.k) cannot be determined at this time as submitted plans do not include a master plotting plan.
- M. The standards that the Commission must use when reviewing design review applications are identified in PMC Chapter 18.36. The Planning Commission may approve the proposed home designs submitted for this subdivision, if the Commission determines that:
 - 1. The structures conform with good taste, good design and in general contributes to the character and image of the City as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality.

2. The exterior design and appearance of the structures are in harmony with proposed developments on land in the general area and is not of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value.
- N. The EIR prepared for this project identifies a mitigation measure (MM-E1) that requires that the developer implement the following design modifications to the extent that they are required with Design Review approval:
- MM-E1 #1: Options such as modified front elevations to de-emphasize garage doors.
- MM-E1 #2: Staggered building setbacks in the southern portion of the project site.
- MM-E1 #3: Alternative street cross sections for the southern portions of "B" Street and "D" Street and for the entire length of "B" Court, "C" Court and "D" Court. Alternative street sections may not have conventional curbs and sidewalks in favor of a more rustic design with extra tree planting width.
- MM-E1 #4: A "Fencing and Natural Grassland Strategy" to avoid visual interruption of prominent south facing slopes visible from Buchanan Road.
- MM-E1 #5: Reduced lighting requirements for the southern area of the site along the southern portions of "B" Street and "D" Street and for the entire length of "B" Court, "C" Court and "D" Court.
- O. Notice of the May 8, 2007, Planning Commission meeting date for this project was mailed to the applicant and all interested parties on April 27, 2007, in compliance with PMC Section 18.36.350.
- P. On May 8, 2007 the Planning Commission reviewed the plans for Design Review Application No. AP-04-154 at which time oral and/or written testimony was considered.

Section 2. Findings

The Planning Commission hereby finds that based on the Planning Staff Report entitled, "Sky Ranch II Residential Development. RZ-02-21, SUBD 8475, DR-02-48.", dated May 8, 2007, and related attachments, and based on all information in the Final (including Draft) EIR prepared for the project, and based on evidence collected during site visits to the project site and based on all the information contained in the Planning Department files on the project, adopted and incorporated here by reference and

available for review in the Planning Department located at 65 Civic Avenue in Pittsburg, and based on all written and oral testimony presented at the public hearing that:

- A. All recitals above are true and correct and are incorporated herein by reference.
- B. The Final EIR for the Sky Ranch II Residential Subdivision project was prepared in compliance with Public Resources Code Section 21000 et seq., and the State CEQA Guidelines Section 15000 et seq, all impacts associated with this project have been analyzed in the EIR prepared for this project, and the Commission has independently reviewed and considered the information contained therein, prior to making its decision on this design review application.
- C. The proposed home designs for the Sky Ranch II subdivision:
 - a. Will be in good taste, good design and in general contribute to the character and image of the City as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality if the following modifications are made to the house designs and related improvements:
 - (1) provision of an additional house plan that incorporates a side loaded garage design (MM-E1 #1);
 - (2) provision that homes on lots 10,000 square feet or larger provide larger than minimum front yard setbacks to ensure a staggered effect within the subdivision (MM-E1 #2);
 - (3) return stone veneer on any front elevation to the fence line on an abutting corner with an appropriate wood, stone or stucco trim cap and provide that at least one-half of the units should incorporate substantial stone and/or brick veneer accents in their design (DRG Guideline 1.a);
 - (4) clad all "C" elevation models in horizontal lap siding instead of stucco for all building elevations. At least 25% of the homes would have "C" elevations (DRG Guideline 1.a);
 - (5) incorporate into side and rear elevations architectural details used on front elevations and additional detailing in order to provide a distinct look for each home from all elevations. At a minimum, this would include the following changes (DRG Guideline 1.a):
 - (a) projections such as pop-out windows and second story recesses to provide shadow and depth;
 - (b) a variety of architectural embellishments/details such as variable window treatments, shutters, trim, garden boxes, and iron work;

- (c) a variety of window designs such as double & single hung, single & double sliders, bay, and oriel windows. The size/dimensions of windows and grid-pane size/design shall also have variation to provide a distinct look for each home;
 - (6) design two story house plans for "A" and "B" elevations with a horizontal band installed around the second floor expansion joints. (DRG Guideline I.a);
 - (7) redesign roof plans for models 3013 and 3588 to provide more variety in design, height and overall appearance, especially along rear and side elevations. The redesigned roof plans would provide visual interest between the two models (DRG Guideline I.a);
 - (8) provide front and street side yard landscaping on all lots. (DRG Guideline I.e);
 - (9) equip sectional, two-car garage doors installed on each residential unit are with automatic openers. Garage door designs won't be duplicated on adjacent lots, with not less than 4 styles used for the project (DRG Guideline I.j);
 - (10) construct retaining walls visible from the Buchanan Road Bypass of the same materials or match the design of soundwalls used for the subdivision (DRG Guideline II.e);
 - (11) Locate single story units on corner lots whenever possible, especially on predominant corners within the subdivision where massing of houses can be minimized with the use of single story units (DRG Guideline II.h);
 - (12) align dwelling unit driveways with the on-coming street three-way intersections when possible (DRG Guideline II.k);
 - (13) maintain a 10-foot wide or greater garage side yard setback on at least one side yard unless deemed infeasible by the City Engineer. (DRG Guideline II.l);
 - (14) the width of landscaping strips/planting areas along side yards facing street frontages are not less than six feet or the height of abutting fences or sound walls, and in most cases would exceed this standard (DRG Guideline II.n);
- b. Will be in harmony with proposed developments on land in the general area and not of inferior quality as to cause the nature of the neighborhood to

materially depreciate in appearance and value if the following modifications are made or provided with the house designs and related improvements:

- (1) design fencing along prominent south facing slopes visible from Buchanan Road in a fashion that uses open fences that avoid visual interruption (MM-E1 #4);
- (2) in the event that it is determined that sound walls are needed for the project which exceed 6-feet in height, measures that can reduce the perceived height of the wall would be incorporated into the design of the wall, whenever possible. This may include techniques such as creating earthen berms and mounds near the base of the wall or using retaining walls to offset the height of the wall (DRG Guideline II.c);
- (3) provide fences for all rear and side yards of all residential parcels with redwood fencing in conformance with the height and site regulations of the Zoning Ordinance, except where such rear or side yard is enclosed by a masonry subdivision wall (DRG Guideline I.m);
- (4) underground all utility lines and boxes within the subdivision as deemed feasible by the City Engineer (DRG Guideline II.i);
- (5) position fences/walls at the top of downslope banks unless otherwise directed by the City Engineer (DRG Guideline II.j);
- (6) include decoratively designed pilasters that are positioned at least 50-foot on center for perimeter walls and/or sound walls with the exception that the design of the wall along the Buchanan Road Bypass, which would be most pleasing if the exterior of the wall matched the wall constructed along the Bypass in the subdivision to the east.

Section 3. Decision

Based on the findings set forth above, the Planning Commission hereby approves Design Review Application No. DR-02-48, subject to the following conditions:

1. The project shall be constructed in substantial conformity with the architectural drawings date stamped February 27, 2007 and color and materials board date stamped April 18, 2007, except as hereinafter modified.
2. The Developer shall submit a Plotting Plan to demonstrate how the placement of the homes will not create a negative visual effect from the massing of homes. Lots on the Plotting Plan shall accurately reflect the lots and site plan layout of the Final Map (not tentative map) and shall also summarize graphically and with a table, how each lots complies with the applicable PMC zoning standards and other applicable conditions of approval related to mix of architecture and house siting.

This exhibit shall be submitted to the Planning Department for each final map and shall be subject to review and approval of the Planning Department prior to acceptance of the final map for each respective phase.

3. The developer shall provide an additional house plan, or a plan in-lieu of one of the proposed two-story plans, which incorporates a side loaded garage design and a substantial one-story element (if the new house plan is two-story design).
4. Dwelling unit driveways shall align with the on-coming street three-way intersections when possible. This shall be reflected on the plot plans for homes in these locations.
5. The applicant shall design fencing along prominent north facing slopes visible from Buchanan Road in a fashion that uses open fences that avoid visual interruption. The fence design shall be shown on the in-tract landscaping plan for the subdivision and shall be subject to review and approval of the Planning Department prior to the issuance of building plot plans.
6. The developer shall maintain a 10-foot wide or greater garage side yard setback for at least one side yard, unless deemed infeasible by the City Engineer. The developer shall consider alternate house plans in order to comply with this requirement.
7. Fences/walls shall be positioned at the top of downslope banks unless otherwise allowed by the City Engineer. Fences at the top of slopes visible from Buchanan Road shall comply with MM-E1 #4 to maintain unobstructed views.
8. Perimeter walls and/or sound walls shall include decoratively designed pilasters that are positioned at least 50-foot on center with the exception that the design of the wall along the Buchanan Road Bypass shall match the wall constructed along the Bypass in the subdivision to the east. This feature shall be reflected on the in-tract landscaping plan and landscaping plan and shall be subject to review and approval of the Planning Department prior to the approval of building plot plans.
9. In the event that it is determined that sound walls are needed for the project which exceed 6-feet in height, the developer shall incorporate into the design of the wall, measures that will reduce the perceived height of the wall, whenever possible. This may include techniques such as creating earthen berms and mounds near the base of the wall or using retaining walls to offset the height of the wall.
10. Single story units shall be located on corner lots whenever possible, especially on predominant corners within the subdivision where massing of houses can be minimized with the use of single story units. Single story units shall be clearly identified on the setback exhibit to be submitted to the Planning Department.

11. Sectional, two-car garage doors installed on each residential unit shall be equipped with automatic openers. Garage door designs shall not be duplicated, not less than 4 styles shall be used for the project and no two adjacent homes shall have the same garage door design. Type/design of the garage shall be referenced for each lot on the required setback exhibit submittal to the Planning Department.
12. The developer shall provide front and street side yard landscaping on all lots. Street trees shall be provided along all street frontages at an average of one tree for every 40 feet of street frontage, to the extent practicable. The species shall be subject to review and approval of the City. Final landscaping and irrigation plans shall meet the standards and requirements set forth in the City Landscaping Ordinance and shall be subject to review and approval by the Planning Department prior to building permit issuance.
13. The width of landscaping strips/planting areas along side yards facing street frontages shall not be less than six feet or the height of abutting fences or sound walls, and in most cases shall exceed this standard.
14. Roof plans for models 3013 and 3588 shall be redesigned to provide more variety in design, height and overall appearance, especially along rear and side elevations. These roof plans shall avoid a common roof-line and shall have varying ridge heights, roof forms, and direction of gables. The redesigned roof plans shall provide visual interest between the two models.
15. Use of chain link or barbed wire fencing within the subdivision is prohibited on residential lots. Wrought iron or other similar decorative type fencing shall be used at prominent entrances to common areas and pedestrian paths used by residents. Decorative pilasters shall be used in the design of this decorative fencing.
16. Air conditioning units shall be placed in the rear or side yards adjacent to the wall of the house, with a minimum of three feet of unobstructed access between the unit and the rear or side property line fence, respectively.
17. Each house built on a lot with a retaining wall shall be placed such that there is a minimum of three feet of unobstructed access between the finished house exterior (not foundation) and the closest part of the retaining wall.
18. Houses shall be plotted (and lots graded) so that all homes have at least a minimum of 10 feet of flat usable rear yard, without obstructions from air condition units, pop-out windows, or other physical obstructions to the usability of the rear yard.

19. Front yards shall be varied throughout the subdivision, with all lots providing a minimum of 20 foot front yard and all lots greater than 10,000 square feet providing a minimum of 25 foot front yard setback.
20. All homes shall be provided illuminated addresses on the front of the home which is visible to emergency response personnel from the adjacent street, as determined acceptable by the Planning Department.
21. Front massing of homes shall vary from residence to residence. Rear elevations of homes which back toward public streets shall incorporate a high level of articulation on rear building elevations.
22. No more than two of the same model home shall be adjacent to one another and no two of the same adjacent models shall have the same elevation or color scheme. Compliance with this condition shall be shown on the required setback exhibit submittal to be submitted to the Planning Department.
23. Decorative attic vents shall be painted in the contrasting trim or accent color.
24. Roof vents shall be painted the same color as roofing material.
25. Stone veneer on any front elevation shall be returned to the fence line on an abutting corner with an appropriate wood, stone or stucco trim cap. At least one-half of the units shall incorporate a substantial stone or brick exterior finish component.
26. All "C" elevation models shall be clad in horizontal lap siding instead of stucco for all building elevations. At least 25% of the homes shall have "C" elevations.
27. Architectural details used on front elevations and additional detailing shall be incorporated into side and rear elevations in order to provide a distinct look for each home from all elevations. At a minimum, this shall include:
 - a. Projections such as pop-out windows and second story recesses to provide shadow and depth.
 - b. A variety of architectural embellishments/details such as variable window treatments, shutters, trim, garden boxes, and iron work.
 - c. A variety of window designs such as double & single hung, single & double sliders, bay, and oriel windows. The size/dimensions of windows and grid-pane size/design shall also have variation to provide a distinct look for home model.

28. Two story house plans for "A" and "B" elevations shall be designed with a horizontal band installed around the second floor expansion joints. The band on elevations "A" and "B" shall be designed with a different appearance.
29. Prior to occupancy of the homes by residents, the developer shall complete installation of landscaping and automatic irrigation systems in street landscape areas and front and corner side yards of respective residential lots, in accordance with Article 7 of the PMC Title 18 (the zoning ordinance), subject to approval by the Planning and Engineering Departments.
30. The applicant shall fence all rear and side yards of all residential parcels with redwood fencing in conformance with the height and site regulations of the Zoning Ordinance and subject to approval by the Planning Department, except where such rear or side yard is enclosed by a masonry subdivision wall and except along the south and west subdivision borders and along property lines adjacent to other generally natural terrain, where view fences shall be required. All fencing shall be shown on the in-tract landscaping plan and shall be subject to the review and approval of the Planning Department prior to the approval of building plot plans and construction of the fencing/walls. Barbed wire fencing shall be prohibited.
31. Balconies for 3588B and 3923C shall be designed as a fully functioning balcony that is safe for homeowners to stand on as an option to buyers.
32. Roof vents and chimney spark arrestors shall be painted the same color as roofing material.
33. In implementing Mitigation Measure D1 (MM-D1), the developer shall develop an alternate color palette to modify the standard roof color-palette to provide natural, terrain-neutral colors and restrict terra cotta or clay roof tiles, in particular for lots 126-136, 206, 268, 300-309, 344-346, and all other lots generally above 350 feet msl. This alternate color palette shall also modify the stucco and exterior trim color-palette to provide more saturated terrain-neutral exterior colors and restrict white or light reflective exterior colors.
34. Passive heating and cooling design shall be incorporated into the final layout of the subdivision and in the orientation of homes on lots. Energy efficient appliances meeting energy star standards shall be provided as standard features in all homes.
35. The Standard Conditions of Development as adopted by the Pittsburg Planning Commission by Resolution No. 8931 shall apply as conditions of approval for this project as applicable. Where there is conflict between Resolution No. 8931 and the specific conditions identified in this resolution, the specific conditions of this resolution shall govern.

36. All site development shall comply with Title 12 (Streets, Sidewalks, and Utilities), Title 13 (Water and Sewers) and Chapter 15.88 (Grading, Erosion and Sediment Control) of the PMC as determined by the City Engineer. Issuance of a site development permit will be required whereby specific engineering requirements will be made as conditions of approval.
37. The applicant shall submit grading, final landscaping, and erosion control plans to the Engineering Department for its review and approval prior to construction activity on the site.
38. The applicant shall comply with all the requirements of the Planning Department, Building Division, Engineering Department, Contra Costa County Fire Protection District and all applicable local, state and federal agencies.
39. The applicant shall not begin any construction prior to the issuance of building permits.
40. The applicant shall defend, indemnify and hold harmless the City of Pittsburg, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval, which action brought within the applicable time period of Government Code section 65907. In the event the City becomes aware of any such claim, action, or proceeding, the City shall promptly notify the applicant and shall cooperate fully in the defense. If the City fails to promptly notify the applicant, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City. Nothing contained in this condition prohibits the City from participating in the defense of any claim, action or proceeding, if both the following occur: (a) the City bears its own attorneys' fees and costs; and (b) the City defends the action in good faith. The applicant shall not be required to pay or perform any settlement unless the settlement is approved by the applicant.
41. The conditions of approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code section 66020 (d) (1), these conditions constitute written notice of a statement of the amount of fees, and a description of the dedications, reservations and other exactions. The applicant is hereby notified that the 90-day approval period in which you may protest these fees, dedications, reservations and exactions, pursuant to Government Code section 66020 (a) has begun. If you (the applicant) fail to protest within this 90-day period by complying with all of the requirements of section 66020, you (the applicant) will be legally barred from later challenging such exactions.
42. The applicant shall comply with all requirements of the Engineering Department, Contra Costa County Fire Protection District, Delta Diablo Sanitation District and

all other applicable local, state and federal agencies prior to issuance of a certificate of occupancy by the Building Division.

43. This approval will expire one year after the expiration of Vesting Tentative Map 8475, unless a building permit or grading permit has been issued or a written request for extension is filed with the Planning Department prior to the expiration date and subsequently approved by the Planning Commission. The approval shall be valid for no more than six months from the date of permit issuance, unless work is commenced and diligently pursued prior to the expiration of the permit.

Section 4. Effective Date

This resolution shall take effect upon annexation of the subject property to the City of Pittsburg.

On motion by Commissioner _____, seconded by Commissioner _____, the foregoing resolution was passed and adopted the 8th day of May, 2007, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES:

NAYES:

ABSTAIN:

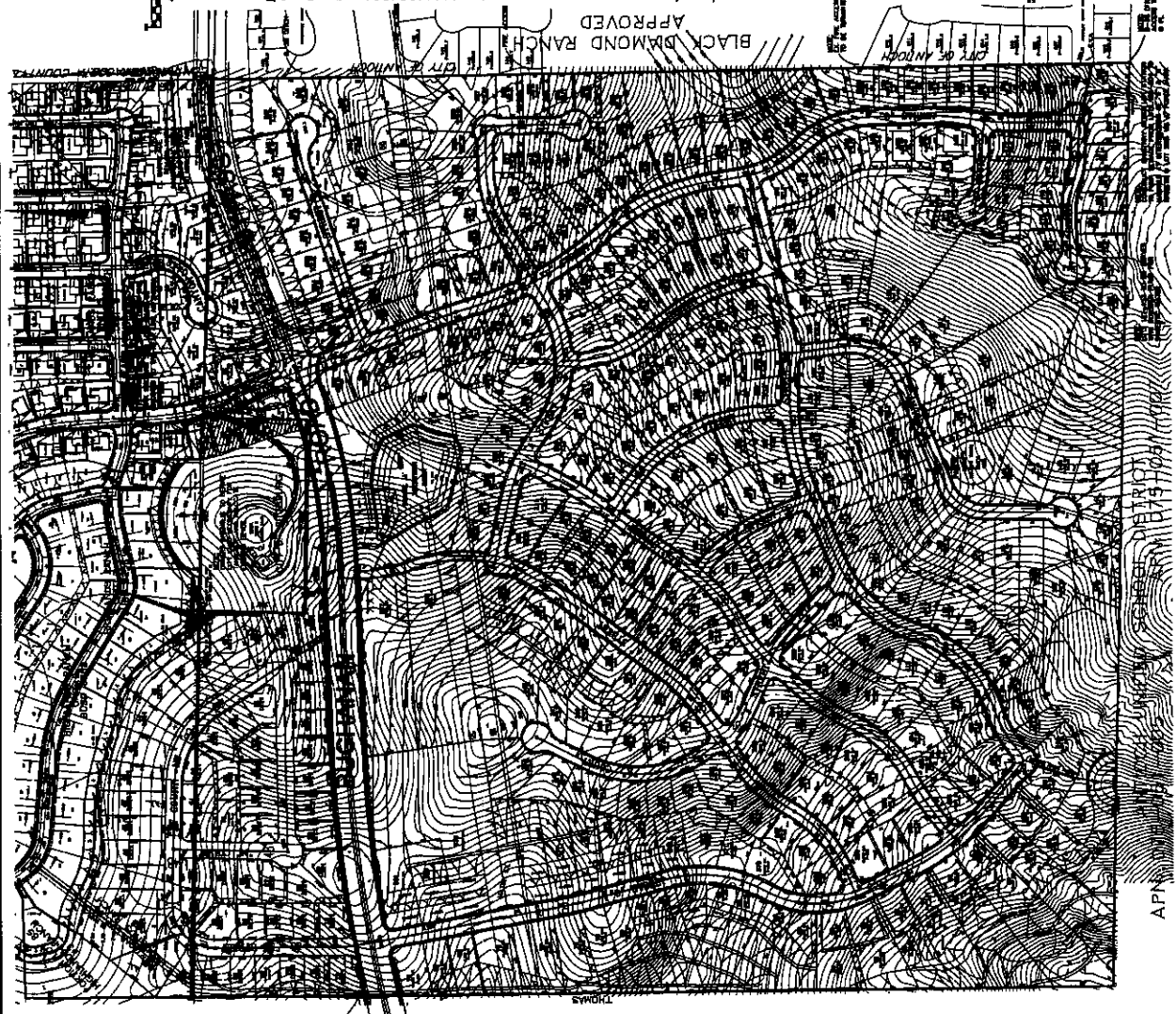
ABSENT:

I hereby attest the above signature and certify that the above Resolution No. 9712 was adopted by the Planning Commission of the City of Pittsburg on May 8, 2007.

MELISSA AYRES, SECRETARY
PITTSBURG PLANNING COMMISSION

**VESTING TENTATIVE MAP
&
PRELIMINARY GRADING PLAN
SUBDIVISION 8475
CITY OF PITTSBURGH
MARCH 2004**

"SKY RANCH II"

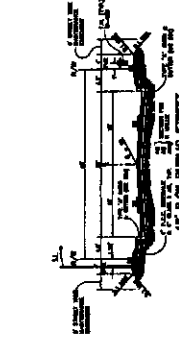
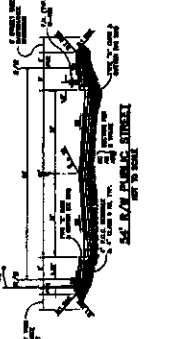
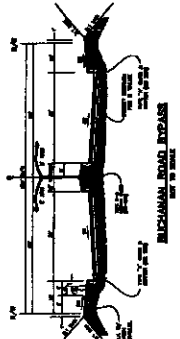
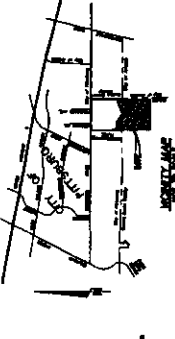
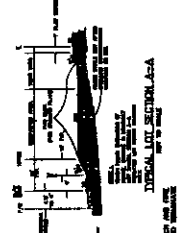
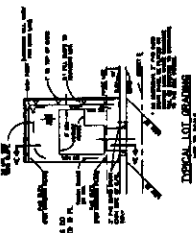


GENERAL NOTES:

1. ALL ELEVATIONS ARE IN FEET ABOVE MEAN SEA LEVEL.
2. THE PROPOSED GRADING SHALL BE IN ACCORDANCE WITH THE CITY OF PITTSBURGH GRADING STANDARDS.
3. THE PROPOSED GRADING SHALL BE IN ACCORDANCE WITH THE CITY OF PITTSBURGH DRAINAGE STANDARDS.
4. THE PROPOSED GRADING SHALL BE IN ACCORDANCE WITH THE CITY OF PITTSBURGH EROSION CONTROL STANDARDS.
5. THE PROPOSED GRADING SHALL BE IN ACCORDANCE WITH THE CITY OF PITTSBURGH FLOOD CONTROL STANDARDS.
6. THE PROPOSED GRADING SHALL BE IN ACCORDANCE WITH THE CITY OF PITTSBURGH LANDSCAPE ARCHITECTURE STANDARDS.
7. THE PROPOSED GRADING SHALL BE IN ACCORDANCE WITH THE CITY OF PITTSBURGH UTILITIES STANDARDS.
8. THE PROPOSED GRADING SHALL BE IN ACCORDANCE WITH THE CITY OF PITTSBURGH TRAFFIC STANDARDS.
9. THE PROPOSED GRADING SHALL BE IN ACCORDANCE WITH THE CITY OF PITTSBURGH PUBLIC WORKS STANDARDS.
10. THE PROPOSED GRADING SHALL BE IN ACCORDANCE WITH THE CITY OF PITTSBURGH ENVIRONMENTAL STANDARDS.

LEGEND:

- PROPOSED GRADING
- PROPOSED DRAINAGE
- PROPOSED EROSION CONTROL
- PROPOSED FLOOD CONTROL
- PROPOSED LANDSCAPE ARCHITECTURE
- PROPOSED UTILITIES
- PROPOSED TRAFFIC
- PROPOSED PUBLIC WORKS
- PROPOSED ENVIRONMENTAL



SKY RANCH II
SUBDIVISION 8475
CITY OF PITTSBURGH
MARCH 2004

Legend & Assoc. Inc.

RECEIVED

FEB 27 2007

CITY OF PITTSBURGH
PLANNING DEPARTMENT
100 AVE PITTSBURGH 94565



Conceptual Street Scene
Pittsburg, CA

Sky Ranch Pittsburg, California

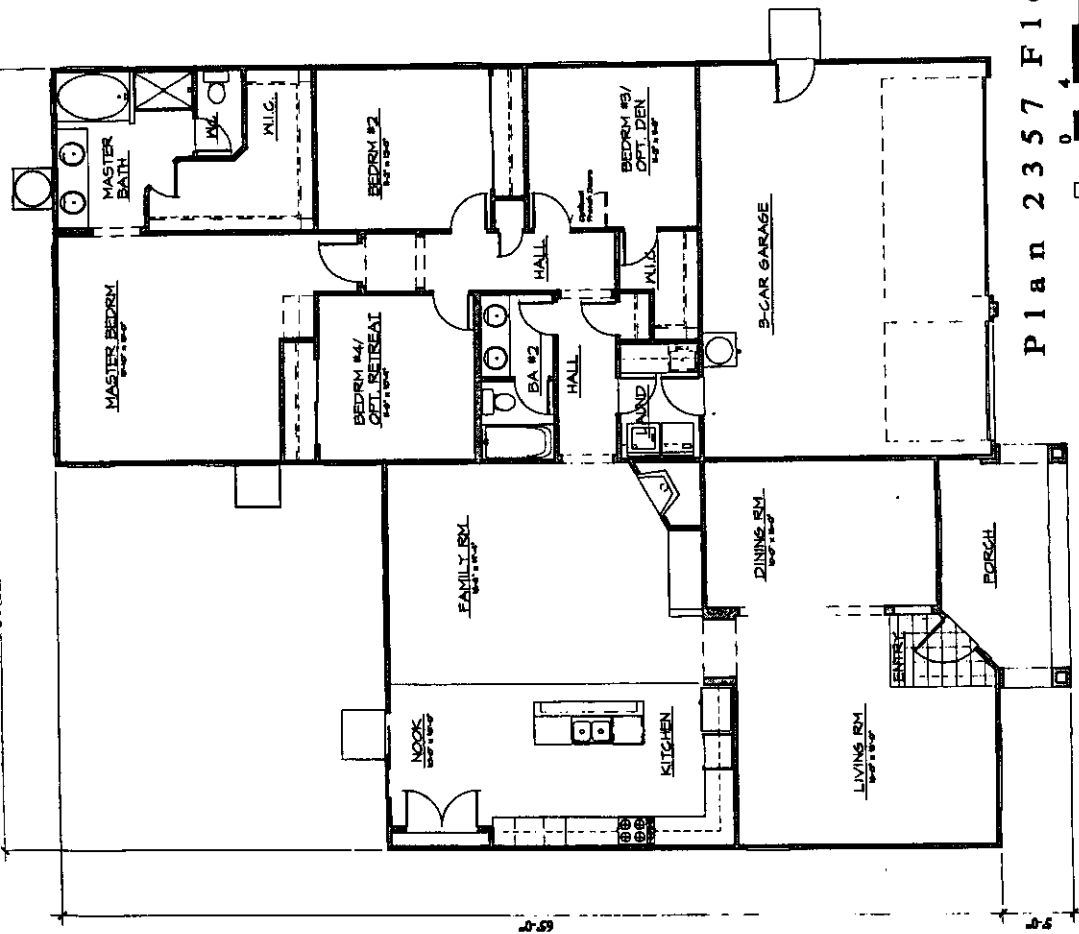
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CITY OF PITTSBURG
PLANNING DEPARTMENT
65 CIVIC AVE. PITTSBURG 94565

ATTACHMENT 5

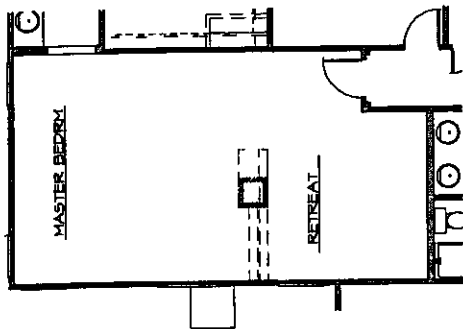
Discovery Builder



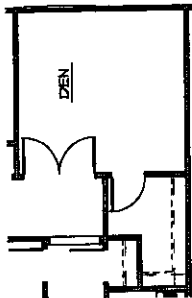
Plan 2357 Floor Plan



Sky Ranch
Pittsburg, California



Optional Master Retreat



Optional Den

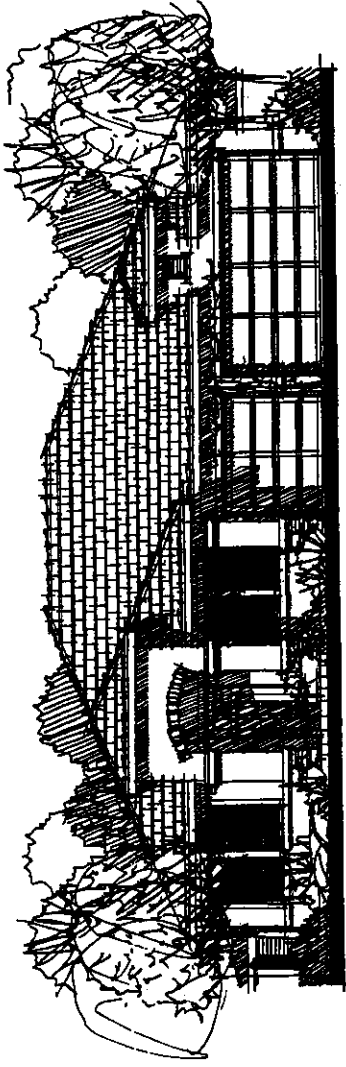
Floor Plan
4 Bedrooms
Opt. Den / Opt. Retreat
2 Baths
2357 Sq. Ft.

Discovery Builders, Inc.

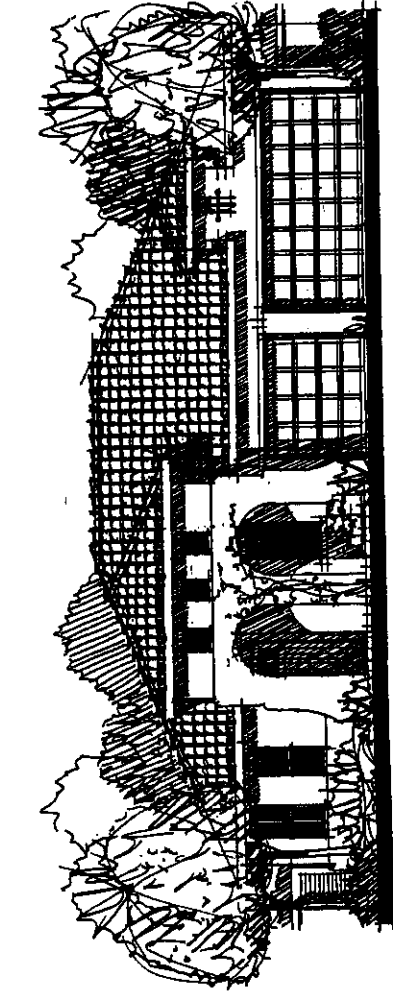
12/18/2002

MATERIAL LEGEND

1. MASONRY & PLAT CONCRETE
2. TILE
3. STUCCO
4. STUCCO WITH STONE WINDOW
5. TERRAZZO
6. WOOD SHUTTERS
7. WOOD SHUTTERS WITH
8. WOOD PANELS
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15. WOOD PANELS WITH
16. METAL BRITANNIA GARAGE
17. DOOR



2357A

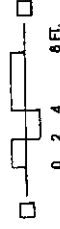


2357B



2357C

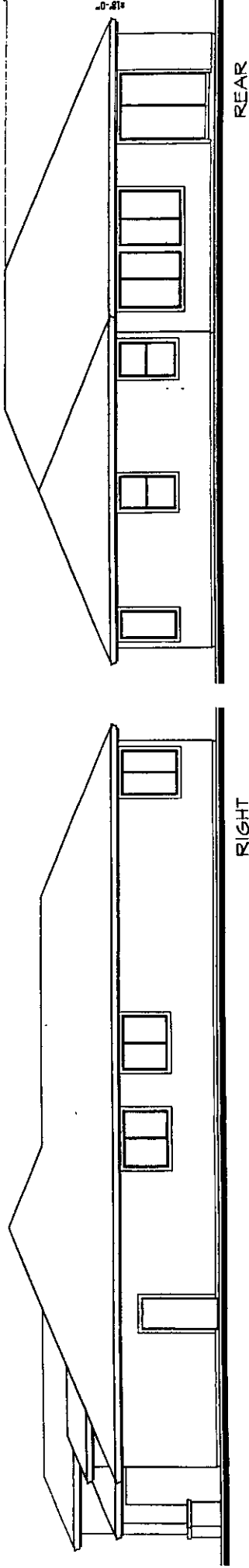
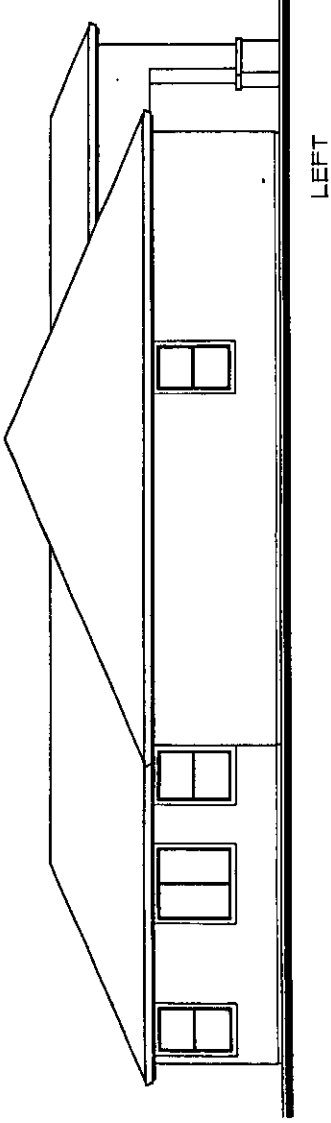
Plan 2357 - Front Elevations



0 2 4 6 FT.

Discovery Builders, Inc.
12/18/2002

Sky Ranch
Pittsburg, California



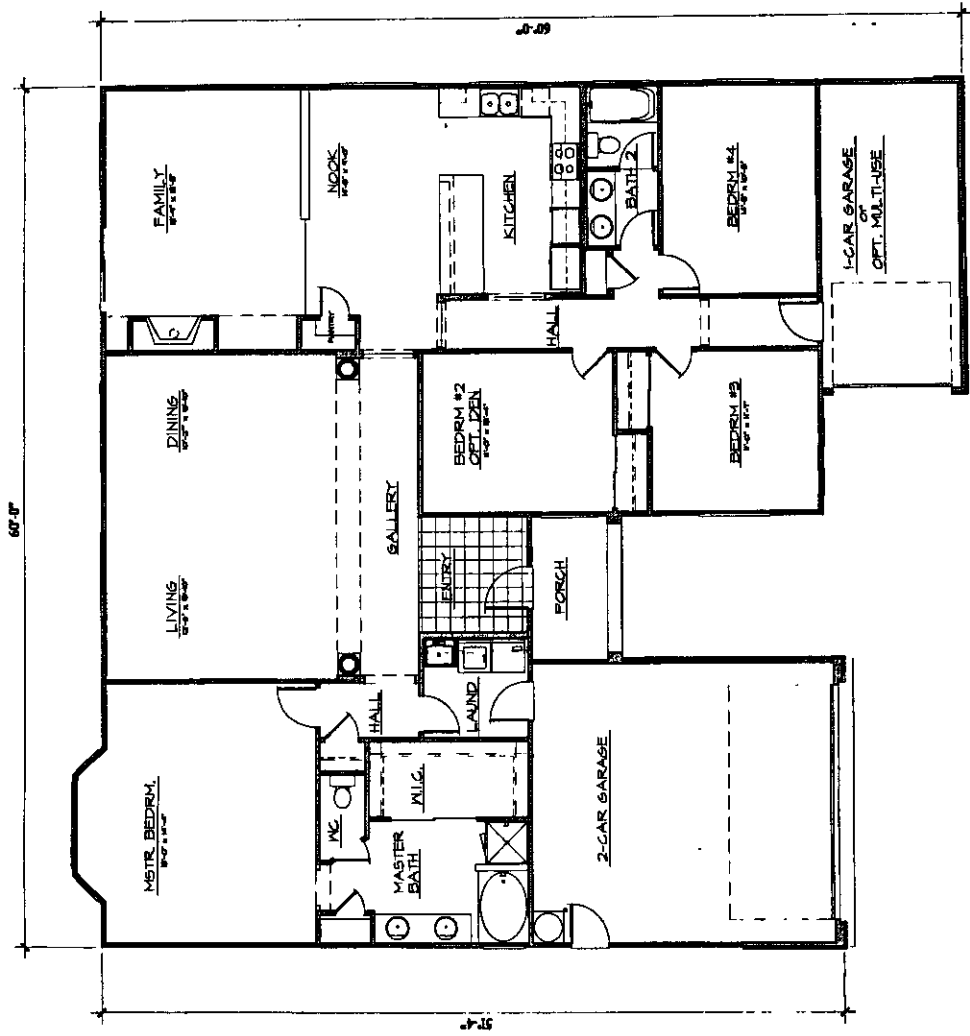
Elevation 2357



Sky Ranch
Pittsburg, California

Discovery Builders, Inc.

12/18/2002



Floor Plan
4 Bedrooms
Opt. Den
2 Baths
2408 Sq Ft

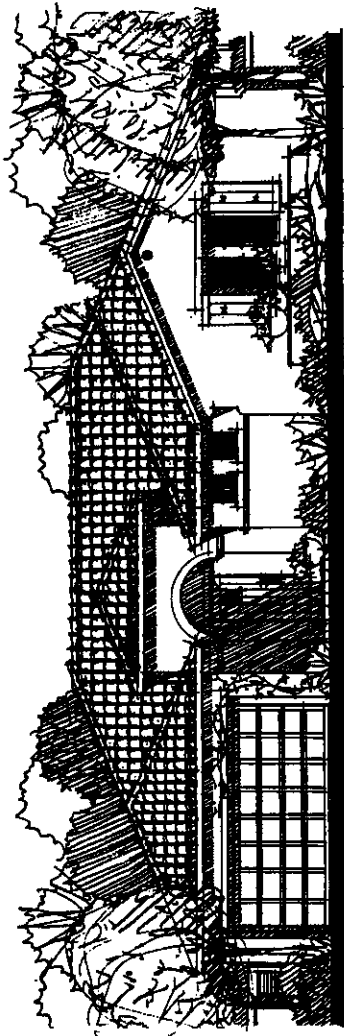
Plan 2408 Floor Plan



Sky Ranch
Pittsburg, California



2408A



2408B

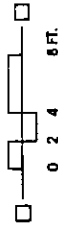


2408C

MATERIAL LEGEND

1. BRICK
2. STUCCO
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Plan 2408 - Front Elevations

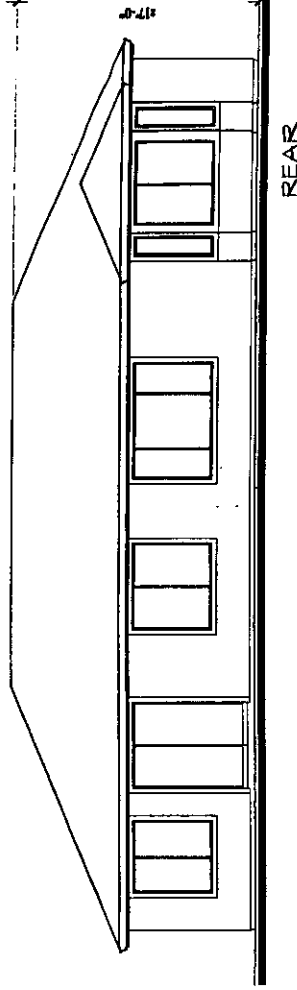
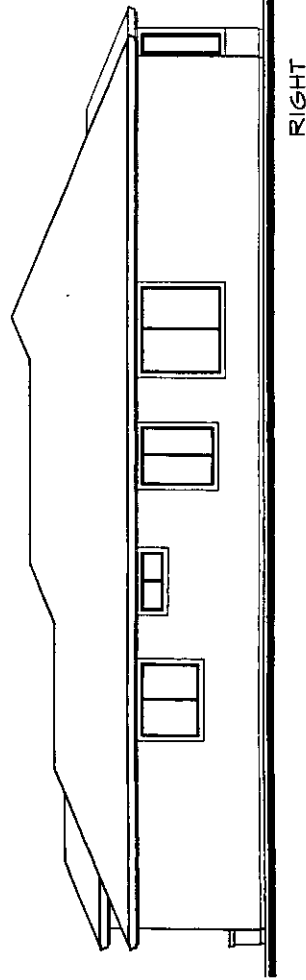
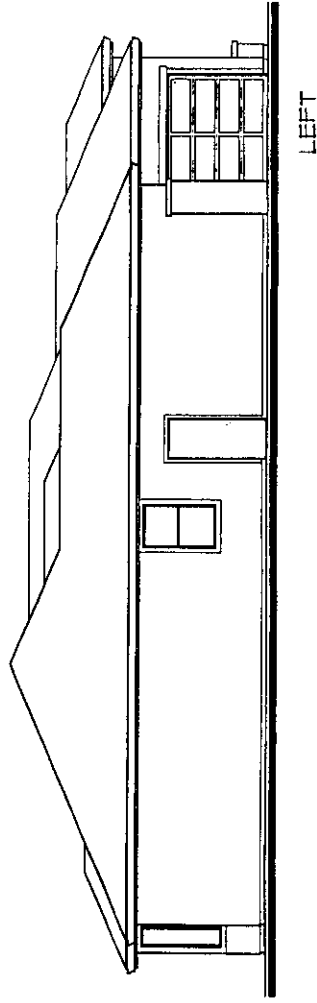


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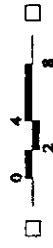
Sky Ranch
Pittsburg, California

Discovery Builders, Inc.

12/18/2002



Elevation 2408

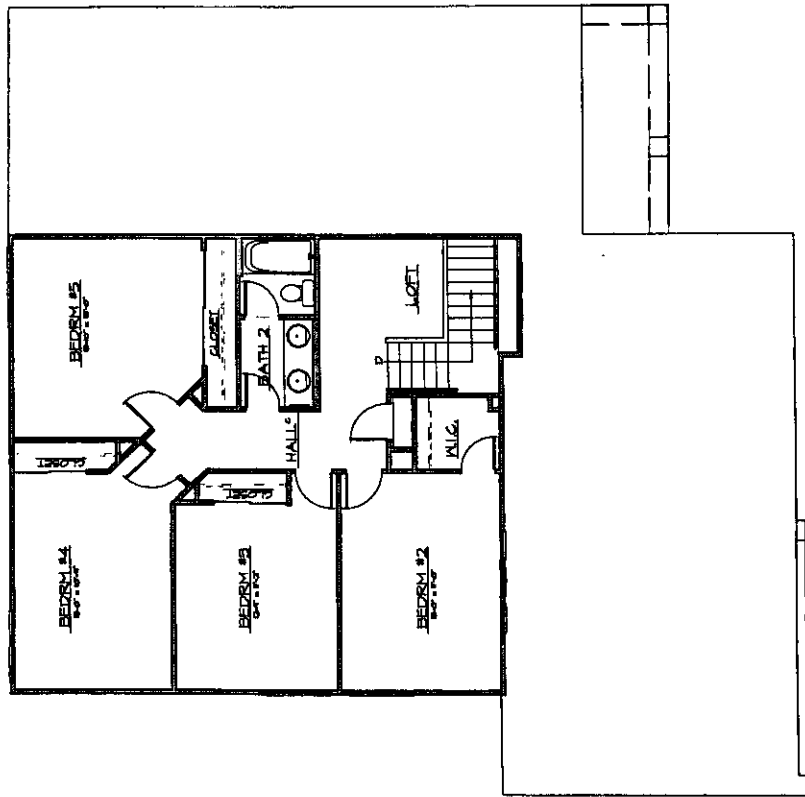


Sky Ranch

Pittsburg, California

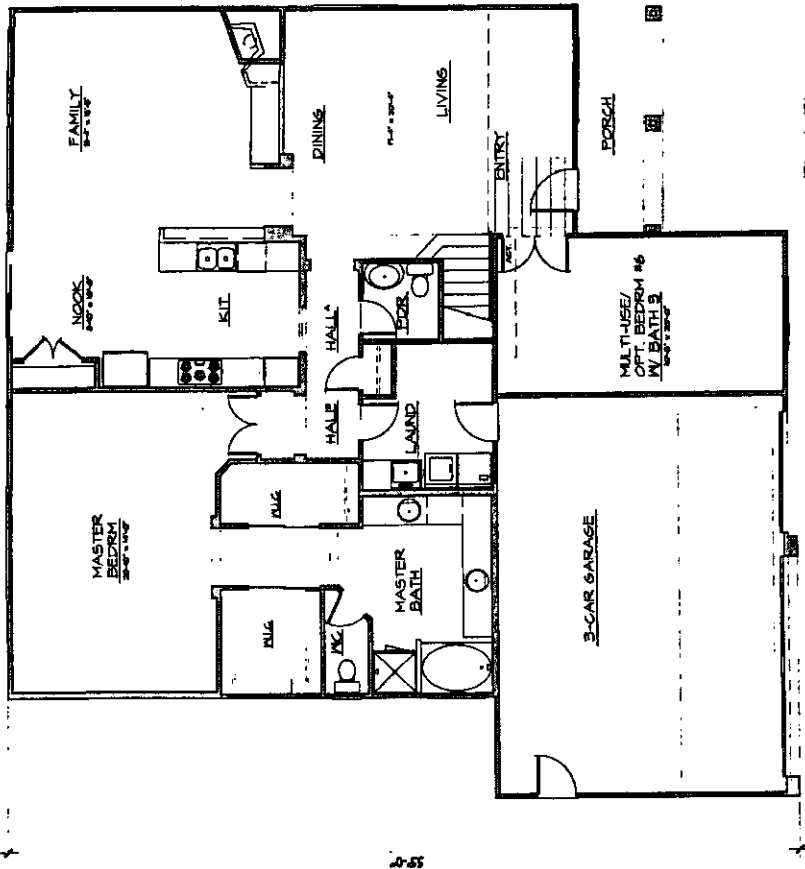
Discovery Builders, Inc.

12/18/2002



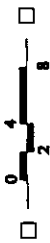
Second Floor

Floor Plan
5 Bedrooms
Opt. Den/ Opt. Bedroom 6
w/ Bath 3/ Opt. Bath 4
2 1/2 Baths
3013 Sq Ft



First Floor

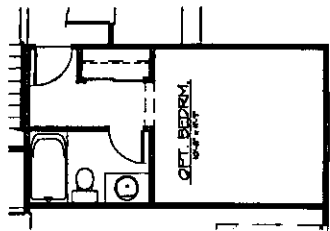
Plan 3013 Floor Plan



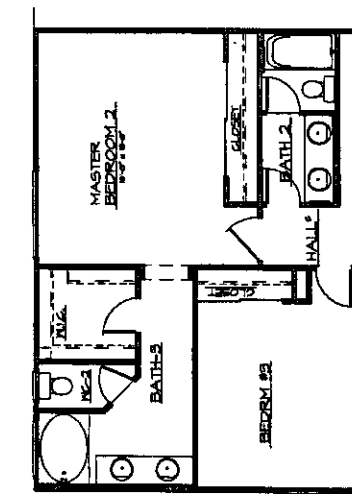
Sky Ranch
Pittsburg, California

Discovery Builders, Inc.

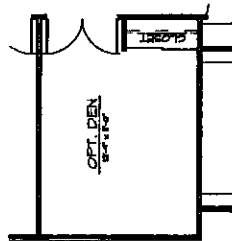
12/18/2002



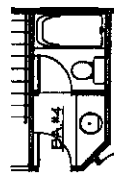
Optional Bedroom #6
w/ Bath #3



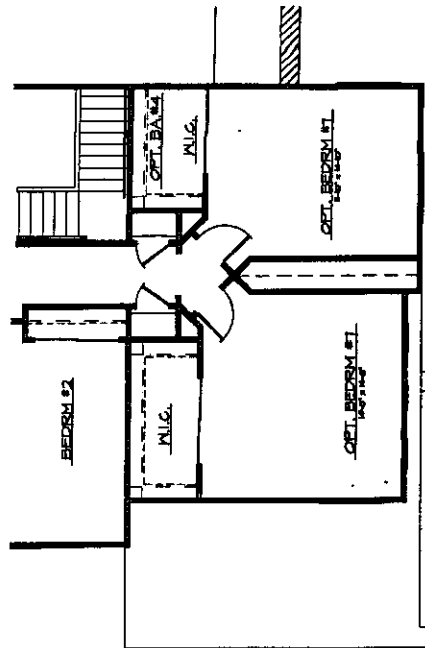
Optional Master Bedroom #2



Optional Den



Optional Bath #4



Optional Bedrooms #7 & #8

Plans 3013/3588 Floor Plan Options



Sky Ranch

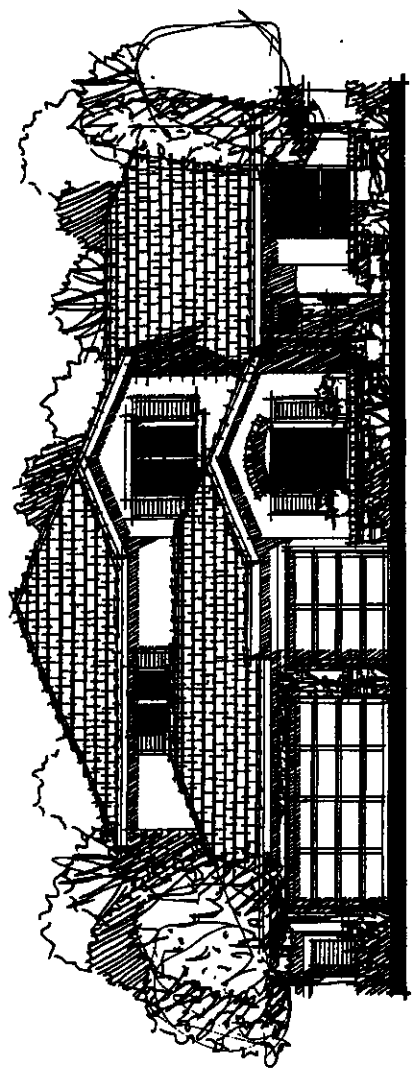
Pittsburg, California

Discovery Builders, Inc.

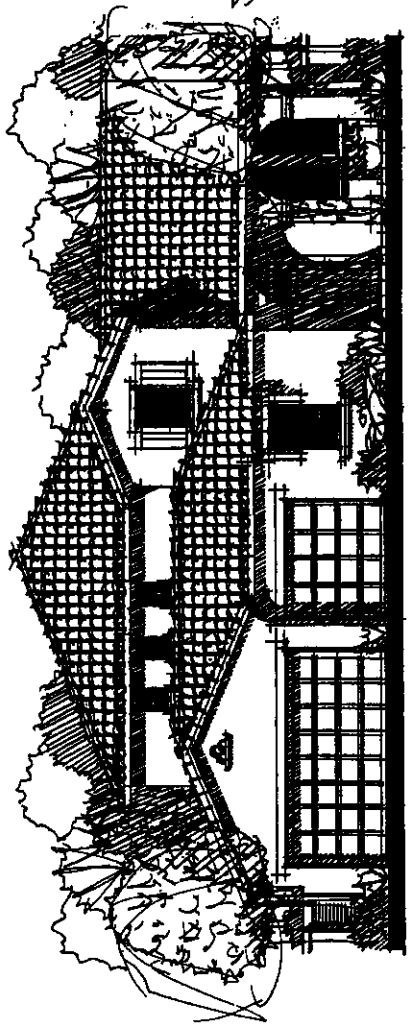
12/18/2002

MATERIAL LEGEND

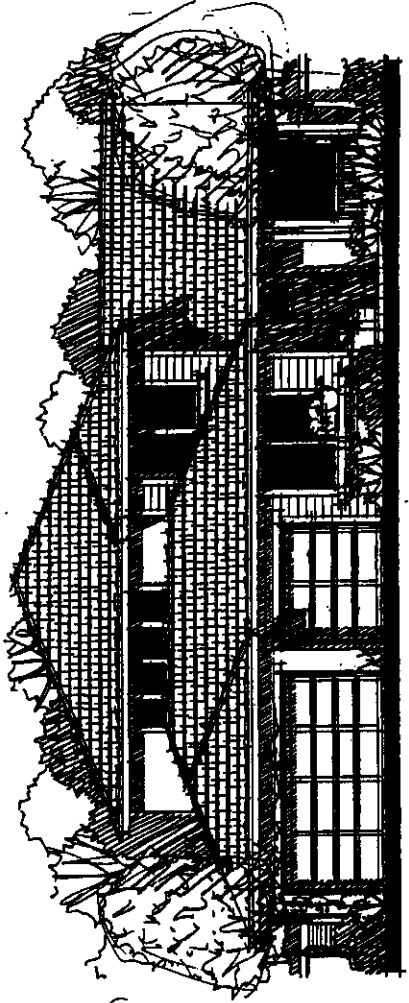
1. HATCHING & FLAT CONCRETE
2. FLAT ROOF
3. STIPPLED OF FOAM WINDOW
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3013A

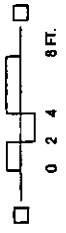


3013B



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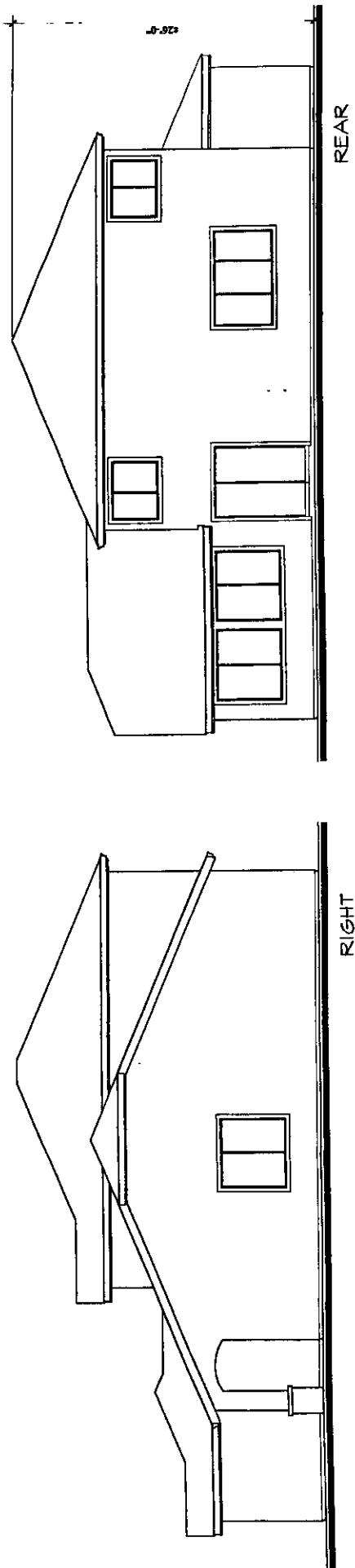
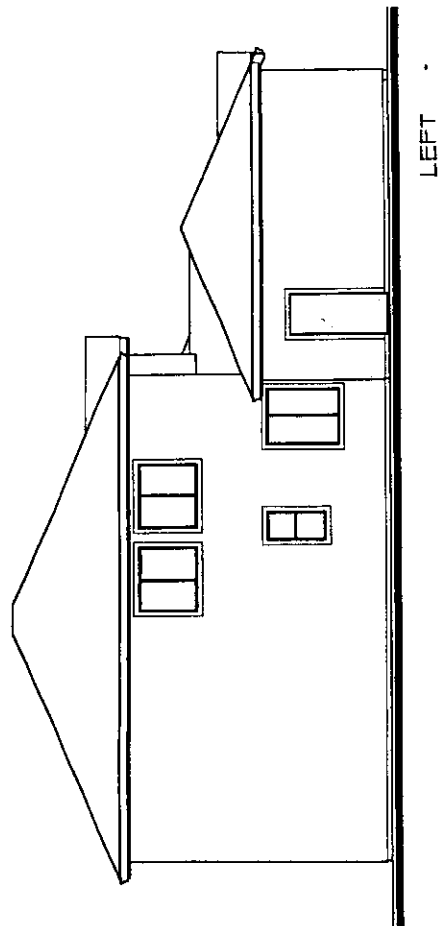
Plan 3013 - Front Elevations



Sky Ranch
Pittsburg, California

Discovery Builders, Inc.

12/18/2002



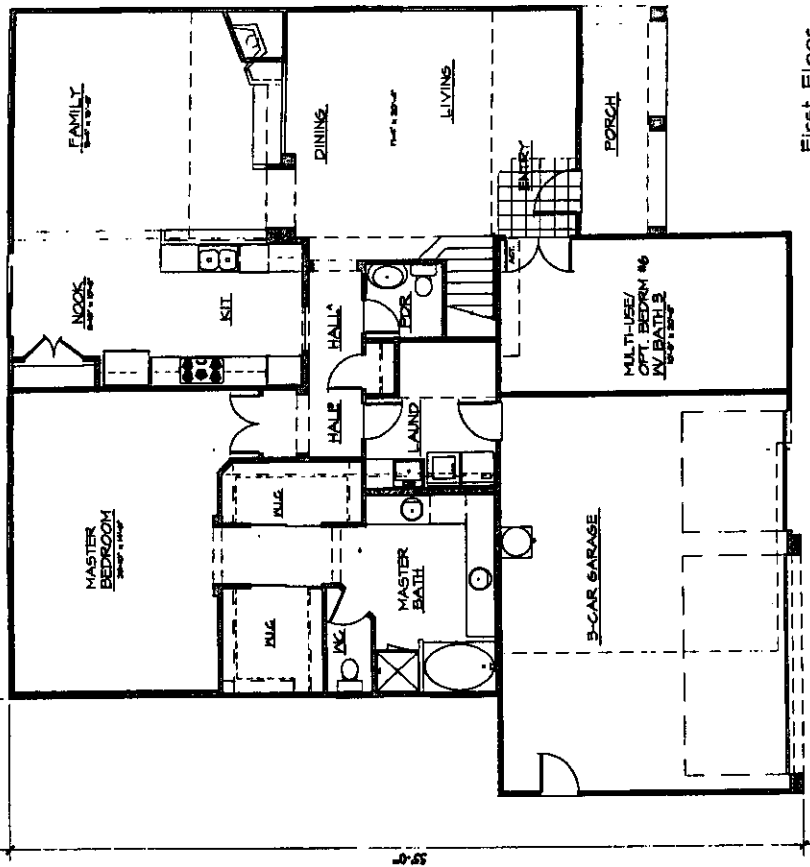
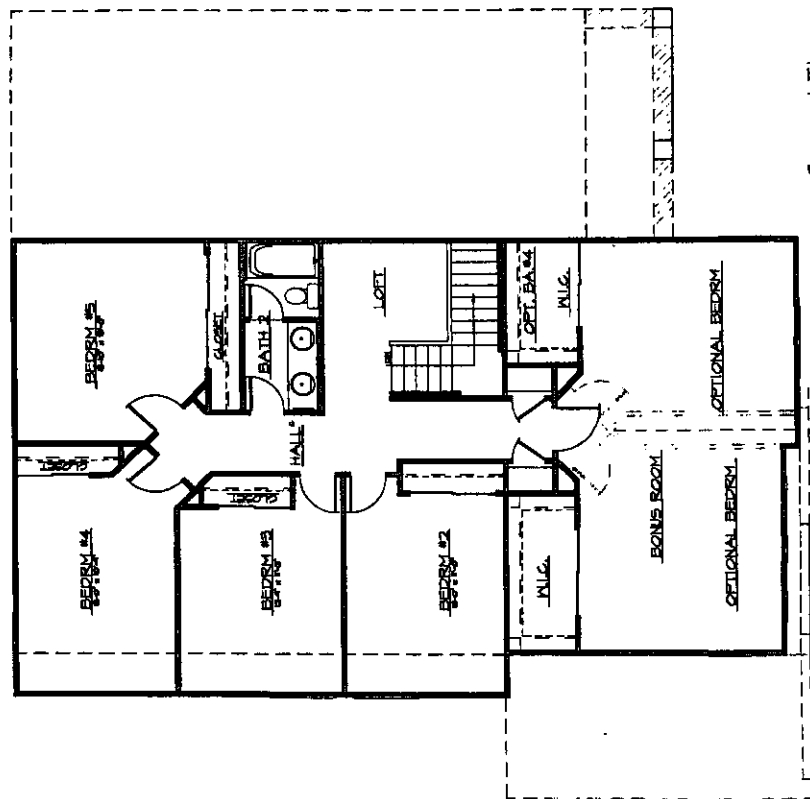
Elevation 3013



Sky Ranch
Pittsburg, California

Discovery Builders, Inc.

12/18/2002



Floor Plan

5 Bedrooms

5 Dear Rooms
Bonus Room/ Opt. Den/

Bonus Room/ Opt. Den/
Opt. Bedroom 6 w/ Bath 3/

Opt. Bedroom 6 w/ Bath 3/
Opt. Bedrooms 7 & 8 w/ Bath 4

Opt. Bedrock
2 1/2 Baths

2 1/2 Baths
3588 Sq Ft

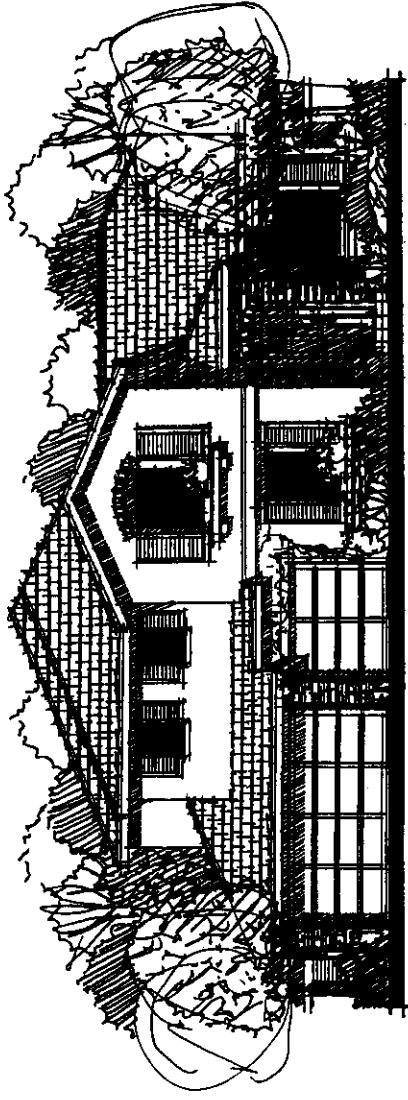
Plan 3588 Floor Plan

Sky Ranch

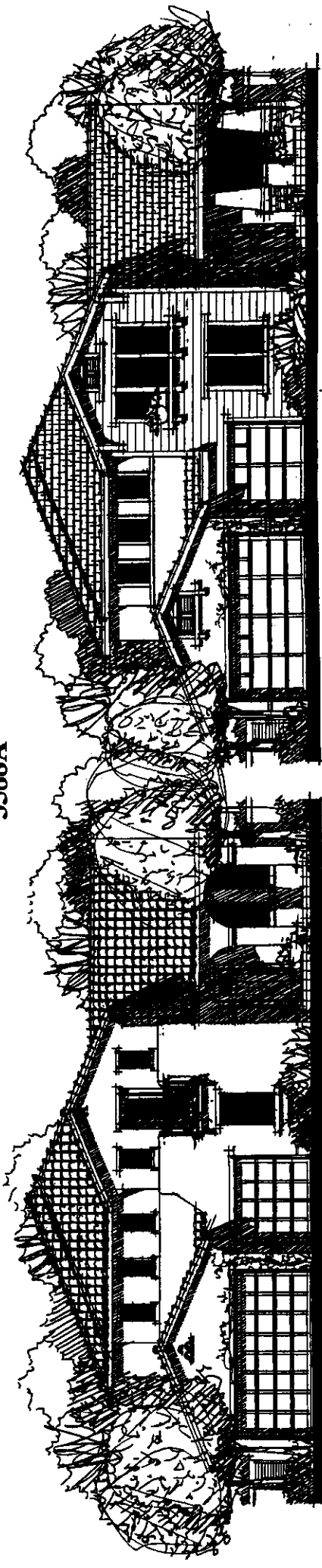
Pittsburg, California

Discovery Builders, Inc.

12/18/2002



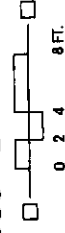
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Plan 3588 - Front Elevations



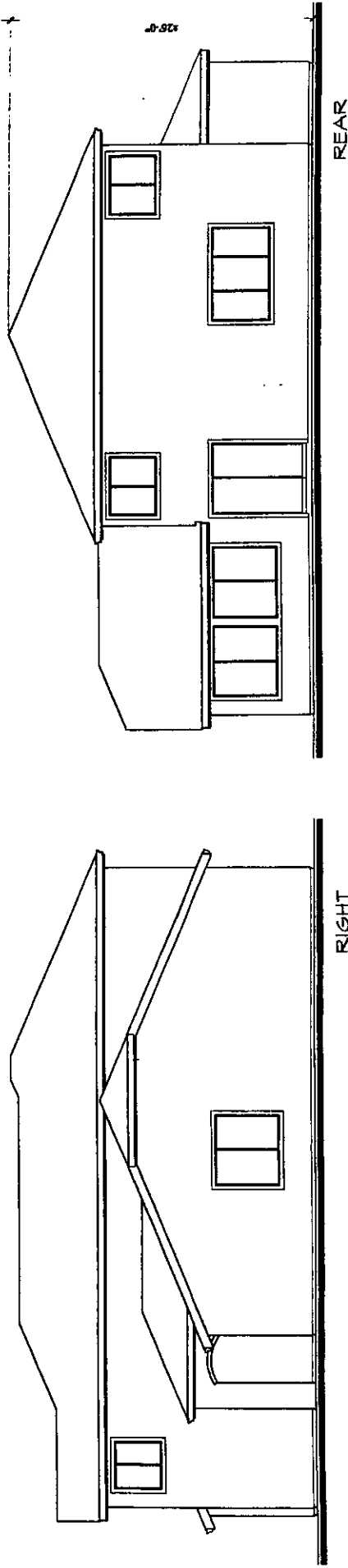
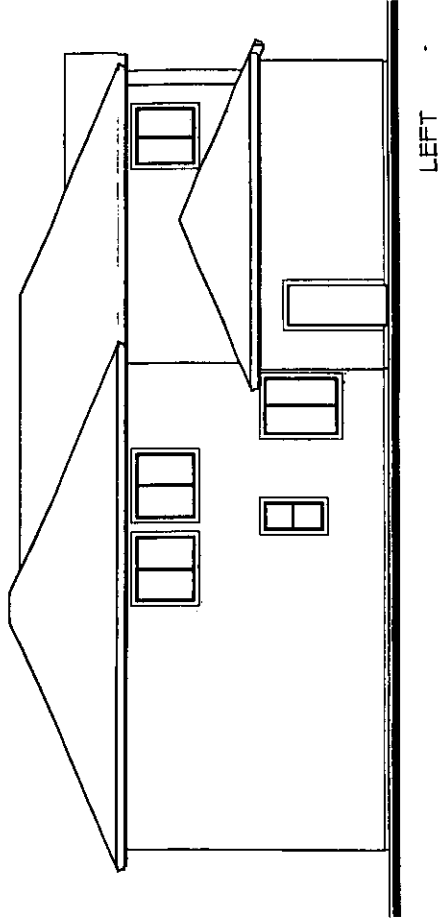
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Sky Ranch
Pittsburg, California

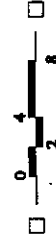
Discovery Builders, Inc.
12/18/2002

MATERIAL LEGEND

1. MASONRY & PLAT CONCRETE
2. TILE
3. STUCCO
4. STUCCO OF FOAM WINDOW
5. VINYL
6. WOOD SHINGLES
7. WOOD SHAPINGS
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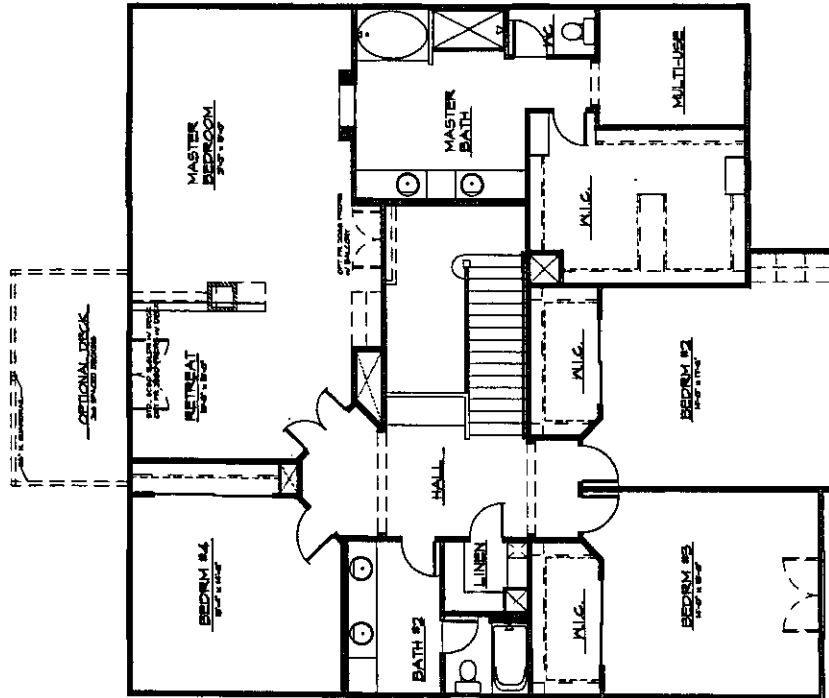
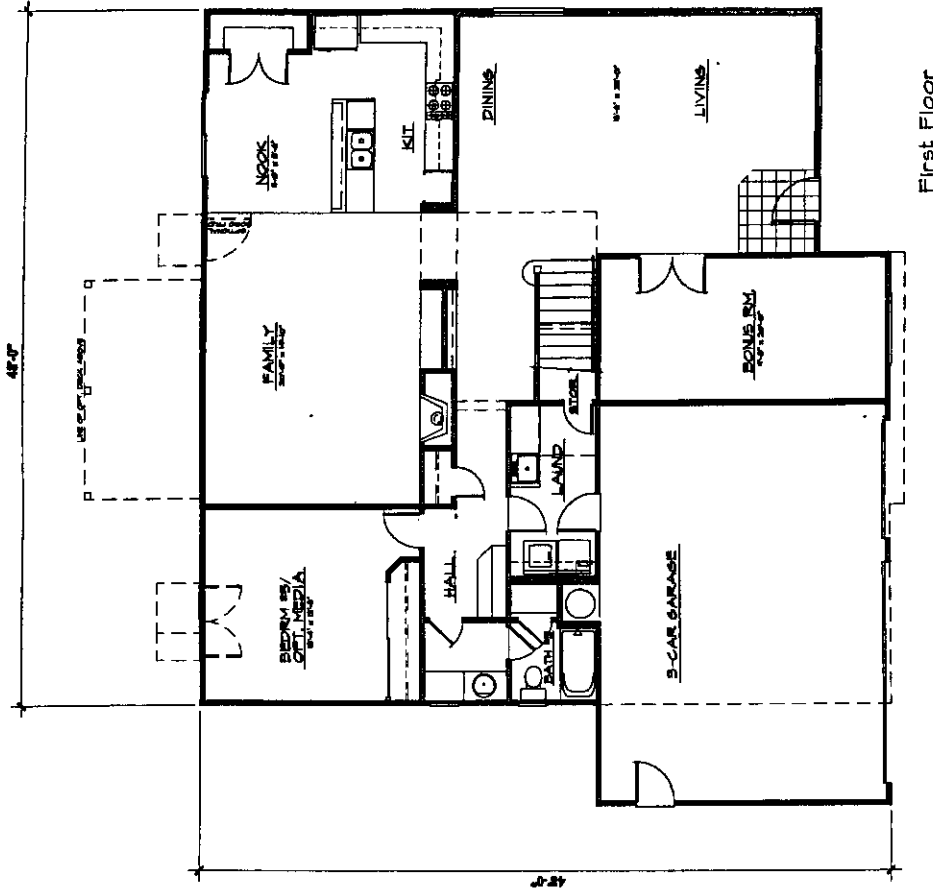
Elevation 3588



Sky Ranch
Pittsburg, California

Discovery Builders, Inc.

12/18/2002



Floor Plan
 5 Bedrooms
 Master Retreat/ Opt. Media/
 Opt. Bedroom 6 w/ Bath 4
 3 Baths
 3423 Sq Ft

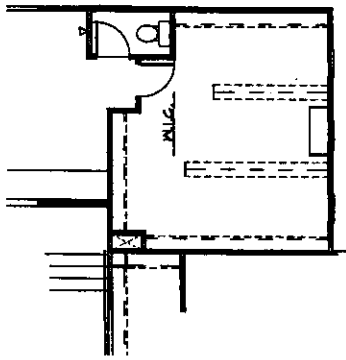
Plan 3923 Floor Plan



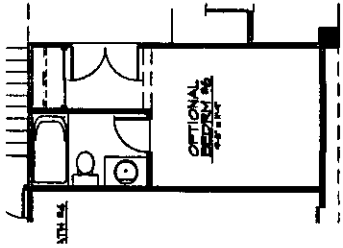
Sky Ranch
 Pittsburg, California

Discovery Builders, Inc.

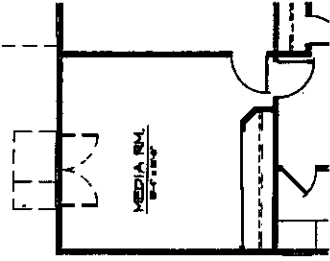
12/18/2002



Optional Master Closet



Optional Bedroom 6
w/ Bath 4



Optional Media Room

Plan 3923 Floor Plan Options



Sky Ranch
Pittsburg, California

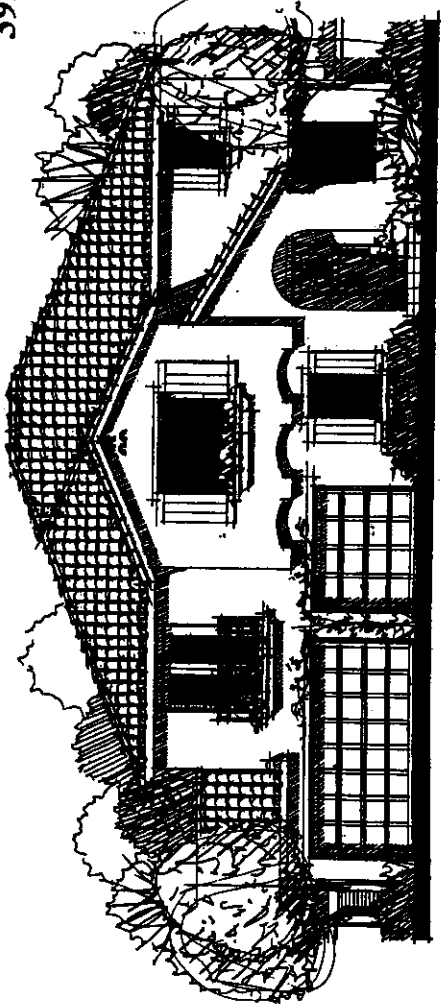
Discovery Builders, Inc.

12/19/2002

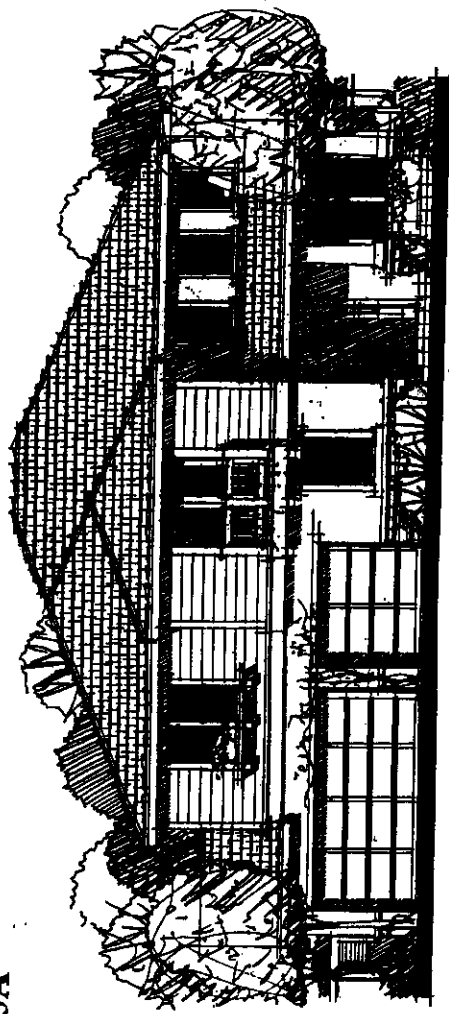
- MATERIAL LEGEND**
- 1. HIPSIDE & PLAT CONCRETE
 - 2. STUCCO
 - 3. STUCCO OVER FOAM INSULATION
 - 4. W/1 BALLOON
 - 5. WOOD SHAKES
 - 6. WOOD SHAKES WITH
 - 7. 12 & 16 OVERHANGS WITH
 - 8. STONE VENEER
 - 9. METAL SHINGLES
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3923A

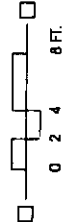


3923B



3923C

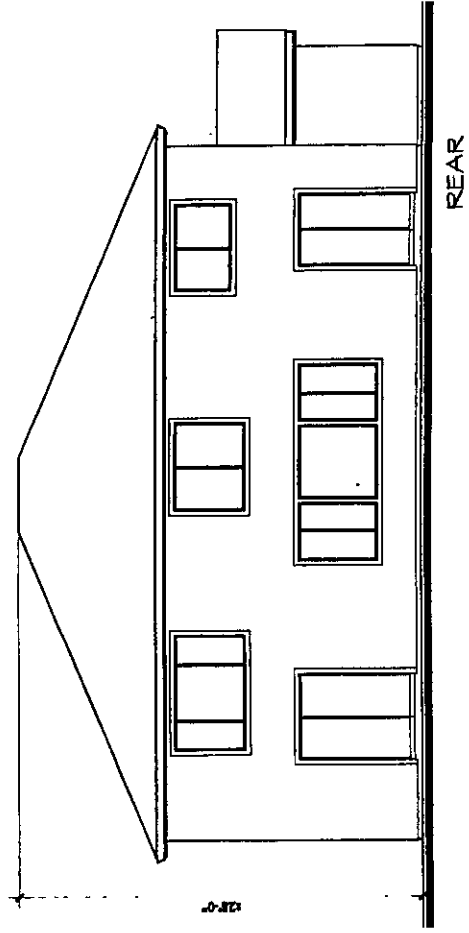
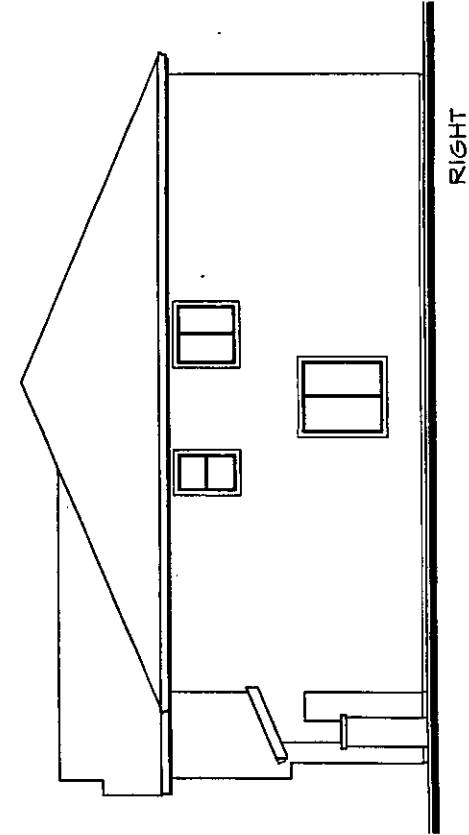
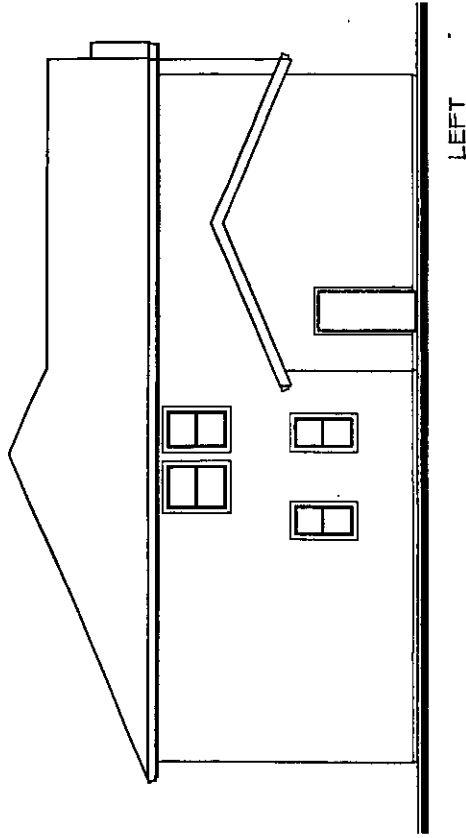
Plan 3923 - Front Elevations



Sky Ranch
Pittsburg, California

Discovery Builders, Inc.

12/18/2002



Elevation 3923



Sky Ranch
Pittsburg, California

Discovery Builders, Inc.

12/18/2002

	STUCCO	BASE 2	TRIM/FASCIA/ GARAGE DOOR	ACCENT/ ENTRY DOOR	STONE VENEER	BRICK VENEER	FLAT ROOF TILE	S- ROOF TILE
1								
2								
3								
4								
5								
6								

The picture samples may vary from actual colors and appearance.
Discovery Builders Inc. reserves the right to substitute/define color, styles and/or change product brand.

Color Chart Key

Paint: Frazee
Roofing: MonierLife Tile
Veneer: Cultured Stone
Wrought Iron: Black

NOTICE OF PUBLIC HEARING

The City of Pittsburg Planning Commission will hold a public hearing on:

Date: May 8, 2007
Time: 7:00 P.M.
Place: City Council Chambers at City Hall
 65 Civic Ave, Pittsburg, California

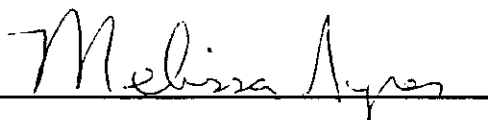
Concerning the following matter:

SKY RANCH RESIDENTIAL SUBDIVISION. RZ-02-21, SUBD 8475 & DR-02-48.

This is an application by Discovery Builders, Inc. requesting 1) the rezoning of 166.5 acres located south of the Highlands Ranch subdivision to RS (Single-Family Residential) District; 2) approval of a vesting tentative map to subdivide the land and portions of Highlands Ranch (Tract 7217) into 415 single-family residential lots ranging in size from 8,000 square feet to 2.9 acres, with related infrastructure improvements; and 3) design review approval of the house plans for Tract 8475. The project site is designated Low Density Residential (1-7 dwelling units/acre). It is inside the County Urban Limit Line and City of Pittsburg Sphere of Influence. The majority of the project is located outside City limits; APNs 089-050-067 & 042 (and portions of Highlands Ranch). The Commission will also be considering appropriate zoning for the City-owned water tank site located south of Highlands Ranch.

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

For further details on this matter, contact, **Chris Barton, Associate Planner**, 65 Civic Avenue, Pittsburg, by telephone at (925) 252-4920, through e-mail at cbarton@ci.pittsburg.ca.us or by fax at (925) 252-4814.



MELISSA AYRES, SECRETARY
 PITTSBURG PLANNING COMMISSION

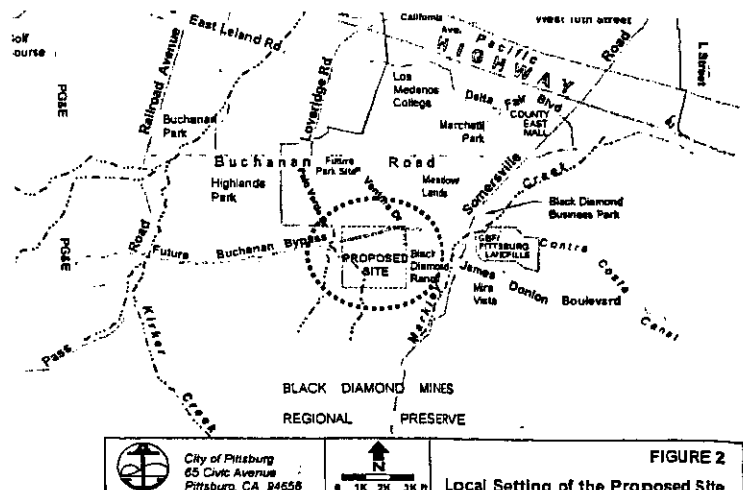
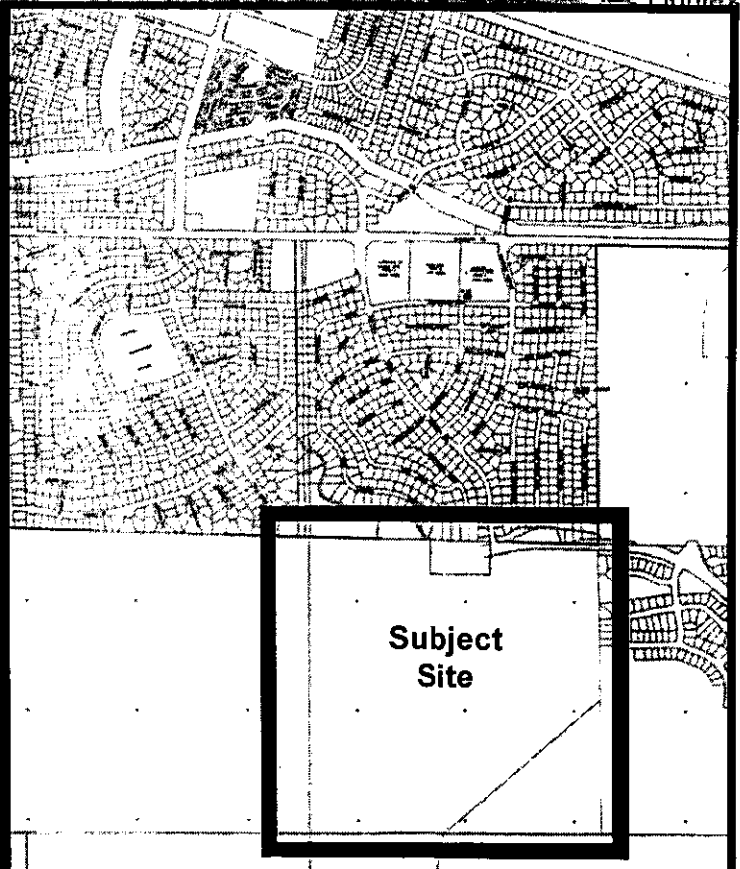
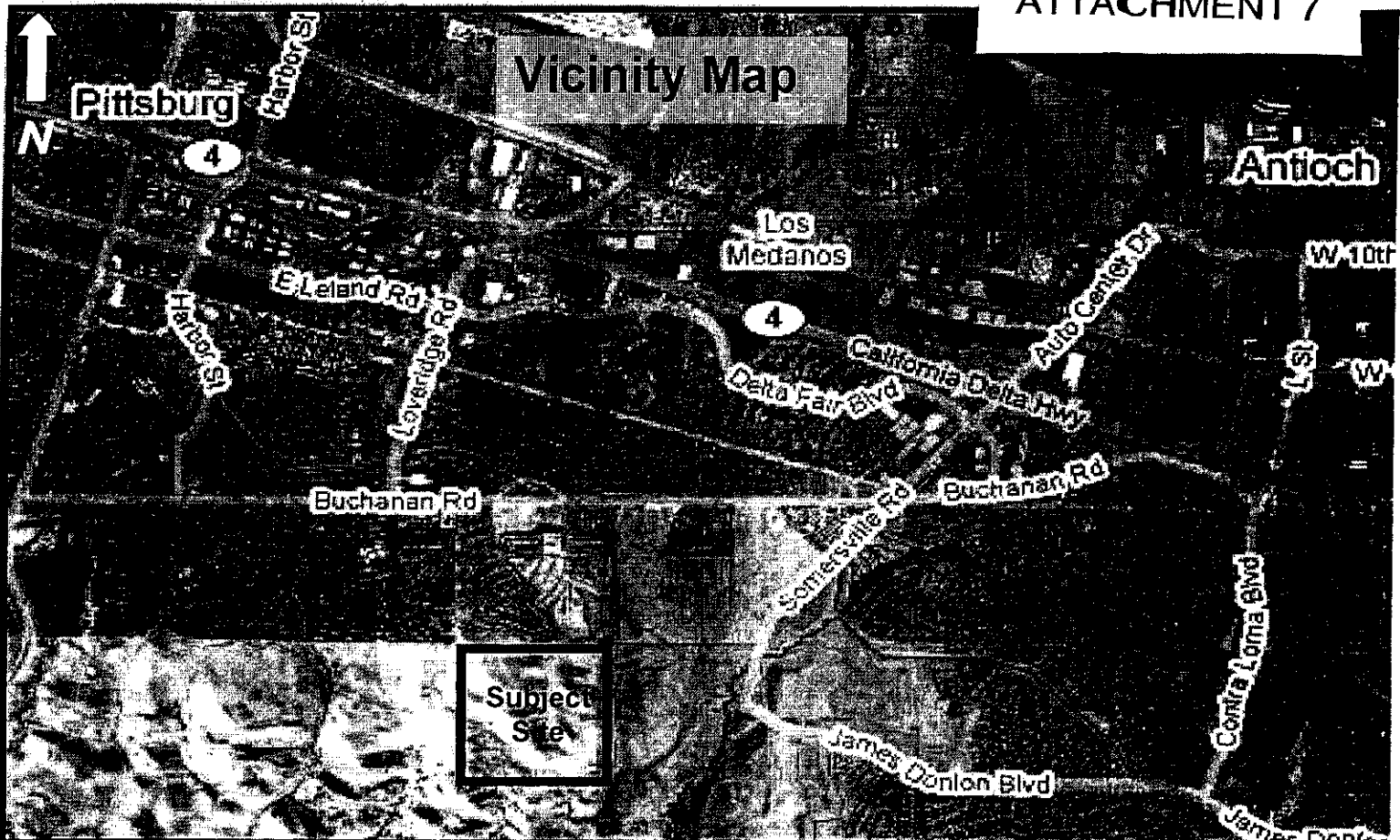


FIGURE 2

Local Setting of the Proposed Site



Title: Sky Ranch II Residential Development.
RZ-02-21, SUBD 8475, DR-02-48.

Location: South of the Highlands Ranch
Subdivision. APN's: 089-050-042, -066, -067
(and portions of Highlands Ranch).

Impact	Mitigation Measures	Action by	Oversight and Implementation Mechanism
V.A Biological Impacts IMPACT A1 California tiger salamander (CTS) Implementation of the proposed project would result in removal of 163 acres of aestivation and/or breeding habitat for the federally-listed threatened CTS. The CTS habitat on the project site currently is not designated or proposed by USFWS as CTS critical habitat. The footprint of the project as proposed encompasses the entire area of the project site; therefore, there is no opportunity for on-site mitigation for impacts to CTS habitat under the development plan as proposed. Development of the project as proposed would require a substantial off-site CTS mitigation proposal consisting of the purchase and preservation of up to 489 acres of occupied CTS habitat off-site or purchase of credits at an off-site agency-approved mitigation bank	MM-A1: • The developer shall develop a CTS Mitigation Plan in coordination with USFWS as part of the federal ESA Section 7 or Section 10 consultation. The CTS Mitigation Plan shall be approved by USFWS prior to site disturbance or approval of a grading permit. Habitat acquisition shall occur before initiation of grading on the project site. The CTS Mitigation Plan shall include provisions for relocation of CTS individuals from the project site, long-term conservation of the mitigation land, management activities to assure long-term protection of mitigation wetlands, and long-term maintenance of CTS breeding, refugia and dispersal habitats. • During construction, the applicant/developer shall employ qualified biological monitors during all construction or excavation activities associated with the project. The monitors shall hold appropriate permits from USFWS and shall implement provisions of the CTS Mitigation Plan including CTS trap-and-relocate as-needed. • Prior to and during construction, the applicant/developer shall employ a qualified biologist to deploy barriers to keep CTS that may be present in adjacent off-site areas out of developed areas of the project. The location and installation of these barriers shall be reflected on all grading and improvement plans. • Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall pay all fees associated with the HCP/NCCP and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.	Project Proponent	Engineering Department and Planning Department: Grading/site disturbance

IMPACT A2 California tiger salamander (CTS) Human activities and population within the project site can indirectly affect CTS. These effects include water and light pollution, human disturbance, increased numbers of domestic predators (e.g., dogs and cats), increased vehicle-related disturbance, and increased risk of wildfire. Amphibians are susceptible to herbicides and pesticides. On breeding migrations, up to 15 to 20 CTS individuals per mile of road can be killed.	MM-A2: The developer shall implement the following measures related to the California tiger salamander: • The developer shall construct and maintain a permanent barrier that would keep CTS, which may be present on the adjacent Thomas and AUSD-owned parcels, out of the developed area. This feature shall be reflected on the grading and improvement plans for the first final map for the subdivision. • The developer shall implement low-light measures in the design of fixtures/light standards at the outer perimeter of the project site, especially the site's southern boundary, and off-site water reservoir service road. Low light measures shall be reflected on lighting and landscaping plans for the subdivision and site development plans for the water tank. A lighting plan shall be submitted with these plans to demonstrate that this requirement has been satisfied. The lighting plan shall be subject to review and approval by the Planning Department. • The developer shall construct an information kiosk in the southern portion of the project site to foster resident and visitor awareness of wildlife needs. The information kiosk shall be located in the mini-park if it is constructed in the area south of "C" Court, as recommended in Chapter V.G. The information kiosk shall be shown on the improvement plans for the final map corresponding to the development of the southern portion of the project nearest the wildland-urban interface. The kiosk shall also be shown on the grading plans for this area. • The developer shall construct access-restricting barriers to the off-site water reservoir and service road, and other EVA roads, to minimize wildlife disturbance and road kill. The recommended CTS barriers shall be designed to prevent CTS from entering the developed area. The design of the access restricting barriers shall be acceptable to the CDFG and subject to final approval by Planning Department. Access restricting barriers shall be shown on grading and improvement plans for the construction of off site water reservoirs and other service roads within the subdivision. • Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall pay all fees associated with the HCP/NCCP and comply with all conservation strategy requirements of the HCP to the satisfaction of the Planning Department, prior to grading or site disturbance.	Project Proponent The Engineering Department and Planning Department: Grading/improvement plans and lighting and landscaping plans
IMPACT A3 San Joaquin kit fox (SJKF) Implementation of the proposed project would result in removal of 163 acres of annual grassland at the northern limit of the range of the federally-listed endangered and California-listed threatened	MM-A3: The CTS Mitigation Plan as required in MM-A1 shall be implemented in order to mitigate impacts to SJKF. This will compensate for the same kind of habitat used by the SJKF. The CTS Mitigation Plan shall be approved by USFWS prior to site disturbance or approval of a grading permit. Habitat acquisition shall occur before initiation of site disturbance/grading on the project site.	Project Proponent Engineering Department and Planning Department: Grading/site disturbance

Sky Ranch II Residential Subdivision Draft Mitigation Monitoring and Reporting Program

SJKF. The CTS habitat on the project site is not designated or proposed as critical habitat of SJKF; nevertheless it adjoins the SJKF movement corridors acknowledged in the Draft HCP.	• During Section 7, or Section 10, consultation, the developer in coordination with USFWS/CDFG shall consider mitigation parcel locations that are within the range of the SJKF or adjoin its movement corridors. Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall pay all fees associated with the HCP/NCCP and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.	none	N/A
IMPACT A4 California red-legged frog (CRLF) The project site was found not to contain permanent water habitat suitable for CRLF. USFWS has deleted by Final Rule previously proposed CRLF critical habitat which included extensive area south of the project site and included the southwestern corner of the project site.	None is warranted as there is no impact to CRLF species or its critical habitat.	none	N/A
IMPACT A5 Loggerhead Shrike Loggerhead shrikes are resident in the area, and nesting season wildlife surveys conducted in April and June of 2004 detected loggerhead shrike foraging at both the northern and southern edges of the project site, indicating that the species may nest off-site in the project area. Preferred nesting habitat for loggerhead shrike (i.e., trees or shrubs with thick foliage) is limited to the few trees present on the project site. It is, therefore, unlikely that loggerhead shrikes nest on site.	MM-A5: The developer shall retain a qualified biologist to perform pre-construction surveys necessary to be certain that the species is not nesting on-site during grading and construction. Pre-construction survey methods shall be reviewed and approved by the CDFG before surveys are conducted. The applicant shall provide the City with proof of CDFG approval of survey methods prior to issuance of a grading permit and/or conducting any stripping, or site preparation of the site. If nests are detected onsite the biologist shall devise a construction plan that would allow successful nesting and the applicant shall immediately notify the Engineering Department and Planning Division and provide the City with proof of CDFG consultation(s). The City shall not authorize any activities which may result in site disturbance without CDFG approval. Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall comply with the pre-construction survey requirements of the HCP / NCCP and shall pay all fees associated with the HCP/NCCP and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.	Project Proponent	Engineering Department and Planning Department: Grading/site disturbance
IMPACT A6 California Horned Lark California horned larks were present at the site during winter surveys, the species was not detected on the site during surveys conducted during the spring and	MM-A6: The developer shall retain a qualified biologist to perform pre-construction surveys necessary to be certain that the species is not nesting on-site during grading and construction. Pre-construction survey methods shall be reviewed and approved by the CDFG before surveys are conducted. The applicant	Project Proponent	The Engineering Department and Planning Department: Grading/site disturbance

summer, indicating that although the species winters at the site, it apparently does not nest.	shall provide the City with proof of CDFG approval of survey methods prior to issuance of a grading permit and/or conducting any stripping, or site preparation of the site. If nests are detected onsite the biologist shall devise a construction plan that would allow successful nesting and the applicant shall immediately notify the Engineering Department and Planning Division and provide the City with proof of CDFG consultation(s). The City shall not authorize any activities which may result in site disturbance without CDFG approval. Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCCP to satisfy the requirements of the above mitigation measure, the developer shall comply with the pre-construction survey requirements of the HCP / NCCCP and shall pay all fees associated with the HCP/NCCCP and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.	
IMPACT A7 Burrowing owl Burrowing owl habitat was assessed not to be present at the time of surveys in view of the lack of ground squirrel burrows. Such conditions can change over time and are subject to various influences.	MM-A7: The developer shall retain a qualified biologist to perform pre-construction surveys necessary to be certain that the species is not nesting on-site prior to or during grading and construction. Pre-construction survey methods shall be reviewed and approved by the CDFG before surveys are conducted. The applicant shall provide the City with proof of CDFG approval of survey methods prior to issuance of a grading permit and/or conducting any stripping, or site preparation of the site. If nests are detected onsite the biologist shall devise a construction plan that would allow successful nesting and the applicant shall immediately notify the Engineering Department and Planning Division and provide the City with proof of CDFG consultation(s). The City shall not authorize any activities which may result in site disturbance without CDFG approval. Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCCP to satisfy the requirements of the above mitigation measure, the developer shall comply with the pre-construction survey requirements of the HCP / NCCCP and shall pay all fees associated with the HCP/NCCCP and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.	Project Proponent The Engineering Department and Planning Department: Grading/site disturbance

Sky Ranch II Residential Subdivision Draft Mitigation Monitoring and Reporting Program

IMPACT A8 Relation with New Road and Increased Traffic The proposed Buchanan bypass would be a new road in the HCP/NCCCP inventory area and the predicted increase in local population also would increase vehicle traffic on roads generally in the HCP/NCCCP inventory area. San Joaquin kit fox, covered birds, reptiles, and amphibians may be killed or disturbed by increased vehicular traffic.	MM-A8: • The developer shall prepare CC&Rs which shall include specific prohibitions to off-road travel around the site's perimeter and upland areas and prohibitions to travel on the service road. CC&Rs shall be submitted to the Engineering Department for review and approval prior to approval of the Final Map for the corresponding phase of development. • The developer shall install street signs indicating such prohibitions. The design and location of the signage shall be subject to review and approval of the Engineering Department prior to approval of the improvement plans for the subdivision. • Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCCP to satisfy the requirements of the above mitigation measure, the developer shall pay all fees associated with the HCP/NCCCP and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.	Project Proponent Engineering Department: Approval of Improvement Plans and Final Map
IMPACT A9 Increased Human Presence The proposed project could increase visitation at Black Diamond Mines Regional Preserve and off-site walking on the reservoir service road, resulting in potential indirect impacts on biological resources from collection and harassment, introduction of nonnative species, predation by pets or feral cats, and increased frequency of wildfire ignitions. Pets and feral cats pose a serious threat to native birds, especially those that nest on or near the ground, as well as to native amphibians and reptiles. Ornamental plants may spread to adjacent protected areas and out-compete native plant species.	MM-A9: • The developer shall provide kiosk (see IMPACT A2, above) literature that includes pamphlets about prohibited activities including collecting or harassing protected species. The kiosk (see IMPACT A2, above) literature shall also include information on the designated walking trails in the area, restrictions on pets use of trails or non-designated areas off of designated trails. Kiosk literature shall be subject to review and approval of the Planning Department prior to approval of plot plans for homes at the southern portion of the subdivision. • Restrictions, if any apply, to hiking/walking on the reservoir service road shall be posted in accordance with requirements of CDFG and the City. If warranted, signs shall be installed prior to signing off on final building permit inspections. • CC&Rs for this project shall include a list of invasive species of plant and shall prohibit planting of listed invasive species. CC&Rs shall be submitted to the Engineering Department for review and approval prior to approval of the first Final Map. • Landscape plans shall comply with the City Landscaping Ordinance and approved plant list. • Compliance with the above requirements shall be confirmed by the Planning Department prior to signing off on final building permit inspections for homes at the southern portion of the subdivision. • Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCCP to satisfy the requirements of the above mitigation measure, the developer shall comply with the pre-construction survey requirements of the HCP / NCCCP and shall pay all fees associated with the HCP/NCCCP and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.	Project Proponent Engineering Department and Planning Department: Approval of Final Map, Plot Plans, Building Permit Final Inspections

IMPACT A10 Relation with an Approved Open Space Pocket The proposed project would bound an island, or "pocket," of open space dedicated within Black Diamond Ranch. The proposed open space, Parcel A, on Black Diamond Ranch will be surrounded on three sides by streets, residential lots and houses, and will not be connected to nearby open space along Markley Creek. Parcel A is not a connection in any migratory corridor and is not an uplands refugial connected with wetlands on the project site.	None warranted in view of less-than significant effect. Avoidance of the western side of Parcel A, therefore, would not remedy any biological impact associated with the isolation of this open space parcel.	None	N/A
IMPACT A11 Increased Pollution in Urban Runoff The proposed project potentially could result in increased runoff of urban pollutants such as grease, oil, and lawn pesticides into local streams. Amphibians are particularly sensitive to pesticides and herbicides in urban runoff.	MM-A11: - City maintenance shall practice limited weed abatement on the service road and reservoir area, using only mechanical methods or approved preemergent methods. Herbicides shall not be applied. - Fire break maintenance shall be performed by HOA, GHAD, or individual owners generally within the project's limits and never off-site. This requirement shall be reflected in the CC&Rs for the development and shall be subject to review and approval of the Engineering Department prior to final building permit sign off for homes.	City Developer	Public Works Department: Service calls to the reservoir area Individual home owners will be responsible for maintaining fire breaks & to not encroach beyond the project limits.
IMPACT A12 Wetlands and other Waters of the U.S. Implementation of the proposed project would result in removal of 1) an ephemeral stream reach of 163 lineal feet having defined bed and bank, which Albion Environmental further characterized as a wetland, 2) a west-east trending ephemeral stream and its south-north tributaries (945 to 1,484 lineal feet having defined bed and bank), and, 3) a south-north trending, disjunct, intermittent stream (394 lineal feet having defined bed and bank) in the southwest portion of the site. Because the footprint of the project encompasses the entire area of the project site, there is no opportunity for on-site mitigation for impacts to wetlands and other jurisdictional waters, under the proposed development plan.	MM-A12: Prior to the issuance of a grading permit or site disturbance activities, the developer shall: - Comply with the wetland mitigation required by USACE and RWQCB to compensate for on-site impacts to waters under federal or state jurisdiction. - Provide the Engineering Department and Planning Department with a wetlands delineation approved by the U.S. Army Corps of Engineers (USACE) prior to site disturbance or approval of a grading permit. - Provide the Engineering Department and Planning Department with authorization from USACE and RWQCB for project related impacts to wetlands and other waters of the U.S., or waters of the state prior to site disturbance or approval of a grading permit. - Prepare, in coordination with USACE, a compensatory Wetland Mitigation Plan prior to site disturbance or approval of a grading permit. Jurisdictional areas shall be replaced at a minimum 1:1 ratio through wetland compensation off-site, or wetland protection and creation on-site, to ensure that no net loss of acreage or functions and values to these areas occurs. - Apply for and obtain a Section 404 individual permit from USACE and a 1601 Streambed Alteration Agreement from CDFG prior to site disturbance or approval of a grading permit.	Project Proponent	Engineering Department and Planning Department: Grading Permit/Site Disturbance

The required ratio of replacement acreage to impacted acreage will be decided by regulatory agencies on a site-specific basis, based on the functions and values present on the project site.	• Apply for and obtain the Section 401 water quality certification, or waiver, from the San Francisco Bay Regional Water Quality Control Board prior to site disturbance or approval of a grading permit. • Apply for and obtain a 1601 Streambed Alteration Agreement from CDFG prior to site disturbance or approval of a grading permit.		
IMPACT A13 General Plan Goal 9-G-1 and Policy 9-P-1 require that assessments be conducted prior to development approval within habitat areas of special status species such as the California tiger salamander (CTS). <i>Biological Assessment for Sky Ranch II</i> (Huffman Broadway Group, June 2005) satisfies this requirement.	None warranted.	none	N/A
IMPACT A14 The creeks and wetlands policies of the City of Pittsburg (General Plan Policies 9-P-9, -10, -11, and -12) could be applicable to 1) perennial streams, having defined bed and bank, and also having riparian habitat, functional or aesthetic values or 2) wetlands having substantial habitat, functional, or aesthetic values. Stream reaches on the project site are seasonal, not perennial, and do not have riparian habitat value. An intermittent stream reach in the southwestern portion of the project site has 394 lineal feet with defined bed and bank; its adjacent reaches have a broad swale topography without defined bed or bank and function as overland drainages. A seasonal wetland having an area of about 0.02 acre was identified in the southeastern corner of the project site. In view of their insubstantial habitat and functional values and size, the seasonal stream reaches and wetland on the project site would not be inconsistent with any of the following policies: 9-P-9 (requires a 100 to 300 foot wide buffer for creeksways), 9-P-10 (requires no development within creek buffers), 9-P-11 (encourages, but does not require, re-establishment of creeks in the design of new development), and 9-P-12 (requires protection and restoration of wetlands).	In view of the proposed grading and filling, creekways and wetlands preservation would not be possible without modifications to the proposed subdivision and grading plan. In view of the occurrence of CTS and jurisdictional waters on site, on-site mitigation measures, off-site compensatory mitigation measures, and alternatives to the proposed project have been assessed herein (see also Draft EIR, Appendix C, All Practicable Alternatives Analysis).	none	N/A

IMPACT A15 General Plan Goal 9-P-19 calls for protection or replacement of mature trees through Zoning Ordinance regulations. The project site contains some scattered buckeye trees, most located generally in the southwestern portion of the site.	MM-A15: - The developer shall retain an arborist prior to grading to mark and map trees classified as mature trees under the City's prevailing regulations at the time of application for grading permit or else, in the absence of a regulation, by applying a trunk diameter standard of 12 inches or greater. A copy of the arborist's report shall be submitted to the Planning Department for review and approval prior to issuance of a building permit. This information shall be shown on the grading plan for the project. - The developer shall replace an equal number of trees (as those trees to be removed with the project) in the immediate vicinity of the reservoir site, reservoir service road, and headwall areas. Tree species and siting shall be determined by the arborist. A copy of the arborist's assessment shall be submitted to the Planning Department and the species selection and planting areas shall be reflected on the landscaping plan for these areas.	Project Proponent	Engineering Department and Planning Department: Grading plan and landscaping plan.
IMPACT A16 Draft HCP/NCCP The Draft HCP/NCCP is a future plan that has not concluded environmental review, USFWS/CDFG approval, or implementation. In view of the regional importance of the Draft HCP/NCCP, however, a consistency assessment is provided herein (see Draft EIR, Chapter V.A, Biology & Wetlands, "Future Policies," page V-80). Based on this consistency assessment, it is concluded that unspecified land in HCP/NCCP Sub-Zone 1d, located directly south of the project site, is likely to be acquired to create a 300-foot wide urban-wildland buffer. The reservoir and service road potentially could be located in this future buffer. Off-site compensatory mitigation required for the proposed project (489 acres) exceeds the initial acquisition target of 406 acres in Sub-Zone 1d.	MM-A16: - The developer shall design and construct the off-site reservoir and service road so that they meet requirements of the USFWS/CDFG and do not become impediments to habitat functions used by covered species or barriers to the movement of covered species. Prior to submitting grading and improvement plans for the off-site reservoir, the developer shall provide proof of USFWS/CDFG approval of the design to the Planning Department and Engineering Department. - The developer shall perform pre-construction surveys and construction monitoring in regard to development of the recommended off-site utility and service road. Pre-construction survey methods shall be reviewed and approved by the CDFG before surveys are conducted. The applicant shall provide the Planning Department and Engineering Department with proof of CDFG approval of survey methods prior to issuance of a grading permit and/or conducting any stripping, site preparation of the site. - Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall comply with the pre-construction survey requirements of the HCP / NCCP and shall pay all fees associated with the HCP/NCCP and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.	Project Proponent	Engineering Department and Planning Department: Grading/Improvement plans.
IMPACT A17 San Joaquin kit fox The annual grasslands on the project site are illustrated in as being located	See Mitigation Measure A3 above	Project Proponent	N/A

on the outer edge of core kit fox habitat. The project's impact to the kit fox, therefore, could be considered to be potentially significant. The proposed project, however, would not remove land from any of the identified key SJKF movement corridors.			
V/B Geological Impacts IMPACT B1 Seismically-induced ground shaking at the project site could have peak horizontal acceleration up to 0.6g, based on current regional mapping by USGS. This is not unique in the San Francisco Bay area, but is a higher peak horizontal acceleration than reported in ENGEO's geotechnical report dated January 2001 and revised February 2002. Ground shaking caused by earthquakes along the known active faults or fault zones near the site, including Concord-Green Valley fault, Pittsburg/Kirby fault, Antioch fault, Mount Diablo thrust fault zone, and Greenville fault, could place people and structures at risk.	MM-B1: • Before issuance of grading permits, a Seismic Analysis Update shall be prepared by a Certified Engineering Geologist retained by the developer, which presents peak horizontal ground acceleration based on current knowledge. All recommendations of ENGEO incorporated in its geotechnical report dated February 2002 shall also be confirmed or else modified based on the Seismic Analysis Update. The City Engineer independently, or acting upon the recommendation of an independent Certified Engineering Geologist, shall review, approve, or reject for modification, the seismic Analysis Update and recommendations prior to issuance of a grading permit.	Project Proponent	Engineering Department Grading permit
IMPACT B2 The project site is located in a zone of seismic-induced ground shaking having peak horizontal acceleration up to 0.6g. Potential adverse impacts of ground shaking on development infrastructure, structures and people can be reduced to acceptable levels by completing the project seismic design and construction in accordance with current best standards for earthquake-resistant construction in accordance with the 2001 California Building Standards Code and City of Pittsburg Municipal Code Chapter 15.88 Grading, Erosion, and Sediment Control.	MM-B2: • The developer shall design proposed housing in accordance with provisions of the Building Code in effect at the future time of application for Building Permits. This requirement shall be met, to the satisfaction of the Chief Building Official, prior to approval of a building permit. • The project Geotechnical and Civil Engineer shall assign the appropriate "seismic design criteria" for the design of utilities including on-site and off-site water reservoirs. This requirement shall be met, to the satisfaction of the City Engineer, prior to approval of a grading permit. • The project Geotechnical and Civil Engineer in cooperation with PG&E shall assign and review seismic design criteria for cut and fill slopes that encroach within the PG&E easement or near power transmission towers. The developer shall provide proof of PG&E approval of the grading plan within the PG&E easement prior to approval of a grading permit.	Project Proponent	Engineering Department and Building Division: Grading Permit; Building Permit

IMPACT B3 Seismic-induced ground shaking and extensive grading cuts and fill to stabilize unstable slopes may in general have other indirect effects including ground lurching, liquefaction, densification, and lateral spreading. These risks were assessed and determined to be LTS effects owing to the nature of on-site soils, proposed grading concept and recommendations of the site-specific <i>Geotechnical Exploration for Sky Ranch II</i>.	None warranted as potential for ground lurching, liquefaction, and lateral spreading on the project site are LTS effects.	none	N/A
IMPACT B4 Many locations on the project site are susceptible to landslides and others are underlain by compressible colluvial deposits.	MM-B4: The developer shall implement the following measures addressing landslide and compressible soils impacts: • Sub-excavate compressible colluvium and landslide deposits to bedrock, where feasible, and then backfill with engineered buttress fills, to allow for development of the proposed improvements without exposure of persons or property to avoidable risk of debris flow, compressible soils, and differential settlement. • Construct sub-surface keyways and benches as shown conceptually in Figure 12, through disrupted landslide materials and shear planes into underlying competent materials. • Install sub-drains, as shown conceptually in Figure 12, to drain water from engineered buttress fills. • Size and then construct debris benches or other intervening undeveloped spaces to provide sufficient run-out areas for unmitigated landslides located upslope of the proposed houses, roads, and other improvements. • Construct the surface drainage facilities as determined by the developer's Civil Engineer to collect and control storm water runoff. Compliance with the requirements above shall be subject to review and approval of the Engineering Department prior to issuance of a grading permit.	Project Proponent	Engineering Department: Grading Plan
IMPACT B5 To ensure that landslide areas are properly repaired, site-specific designs will have to be developed and incorporated into the final design plans attached to the Vesting Tentative Map & Grading Plan for approval by the City.	MM-B5: The developer shall implement the following measures to ensure property design to prevent landslides: • A complete design-level final geotechnical report and associated field work shall be completed by a Certified Engineering Geologist. The analysis presented in the geotechnical report shall conform to the California Geological Survey's recommendations presented in the "Guidelines for Evaluating Seismic Hazards in California." • Analysis and recommendations in the geotechnical report shall be incorporated into the project's final	Project Proponent	Engineering Department and Building Division: Grading Permit

IMPACT B6 Portions of Landslide areas #1, 2, 17, 18, 25 and 26 upslope of the proposed project would not be sub-excavated to bedrock and backfilled with engineered fill. In the event of a landslide, debris flow from these areas could run out over the perimeter lots and proposed headwalls on the project site.	engineering and design plans and submitted to the City Engineer for review and approval. • The report shall identify building techniques appropriate for minimizing seismic damage. Compliance with the requirements above shall be subject to review and approval of the Engineering Department and Building Division prior to issuance of a grading permit.		
MM-B6: • The developer shall size the width of the debris bench upslope of proposed Lots 95-106 to provide sufficient run-out area to protect Lots 95-106. • The developer shall perform additional test pits and/or bores, as recommended in its reports, to enable the actual design dimensions and depth of bedrock east of previous Test Pits TP-37 and TP-38. Additional cross-sections for the area beneath and upslope of Lots 95-106 shall be prepared and submitted with the Grading Plan. • The developer shall prepare and submit additional cross-sections (e.g., see Draft EIR, Chapter V.B, Geology & Seismicity, section line E-E' in Figure 11) to address the debris volume and run-out area for the mapped landslides beneath and upslope of the eastern headwalls, Lots 181-183, and Lots 188-190. These additional cross sections shall be submitted with the grading plans. Compliance with the requirements above shall be subject to review and approval of the Engineering Department prior to issuance of a grading permit.	MM-B6: • The developer shall size the width of the debris bench upslope of proposed Lots 95-106 to provide sufficient run-out area to protect Lots 95-106. • The developer shall perform additional test pits and/or bores, as recommended in its reports, to enable the actual design dimensions and depth of bedrock east of previous Test Pits TP-37 and TP-38. Additional cross-sections for the area beneath and upslope of Lots 95-106 shall be prepared and submitted with the Grading Plan. • The developer shall prepare and submit additional cross-sections (e.g., see Draft EIR, Chapter V.B, Geology & Seismicity, section line E-E' in Figure 11) to address the debris volume and run-out area for the mapped landslides beneath and upslope of the eastern headwalls, Lots 181-183, and Lots 188-190. These additional cross sections shall be submitted with the grading plans. Compliance with the requirements above shall be subject to review and approval of the Engineering Department prior to issuance of a grading permit.	Project Proponent	Engineering Department: Grading Permit

IMPACT B7 Unstable slopes, landslide and colluvial deposits can be repaired and structures can be protected from off-site debris flows. However, debris benches, headwalls and storm water diversion pipelines, v-ditches, and re-graded slopes on the project site would warrant long-term monitoring, maintenance, and repair or supplementation to ensure their continuing function.	MM-B7: • The developer shall prepare and submit a Slope Management Plan to the City Engineer for review and approval prior to the approval of the first Final Map. The Slope Management Plan shall address the following issues: (1) The Slope Management Plan shall identify the kinds of hazards found on the site and areas subject to continuing monitoring, maintenance, repair or supplementation, including areas in private and public ownership. (2) Improvements (e.g., structures, roads, and storm water collection and systems) shall be designed to divert excessive storm water runoff water from on-site slopes and avoid excessive irrigation water on on-site slopes. (3) The Slope Management Plan shall include provisions for periodic inspection and long-term maintenance, episodic repair, and as-needed supplementation of the identified re-graded slopes, repaired landslides, debris benches, v-ditches and storm water diversion headwalls and pipelines. (4) The Slope Management Plan shall identify its purpose, implementing entity, and funding mechanism, which may be a Hazard Abatement District, Homeowners Association (HOA), or another mechanism approved by the City. (5) The Slope Management Plan shall be developed by a Registered Geotechnical Engineer or Certified Engineering Geologist, who shall be responsible for identification re-graded slopes, built structures, or other built or natural features essential for the long-term stability of the fills and cuts. (6) The Program shall include provisions for maintenance and timely remediation of any identified problems within the purview of the Plan, which shall be implemented and funded through the responsible entities. • The Slope Management Plan shall be consistent with the Natural Grassland Element (see Chapters V, D and V.G, pp. V-180 and V-234 & -235). The Natural Grassland Element shall designate where 1) introduced species landscaped areas will be allowed and 2) where natural grassland areas are to be maintained. The undeveloped slopes in the southern portion of the project site, generally above 390 feet msl, will be designated for maintenance as natural grassland in the Natural Grassland Element. Both the Slope Management Plan and Natural Grassland Element shall be incorporated into the Codes, Covenants & Restrictions (CC&Rs) and shall be subject to review and approval of the Engineering Department prior to issuance of the first Final Map. • Deed restrictions, easements, or other appropriate legal instruments shall be placed on all re-graded slopes to allow monitoring, maintenance, and remedial activities, and to require the property owners to maintain appropriate landscaping and irrigation procedures. These legal instruments shall be implemented prior to the approval of the first Final Map.	Project Proponent Engineering Department: Final Map
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IMPACT B8 Approximately 107 proposed lots, and additional areas of proposed roads, are underlain by colluvium. ENGEO identified potential for "excessive total and differential settlement" at the project site from consolidation of compressible colluvial deposits in the swales where fill will be placed and from settlement of foundations where supported over compressible colluvial and alluvial deposits. ENGEO recommended complete removal and replacement with engineered fill.	See Mitigation Measure MM-B4 above.	Project Proponent	Engineering Department: Grading Plan
IMPACT B9 ENGEO also recommended supplemental exploration to characterize the compressibility of soil in the southwestern valley. The purpose of ENGEO's recommendation was to allow for partial removal of compressible landslide or colluvial deposits, if subsequent supplemental exploration and engineering findings demonstrate partial removal could be effective.	MM-B9: - The developer shall complete removal of landslide or colluvial deposits within the limits of the project site during remedial grading, unless subsequent supplemental exploration is performed and demonstrates that partial removal would be effective. Building plot plans shall not be issued until compliance with this measure has been verified by the Engineering Department. - Final detailed geotechnical design documents shall be subject to review and approval of the City or independent Certified Engineering Geologist retained by the City, the cost of whose services shall be reimbursed by the Project Proponent. Geotechnical design documents shall be subject to review and approval of the Engineering Department prior to issuance of a grading permit. - Engineering solutions that shall be included in the final geotechnical report shall include the following: (1) Complete removal (over-excavation) of the landslide deposits, colluvium and unengineered fill material, or else settlement estimates, engineering measures, and/or structural siting guidelines for lots on which underlying compressible materials are left in-place (2) Slope stabilization measures for potentially unstable landforms that are located upslope of proposed building pads (cross section 'D-D'). (3) Calculations of upslope debris volumes and engineering backup for placement and size of debris benches for unrepaired off-site landslides (see Figures 9 or 11 of the DEIR). (4) Cost-benefit analysis for re-construction of off-site unstable slope areas (5) Structural siting guidelines for lots located downslope from slopes that could remain unstable (avoidance).	Project Proponent	Engineering Department: Grading Permit and Building Plot Plans
IMPACT B10 Post-grading settlement of "deeper" fills and underlying compressible colluvial deposits may result over a long period after grading. Post-grading settlement and differential settlement have the general potential to cause gradual damage to roads, utilities, and	MM-B10: - See MM-B9 above. - During project construction, mass grading and remedial over-excavation of landslide and colluvium shall be conducted under the supervision of a Registered Geotechnical Engineer or Certified Engineering Geologist and any design modifications necessitated by changes in field conditions shall be reviewed and approved by the City. Failure to notify the City of such changes may result in a stop work order by the	Project Proponent	Engineering Department Grading Permit and Building Plot Plans

occupied structures if not properly designed and constructed.	Engineering Department for grading operations.		
IMPACT B11 Soils on the project site are moderately to highly expansive, having a PI that ranges from 22 to 46. Soils underlying portions of the project site have moderate to high shrink/swell potential. Foundation damage, warping, and cracking of roads and sidewalks, and rupture of utility lines could potentially occur if on-site expansive soils, and the quality of engineered fill, is not considered during design and construction of improvements.	MM-B11: • Building foundations and other improvements (including sidewalks, roads, and utilities) in locations underlain by expansive soils and/or non-engineered fill shall be designed for expansive soil conditions. • Design-level geotechnical work (for example, as required by Mitigation Measures for IMPACTS B5 and B6) shall include provisions to ensure that potential damage related to expansive soils and non-uniformly compacted fill are corrected. If warranted by the geotechnical engineer recommendations, the potential effects of expansive soil conditions shall be mitigated by removal of high Plasticity Index (PI) soils and replacement with lower PI soils, and also by designing and constructing improvements to withstand the forces exerted during the expected shrink-swell cycles and settlements. • On lots, driveways and streets having both cut and fill, or cut without fill, foundation subgrades and road/driveway subgrades shall be prepared by undercutting and backfilling with a suitable depth of select base material. Undercutting shall extend outward a suitable distance from the road, driveway or foundation foot print. • All mitigation measures, design criteria, performance standards and specifications set forth in the geotechnical and soils report shall be implemented with the grading plans and site grading for the project. The geotechnical and soils report shall be subject to review and approval of the Engineering Department prior to the issuance of a grading permit.	Project Proponent	Engineering Department Grading Permit
IMPACT B12 Increased erosion and sedimentation during the grading phase potentially could result from cut and fill operations, drainage pattern alteration, and general construction operations. Cut slopes and fill slopes have a general potential for erosion and sedimentation, especially if grading occurs during the rainy season. Long-term erosion and sedimentation can occur if grading and drainage systems are improperly constructed and landscaping is not adequately installed or maintained on slopes. Short-term and long-term erosion and sedimentation can be significantly reduced by developing and implementing a project-specific erosion and sediment control plan, by appropriate construction techniques, landscaping, and maintenance of graded slopes and subsurface drainage systems.	MM-B12: • The applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) to be submitted to the City for review and approval prior to issuance of a grading permit. The following measures shall be addressed and incorporated into the SWPPP as necessary to decrease erosion and sedimentation: • Grading activities shall be performed generally in the "dry season" (April 15 - October 15) except as otherwise permitted by the grading permit. • Interim controls, such as water bars, mulching of exposed slopes, installation of temporary culverts, rock slope protection, sediment traps, silt fences and/or straw wattles consistent with the Association of Bay Area Governments <i>Manual of Standards for Erosion and Sedimentation Control Measures</i> or the San Francisco Bay Region Regional Water Quality Control Board <i>Erosion and Sediment Control Field Manual</i> shall be implemented. • Before grading is concluded, a positive gradient away from the slopes must be established to carry the runoff away from the slopes to areas where erosion and sedimentation can be controlled.	Project Proponent	Engineering Department Grading Permit

V.C Hydrology & Water Quality Impacts				
IMPACT C1 The proposed project would result in some loss of ground water recharge capability by filling of segments of unnamed intermittent and ephemeral stream channels. On-site infiltration basins and infiltration in the detention basin were considered but were assessed to be infeasible in view of the depth to groundwater and on-site soil conditions. Alternative recharge at the proposed detention basin, for example, by a groundwater recharge well, is not a current Best Management Practice (BMP). In view of the LTS nature of the ground water recharge effect, mitigation is not required.	None required	none	N/A	
IMPACT C2 Though the City of Pittsburg's two municipal wells could supply on an interim basis, the permanent water supply assumed in the City of Pittsburg 2000 Urban Water Management Plan is purchased water from CCWD. Inclusion of the project site in the Central Valley Project (CVP) is necessary to avoid potential overdraft of ground water from the two municipal wells.	MM-C2: The developer shall provide all necessary documentation as required by CCWD for its application for inclusion of the project site in the CVP. The developer shall provide the Engineering Department a copy of a "Will Serve" letter from CCWD for the project prior to the issuance of a grading permit.	Project Proponent	Engineering Department Grading Permit	
IMPACT C3 The proposed grading and construction of headwalls would necessitate permanent access for the purpose of periodic inspection and maintenance. The proposed alteration of natural drainageways creates potential for clogging of the bypass piping with debris and back-up of water on the Antioch Unified School District-owned parcel.	MM-C3: - The developer shall include provisions for direct access for maintenance equipment and permanent easements to enable access to drainage structures including headwalls, catchment basins, and outfalls. These access easements shall be reflected on corresponding final maps for applicable phases of the development. - Also see mitigation measures for IMPACT C4.	Project Proponent	Engineering Department Final map(s)	
IMPACT C4 The proposed grading and filling of segments of intermittent and ephemeral streams requires construction of graded slopes, concrete-lined V-ditches, headwalls, bypass pipe and two outfalls. After construction,	MM-C4: Developer shall include the following features in the design of drainage infrastructure for the project: - Headwalls shall not be designed or constructed to act as detention basins. - Headwall areas shall be graded, restored, and then maintained in a manner as to provide natural	Project Proponent	Engineering Department Improvement plans	

potential siltation caused by erosion of the proposed detention basin's 3:1 sloped side walls, sloped headwall areas, and outfalls would remain a possibility and would require periodic monitoring and recurring maintenance for the life of the project. The drainage alteration, therefore, has the potential to result in long-term erosion and siltation of off-site receiving waters and man-made conveyance or detention systems.	filtration of the area around each headwall. - Headwalls and the outfall shall be designed with appropriate settlement, filtration and energy dissipation features. If deemed appropriate by the City Engineer, a trash rack at the headwall shall be installed to prevent trash and larger debris from entering the pipelines. - If deemed appropriate by the City Engineer, the developer shall install 1) dissipaters and plantings at the headwalls and outfall to minimize erosion and provide natural filtration and settling; 2) gabion dissipaters at the outfall to reduce velocity and minimize erosion; 3) Rip rap or gravel beds at the three proposed headwalls along the southern boundary of the project site to reduce flow velocity and allow settling, and; 4) A vegetated buffer area upslope of the headwall to assist filtration and settling. - A perpetual funding source, to the satisfaction of the City Engineer, shall be established for maintenance of the proposed on-site detention basin, headwalls and outfalls. - The developer shall provide the Engineering Department with proof of infrastructure design approval of the Contra Costa County Flood Control and Water Conservation District (CCCFWCWD) for infrastructure impacting CCCFCWCD. The above requirements shall be reflected on improvement plans and shall be subject to review and approval of the Engineering Department prior to the approval of improvement plans.	
IMPACT C5 Off-site, in Markley Creek, there is some potential that increased duration of storm water discharges could potentially contribute to stream bank erosion and turbidity. Storm water discharges from proposed Sub-area 6 and the upstream tributary area would not be detained. Tributary area, addition of impervious surface, and slope of the man-made conveyance systems are accounted for in <i>Drainage and Sewer Study, Addendum #1</i>. Incremental rates of runoff in comparison to pre-project levels would not be substantial for 2-, 5-, 10-, 25-, 50-, and 100-year storms. For the 10-year, 24-hour recurrence storm, the peak flow (Q₁₀) would increase to 16 cfs from 13 cfs.	None required as these effects are LTS.	none
IMPACT C6 Grading has an acknowledged potential to induce erosion and sedimentation owing to cut and fill, removal of native grasses, and creation of slopes without vegetative cover.	MM-C6: The developer shall provide for or ensure compliance with the following measures: A SWPPP prepared in accordance with the City's grading ordinance that addresses specific grading activities on the project site; construction of headwalls, outfalls and dissipaters, and restoration of native grass cover on graded slopes.	Project Proponent Engineering Department Grading permit

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IMPACT C7 The rate of storm water runoff from the project site and Highlands Ranch would remain below the allowable pre-development peak rate (235 cfs) owing to the existing and proposed detention systems. On-site detention will limit critical flows from the proposed detention basin in Sky Ranch II to 15 cfs. Off-site detention will limit critical flows from the existing detention basin in Highlands Ranch to 79 cfs. The effect, therefore, is LTS.	• Implementation of BMPs for erosion control as set forth in the SWPPP, including but not limited to application of soil stabilizers such as hydro-seeding, netting, erosion control mats, and rock slope protection. • Grading shall be performed generally in the "dry season" except as grading in the rainy season (October 15 – April 15) may be allowed in the SWPPP and Grading Permit subject to the approval of the Engineering Department. • Prior to re-establishment of vegetative cover, the developer shall use such temporary measures as fiber rolls along slopes, and silt fences at the boundaries of the construction site adjoining drainageways, as necessary. • To prevent tracking of mud onto adjacent roads and airborne dust, developer shall construct temporary areas of aggregate "mats" over bare soil to create stable areas for off-road vehicles and construction employee vehicles. • Construction entrances and exits shall be equipped with water and temporary collection of rinse water for tire rinsing to remove mud as needed. The above requirements shall be actively complied with during construction. Lack of compliance with these requirements will result in a "stop work" order by Engineering Department field/project inspectors.		
IMPACT C8 The amount of storm water runoff from the project site would increase above the pre-development volume owing to the addition of impervious surfaces such as roof tops, walkways, and road pavement. The proposed on-site detention basin in Sky Ranch II has been sized to accommodate the critical storage volume and avoid down stream flooding. The on-site storage volume adequate to detain runoff for the critical storm is 7 acre-feet at water surface elevation 244.5 feet above msl. The estimated available	None required.	none	N/A
	MM-C8: • The developer shall submit to the City Engineering Department final detention basin design detail with 14-acre feet of storage (assuming 3:1 graded slopes, and 250-foot msl maximum surface water elevation) and the final HEC-1 hydrological routing calculations for the 100-year, 12-hour, 6-hour, and 3-hour storms. • Design of the detention basin shall be subject to review and approval of the Engineering Department prior to the issuance of a grading permit.	Project Proponent	Engineering Department Grading permit

storage capacity in the proposed detention basin is 14 acre-feet.	None required.	none	
IMPACT C9 Storm water runoff from the project site would add to the pre-development volume detained in the Highlands Ranch detention basin. The existing detention basin in Highlands Ranch has been sized to accommodate the critical storage volume and avoid down stream flooding. For the critical storm, the off-site storage volume adequate to detain combined inflow from various tributary sub-areas upstream of the Highlands Ranch detention basin is 16 acre-feet. The estimated available storage capacity in the existing detention basin is 21 acre-feet at water surface elevation 117 feet above msl. This potential effect, therefore, is LTS. IMPACT C10 Storm water runoff from the project site, Highlands Ranch, and other tributary sub-areas would add to the pre-project volume detained in the CCWD detention basin north of Buchanan Road. For the critical storm, the storage volume adequate to detain combined inflow from various upstream tributary sub-areas is 4 acre-feet at a water surface elevation 88.3 feet above msl. The estimated available storage capacity in the existing detention basin is 6 acre-feet at water surface elevation 90.0 feet above msl. The potential effect on the CCWD-owned detention basin is LTS. IMPACT C11 Storm water runoff from the project site, Highlands Ranch, and other tributary sub-areas would add to the pre-project flows conveyed in off-site pipeline north of Buchanan Road. Capital improvement project SD-18 consists of 1,000 lineal feet of upsized storm sewer pipeline from Contra Costa Canal north to Los Medanos Community College has no committed funding sources.	None required. None required. MM-C11: It is the City's understanding that the project will provide drainage facilities that will not discharge storm drainage at a higher peak flow than current conditions. If, however, this project does impact the Kirker Creek downstream facilities, then the developer shall pay a fee of \$0.68 per square foot for increases in the area of impervious surfaces created for the project that do impact the facilities constructed under this program. Payment, if required, shall be made prior to the City Council's approval of the Final Map.	Project Proponent	Engineering Department Final Map

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IMPACT C12 Grading and construction have an acknowledged potential to present a risk of unauthorized discharge of hazardous materials to storm sewers and natural drainageways.	MM-C12: The developer shall prepare a Spill Prevention and Contingency Plan (SPCP) which shall be submitted to the City at the time of application for a Grading Permit. The SPCP shall be subject to review and approval of the Engineering Department prior to the issuance of a grading permit. The developer shall agree to (and the SPCP shall address): • Implement BMPs and provisions for emergency notification procedures and response contingencies, spill clean up kits, secure storage of hazardous materials, designated sanitary waste bins. • Use commercial equipment refueling on the project site and further agrees not to store diesel fuel or gasoline on-site. • Notify contractors and provide copies of the SWPPP and SPCP for all contractors. • Provide guidelines for contractor handling of waste paints, waste adhesives, and other hazardous materials. Such materials generally shall not be stored on the project site, or if stored, said storage shall be inside secure, covered storage structure and limited to compatible materials. Storage of hazardous materials above exempt quantities requires permit and Hazardous Materials Business Plan from Contra Costa County Department of Environmental Health.	Project Proponent	Engineering Department Grading Permit
IMPACT C13 Funding sources and the responsible parties are necessary for long-term monitoring, implementation of current BMPs and public awareness programs, and maintenance of constructed on-site drainage systems.	MM-C13: The developer shall implement the following measures to ensure long term operations and maintenance of on-site drainage systems: • A perpetual funding source for periodic maintenance of the proposed detention basin, headwalls, and outfalls shall be created through agreement between the developer and City of Pittsburg. • An Operation and Maintenance Manual for periodic monitoring and maintenance of the detention basin, headwalls, open channel and outfalls. The manual should be written clearly so it could function as a complete guide for any commercial or public works maintenance entity. • BMPs and public awareness measures to limit or reduce such potential pollution and prevent some from entering the drainage system. • Before construction of the detention basin, headwalls, and outfalls, the funding source (for long-term monitoring, implementation of BMPs and public awareness programs, and maintenance of passive treatment BMPs) shall be established, subject to the review and approval of the City Engineer. The developer shall submit the O&M Manual to the City Engineer for review and approval prior to approval of grading plans for the detention basin.	Project Proponent	Engineering Department Grading plans
V.D Visual Resources IMPACT D1 Light-colored, reflective stucco and reddish, clay tile architectural design elements could potentially degrade the visual character and quality of adjacent southern hills. Light-colored stucco and reddish roof tones tend to	MM-D1: • The developer shall modify the roof color-palette to substitute natural, terrain-neutral color and restrict terra cotta or clay roof tiles on certain lots including proposed Lots 126-136, 206, 268, 300-309, 344-346, and all other lots generally above 350 feet msl. Also, the palette for proposed lots north of the Buchanan Bypass should be consistent with Highlands Ranch. Require Codes, Covenants & Restrictions that prohibit or limit roofing color changes by future owners.	Project Proponent	Planning Department Building permit

contrast with the natural setting and hence, could potentially detract from key focal elements of the existing scenic vista (i.e., existing annual grassland and adjoining hills). IMPACT D2 Through landscaping and introduction of non-native landscape species, the project could potentially degrade the natural setting and draw focal attention away from existing trees that accent the adjoining hills above 500 feet (msl). Policy 4-P-82 of the General Plan suggests new development be responsive to natural elements and maintain a sense of connection to surrounding uses.	• The developer shall modify the stucco and exterior trim color-palette to substitute more saturated terrain-neutral exterior colors and restrict white or light reflective exterior colors on certain lots. The palette for proposed lots north of the Buchanan Bypass should be consistent with Highlands Ranch. Require Codes, Covenants & Restrictions that prohibit or limit stucco or exterior paint color changes by future owners. The above modifications shall be subject to review and approval of the Planning Department prior to approval of a building permit. MM-D2: The developer shall prepare a design supplement, herein called a "Natural Grassland Element," to illustrate 1) where landscaped areas will be allowed and 2) where natural grassland areas are to be maintained as shown, for example, on Page V-175, Figure 19 of the DEIR. The developer shall incorporate the requirements of the "Natural Grassland Element" into the Codes, Covenants & Restrictions (CC&Rs) that prohibit introduced species on designated graded slopes and other designated as natural grassland areas. Codes, Covenants & Restrictions shall control the following: • Landscaping of slopes on specific lots (such as, for example, Lots 127-137, Lots 307, 308 and 379-381, and other undeveloped slopes in the southern portion of the project site generally above 390 feet msl) to achieve a sense of connection with the adjoining open grassy hills and ravines. The CC&Rs shall prohibit the planting of species such as ivy, ice plant, shrubs and trees on the slopes on these specific lots. • Fences on the slopes on specific lots (such as, for example, Lots 127-137 and Lots 307, 308 and 379-381) to maintain an open look of continuous, uninterrupted grassy contours. To maintain an open quality, solid fences on the slopes on these specific lots shall be prohibited; transparent, open fences are acceptable in lieu of solid fence designs. Chain link fencing shall not be an option for an open fence. The above requirements shall be subject to the review and approval of the Planning Department and shall be implemented prior to approval of building plot plans.	Project Proponent	Planning Department Building Plot Plans
IMPACT D3 Reflective glare could potentially detract from the natural scenic vista of the southern hills and cumulatively could contribute to urban night glow. The houses on Lots 128-132 have specific potential to direct reflective glare from rear-facing windows toward the north near sunset (April-September).	MM-D3: Rear elevations of proposed houses on Lots 128-132 shall incorporate reduced window area to assure consistency of proposed window area on rear elevations with the design objective of avoiding a new source of substantial glare. This requirement shall be reflected on the building plans and subject to review and approval of the Planning Department prior to issuance of a building permit.	Project Proponent	Planning Department Building Permit

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IMPACT D4 Street lights on "A" Court, "D" Court, and other proposed streets, and home and backyard illumination have a general potential to add the light levels on the site. Street luminaires, flood lights, landscape lighting, and interior lighting have a potential to add multiple new visible light sources which could detract from the natural scenic vista of the southern hills and cumulatively could contribute to urban night glow.	MM-D4: • The developer shall use full cutoff street luminaires to direct light downward for outdoor fixtures on streets, homes and public open spaces. "Full cutoff" luminaire means a luminaire that allows no direct light emissions above a horizontal plane through the luminaire's lowest light-emitting part. • The developer shall prepare a plan which shows the proposed height, location, and intensity of street lights on-site. The plan shall comply with minimum standards for roadway lighting, and shall be reviewed and approved by the Planning Department prior to the approval of lighting plans and architectural drawings for homes. Light fixture design requirements identified in MM-E1 shall comply with the above requirements. • Codes, Covenants & Restrictions (CC&Rs) shall restrict the use of flood lighting and landscape lighting on the slopes and yards of specific lots (such as, for example, Lots 127-137 and Lots 307, 308 and 379-381) to avoid light "trespass" or "spill" and excessive illumination levels and shall prohibit continuous all-night exterior lighting throughout the project.	Project Proponent	Planning Department Lighting plans, CC&Rs
V.E Land Use & Planning IMPACT E1 Without retaining connected open space as common area under common ownership by a Homeowners' Association, or without using a single-loaded street design, there is relatively less opportunity for orientation of future homes toward open space. The design of the houses, proposed streets, sidewalks, lighting, and fencing will have considerable influence over the ultimate suburban atmosphere or rural atmosphere experienced within the project.	MM-E1: The developer shall implement the following design modifications to the extent that they are required with Design Review approval: • Options such as modified front elevations to de-emphasize garage doors. • Staggered building setbacks in the southern portion of the project site. • Alternative street cross sections for the southern portions of "B" Street and "D" Street and for the entire length of "B" Court, "C" Court and "D" Court. Alternative street sections may not have conventional curbs and sidewalks in favor of a more rustic design with extra tree planting width. • A "Fencing and Natural Grassland" strategy to avoid visual interruption of prominent south facing slopes visible from Buchanan Road. • Reduced lighting requirements for the southern area of the site along the southern portions of "B" Street and "D" Street and for the entire length of "B" Court, "C" Court and "D" Court (also see MM-D4) Design modification required with Design Review approval of the project shall be implemented as specified in the Vesting Tentative Map and Design Review conditions of approval.	Project Proponent	Planning Department Vesting Tentative Map and Design Review conditions of approval
IMPACT E2 The proposed project lacks connection to Black Diamond Ranch.	MM-E2: • The City shall consider requiring additional connections by means of pedestrian paths, which the developer shall build if required. Additional pedestrian connections shall be implemented as specified in the Vesting Tentative Map and	Project Proponent	Planning Department Vesting Tentative Map and Design Review conditions of approval

	Design Review conditions of approval.		
IMPACT E3 The applicant proposes filling of identified stream channels and wetlands without on-site conservation. Stream and wetlands alteration could be mitigated by means of off-site compensatory mitigation. <i>General Plan</i> goals or policies 9-P-9 through -11 encourage, but do not require, restoration or re-establishment of creeks in the design of new development. Policy 9-P-12 requires protection and restoration of wetlands. General Plan policies 9-P-9 through -12 are intended for 1) conservation of perennial creeks, having defined bed and bank, and also having riparian habitat, functional, or aesthetic values, as opposed to intermittent or ephemeral creeks lacking these values, or for 2) conservation of wetlands having substantial habitat, functional, or aesthetic values.	MM-E3: See Mitigation Measure A12 above.	Project Proponent N/A	
IMPACT E4 The proposed project includes no open space; therefore, the land preservation calculation in the HCP/NCCP, which is based on about 80 developed acres rather than 160 developed acres on the project site, needs to be revised.	MM-E4: The City shall coordinate during finalization of the HCP/NCCP and shall provide the revised developed acreage for the project site so that preservation goals and targets in the HCP/NCCP can be increased as necessary.	City Planning Department City approval of HCP	
V.F Population, Housing, and Employment IMPACT F1 With lateral connections from the Buchanan Subarea Loop if this water transmission mitigation measure could serve planned land development in the Buchanan Planning Subarea as planned in the City's adopted <i>General Plan</i>, including, for example, the Thomas Ranch and Montreux parcels. Though the proposed project could not directly induce housing development or population growth, in conjunction with this	None is warranted. Such housing development in the Buchanan Planning Subarea and the associated population growth there have been considered as part of the General Plan adoption process. The 2000 <i>Water System Master Plan</i> and capacity of this water transmission pipeline are based on development assumptions consistent with the adopted General plan land uses. The proposed annexation of the project site into the Central Valley Project would not extend annexation or a will-serve commitment from the Contra Costa Water District to adjoining or nearby parcels.	none N/A	

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water conveyance mitigation measure, provision of water to the project site indirectly could induce development on the nearby parcels by alleviating a current water-pressure constraint.			
V.G Community Services & Utilities			
IMPACT G1 Development of the project could lead to increased use of the nearest neighborhood parks including Highlands-Buchanan Road Park, Highlands Park, Marchetti Park.	MM-G1: The developer shall design, construct and pay for an on-site mini-park with swings and other play apparatus, and tennis courts within the subdivision. The site shall be in the location or vicinity of Lots 181-190 or as otherwise approved by the City Engineer. The design of the park shall be subject to review and approval of the Engineering Department and shall be subject to final approval by the Recreation Commission prior to the approval of a final map for the corresponding phase of development. Park improvements shall be completed prior to the acceptance of subdivision improvements for the development phase.	Project Proponent	Engineering Department Final Map and acceptance of improvements.
IMPACT G2 Development of the project is expected to increase visitation at Black Diamond Mines Regional Preserve (BDMRP) and also increase the use of Buchanan Park, Contra Loma Regional Park, and Stoneman Park.	MM-G2: • The developer shall pay an <i>in lieu</i> park fee, or dedicate park land, or perform a combination of both, equivalent to 5.89 acres (1.42 acres per 100 dwelling units) as required by the City Engineer. In the event that open space is dedicated under one of the alternatives to the proposed project, such dedication of open space shall not be counted as park land dedication. In <i>Lieu</i> park fees shall be paid prior to the recordation of the first final map. • The developer shall protect right-of-way across the entire 110-foot width of the combined PG&E and Kinder Morgan Energy Partners easements, for future development of an east-west trail connection with BDMRP. Protection of the trail right-of-way may be counted in the future as part of the developer's park land dedication requirement, subject to the City Engineer, only at that time when trail improvements are made, and only for that portion of the right-of-way on which trail improvements are actually made.	Project Proponent	Engineering Department First Final Map
IMPACT G3 On-site park land dedication, or trail right-of-way protection on the project site, would have the same impact on wildlife species and their habitat as described for the proposed project in Chapter V.A, Biology & Wetlands. Coverage of any portion of the site with tot lots or tennis court, for example, would remove grassland habitat and introduce human presence.	MM-G3: The developer shall implement the following measures prior to site disturbance to minimize biological impacts resulting from the construction of the new park or trails: • Perform compensatory mitigation measures as described in Chapter V.A, Biology & Wetlands of the EIR. • Construct appropriate permanent barriers around all on-site park areas, to prevent movement of terrestrial wildlife across these areas. • Retain a qualified biologist to perform appropriate pre-construction or nesting surveys before constructing on-site park or trail improvements. • Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the	Project Proponent	Planning Department Grading permit/site disturbance

IMPACT G4 Off-site trenching for construction of 9,600 lineal feet of 20-inch diameter water transmission pipe and 12,400 lineal feet of 16-inch diameter water transmission pipe will generate temporary diesel exhaust fumes, dust and noise along the construction corridor. Temporary traffic diversion potentially could result from construction detours or drivers changing routes to avoid the construction zone could cause temporary traffic intrusion, dust and in neighborhoods adjoining the construction corridor such as, for example, Ventura Drive north of Buchanan Road.	HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall pay all fees associated with the HCP/NCCP and conduct necessary preconstruction surveys and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.	Engineering Department Grading permit
IMPACT G5 Construction of the City-recommended Zone I/III water reservoir would impact approximately 1 acre of native annual grasslands, all within the acknowledged range of the SJKF, foraging habitat potentially used by protected species of bird, and proposed critical habitat of the CRLF.	MM-G4: Off site construction activities shall limit hours of construction to avoid nighttime construction through residential neighborhoods. The developer shall use trench cover plates to maintain open lanes of travel on Buchanan Road during the peak commute hours and implement dust control and street cleaning measures to control fugitive dust. Residual impact after mitigation: Unavoidable	Project Proponent
IMPACT G6 Construction and operation of the City-recommended Zone IV water reservoir would impact approximately 2.5 acres of native annual grasslands, all within the acknowledged range of the SJKF, foraging habitat potentially used by protected species of bird, and proposed critical habitat of the CRLF.	MM-G5: • Prior to starting construction on the water reservoir needed for the project, the developer shall retain a qualified biologist to perform appropriate pre-construction or nesting surveys and perform compensatory mitigation measures, as needed and described in Chapter V.A, Biology & Wetlands. • Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall pay all fees associated with the HCP/NCCP and conduct necessary preconstruction surveys and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance. MM-G6: • Prior to starting construction on the off site water reservoir and service road improvements needed for the project, the developer shall retain a qualified biologist to perform appropriate pre-construction or nesting surveys. • The developer shall perform compensatory mitigation measures, as described in Chapter V.A, Biology & Wetlands, for additional acreage estimated in the amount of 2.5 acres, or three times the acreage used for the reservoir and service road, whichever is less. The developer shall comply with these requirements prior to the issuance of a grading permit or site disturbance associated with construction of the reservoir.	Project Proponent
		Engineering Department and Planning Department Grading permit and site disturbance

	Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall pay all fees associated with the HCP/NCCP and conduct necessary preconstruction surveys and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.			
IMPACT G7 Operation of a public-dedicated sanitary sewer lift station has the potential to cause impact from pump noise or emergency back-up power generator noise, and odor from upset conditions. The pump station would require periodic maintenance and could result in temporary noise associated with maintenance or replacement activities. IMPACT G8 Construction of the approximately 4-acre detention basin would have the same impact on wildlife species and their habitat as described for the proposed project in Chapter V.A, Biology & Wetlands. Excavation and filling in and around the basin, and proposed sound wall and lot fencing would remove grassland habitat and introduce human presence.	MM-G7: - The developer shall provide sanitary connections on Lots 162-204 to connect to a lateral that has gravity flow to the collection system in Black Diamond Ranch. In the event the City Engineer determines a gravity flow collection system is infeasible, noise generated from sewer lift stations shall not exceed 65 dB CNEL at the property line of the lift station. This design shall be subject to review and approval of the Engineering Department prior to the approval of improvement plans and the first final map. MM-G8: The developer shall implement the following measure to mitigate for biological impacts resulting from construction of the detention basin: - Perform compensatory mitigation measures as described in Chapter V.A, Biology & Wetlands. - Construct appropriate permanent barriers around all on-site park areas, to prevent movement of terrestrial wildlife across these areas. - Retain a qualified biologist to perform appropriate pre-construction or nesting surveys before constructing on-site park or trail improvements. - Electing to participate in and comply with the requirements of the East Contra Costa County Habitat Conservation Plan / Natural Communities Conservation Plan (HCP/NCCP) may satisfy the above requirements. Should the developer elect to participate and comply with the requirements of the HCP/NCCP to satisfy the requirements of the above mitigation measure, the developer shall pay all fees associated with the HCP/NCCP and conduct necessary preconstruction surveys and comply with all conservation strategy requirements of the HCP, to the satisfaction of the Planning Department, prior to grading or site disturbance.	Project Proponent	Engineering Department First Final Map and Improvement Plans	
IMPACT G9 Construction and operation of new junior high and elementary schools could result in adverse impacts, which are dependent on school siting. The locations of the new schools are unknown; hence, the particular	None	None	Engineering Department Grading permit and site disturbance	N/A

nature and extent of adverse effects are speculative and the potential impacts are not discussed further.				
IMPACT G10 Off-site construction of Station 85 will generate temporary diesel exhaust fumes, dust and noise in the vicinity of the station, construction site.	MM-G10: - Hours of construction for Station 85 shall occur between the hours of 8 a.m. to 5 p.m. unless otherwise permitted by the City Engineer. - As required by the grading ordinance, the contractor building Station 85 must implement dust control and street cleaning measures as necessary to control fugitive dust.	City	Engineering Department Grading Permit	
IMPACT G11 Construction of the Buchanan Bypass or Buchanan Road widening each could generate temporary diesel exhaust fumes, dust and noise along the construction corridor.	MM-G11: - Hours of construction for the Buchanan Bypass shall occur between the hours of 8 a.m. to 5 p.m. or as otherwise permitted by the City Engineer. - As required by the grading ordinance, the contractor constructing the Buchanan Road Bypass must implement dust control and street cleaning measures as necessary to control fugitive dust.	City	Engineering Department Grading Permit	
IMPACT G12 Operation of the Buchanan Bypass or a widened Buchanan Road each could generate long-term noise at sensitive receptors (see Chapter V.I, Community Noise).	MM-G12: The developer shall construct or pay for the off-site improvements described in Chapter V.I, Community Noise.	Project Proponent	N/A	
IMPACT G13 The project site would require annexation into the U.S. Bureau of Reclamation's CVP and a Will-Serve letter from CCWD. The annexation request cannot be processed by CCWD until CCWD has evidence of Section 7 or Section 10 consultation with USFWS and verification of wetlands delineation by USACE. Therefore, assurance of the water supply for this site is pending Section 7, or Section 10, consultation and annexation actions.	MM-G13: The developer shall provide a copy of a "Will Serve" letter from CCWA for the project prior to the issuance of the first building permit.	Project Proponent	Planning Department Building Permit	
IMPACT G14 The proposed project could contribute incrementally to a future need for new or expanded water treatment facilities, the construction of which potentially could cause significant environmental effects.	MM-G14: The developer shall implement the following water conservation measures: Provide hot-water-pipe insulation and installation of a hot-water-recirculation device or other device or design to provide hot water to tap within 15 seconds, install 1.6 gallons-per-flush, ultra-low-flow toilets, and	Project Proponent	Planning Department Landscape plans; Final map	

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	install water-saving showerheads using 2.5 gallons per minute or less. These features shall be shown on the building plans prior to issuance of a building permit. • Prepare a design supplement, herein called a "Natural Grassland Element," to illustrate 1) where landscaped areas will be allowed and 2) where natural grassland areas are to be maintained. Incorporate a Natural Grassland Element into the Codes, Covenants & Restrictions (CC&Rs) that prohibit introduced species on designated graded slopes and other designated as natural grassland areas (also see MM-E1#4). The Natural Grassland Element shall be subject to review and approval of the Planning Department prior to approval of in-tract landscaping plans. • Prepare CC&Rs to address landscape guidelines that feature water-conserving concepts and a list of drought-tolerant, low water use plants (see Draft EIR, Appendix F). CC&Rs shall be submitted to the Planning Department for review and approval before the approval of the first Final Map.		
IMPACT G15 The proposed project could contribute an upset discharge of raw wastewater after construction, owing to construction debris or failure to remove temporary sewer plugs after construction.	MM-G15: • The developer shall register sewer plugs and ropes with the City prior to construction. The developer shall isolate sewers under construction with sewer plugs or temporary grates left in-place until new sewers are fully cleaned and accepted by the City and shall register sewer plugs and ropes with the Engineering Department prior to construction.	Project Proponent	Engineering Department Grading permit
V.H Traffic & Circulation			
IMPACT H1 Intersection #1 (California Avenue/SR 4 WB ramps) would be expected to operate at LOS E during the p.m. peak with the project but LOS D after mitigation.	MM-H1: • The developer shall pay a fair share for modification of the eastbound California Avenue approach to provide an additional through lane and pay a fair share for provision of right-turn overlap phasing for the northbound right-turn movement. Payment shall be made prior to the issuance of the first building permit for the project.	Project Proponent	Engineering Department Building Permits
IMPACT H2 Intersection #2 (Loveridge Road/SR 4 EB Ramps) would be expected to operate at LOS E with the project but LOS C after mitigation. It should be noted that the intersection also would operate deficiently without the project under the Existing Plus Approved Projects scenario.	MM-H2: Developer shall pay a fair share for modification of the northbound Loveridge Road approach at the ramps for provision of a separate right-turn lane. Payment shall be made prior to the issuance of the first building permit for the project.		Engineering Department Building Permit
IMPACT H3 Intersection #8 (Loveridge Road/Buchanan Road) would be expected to operate at LOS E during the a.m. peak hour with the project but LOS D after mitigation.	MM-H3: The developer shall pay a fair share for provision of an additional southbound left-turn lane and eastbound receiving lanes on the east leg of intersection #8 (Loveridge Road/Buchanan Road) to accommodate the two left-turn lanes followed by a merge to one lane. Optionally, the developer shall pay a fair share for provision of additional through-travel lanes on Buchanan Road from Loveridge Road to Ventura Drive, for a	Project Proponent	Engineering Department Building Permit

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	total of two eastbound and two westbound. In implementing this mitigation measure, the City shall preserve existing bicycle lanes. Alternatively, the developer shall limit the subdivision to no more than 207 units until the opening of the Buchanan Bypass for through-traffic connection. This measure shall be implemented prior to the issuance of the first building permit for the project.		
IMPACT H4 Intersection #9 (Buchanan Road/Ventura Drive) would be expected to operate at LOS E with the project but LOS A after mitigation. It should be noted that the intersection also would operate deficiently without the project under the Existing Plus Approved Projects scenario. It should be noted also that this intersection would be expected to operate acceptably in the LOS B range after completion of the Buchanan Road Bypass.	MM-H4: The developer shall pay a fair share towards the following improvements for Intersection #9 (Buchanan Road/Ventura Drive): the eastbound approach shall be re-stripped to accommodate two through lanes from west of Ventura Avenue to east of Meadows Drive followed by a merge back to one lane. In implementing this measure, the City shall preserve the existing bicycle lanes. This striping will be permanent until the bypass is opened. This measure shall be implemented prior to the issuance of the first building permit for the project.	Project Proponent	Engineering Department Building Permit
IMPACT H5 Intersection #10 (Buchanan Road/Meadows Avenue) would be expected to operate at LOS F with the project but LOS A after mitigation. It should be noted that the intersection also would operate deficiently without the project under the Existing Plus Approved Projects scenario.	See Mitigation Measure MM-H4 above.	Project Proponent	N/A
IMPACT H6 Intersection #11 (Somerville Road/Buchanan Road) would be expected to operate at LOS F with the project but LOS D after mitigation.	MM-H6: Developer shall pay a fair share for modification of the northbound Somerville Road approach and eastbound Buchanan Road approach for provision of an additional left-turn lane on each approach. The amount shall be determined by the City of Pittsburg in cooperation with the affected jurisdiction, the City of Antioch. Payment shall be made prior to the issuance of the first building permit for the project.	Project Proponent	Engineering Department Building Permit
IMPACT H7 The proposed project is expected to increase traffic volumes on the local street portion of Ventura Drive in Highlands Ranch beyond the City's local street carrying capacity of 5,000 vpd. Existing traffic on the block immediately south of Buchanan Road, is approximately 3,600 vpd. On the section	MM-H7: - Developer shall not construct more than 353 units. Prior to opening of the Buchanan Road Bypass, unless an alternative access to Buchanan Road from the Buchanan Road Bypass is provided via Standard Oil Avenue. If the developer constructs the future Standard Oil Avenue between Buchanan Road and the Buchanan Bypass it shall be to the standards required by the City of Antioch and as approved by the City Engineer (four lanes are expected). - To discourage use of Ventura Drive, the developer shall construct a Neighborhood Divertor on Ventura	Project Proponent	Engineering Department Building Permits

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of Ventura Drive with fronting houses, existing traffic is estimated at 2,500 vpd. It is estimated that the project would increase traffic volumes on Ventura Drive, between Meadows Avenue and Jensen Drive, by a range of 2,580 to 3,300 vehicles per day (which translates to 65 to 83 percent of the project traffic). Assuming the mid-point, that the project sends approximately 74 percent of its traffic on Ventura Drive, traffic will increase to 5,440 vehicles per day (vpd) from 2,500 vpd on the residential portion of the street. After the opening of the Buchanan Bypass, traffic would decrease below the 5,000 vpd level. IMPACT H8 The project may increase traffic volumes on Ventura Drive north of Buchanan Road. This section of Ventura Drive is residential and any increase in traffic from outside of the neighborhood may result in undesirable volume levels and safety issues given the alignment of the street. IMPACT H9 Intersection #9 (Buchanan Road/Ventura Drive) has 100 feet of available stacking in the northbound left-turn lane on Ventura Drive. The proposed project would increase left-turn queuing to approximately 200 to 250 feet. IMPACT H10 Intersection #10 (Buchanan Road/Meadows Avenue) has 100 feet of available stacking in the westbound left-turn lane on Buchanan Road. The proposed project would increase left-turn queuing to approximately 200 to 250 feet. IMPACT H11 The proposed project lacks connections to the adjoining Black Diamond Ranch residential subdivision. CCCFPD recommends provision of a 20-foot wide	Drive near the mouth of Buchanan Bypass. The design shall be approved by the City of Pittsburgh. City shall not issue building permits for more than 353 units unless it is shown through professional traffic counting that the AADT on Ventura Drive, between Jensen/Rangewood and Meadows Avenue, will not exceed 5,000 vpd.		
	MM-H8: The developer shall pay up to 100 percent of the cost, or a fair share if other future projects could have a similar effect, for a Neighborhood Divertor which meets the City of Pittsburgh's criteria, to discourage through traffic on Ventura Drive north of Buchanan Road. This measure shall be implemented prior to the issuance of the first building permit for the project.	Project Proponent	Engineering Department Building Permit
	MM-H9: The developer shall pay for modification of the northbound left-turn on the Ventura Drive approach at Buchanan Road for provision of 250 feet of stacking, appropriate deceleration length, and transitions. Payment shall be made prior to the issuance of the first building permit for the project.	Project Proponent	Engineering Department Building Permit
	MM-H10: The developer shall pay for modification of the westbound left-turn on the Buchanan Road approach at Meadows Avenue for provision of 250 feet of stacking, appropriate deceleration length, and transitions. Payment shall be made prior to the issuance of the first building permit for the project.	Project Proponent	Engineering Department Building Permit
	MM-H11: - The developer shall construct a suitable EVA across Lot 191 as recommended by CCCFPD. - This EVA shall be accessible to emergency vehicles only and shall not be accessible to any other on road or off-road vehicular traffic. - The design of the EVA access shall be subject to review and approval of the Engineering Department	Project Proponent	Engineering Department Final map

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EVA through proposed Lot 191 to Markley Creek Drive.	prior to the approval of a final map for the phase of development corresponding with the location of the EVA.		
IMPACT H12 Intersection #1 (California Avenue/SR 4 WB Ramps) would be expected to operate at LOS F with the project but LOS D after mitigation.	See Mitigation Measures MM-H1.	Project Proponent	N/A
IMPACT H13 Intersection #2 (Loveridge Road/SR 4 EB Ramps) would be expected to operate at LOS E with the project but LOS C after mitigation.	See Mitigation Measure MM-H2.	Project Proponent	N/A
IMPACT H14 Intersection #3 (Loveridge Road/Leland Road) would be expected to operate at LOS F with the project but LOS D after mitigation.	MM-H14: The developer shall pay a fair share for modification of the northbound Loveridge Road approach to Leland Road (Intersection #3) for provision of a separate left-turn lane. Payment shall be made prior to the issuance of the first building permit for the project.	Project Proponent	Engineering Department Building Permit
IMPACT H15 Intersection #6 (Railroad Avenue/Buchanan Road) would be expected to operate at LOS F with the project but LOS D after mitigation.	MM-H15: The developer shall pay a fair share for modification of the northbound Railroad Avenue approach at Buchanan Road (Intersection #6) for provision of two northbound right-turn lanes with overlap phasing. Payment shall be made prior to the issuance of the first building permit for the project.	Project Proponent	Engineering Department Building Permit
IMPACT H16 Intersection #7 (Harbor Street/Buchanan Road) would be expected to operate at LOS F with the project but LOS B after mitigation.	MM-H16: The developer shall pay a fair share for provision of two travel lanes in each of the eastbound and westbound directions for Harbor Street and Buchanan Road (Intersection #7). Payment shall be made prior to the issuance of the first building permit for the project.	Project Proponent	Engineering Department Building Permit
IMPACT H17 Intersection #8 (Loveridge Road/Buchanan Road) would be expected to operate at LOS E with the project but LOS D after mitigation.	MM-H17: The developer shall pay a fair share for provision of two southbound left-turn lanes and eastbound receiving lanes on the east leg of the Loveridge Road/Buchanan Road intersection (Intersection #8) to accommodate the two left-turn lanes followed by a merge to one lane. As an alternative to this mitigation, the developer can limit the subdivision to no more than 207 units until the opening of the Buchanan Bypass. This measure shall be implemented prior to the issuance of the first building permit for the project.	Project Proponent	Engineering Department Building permit

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IMPACT H18 Intersection #10 (Buchanan Road/Meadows Avenue) would be expected to operate at LOS E with the project but LOS A after mitigation.	See Mitigation Measure MM-H5.		Project Proponent	N/A
IMPACT H19 Intersection #11 (Somerville Road/Buchanan Road) would be expected to operate at LOS F with the project but LOS C after mitigation.	See Mitigation Measure for IMPACT H6.		Project Proponent	N/A
IMPACT H20 At the intersection of the Buchanan Road Bypass with "M" Street and "D" Street, traffic movements would be limited by a raised median to right-turn in/right-turn out. If full access (no median) is provided in the early phase before future opening of the bypass for through-traffic connection, residents of project may object if a median later is constructed.	MM-H20: The developer shall construct the Buchanan Bypass with the median in place even in the early phase before future opening of the bypass for through-traffic connection. The section of the bypass built within the project shall include provisions for U-turns west of "M" Street-"D" Street. This measure shall be implemented prior to the issuance of the first building permit for the project.		Project Proponent	Engineering Department Building permit
IMPACT H21 Intersection #1 (California Avenue/SR 4 WB Ramps) would be expected to operate at LOS F with the project but LOS D after mitigation.	See Mitigation Measure MM-H1.		Project Proponent	N/A
IMPACT H22 Intersection #2 (Loweridge Road/SR EB Ramps) would be expected to operate at LOS E with the project but LOS D after mitigation.	See Mitigation Measure MM-H2.		Project Proponent	N/A
IMPACT H23 Intersection #3 (Loweridge Road/Leland Road) would be expected to operate at LOS E with the project but LOS D after mitigation.	See Mitigation Measures MM-H3.		Project Proponent	N/A
IMPACT H24 Intersection #15 (Kirkner Pass Road/Buchanan Road Bypass) may have the potential to operate at LOS E (v/c=1.00).	MM-H24: Intersection design for Kirkner Pass Road/Buchanan Road Bypass (Intersection #15) as part of the bypass shall ensure that the intersection would operate with acceptable levels of service.		City of Pittsburgh	Engineering Department Approval of design level drawings for the Buchanan Road Bypass

with the project.			
IMPACT H25 Project-related traffic added to the residential portion of Ventura Drive, between Meadows Avenue and Rangewood Drive, would create speed and volume impacts.	MM-H25: The developer shall construct traffic-calming features on the five block section of Ventura Drive, between Meadows Avenue and Rangewood Drive. Traffic-calming features shall be consistent with the measures listed in the City's Traffic-Calming Policy and their design shall be approved by the City Engineer. This measure shall be implemented prior to the issuance of the first building permit for the project.	Project Proponent	Engineering Department Building Permit
IMPACT H26 The steepness of the grade and horizontal straightness of "B" Street will encourage excessive speeds that would be considered undesirable for streets having residential frontage with curb cuts. IMPACT H26 (Continued)	MM-H26: The developer shall implement the following measures to minimize the impact of steep street grades within the subdivision: • The developer shall not construct curb cuts for driveways along the frontage of "B" Street between the Buchanan Bypass and "J" Court/"A" Street or along Ventura Drive within 300 feet of the Buchanan Bypass. Proposed Lots 11-17 and proposed Lots 235 and 236, proposed Lots 257-262, and proposed Lot 297 may not be developed as shown on the Vesting Tentative Map, unless either 1) alternative access is provided, for example, by way of modified flag lot designs with shared driveways on "J" Court, "A" Street, or Canyon Oaks Court, or 2) "B" Street is re-designed for traffic calming. • The developer's redesign for purpose of recovering land area for developable lots may be considered by the Engineering Department only if redesign provides grade reduction below 14 percent, safety advantages, or other environmental benefits. • The developer shall pave "B" Street between the Buchanan Bypass and "J" Court/"A" Street with a scored concrete all-weather surface, with section details and scoring pattern and depth subject to the approval of the City Engineer. • The developer shall construct and sign all-way stops at the intersections of "B" Street with "A" Street/"J" Court and "K" Court. • The developer's redesign of "B" Street and Ventura Drive, and their related intersections at "K" Court, "J" Court, and the Buchanan Bypass, if one is submitted, may be considered at the discretion of the Engineering Department within the "B" Street Traffic-Calming Design Zone (see Draft EIR, Chapter V.H, Traffic & Circulation, Figure 26). The above measures shall be reflected on the improvement plans and final map for the corresponding phase of development.	Project Proponent	Engineering Department Improvement plans, Final map
IMPACT H27 Placement of curb cuts for driveways and on-street parking on "B" Street, "D" Street, "M" Street, and Ventura Drive, near the	MM-H27: • The developer shall not 1) construct any driveway curb cuts within 150 feet, or 300 feet in the case of "B" Street, from the edge of curb of the Buchanan Bypass or 2) allow any on-street parking within 150-feet of	Project Proponent	Engineering Department Final Map

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mouth with the Buchanan Bypass, would create vehicle conflicts and potential safety hazards. Curb cuts and on-street parking would interfere with queuing on approaches to the bypass.	the edge of curb of the Buchanan Bypass, on "B" Street, "D" Street, "M" Street, and Ventura Drive. This would result in elimination of proposed Lots 11, 17, 18, 72, 73, 257, and 381 and review or adjustment of driveway locations for proposed Lots 12, 16, 19, 71, 74, 258, and 380. These revisions shall be subject to review and approval of the Engineering Department prior to the approval of the final map for the corresponding phase of development.		Engineering Department Final Map
IMPACT H28 Depending on the location of crosswalk, stop limit line, the proposed sound wall at Lot 257, privacy fencing, and landscaping, the sight distance from "B" Street to the outside eastbound travel lane of the bypass may be limited. Turnouts for the right-turns from Buchanan Bypass into "B" Street and Ventura Drive are not shown on the Vestling Tentative Map. Such turnouts are recommended for deceleration and to avoid a conflict with bicyclists continuing on the bypass across the intersection.	MM-H28: The developer shall adjust the lot lines of proposed Lots 257, 258, and 259, to accommodate provisions for the "B" Street/Buchanan Bypass intersection as stated above; and shall adjust proposed Lot 11, to accommodate additional right-of-way width for a right-turn turnout from the Buchanan Bypass into Ventura Drive.	Project Proponent	
IMPACT H29 Intersection #11 (Somerville Road/Buchanan Road) would be expected to operate at LOS D with the project but LOS B after mitigation	See Mitigation Measure MM-H6.		N/A
V.I Community Noise			
IMPACT 11 Receptor Location 1 On Autumnwind Court, the first stories of houses generally are shielded from Buchanan Road traffic noise by a solid masonry sound wall. The house at 1485 Autumnwind Court is partially shielded by the wall and a wooden "return" fence along the side yard. Houses at 1457, 1473, and 1485 Autumnwind Court have second-story windows exposures. The estimated outdoor Ldn currently is 69 dBA (second-story) and 65 dBA (first-story). The future outdoor Ldn at the first- and second-stories would increase by +0.6 dBA with the proposed project. Existing and future sound levels, therefore, would exceed the <i>General Plan's</i> normally acceptable level of 60 Ldn.	MM-11: The developer shall conduct a detailed sound study prepared by a practicing INCE acoustical engineer to evaluate design specifications for mitigating sound impacts identified in the EIR. The sound study shall be subject to review and approval of the Planning Department. In following the recommendations of the sound study, the developer shall install the following: - An improved side yard return segment, either a fence or wall, for the backyard at 1485 Autumnwind Court. - Sound-insulating windows for noise-exposed windows in the second-stories of 1457, 1473, and 1485 Autumnwind Court, to reduce the interior Ldn to 45 dBA, or below, as determined by the approved sound study. Plans for the new windows and wall/fence shall be submitted with building permits for the new fence/wall and windows. The above requirements shall be implemented prior to City's issuance of building permits for the proposed project and may be waived by the Planning Department if homeowners do not agree to allow these improvements. The developer shall provide proof, acceptable to the Planning Department that a	Project Proponent	Planning Department Building Permit

IMPACT 12 Receptor Location 3 On Ventura Drive north of Buchanan Road, 1566 Ventura Drive is shielded from Buchanan Road traffic noise by a solid masonry wall. The house across the street, at 1555 Ventura Drive, is next to a power line transmission tower, and is not shielded by a sound wall. The outdoor Ldn at 1555 Ventura Drive is estimated currently to be 64 dBA. The future outdoor Ldn would increase by approximately +0.5 dBA to 65 dBA with the proposed project. Existing and future sound levels, therefore, would exceed the <i>General Plan's</i> normally acceptable level of 60 Ldn.	good faith effort has been made to cooperate with homeowners. MM-12: The developer shall conduct a detailed sound study prepared by a practicing INCE acoustical engineer to evaluate design specifications for mitigating sound impacts identified in the EIR. The sound study shall be subject to review and approval of the Planning Department. In following the recommendations of the sound study, the developer shall install the following: • A 6-foot tall overlapped board fence along the southern property line in the backyard of 1555 Ventura Drive. • Sound-insulating windows for noise-exposed windows in the 1-story, ranch-style house at 1555 Ventura Drive, to reduce the interior Ldn to 45 dBA as determined by the approved sound study. The above requirements shall be implemented prior to City's issuance of building permits for the proposed project and may be waived by the Planning Department if homeowners do not agree to allow these improvements. The developer shall provide proof, acceptable to the Planning Department that a good faith effort has been made to cooperate with homeowners.	Project Proponent	Planning Department Building Permit
IMPACT 13 Receptor Location 4 Traffic from proposed units in Sky Ranch II could increase the existing Ldn in the front yards of seven (7) houses facing Ventura Drive, between Rangewood Drive and Glen Canyon Circle or Drive, and other houses having frontages along Ventura Drive in Highlands Ranch, by +3 dBA to 64 dBA from 60 dBA. Future sound levels, therefore, would exceed the <i>General Plan's</i> normally acceptable level of 60 Ldn.	MM-13: The developer shall conduct a detailed sound study prepared by a practicing INCE acoustical engineer to evaluate design specifications for mitigating sound impacts identified in the EIR. The sound study shall be subject to review and approval of the Planning Department. In following the recommendations of the sound study, the developer shall retrofit windows for seven (7) houses facing Ventura Drive, between Rangewood Drive and Glen Canyon Circle or Drive, and other houses having frontages along Ventura Drive in Highlands Ranch having a line-of-sight to Ventura Drive if interior noise (Ldn) exceeds 45 dBA as determined by the approved sound study. New windows shall be installed prior to issuance of building permits for the proposed project and may be waived by the Planning Department if homeowners do not agree to allow these improvements. The developer shall provide proof, acceptable to the Planning Department that a good faith effort has been made to cooperate with homeowners.	Project Proponent	Planning Department Building Permit
IMPACT 14 Receptor Location 5 At the east end of Silver Saddle Drive, the back yards of houses at 529 and 531 Silver Saddle Drive are partially shielded from Buchanan Road noise by the wall and a wooden "return" fence along the back yards. There is not a	MM-14: The developer shall conduct a detailed sound study prepared by a practicing INCE acoustical engineer to evaluate design specifications for mitigating sound impacts identified in the EIR. The sound study shall be subject to review and approval of the Planning Department. In following the recommendations of the sound study, the developer shall install the following: • An improved backyard return segment, either a matching masonry return wall or an improved fence as	Project Proponent	Planning Department Building permit

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masonry return segment extending south from the masonry wall along the eastern property boundary. Houses at 9 Saddlehorn Court and 511, 529 and 531 Silver Saddle Drive have second story exposures, where the outdoor Ldn currently is estimated to be 65 dBA. The future outdoor Ldn at the second-stories would increase by approximately +0.4 dBA with the proposed project. Existing and future sound levels, therefore, would exceed the <i>General Plan's</i> normally acceptable level of 60 Ldn.	determined by the approved sound study, for sound impacts for houses at 9 Saddlehorn Court and 511, 529 and 531 Silver Saddle Drive. New windows shall be installed prior to issuance of building permits for the proposed project and may be waived by the Planning Department if homeowners do not agree to allow these improvements. The developer shall provide proof, acceptable to the Planning Department that a good faith effort has been made to cooperate with homeowners.		
IMPACT 15 Receptor Location 6 Receptor 6 is a mobile home park without shielding by a sound wall. There is a chain link fence with privacy slats, which provides negligible traffic noise reduction. The estimated outdoor Ldn currently is 73 dBA, and the future Ldn will increase by approximately +0.3 dBA with the proposed project and approved projects. This outdoor noise level is the level for the northernmost row of mobile homes along the fence and Buchanan Road. Existing and future sound levels, therefore, would exceed the <i>General Plan's</i> normally acceptable level of 60 Ldn.	MM-15: The developer shall provide an off-site sound wall along Buchanan Road in the vicinity of the mobile home park located in Antioch (receptor location 6).	City of Antioch	N/A
IMPACT 16 Receptor Location 6 (Chateau Mobile Park) The portion of the mobile home park within approximately 100 feet of Buchanan Road is noise impacted with an existing Ldn in the range normally unacceptable for residential uses. The increase caused by the proposed project is forecast to be 0.3 dBA. Opening of the Buchanan Bypass would reduce the Ldn to 73 dBA, the pre-development level, but not below 70 dBA.	The proposed project's impact is less-than-significant based upon its projected sound impact (+0.3 dBA). An off-site sound wall along Buchanan Road in the vicinity of the mobile home park could be effective; however, construction of a sound wall would require funding by the City of Antioch through impact assessment, the redevelopment plan, or by collection from members of a benefit assessment district.	City of Antioch	N/A
IMPACT 17 Receptor Location 4 Located along Ventura Drive in Highlands Ranch, 1707	(Note: Outdoor noise in the front yards of houses along Ventura Drive, between Rangewood Drive and Glen Canyon Circle/Drive, cannot be practically mitigated. This will result in an unavoidable impact to exterior noise levels for these residences.)		Planning Department Building permit

and 1711 Ventura Drive, and five additional houses between Rangewood Road and Glen Canyon Circle or Drive, would experience a permanent increase of +3 dBA in day-night average noise level from the Sky Ranch II project. With the proposed Sky Ranch II project, the predicted Ldn at Receptor Location 4 would increase to 63 dBA from 60 Ldn.	MM-17: The developer shall conduct a detailed sound study prepared by a practicing INCE acoustical engineer to evaluate design specifications for mitigating sound impacts identified in the EIR. The sound study shall be subject to review and approval of the Planning Department. In following the recommendations of the sound study, the developer shall install acoustic-rated windows or sliding glass doors on exposed first-story and second-story elevations for homes located at 1707 and 1711 Ventura Drive, and five additional houses between Rangewood Road and Glen Canyon Circle or Drive, to assure interior sound levels would be less than 45 dBA, as determined by the approved sound study. New windows shall be installed prior to issuance of building permits for the proposed project and may be waived by the Planning Department if homeowners do not agree to allow these improvements. The developer shall provide proof, acceptable to the Planning Department that a good faith effort has been made to cooperate with homeowners.	Project Proponent	
IMPACT 18 Temporary noise increases will occur during construction. During construction the project will generate noise of variable loudness depending on the location, presence of receptors, and nature of construction. Construction at the boundary of existing neighborhoods could potentially affect the adjacent residents living off-site. The noisiest construction activities could potentially generate maximum noise levels ranging from 84 to 89 dBA at a distance of 50 feet from the noisiest equipment or machinery. Construction noise levels would decrease to 64 -69 dBA at a distance of 300 feet, 61-66 dBA at a distance of 400 feet, and 54-59 at a distance of 600 feet. Whether or not construction hours are limited, temporary construction noise generated by on-site equipment potentially could 1) expose sensitive on-site and off-site residential receptors to noise levels in excess of the applicable noise standards, 2) cause noticeable increases of 2-3 dBA over ambient noise levels, and 3) induce noise	MM-18: The developer shall prepare Construction Specifications that will become part of contractor documents and which could be enforced by the City of Pittsburgh Building Division on an as-needed basis. The Construction Specifications will require that the Contractor perform the following tasks: 1) Limit construction activities to the hours between 7:30 a.m. and 7:00 p.m. on weekdays, and between 9:00 a.m. and 6:00 p.m. on Saturdays and Sundays. No construction shall take place on federal holidays. 2) Locate fixed construction equipment such as compressors and generators as far as feasibly possible from sensitive receptors (i.e. existing houses). 3) Shroud or shield all impact tools, and muffle or shield all intake and exhaust ports on power construction equipment. These specifications shall be reflected on the grading plan and building plan submittals and shall be subject to review and approval of the Planning Department prior to the issuance of grading or building permits.	Project Proponent	Planning Department Grading and Building permits

complaints owing to increases of 5-10 dBA over ambient levels. Such potential increases generally warrant mitigation to minimize noise disturbance. IMPACT 19 Receptor Location 4 With development of approved projects, the proposed Sky Ranch II project, and opening of the Buchanan Bypass, the cumulative predicted Ldn in the front yards of seven (7) houses facing Ventura Drive between Rangewood Drive and Glen Canyon Circle or Drive would increase by +6 dBA to 66 dBA from 60 Ldn. Future cumulative sound levels, therefore, would exceed the <i>General Plan's</i> normally acceptable level of 60 Ldn.	See Mitigation Measure MM-17 above.	Project Proponent	Planning Department Building Permit
IMPACT 110 Receptor Locations 7, 8, and 9A Receptor Location 7 means proposed Lots 5, 6, and 7. Receptor Location 8 means proposed Lots 29-37 and similar lots on the south side of the bypass. Receptor Location 9A means proposed Lots 236 & 260 (and generally Lots 234-237, 256, 259-262, and 297), along proposed "B" Street. On-site locations could have exposures to outdoor day-night average noise level (Ldn) in excess of 60 dBA resulting from implementation of the planned long-range transportation improvement, namely, the Buchanan Bypass. With the proposed 6-foot tall wall and opening of the Buchanan Bypass, the forecast Ldn is 59-65 dBA at the first-stories and 62-70 dBA at second-stories at Receptor Locations 7 and 8. At Receptor Location 9A, traffic on "B" Street is the principal noise source, and the height of the proposed sound wall along the Buchanan Bypass would not matter. The front yard Ldn at Receptor Location 9A is forecast to be approximately 62 dBA; however, backyard noise levels are forecast to be 60 dBA owing to the partial shielding	MM-110: The developer shall conduct a detailed sound study prepared by a practicing INCE acoustical engineer to evaluate design specifications for mitigating sound impacts identified in the EIR. The sound study shall be subject to review and approval of the Planning Department. In following the recommendations of the sound study, the developer shall construct/install the following: • A sound wall to attenuate sound to acceptable levels as determined by the approved sound study for homes located at sensitive receptor locations 7, 8 and 9A as presented in Impact 110 of the DEIR. The wall design shall be subject to review and approval of the Planning Department prior to the approval of improvement plans for the corresponding phase of development in the vicinity of sensitive receptor locations 7, 8, and 9A. • Acoustic-rated windows, sliding glass doors or entryway doors, adequate to provide an interior noise level of 45 dBA or lower for lots 18, 29-37, 72, 234-237, 256, 259-262, and 297. Sound transmission control ratings for windows shall be referenced on the building plans for these homes and shall comply with the recommendations of the approved sound study.	Project Proponent	Planning Department Improvement plans; Building permits

provided by the houses and side yard fences. Therefore, mitigation measures would be warranted in the Buchanan Bypass corridor and along "B" Street in anticipation of implementation of the long-range transportation plan.			
IMPACT 111 Receptor Location 8 (Lots 18, 29-37, and 72) Located along the Buchanan Bypass corridor, Lots 18, 29-37, and 72 would experience an increase in day-night average noise level (Ldn) of +10 to +17 dBA with opening of the bypass. The Ldn would be 53 dBA before the opening, and after opening of the bypass the Ldn would be approximately 70 dBA (second-story) and 63 dBA (first-story). These forecasts are for the second-story and account for the presence of the proposed 6-foot tall sound wall. At the first-story level, the proposed sound wall would be relatively more effective and, after opening of the bypass, the Ldn would be 63 dBA. IMPACT 112 Lots 257 and 258 The siting of these two lots is problematic in terms of proximity to the proposed bypass and "B" Street, and the discontinuity of the proposed sound walls at the intersection of the bypass and "B" Street. Increasing the proposed wall height to 8-feet would provide a relatively minor incremental noise reduction compared to the reduction provided by the proposed 6-foot tall wall. The noise wall offset at "B" Street and grades of the proposed Buchanan Bypass in relation to pad elevations are constraining factors. With opening of the Buchanan Bypass, Lot 257 would experience an increase in average noise level (Ldn) of approximately +11 dBA, to 71 dBA (first-story). Lot 258 would experience an increase in average noise level (Ldn) of approximately +5 dBA.	See Mitigation Measure MM-110 above	Project Proponent	Planning Department Improvement plans; Building permits
MM-112: The developer shall conduct a detailed sound study prepared by a practicing INCE acoustical engineer to evaluate design specifications for mitigating sound impacts identified in the EIR. The sound study shall be subject to review and approval of the Planning Department. In following the recommendations of the sound study, the developer shall: • Re-design proposed Lots 257 and 258 for location farther south from the proposed Buchanan Bypass and to extend a return wall segment south along "B" Street or as directed by the approved acoustic study. The position of the wall shall not interfere with the driver line-of-sight toward the west along the bypass. This redesigned lots and extended wall shall be reflected on the final map and improvement plans for the corresponding phase of development. • Install windows, sliding glass doors or entryway doors upgraded with acoustic-ratings adequate to provide an interior Ldn of 45 dBA, or lower, for the first- and second-stories of houses on Lots 257 and 258. Sound transmission control ratings for windows shall be referenced on the building plans for these homes and shall comply with the recommendations of the approved sound study.		Project Proponent	Planning Department Building plans; Final Map and Improvement plans

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to 66 dBA (first-story). These are substantial increases, above the normally acceptable 60 dBA, but within the City of Pittsburgh's conditionally acceptable range. This cumulative forecast accounts for the presence of proposed 6-foot tall sound walls east and west of "B" Street. Mitigation measures would be warranted specifically for Lots 257 and 258.			
IMPACT I13 Receptor Location 9A (Lots 236, 237, 259 and 260) Located next to "B" Street, and within the influence of noise from the Buchanan Bypass corridor, Sky Ranch II Lots 236, 237, 259, and 260 would experience an increase in day-night average noise level of +1 dBA with opening of the bypass. The Ldn would be 60 dBA before the opening of the Buchanan Bypass. After opening of the bypass, the Ldn would be approximately 61 dBA. This increase is a LTS effect.	None warranted.	None	None
IMPACT I14 Receptor Location 10 Located off-site along Westridge Court in Black Diamond Ranch, Receptor Location 10 would experience a permanent increase of +2 dBA in day-night average noise level (Ldn) with result with the Sky Ranch II project. With approved development, the proposed Sky Ranch II project, and opening of the Buchanan Bypass, the predicted Ldn at Receptor Location 10 would increase to 64 dBA (first-story) from 55 dBA without the bypass and from 53 dBA without the proposed project. At the second-story level, the forecast noise levels could be expected to be approximately 67 dBA after opening of the bypass.	MM-114: The developer shall conduct a detailed sound study prepared by a practicing INCE acoustical engineer to evaluate design specifications for mitigating sound impacts identified in the EIR. The sound study shall be subject to review and approval of the Planning Department. In following the recommendations of the sound study, the developer shall: • Install a 6-foot tall sound wall or fence of overlapping boards and acoustic-rated windows at noise-exposed second stories generally at Lots 127-138 in Black Diamond Ranch. • The developer shall submit plans demonstrating compliance with this condition satisfactory to the Planning Department prior to submitting plans to the City of Antioch for building permit approval. A copy of the approved plans by the City of Antioch shall be submitted to the Planning Department prior to the issuance of a building permit for the project. • This requirement may be waived by the Planning Department if homeowners do not agree to allow these improvements. The developer shall provide proof, acceptable to the Planning Department that a good faith effort has been made to cooperate with homeowners for the implementation of these measures.	Project Proponent	Planning Department Building Permits
V.J Air Quality IMPACT J1	MM-J1:	Project	Planning Department

Proposed project operations may include wood-burning which generates PM10 and PM2.5 emissions. Such emissions may cumulatively contribute to violation of the State of California ambient PM10 standard and federal ambient PM2.5 standard. IMPACT J2 During construction the proposed project will generate PM10 and PM2.5 emissions, and at times the areas of active grading will be close to existing or future houses in Black Diamond Ranch and Highlands Ranch. The following mitigation measures would reduce grading dust (PM10) by approximately 80 percent, but would not necessarily avoid dust nuisance under adverse conditions such as winds from the south or west.	• The developer shall install natural gas-fired aesthetic fireplaces. Wood-burning in EPA-certified Phase II fireplace inserts, other EPA-certified Phase II appliances, or EPA-exempt pelletized-wood stoves shall be prohibited. Natural gas fireplaces shall be noted on building plan submittals for homes. MM-J2: The developer shall implement the following measures to reduce dust during construction and grading: • Perform active grading operations with watering at least 3 times per day including watering of any unpaved roads. • Limit off-road speeds to 15 mph on the project site. • Pave roads before deliveries of concrete or other construction materials are made to the lots. Hydroseed or apply (non-toxic) soil stabilizer to inactive construction areas (previously graded areas inactive for ten days or more) or apply water daily. • Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (soil, sand, cement, or aggregate materials.) • Install sandbags or other erosion control measures to prevent silt runoff to public roadways. • Replant suitable grassland vegetation in disturbed areas as soon as feasible. Failure to comply with this measure shall result in a "stop work" order on grading activities.	Proponent	Building permit
IMPACT J3 Even with the above mitigation measures, PM10 and PM2.5 emissions could create a dust nuisance if active grading is located within 500 feet of existing residences.	MM-J3: The developer shall implement the following measures if grading is located within 500 feet of existing residences: • Perform grading operations with more frequent watering than three time daily watering, including watering on demand to keep surface soil moist or crusted at all times. • Install and operate a temporary wind vane and anemometer during the grading. Developer shall suspend grading operations if adverse winds over 25 mph are blowing dust to any occupied residence. • Provide perimeter dust monitoring for grading operations within 500 feet of an occupied dwelling. Monitoring reports shall be prepared and submitted daily to the City's Engineering Department. Failure to comply with this measure shall result in a "stop work" order on grading activities.	Project Proponent	Engineering Department Grading permit
IMPACT J4 Even with the above mitigation measures, PM10 and PM2.5 diesel exhaust emissions would be emitted from the grading equipment at the annualized rate of 2.6 tons per year in the year of maximum cut and fill volume. Diesel soot is considered to be a	MM-J4: Developer shall ensure that particle filters are properly installed and maintained on diesel earthmoving equipment including excavators, earthmovers, and compactors. A copy of invoices documenting that all equipment has been properly installed and maintained shall be made available to the City upon request. Failure to comply with this condition shall result in a "stop work" order on grading activities.	Project Proponent	Planning Department Grading permit

Toxic Air Contaminant. The following additional mitigation measure, in conjunction with those measures listed above, would reduce diesel exhaust PM10 by approximately 2 tons per year in the year of maximum cut and fill volume.			
IMPACT J5 Proposed project grading will include deep excavations to bedrock. Though serpentine, or other forms of naturally-occurring asbestos are not known to be present on the project site, application for exemption from the BAAQMD or compliance with dust control provisions of Section 93105 is required. The State of California Code of Regulations, Title 17, Section 93105, is an Asbestos Air Toxic Control Measures (ATCMs) to minimize or avoid naturally-occurring asbestos in grading dust.	MM-J5: The developer shall comply with State of California Code of Regulations, Title 17, Section 93105, is an Asbestos Air Toxic Control Measures (ATCMs) to minimize or avoid naturally-occurring asbestos in grading dust. When applying for a general exemption from the ATCM via a geologic exemption, the developer shall contact the BAAQMD prior to submitting an exemption application. Proof of this correspondence with the BAAQMD shall be submitted to the Planning Department prior to the issuance of a grading permit.	Project Proponent	Planning Department Grading permit
IMPACT J6 The proposed project will generate ROG (Reactive Organic Gases) that cumulatively, with other residential development and industrial sources, may contribute to a violation of the federal 8-hour and State of California 1-hour ambient ozone standards. The majority of the project's ROG emissions would originate from vehicular exhaust, area sources (e.g., space heating) in winter, and temporary construction sources in summer. Mitigation measures focus on reduction of ROG emissions from sources emitting ROG during the summer and fall ozone season.	MM-J6: The developer shall implement the following measures to reduce ROG (Reactive Organic Gases): • The developer shall construct garages with electrical hookups for recharging electric-powered or hybrid vehicles. These hookups shall be noted on the building plans for the new homes. • The developer shall require and employ architectural coatings with reduced-VOC (5 percent reduction in emission of ROG from painting). This specification shall be noted on building plans for new homes. Supplementary documentation to verify compliance shall be submitted to the Planning Department upon request. • The developer shall include as mandatory provisions of the CC&Rs restrictions to reduce on-site handling of gasoline. • The developer shall encourage homeowners to use push-reel or electric-powered lawn mowers through dissemination of air/water pollution information pamphlets. This information shall be included with the brochure for water efficient landscaping techniques required by PMC §18.84.320. CC&Rs shall prohibit on-site refueling of vehicles or storage of gasoline in excess of 1-gallon.	Project Proponent	Planning Department Building permits, CC&Rs
V.K Public Health & Safety IMPACT K1 The proposed project potentially could expose residents and houses on "D" Street, "D" Court, and "C" Court to wildland fire risk	MM-K1: The developer shall comply with the following measures to reduce exposure risk of residents and homes on "D" Street, "D" Court, and "C" Court to wildland fire risk on the Urban Wildland Interface:	Project Proponent	Engineering Department Improvement Plans, Building plot plans

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on the Urban Wildland Interface.	• Include emergency service provisions on the recommended Zone III/IV reservoir service road. Such provisions shall include suitable driving surface, grade and turnaround for fire engines and hydrants. This feature shall be subject to review and approval of the Engineering Department prior to the approval of the improvement plans for the corresponding phase of development. • Provide access to open space at the site's perimeter. To accommodate this access the developer shall provide additional EVAs at locations to be selected by the Contra Costa County Fire Protection District and City Engineering. One EVA acceptable location is Lot 191 connecting to Markley Creek Drive in Black Diamond Ranch. These features shall be subject to review and approval of the Engineering Department prior to the approval of the improvement plans for the corresponding phase of development. • The developer shall disclose the Natural Hazard Disclosure (FIRE) Map to home buyers, along with public information including PRC 4291 and/or landscape, defensible space, and fuel break requirements equivalent in content. This information shall be made available to homebuyers at sales trailer(s) and shall be made available upon request of the Planning Department. The Planning Department shall not sign off on additional building plot plans if it determines that this measure is not being complied with.		
IMPACT K2 Proposed lot sizes and locations of Lots 89, 91, 104, 138-141, and 181-190 could place the future owners of these particular lots in a position of depending on adjoining land owners (currently, AUSD and Thomas) to comply with PRC 4291 on the "other side" of their property lines. If AUSD and Thomas failed to provide fuel breaks, the defensible spaces on proposed Lots 89, 91, 104, 138-141, and 181-190 would be limited to the distances from backs of houses to the backs property lines.	MM-K2: • The developer shall avoid siting the smallest-sized lots along the Urban Wildland Interface (UWI) or provide a buffer setback between the lots and the (UWI). • The developer shall re-design "C" Court as a single-loaded street with Lots 176-180 along its north side and tennis courts, picnic area, or a lot park on its south side. The above modifications shall be subject to review and approval of the Planning Department prior to approval of final maps along the UWI.	Project Proponent	Planning Department Final Map
IMPACT K3 The proposed project potentially could expose residents and houses to additional fire risk as response distance and time from the nearest CCCFPD fire stations exceeds 1.5 miles or 5 minutes.	MM-K3: The developer shall construct all residences with residential fire sprinklers. Installation shall be as per NFPA #13D with the addition of sprinklers in the attics, garages, bedrooms, and closets. A four (4) head hydraulic calculation shall be used. All roofs shall be constructed with Class A rated roof assemblies. These features shall be shown on the building plans for homes.	Project Proponent	Planning Department Building plans
IMPACT K4 The proposed project could expose residents of the project site to EMF locally near the existing power transmission lines.	MM-K4: The developer shall avoid new development within 100 horizontal feet from the PG&E easement centerline. Lots shall be adjusted to reflect this requirement and shall be subject to review and approval of the Engineering Department prior to the approval of final maps for the corresponding phase of development.	Project Proponent	Planning Department Final map

IMPACT K5 Proposed Lot 76, proposed Lot 304-306, and proposed Lot 228-233 may have fill or fill slopes that encroach horizontally and vertically into PG&E's easement. This could be acceptable only if the 30-foot ground clearance standard is met.	MM-K5: Building pad elevations shall be a minimum of 30 vertical feet from the ground to the existing PG&E transmission lines. Lots 76, 304-306, and 228-233 shall be graded to have a minimum 30 foot vertical clearance from the ground to existing PG&E transmission lines. The developer shall modify pad elevations to meet this requirement and provide exhibits, acceptable by the Planning Department, demonstrating compliance with this measure. This measure shall be subject to review and approval of the Planning Department prior to approval of a final map for the corresponding phase of development.	Project Proponent	Planning Department
IMPACT K6 The easternmost power transmission towers in the back of proposed Lots 229 and 244 potentially could be rendered inaccessible.	MM-K6: The developer shall provided vehicle access to the easternmost power transmission corridor from "B" Street and avoid cross-fencing of the easement to permit unimpeded service access at all times. This modification to the map shall be subject to review and approval of the Planning Department prior to approval of a final map for the corresponding phase of development.	Project Proponent Final map	Planning Department
IMPACT K7 Physical and visual access to the petroleum product pipeline easement potentially could be impaired by introduction of fences, dwellings, and landscaping. Physical and visual access are necessary for routine inspection, emergency response, and overall public safety.	MM-K7: - The developer shall modify lot lines of proposed Lot 77 and proposed Lots 228-233, 236, 260, 305-306, 309, 342-343, and 378, to avoid cross-fencing of the petroleum pipeline easement and preserve unimpaired physical and visual access. These modifications to the map shall be subject to review and approval of the Planning Department prior to approval of a final map for the corresponding phase of development. - The developer shall identify a relocation site for the relocated Zone II water reservoir near the end of "A" Court, in such a manner as to preserve physical and visual access to the petroleum product pipeline. The final location shall be subject to the review and approval of the City Engineer and shall occur as required with water infrastructure needs for the project identified in the City's Water Master Plan.	Project Proponent	Planning Department
IMPACT K8 The petroleum product pipeline is a multi-purpose pipeline that may at times carry diesel, jet fuel, or gasoline. Upset conditions involving leakage and rupture by inadvertent act of a contractor or private landowner are reasonably foreseeable upset conditions. The pipeline easement and downslope area adjoining the pipeline easement would be best preserved as a	MM-K8: - The developer shall preserve the PG&E and Kinder Morgan Energy Partners easements outside of private lots. Infrastructure that overlaps the easements, such as the detention basin, water reservoir, "B" Street and "D" Street, common or parking areas, or a future trail, may be acceptable within the easement provided such infrastructure does not impair physical and visual access to the pipeline. Adjustments to the easement line shall be subject to review and approval of the Engineering Department prior to approval of a final map for the corresponding phase of development. - The developer shall provide suitable disclosures of the presence of the petroleum product pipeline to	Project Proponent	Planning Department

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buffer, outside of private back yards.	future buyers of lots within a specified distance of the pipeline, including all lots located downslope of the pipeline and additional lots to be determined by City staff. This disclosure shall be made available at the home sales trailer(s) and included with all informational brochure packets for homes. The Planning Department shall not sign off on additional building plot plans if it determines that this measure is not being complied with.		
IMPACT K9 Construction grading on the proposed project could expose nearby off-site residents to Toxic Air Contaminants including diesel exhaust.	See Mitigation Measure MM-J4	Project Proponent	N/A
V.L Cultural Resources IMPACT L1 The project site is in a low sensitivity zone and the potential for encountering archaeological resources is considered low. In the event any cultural materials are encountered during subsurface grading, the following measure will be implemented by the developer.	MM-L1: The developer shall implement the following measures should archaeological or cultural resources are discovered during grading: • Upon discovery of cultural resources, the grading contractor shall halt grading within a radius of 50 feet of the find and will call the Planning Department, a qualified archaeologist and the Native American Heritage Commission (or local California Indian). The developer shall provide the Planning Department with proof of correspondence with a qualified archaeologist and the Native American Heritage Commission (or local California Indian). Grading shall not continue until notice is given by the Planning Department to proceed. • The developer shall notify the Planning Department and Native American heritage Commission within 24 hours if any potentially significant cultural materials are encountered by the archaeologist. • Following examination of the find, the archaeologist will examine the find and make appropriate recommendations regarding the significance of the find and the appropriate mitigation. Recommendations could include collection, recordation and analysis of any significant cultural materials. A Report of Findings prepared by the archaeologist, documenting any data recovered during his/her monitoring, would be submitted to the City Planning Department on a monthly basis.	Project Proponent	Engineering Department and Planning Department Grading permit
IMPACT L2 The project site is in a low sensitivity zone and the potential for encountering human skeletal remains is considered low. In the event any human skeletal remains are encountered during subsurface grading, the following measure will be implemented.	MM-L2: • In the event that human skeletal remains are encountered, the contractor shall immediately halt excavation or disturbance of the burial site or any nearby area reasonably suspected to overlie adjacent human remains and notify the County Coroner and Director of Planning. Excavation or disturbance shall remain suspended until the investigation of the County Coroner has been completed and recommendations of the coroner have been completely implemented including the conditional procedures outlined on the following page. • Upon determination by the County Coroner that the remains are Native American, the coroner shall contact the California Native American Heritage Commission, pursuant to subdivision (c) of section 7050.5 of the Health and Safety Code and the County Coordinator of Indian Affairs. No further disturbance of the	Project Proponent	Engineering Department and Planning Department Grading permit; Building plot plans.

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	site may be made except as authorized by the County Coordinator of Indian Affairs in accordance with the provisions of State law and the Health and Safety Code. • The developer shall provide recommendations and appropriate mitigation measures prepared by a qualified archaeologist to the Planning Department. The developer shall comply with these mitigation measures to the satisfaction of the Planning Department prior to the approval of additional building plot plans.		
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DRAFT



City of Pittsburg

Community Development Department – Planning Division

65 Civic Avenue, Pittsburg, CA 94565 | Tel: (925) 252-4920 | Fax: (925) 252-4814

NOTICE OF PUBLIC HEARING

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

DATE: April 25, 2017
TIME: 7:00 p.m.
PLACE: City Council Chamber at City Hall
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Sky Ranch II Development Agreement, AP-17-1226 (DA).

This is a public hearing on a request for a recommendation on a development agreement for the 'Sky Ranch II Residential Subdivision,' located at the terminus of Ventura Drive, South of the Highlands Ranch Subdivision, in the RS-6-O (Single Family Residential with a Limited Overlay, Ordinance No. 07-1285) District. Assessor's Parcel Nos. 089-050-074, 089-470-078, 089-480-036, and 089-530-047.

PROJECT PLANNER: Kristin Pollot, (925) 252-6941 or kpollot@ci.pittsburg.ca.us

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

Where can I get more information about this project?

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

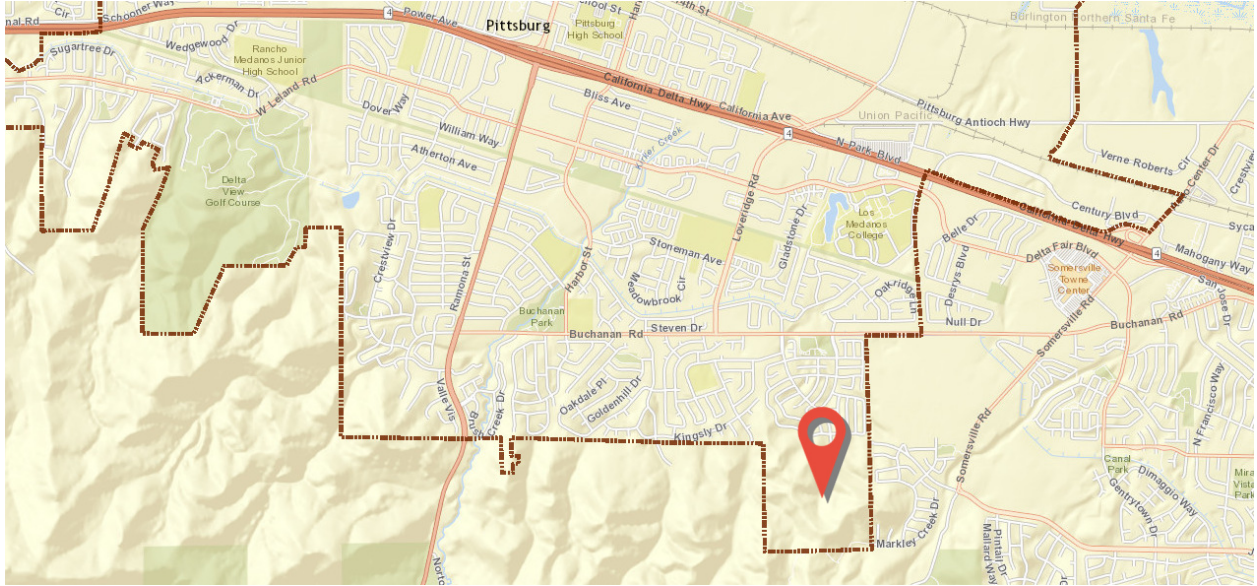
What can I do if I have comments on the project?

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

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


KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

Project Title: Sky Ranch II Development Agreement, AP-17-1226 (DA)
Location: Terminus of Ventura Drive, South of the Highlands Ranch Subdivision,
APNs: 089-050-074, 089-470-078, 089-480-036, and 089-530-047



**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
April 25, 2017**

ITEM: **No. 4 - Esperanza Apartments at San Marco (Village M), AP-13-932 (DR).**

ORIGINATED BY: Kevin English, Discovery Builders, Inc., 4061 Port Chicago Highway, Suite H, Concord, CA 94520

SUBJECT: This is a request for design review approval of plans to construct a 318-unit apartment complex along the south side of West Leland Road, immediately west of Tomales Bay Drive. The project consists of 12 three-story buildings and site improvements on 13.3 acres in 'Village M' of the San Marco PD (Planned Development, Ordinance No.12-1362) District. Assessor's Parcel No. 097-550-018.

RECOMMENDATION:

Staff recommends that the Commission adopt Resolution No. 10060, approving Design Review Application No. 13-932, subject to conditions.

BACKGROUND:

San Marco Development Agreement: On April 3, 1990, the City Council adopted Ordinance No. 90-990, certifying a negative declaration and authorizing the execution of the Southwest Development Agreement (DA) for the development of 2,938 residential units on 639 acres in the southwest hills of Pittsburg. The DA established provisions under which the development would be built, including land use regulations, fees and assessments, and infrastructure. On October 1, 2001, the City Council adopted Ordinance No. 01-1187, extending the term of the DA from 2002 to 2020. On April 15, 2013, the Council adopted Ordinance No. 13-1369, approving a second extension of the term of the DA from 2020 to 2032.

San Marco PD Plan: On January 19, 1993, the City Council adopted Resolution No. 93-7888, certifying a subsequent environmental impact report (SEIR) for the San Marco Development, and adopted Ordinance No. 93-1057, zoning the San Marco Development property to a residential PD (Planned Development) District, with a PD Plan consisting of 1,412 single-family residential units and 1,526 multifamily residential units. The PD plan has been amended on three separate occasions since the original ordinance was adopted in 1993. The first amendment occurred in 2003, and was a City-initiated amendment to increase lot coverage allowances for single-family homes in this and other PD Districts (Ordinance No. 03-1204). The second amendment in 2006, was applicant-initiated, and amended the San Marco Development park requirements to consolidate several mini-parks in the original development plan into two larger community parks, consistent with the current (2001) General Plan policy which supports

larger parks for more efficiency in maintenance (Ordinance No. 06-1270). This second amendment allowed single-family houses to be built on the former mini-park sites, provided that the number of multifamily units was decreased correspondingly (which resulted in an exchange of approximately 12 multifamily units for single-family units). The third amendment (also initiated by the applicant) occurred in 2012, and facilitated an exchange of single family residential units between Village A and Village O (Ordinance No. 12-1362) in order to facilitate the development of the Toscana subdivision. The most recent iteration of the PD plan adopted as part of Ordinance No. 12-1362, divides the site into 14 total villages (ten planned for single family development and four planned for multi-family units). Of the four multi-family villages, only Village B (San Marco Villas) has been built to date.

Under the San Marco Development Agreement, Development Plan, and Planned Development District, the project site (known as Village M) is scheduled for up to 420 multi-family residential units on 22.3 acres (equaling a density of up to 18.8 dwelling units per acre).

PROJECT DESCRIPTION:

Existing Conditions: Village M currently consists of vacant, undeveloped land and is located on the south side of West Leland Road, immediately west of Tomales Bay Drive. The site has been previously graded into one large substantially flat pad. See Attachment 3 for an overview of surrounding land uses and existing conditions.

Transportation: The project site is located within close proximity to bus service and established bicycle routes. Bus stops for Tri Delta Transit Line #200 are located on the northeast and southeast corners of the West Leland Road and San Marco Boulevard intersection, less than 500 feet from the proposed project site. Tri Delta Transit has stopped service to this bus stop until ridership increases significantly from further San Marco development along West Leland Road. Village M is also located less than one mile from the Pittsburg/Bay Point BART Station, and is adjacent to a Class II bicycle facility which runs along West Leland Road.

Proposed Project: The proposed project consists of 12, three-story apartment buildings, housing a total of 318 one- and two-bedroom units, as well as related site improvements including drive aisles, parking, landscaping, walkways, lighting, and trash enclosures, spread across 13.3 acres of the larger 22.3 acre site. The project proposes two different building types, including seven 24-unit buildings (Type A) and five 30-unit buildings (Type B). Of the 12 apartment buildings on-site, three would be adjacent to Leland Road.

In total, the project proposes 102 one-bedroom, one-bathroom units, and 216 two-bedroom, two-bathroom units, ranging in size from 756-1,083 square feet in size. All units would include a kitchen, dining area, living room, in-unit washer and dryer, private patio, one walk-in closet, and 222 cubic feet of private storage area (separate from

interior closet space). Third floor units would also include gas fireplaces. The project includes an approximately 6,539 square foot clubhouse complete with a fitness area, theater, wi-fi lounge, and great room, along with office space and an onsite leasing area. The center of the development, behind the clubhouse, would include a pool, spa, and BBQ area for residents. The project site also proposes an onsite tot lot with play structure.

The clubhouse and apartment buildings feature a 'Mediterranean' architectural design characterized by Spanish tile hipped roofs, integrated towers and cupolas, plaster exterior finishes, arched windows and walkway entries, grid-patterned glass, decorative ironwork, and tile borders and accents.

The complex's entrance would align with the vehicular entrance to the Toscana residential subdivision to the north, and a condition of approval would require the developer install a new traffic light at the four-way intersection. The main entrance, stemming from Leland Road, would include decorative paving with monument signs located on either side. Two automatic security gates would be located at the end of the entry drive within the interior of the project site, and would be perpendicular to the street frontage, reducing the visual impact of these gates to pedestrians and vehicles travelling West Leland Road.

There are a total of 638 parking spaces distributed throughout the project site, including nine, six-car garages that would also provide residents with additional storage area. A total of 2.97 acres (23 percent) of the project area would be landscaped.

GENERAL PLAN/CODE COMPLIANCE:

General Plan: The San Marco Development area, including Village M, is subject to a development agreement that was originally approved by the City Council on July 1, 1993, and was subsequently amended on October 1, 2001, and April 15, 2013. The development agreement locked in the land use regulations at the time it was originally adopted. At the time the development agreement and PD plan were adopted, they were determined to be consistent with the applicable General Plan (1988). Since the proposed development is consistent with the development agreement and PD plan, the project would also be consistent with the applicable General Plan.

The 1988 General Plan includes several policies applicable to this site, including:

1. GP Land Use Chapter, Policy 2.1.R: Rely on the Architectural Review Process, City Planning Commission, and City Council to ensure that both public and private design meet the high standards of the City of Pittsburgh and are consistent with the overall General Plan.
2. GP Land Use Chapter, Policy 2.2.D: Promote the creation of a balanced community and the provision of a high-quality environment offering a full range of

urban activities by the planned and orderly development of land in the Pittsburg Sphere of Influence.

3. GP Air Quality Chapter, Policy 8.3.A: Maintain good air quality in the Pittsburg Planning area.

Though the proposed project is not subject to the 2001 General Plan, it is consistent with many of the goals and policies contained within the current document. These have been outlined in Attachment 4.

Zoning: The current zoning for the site is PD (Planned Development District, Ordinance No. 12-1362) District, and the site is regulated by the conditions of approval set forth in the ordinance establishing the PD District. As previously discussed, the proposed project falls within the area designated as Village M in the San Marco Development Plan area, a 22.3-acre site with 420 residential apartment units planned and a maximum allowable density of 18 units per acre. Upon completion of the proposed project, the density for Village M would be approximately 14.3 units per acre, consistent with the maximum allowable density for this village.

In addition, since the current PD plan (Ordinance 12-1362) was adopted to amend the terms of the previous PD plan (Ordinance No. 06-1270), which was adopted to amend the terms of the original PD plan (Ordinance No. 93-1057), several conditions from the original plan are still applicable to the site. An analysis of the current project's consistency with applicable conditions of approval from the original San Marco PD District (Ordinance No. 93-1057), is provided below:

- Condition 4: The site plan and unit mixes for the multi-family and townhouse units on Villages B, C, O, and M shall be determined with approval of the design review application.

The Commission is currently being asked to review the proposed site plan and unit mix for Village M. Staff has reviewed the proposed site plan and unit mix and believes that it complies with the intent of the current PD plan and project description of the SEIR previously prepared for the San Marco Development Plan.

- Condition 7: Subdued-appearing building materials and colors shall be utilized on all residential structures in order to minimize contrast with the surrounding hillside landscape. Specific details shall be reviewed with design review applications. This includes design review of apartments, townhouses, single-family production houses and custom homes.

The proposed project plans utilize a subdued color palate consisting of earth tones befitting of the Mediterranean architecture style and consistent with surrounding uses and structures.

- Condition 10: Apartment and townhouse villages shall have substantial landscape areas in order to reduce visual impacts from Highway 4. Detailed plans shall be reviewed and approved with the design review application.

Though not visible from Highway 4 due to the placement of the Toscana subdivision between the highway and proposed project, substantial landscaping, including a mix of trees, shrubs, and herbaceous plants and proposed. This includes the location of 20 large-canopy shade trees along the northern project border adjacent to West Leland Road, which would provide shade for pedestrians on the sidewalk as well as reduce the visual impact of the project from the right-of-way. In total, approximately 23 percent (2.97 acres) of total site development area would be landscaped, exceeding the minimum requirements for new apartment projects in the standard high density residential zoning district of the Pittsburg Municipal Code (PMC) which requires a minimum 20% landscape coverage (PMC 18.20.105).

- Condition 21: A recreational vehicle (RV) storage area shall be located on one of the villages containing apartments or townhouses. The size, location and design shall be approved by the Community Development Director. Management and maintenance of the RV facility shall be the responsibility of the apartment owner or townhouse homeowner's association. Regulations shall give first priority to residents of the project with provisions to allow use by the general public.

An RV storage area is not proposed as part of Village M. Given that there are still two multi-family villages left to be developed, approval of the proposed Village M project would not prevent future implementation of this condition of approval.

- Condition 36: All applicable regulations of the Pittsburg Municipal Code, including zoning regulations where not otherwise specified in this resolution, shall apply.

Those sections of the PMC which applied on or before July 1, 1993, apply to this project unless otherwise specified in the San Marco Development Agreement or Development Plan. As shown in Attachment 5, the proposed project is consistent with the applicable PMC policies.

Development Review Design Guidelines: The Development Review Design Guidelines (DRDG) were adopted by the Planning Commission on November 9, 2010, and are therefore not applicable to this project given the terms of the San Marco Development Agreement. Nevertheless, the guidelines provide a substantive framework specific to multi-family apartment projects for the subjective evaluation necessary as part of a design review application. As shown in Attachment 6, the proposed project is consistent with the applicable DRDG sections.

Required Findings: Design review approval for the project can be granted by the Planning Commission only after the Commission makes a determination that the proposed project is consistent with PMC section 18.36.220 (B), which is summarized below:

- A. the structure conforms with good taste, good design and in general contributes to the character and image of the city as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality;
- B. the structure will be protected against exterior and interior noise, vibrations and other factors that may tend to make the environment less desirable;
- C. the exterior design and appearance of the structure is not of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value;
- D. the structure is in harmony with proposed developments on land in the general area; and
- E. the application conforms with the criteria set forth in any applicable city-adopted design guidelines.

Environmental: The proposed project is within the scope of the SEIR (SCH #91073029) prepared for the San Marco Development Plan Area and certified by the Planning Commission on October 13, 1992. The project is in substantial conformance with the multi-family residential units analyzed in the SEIR for Village M of the San Marco Development Plan area. Furthermore, there are no substantial changes that have occurred with respect to the circumstances under which the SEIR was certified.

Public Notice: Although not required by the PMC, on or prior to April 14, 2017, notice of the April 25, 2017, public meeting to consider design review of the proposed project was posted at City Hall, the Pittsburg Library, near the proposed project site, and on the "Public Notices" section of the City's website; was delivered for posting at the Pittsburg Library; and was mailed via first class or electronic mail to the applicant, to the property owner, to owners of property located within 300 feet of the proposed project site, to local service agencies expected to provide services to the site, and to individuals who had previously filed written request for such notice.

ANALYSIS:

The proposed project is consistent with the development that was envisioned for Village M under the San Marco Development Agreement, Development Plan, and PD zoning district, and is therefore considered consistent with the applicable 1988 General Plan. The project does not exceed the maximum allowable density for the PD District (18

units per acre) and is consistent with the conditions of approval set forth in the ordinance establishing the original PD District.

Further, staff believes that the proposed project's combination of high-quality architecture, resident amenities, and location adjacent to Ray Giacomelli Park and within a mile of BART would make this a desirable location for prospective residents, and meet the need for higher-end rental housing. With the adoption of several conditions of approval, the project would also be consistent with the applicable adopted Development Review Design Guidelines. Key conditions include:

- Installation of two electric vehicle charging stations, as well as prewiring for an additional 10 stations;
- Provision of a minimum 100 square foot pervious area for residents to maintain a community garden;
- Installation of a bollard-style bicycle repair station;
- Installation of wall-mounted bicycle racks in all garages;
- Pitched, tile roofs, similar to those of the main residential buildings, on all carports visible from the right-of-way or park; and
- Pedestrian-scale lighting along pedestrian paths throughout the development.

With the inclusion of these conditions, staff believes that the Planning Commission can make the required findings to approve the proposed architectural and site development plans for the Esperanza Apartments at San Marco.

ACTION REQUIRED:

In order to approve the project as recommended, the Commission must move to adopt Resolution No. 10060 approving Design Review Application No.13-932, subject to conditions.

ATTACHMENTS:

1. Proposed Resolution No. 10060
2. Project Plans, date stamped March 10, 2017
3. Existing Conditions and Surrounding Uses
4. Applicable General Plan Goals and Policies
5. Property Development Regulations
6. Development Review Design Guidelines
7. San Marco SEIR Summary of Impacts and Mitigation
8. Public Meeting Notice and Vicinity Map
9. Public Comment Letters (4), dated April 16, 2017, April 18, 2017, and April 20, 2017

Prepared by: Jordan Davis, AICP, Associate Planner

PROPOSED

BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Granting Design Review	)	
Approval of Architectural and Site	)	
Development Plans to Construct a 318-	)	Resolution No. 10060
Unit Apartment Complex Along the	)	
Southern Side of West Leland Road,	)	
Immediately West of Tomales Bay Drive,	)	
for, "Esperanza Apartments at San Marco	)	
(Village M), AP-13-932 (DR)."	)	

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. On June 10, 2013, Louis Parsons of Discovery Builders, Inc., filed Design Review Application No. 13-932, requesting design review approval of plans to construct a 318-unit apartment complex along the south side of West Leland Road, immediately west of Tomales Bay Drive. The project consists of 12 three-story buildings and site improvements on 13.3 acres in 'Village M' of the San Marco PD (Planned Development, Ordinance No.12-1362) District. Assessor's Parcel No. 097-550-018.
- B. On April 3, 1990, the City Council adopted Ordinance No. 90-990, certifying a negative declaration and authorizing the execution of the Southwest Development Agreement (DA) for the development of 2,938 residential units on 639 acres in the southwest hills of Pittsburgh. The DA established provisions under which the development would be built, including land use regulations, fees and assessments, and infrastructure.
- C. On January 19, 1993, the City Council adopted Resolution No. 93-7888, certifying a subsequent environmental impact report (SEIR) for the 2,938-unit project currently known as the San Marco Development. On the same evening that the City Council certified the SEIR, it adopted Ordinance No. 93-1057 zoning the San Marco Development property to a residential PD (Planned Development) District, with a PD Plan consisting of 1,412 single-family residential units and 1,526 multifamily residential units.
- D. On October 1, 2001, the Council adopted Ordinance No. 01-1187, extending the term of the DA from its original horizon year of 2002 to an amended horizon year of 2020.
- E. On February 3, 2003, the first amendment to the PD plan was adopted as a City-initiated amendment to increase lot coverage allowances for single-family homes

in this and other PD Districts (Ordinance No. 03-1204).

- F. On August 7, 2003, the second amendment to the PD plan was adopted as an applicant-initiated amendment to the San Marco Development park requirements in order to consolidate several mini-parks in the original development plan into two larger community parks, consistent with current (2001) General Plan policy in support of larger parks for more efficiency in maintenance (Ordinance No. 06-1270). This second amendment allowed single-family houses to be built on the former mini-park sites, provided that the number of multifamily units was decreased correspondingly (which resulted in an exchange of approximately 12 multifamily units for single-family units).
- G. On October 15, 2012, the third amendment to the PD plan was adopted as an applicant-initiated amendment to facilitate a exchange of single family residential units between Village A and Village O (Ordinance No. 12-1362).
- H. On April 15, 2013, the Council adopted Ordinance No. 13-1369, approving a second extension of the term of the DA from horizon year 2020 to a new horizon year of 2032.
- I. The proposed project is governed by the policies and development standards in the 1988 Pittsburg General Plan, the most recently adopted PD plan (Ordinance 12-1362), and the Pittsburg Municipal Code (PMC) regulations and development policies that predate the San Marco Development Agreement, which took effect on July 1, 1993.
- J. Development of this project site (Village M) as a multifamily residential project was envisioned in and is consistent with the most recent iteration of the PD plan, and the entire PD plan was determined to be consistent with the applicable General Plan (1988) at the time it was approved.
- K. This project is exempt from the requirements of the City's Inclusionary Housing Ordinance (PMC, section 18.86), which was adopted in 2004, because the project is subject to the San Marco Development Agreement (City Council Ordinance No. 13-1369). Provisions of this agreement expressly prohibit application of rules, regulations and policies that come into effect after July 1, 1993.
- L. The proposed project is within the scope of the SEIR (SCH #91073029) prepared for the San Marco Development Plan Area and certified by the Planning Commission on October 13, 1992. The project is in substantial conformance with the multi-family residential units analyzed in the SEIR for Village M of the San Marco Development Plan area. Furthermore, there are no substantial changes that have occurred with respect to the circumstances under which the SEIR was certified.

- M. Although not required by the PMC, on or prior to April 14, 2017, notice of the April 25, 2017, public meeting to consider design review of the proposed project was posted at City Hall, the Pittsburg Library, near the proposed project site, and on the "Public Notices" section of the City's website; was delivered for posting at the Pittsburg Library; and was mailed via first class or electronic mail to the applicant, to the property owner, to owners of property located within 300 feet of the proposed project site, to local service agencies expected to provide services to the site, and to individuals who had previously filed written request for such notice.
- N. On April 25, 2017, the Planning Commission held a meeting on Design Review Application No. 13-932, at which time oral and/or written testimony was considered.

Section 2. Findings

- A. Based on the Planning Commission Staff Report entitled, "Esperanza Apartments at San Marco (Village M), AP-13-932 (DR)," and based on all the information contained in the Planning Division files on the project, incorporated herein by reference and available for review in the Planning Division located at 65 Civic Avenue in Pittsburg, and based on all written and oral testimony presented at the meeting, the Planning Commission finds that:
1. All recitals above are true and correct and are incorporated herein by reference.
 2. The proposed project is within the scope of the SEIR (SCH #91073029) prepared for the San Marco Development Plan Area and certified by the Planning Commission on October 13, 1992. The project is in substantial conformance with the multi-family residential units analyzed in the SEIR for Village M of the San Marco Development Plan area. Furthermore, there are no substantial changes that have occurred with respect to the circumstances under which the SEIR was certified.
 3. The structures conform with good taste, good design and in general contribute to the character and image of the city as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality, in that the proposed project features 'Mediterranean' architecture characterized by Spanish tile hipped roofs, integrated towers and cupolas, plaster exterior finishes, arched windows and walkway entries, grid-patterned glass, decorative ironwork, and tile borders and accents. The proposed project will also provide direct access to the adjacent Ray Giacomelli Park, which offers residents additional recreational amenities.
 4. The structures will be protected against exterior and interior noise, vibrations and other factors which may tend to make the environment less

desirable, in that mitigation measures for these factors have been evaluated in the SEIR prepared for the San Marco Development Plan. The mitigation measures to be implemented with the construction of the proposed project require the developer ensure interior spaces exposed to 60 dB exterior noise levels be provided with mechanical ventilation so that windows can be closed, provide sound rated glazing, or submit an acoustical study that recommends measures necessary to attain the acceptable noise level performance standards established in the City's current General Plan for multi-family development.

5. The exterior design and appearance of the structures are not of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance. The proposed structures feature 'Mediterranean' architecture characterized by Spanish tile hipped roofs, integrated towers and cupolas, plaster exterior finishes, arched windows and walkway entries, grid-patterned glass, decorative ironwork, and tile borders and accents, which evoke the feeling of resort-style living.
 6. The structures are in harmony with proposed developments on land in the general area, in that the proposed architecture and theme of the Esperanza Apartments at San Marco are complimentary to the overall architectural theme of other multifamily developments and the detached single family homes in the San Marco Development Plan area.
 7. Although not required for this project (given the terms of the San Marco Development Agreement), the application will conform with the city adopted Development Review Design Guidelines (DRDGs), specifically sections I.a, VI.C.3, VI.C.5, VI.C.7, and VI.C.8, if conditions are added to require: 1) air conditioning units and other utilities be undergrounded or substantially screened from public view; 2) rewiring for solar panels is provided on all new carports; 3) the developer install two electric vehicle charging stations, as well as prewire for an additional 10 stations; 4) at least 16 bike parking spaces are provided for guests within outdoor racks, to be evenly distributed throughout the site; 5) permanent wall mounted bike storage systems are provided within each garage unit for residents; and 6) the project incorporates the most recent acceptable best management practices for water-efficient landscape design, consistent with PMC section 18.84.310.
- B. The staff report entitled, "Esperanza Apartments at San Marco (Village M), AP-13-932 (DR)," dated April 25, 2017, is referenced hereto as additional support for the findings.

Section 3. Decision

- A. Based on the findings set forth above, the Planning Commission hereby

approves Design Review Application No. 13-932, subject to the following conditions:

1. The project shall be constructed in substantial conformity with the project plans date stamped March 10, 2017, except as hereinafter may be modified.
2. The site shall be kept clean and free of all litter, debris and refuse, and all landscaping on site shall be kept weed free and maintained in a healthy condition.
3. The walls and ceilings for all breezeways shall be painted Body Color 1, Kelly Moore 'Toasted Oatmeal' (KM4527-1).
4. Lighting shall be installed within all breezeways and shall be on sensors to ensure that adequate lighting is provided during all hours of the day.
5. Lighting installed along the outside of the clubhouse and garages shall be decorative wrought iron accent sconces similar to those proposed along the residential building elevations. Final design of the sconces shall be subject to review and approval by the Planning Division prior to the issuance of a building permit.
6. A minimum 100 square foot pervious area shall be made available on the site as a location for residents to maintain a community garden. The developer shall place a sign at the garden site indicating the availability of the space for a garden. The developer shall also provide an outdoor faucet at the site for irrigation as needed.
7. Prior to issuance of a certificate of occupancy for each building, the developer shall install minimum six-inch high block style numbers at two points on each building façade for purposes of address identification. The numbers shall be in a color that is contrasting to the background surface to which they are adhered and shall be readily visible from the closest parking lot aisle.
8. A minimum of 16 bicycle parking spaces shall be provided for residents and/or guests. Bicycle parking facilities shall be divided into a minimum of two separate areas. The bicycle rack(s) may be covered by a shelter. The design, color and proposed location of the racks shall be reviewed and approved by the Planning and Engineering Divisions prior to issuance of a building permit.
9. The developer shall install a minimum of one bollard-style self-service bicycle repair station adjacent to one of the required bicycle parking facilities to allow residents to perform basic repairs and maintenance. The

final location and design of the bicycle repair station shall be subject to review and approval by the Planning Division prior to installation.

10. One permanent wall mounted bike storage system shall be provided inside of each garage unit for use by residents.
11. The following proposed carports shall be designed with a pitched roof and finished with roofing materials similar to those used on the main dwelling units:
 - a. The westernmost carports adjacent to the future park between proposed buildings 1 and 8;
 - b. The carports adjacent to West Leland Road between proposed buildings 2 and 3.
12. The developer shall install a minimum of two (2) electric vehicle charging stations, and prewiring for an additional 10 electric vehicle charging stations.
13. Carport roofs shall be equipped with prewiring for solar collector or photovoltaic panels.
14. Building roofs shall be equipped with prewiring for solar collector or photovoltaic panels.
15. All pedestrian pathways throughout the site shall include pedestrian scale lighting fixtures less than 12 feet in height, or low-level pathway lights. Final pathway lighting design and placement shall be subject to review and approval by the Planning Division prior to installation.
16. A lockable access gate shall be installed southwest of Building 6, as shown in the approved project plans.
17. All utility equipment, including utility boxes, transformers, meters, and junction boxes shall be undergrounded whenever possible (see Condition No. 63, below). All air conditioning units (in private and common areas) and utility equipment which cannot be undergrounded shall be substantially screened from view by way of a permanent screen or appropriately sized plant material (City of Pittsburgh DRDG II.h and III.a). The final method and design of the screening shall be reviewed and approved by the Planning and Engineering Divisions prior to issuance of an engineering or building permit.
18. The developer shall provide a lighting and photometric plan showing the location, type, and design of all outdoor lighting including but not limited to

exterior building lighting (fixed and freestanding), lights for pedestrian and/or automobile circulation, security, landscaping, and building accents.

19. Prior to issuance of a building permit, the developer shall submit a detailed landscaping and irrigation plan and other documentation as required by the state model water efficient landscaping ordinance or other local water efficient landscaping ordinance in effect at the time the developer applies for a building permit. Prior to issuance of a certificate of occupancy, the developer shall complete and submit all certifications confirming that the landscaping and irrigation were installed in compliance with the approved detailed landscaping and irrigation plan, as required pursuant to the applicable ordinance in effect at the time the developer applies for a building permit.
20. The project shall incorporate the most recent acceptable best management practices for water-efficient landscape design, consistent with PMC section 18.84.310.
21. Trash enclosures and compactors shall incorporate architectural details and a matching tile and hipped roof, instead of a metal roof as indicated on Sheet A8 of the project plans.
22. All trash enclosures shall be sized in order to meet the requirements of Assembly Bill (AB) 341. Final design shall be subject to review and approval by the Planning Division prior to the issuance of a building permit.
23. The 12-foot long rear wall of the trash enclosure shall be extended four (4) feet in order to screen views into the trash area.
24. All trash enclosures and trash compactors shall be stucco-finished and painted to match the main apartment buildings and/or garages on site. Final design shall be subject to review and approval by the Planning Division prior to the issuance of a building permit.
25. Trash enclosures shall be constructed with a low berm at their entrances or its interior floor shall be sloped slightly so as to prohibit waste liquids from discharging out of the enclosure and entering a storm drain. Storm drains shall not be located within the drainage area of the enclosure.
26. The developer shall label all onsite storm drains with "No Dumping Drains to River" stencils or other medium and similar message approved by the Planning Division.

Applicable Mitigation Measures:

27. The project shall be designed to comply with the mitigation measures and performance standards specified in the San Marco Subsequent Environmental Impact Report (SEIR; SCH #91073029), for the San Marco Development Plan Area. Where there is conflict between the mitigation measures and performance standards specified in the SEIR and the specific conditions of approval specified in this resolution, the SEIR shall govern. These mitigation measures include but are not limited to the following:

a. Noise:

- i. Interior spaces exposed to 60 dB or greater exterior noise levels shall be provided with mechanical ventilation so that windows can be closed. In some cases, sound rated glazing may be required.
- ii. To reduce identified impacts, project construction shall be limited to weekdays between 8:00 a.m. and 5:00 p.m. All equipment used in the project shall be muffled and maintained.

These measures shall be reflected on building and site development plans and shall be subject to review and approval by the Planning Division prior to issuance of a site development permit or building permit. Alternatively, the developer may comply with this condition of approval by submitting an acoustical study conducted by a professional acoustical engineer that evaluates the existing noise levels on the site and recommends measures necessary to attain the acceptable noise level performance standards established in the City's current General Plan for multi-family development. If an acoustical study is prepared, it shall be submitted to the Planning Division for review and approval prior to issuance of a grading permit. If applicable, any new recommended mitigation measures identified in the acoustic study shall be implemented in the building plans and site development plans for the project and shall be subject to review and approval of the Planning Division prior to issuance of a site development permit or building permit.

b. Transportation:

- i. The applicant shall provide all residents, upon request, information on available public transit opportunities.
- ii. The project shall be required to pay the Local Traffic Mitigation Fee to offset City-wide traffic impacts (see Condition No. 34).
- iii. The project shall be required to pay the Regional Traffic Mitigation Fee to offset City-wide traffic impacts (see Condition No. 35).

- iv. To mitigate onsite intersection impacts, signalize the Village M access drive (see Condition No. 42).

c. Soils and Geology:

- i. Grading/foundation designs shall be prepared for each lot based on a standard soils test performed by a qualified geotechnical professional on each lot after mass grading has been completed, and an associated report recommending appropriate lot-specific foundation design, soil preparation, and selective grading measures.

A drainage plan shall be prepared by a registered civil engineer for each lot in compliance with the provisions listed in SEIR section IV.D.3.b(1) to avoid impacts of expansive earth materials due to improper surface drainage.

- ii. A project erosion control plan shall be prepared and implemented by the project civil engineer and a qualified geotechnical professional. The plan shall include construction of "V"-lined ditches on all graded slopes, shall designate all drainageways as public storm easements, shall incorporate ABAG-recommended erosion control measures, and should incorporate best management construction practices.
- iii. To mitigate the potential effects of differential settlement: 1) all fill shall be placed so as to minimize settlement; 2) subsurface drains shall be placed under all fills; 3) a fill settlement monitoring program shall be implemented.
- iv. Seismic-related hazards may be offset through construction of project buildings and foundations, underground utilities, and other improvements in compliance with all public agency requirements.
- v. Groundwater-related geotechnical hazards shall be offset by construction of a subsurface drainage system in all fill areas (especially all springs and streams to be covered), construction of trench drains across all onsite valleys in which fill is proposed to extend offsite, subdrainage measures as needed at utility trenches, design of a surface drainage system which will not create adverse impacts on the groundwater regime, and education of maintenance staff regarding the hazards of over-irrigation of landscape areas.
- vi. Onsite grading shall be balanced to the extent possible to reduce or eliminate necessary offsite hauling of dirt.

d. Drainage and Water Quality:

- i. Prior to construction, a hydrology report describing the project drainage system design details must be submitted to all affected agencies. The report must present a complete hydraulic analysis of discharge from the project beneath Highway 4, and the capacity of the proposed retention basins.
- ii. The project grading plan shall include an approved drainage and erosion control plan and an associated ongoing inspection program, as described in SEIR sections IV.D.3 (Soils and Geology) and IV.E.3.b (Drainage and Water Quality).

e. Air Quality:

- i. Construction period air quality impacts should be reduced through implementation of the construction practices described in SEIR section IV.J.3(a), including:
 - Suspending earth-moving or other dust-producing activities during periods of high winds when dust control measures are unable to avoid visible dust plumes;
 - Providing equipment and staffing for watering of all exposed or disturbed soil surfaces sufficient to suppress dust plumes including weekends and holidays. An appropriate dust palliative or suppressant added to water before application should also be utilized;
 - Watering or covering stockpiles of debris, soil, sand, or other materials that can be blown by the wind;
 - Sweeping construction area and adjacent streets of all mud and debris since this material can be pulverized and later resuspended by vehicle traffic;
 - limit the speed of all construction vehicles to 15 miles per hour while on site
 - all materials transported by truck should be covered or wetted down as needed to suppress visible dust; and
 - all excavated inactive portions of the site should be watered with an appropriate dust suppressant covered or seeded.

f. Municipal Services:

- i. The developer shall submit school impact fees prior to issuance of an engineering or building permit.

g. Cultural Resources:

- i. An archeologist familiar with the history of the site shall be present to monitor site clearing and grading to identify and remove and significant artifacts in this area and 19th century artifacts discovered in this process. All known and discovered historic resources shall be catalogued and described in a summary archaeological report which will constitute preservation of the site's cultural resources in written form.

Engineering Fees:

Improvement and Grading Plan Review fees:

28. The developer shall pay one half of the Engineering Grading and/or Improvement Plan Review Fee with the initial submittal of plans, maps, or other documents for plan review. The Plan Check Fees are based upon the Engineer's Estimate, which shall also be provided at the time the plans are submitted. The Improvement Plan Check fees are 3.5% of the cost of the improvements based upon the approved Engineer's Estimate. The Grading Plan Check Fee is 2.5% of the Engineer's Estimate, or may be based upon cubic yards of grading. The deposit(s) shall be credited toward the final fee(s) as determined at engineering permit issuance based upon the final, approved Engineer's Estimate. The deposit shall be paid to the Engineering Division.

Improvement and Grading Inspection Fees:

29. The developer shall pay the Improvement and/or Grading Inspection Fee(s) to the Engineering Division at the time of the Grading or Single Parcel Development Permit is issued. The current Improvement Inspection Fee is 5% of the cost of grading, and the Grading Inspection Fee is 3% of the cost of Grading. The Grading Inspection Fee may also be based upon an approved Engineer's Estimate of total cubic yards, according to the current schedule of Grading Fee Charges.

LIS Update Fees:

30. The developer shall pay \$100 per unit to the Engineering Division at the time of the issuance of the Site Development Permit to update the City Land Information System.

NPDES:

31. The developer shall pay an NPDES Plan Review (SWPPP and/or C.3 Storm Water Control Plan) fee to the Engineering Division in the amounts in effect when the developer obtains a Grading permit. The developer understands that the current NPDES plan review fee on file, effective September 1, 2010,

shall be paid in accordance to the fee schedule approved by Resolution No. 10-11510, a copy of which is available at the City.

32. The developer shall pay an NPDES Inspection Deposit (SWPPP and/or C.3 Storm Water Control Plan) fee to the Engineering Division in the amounts in effect when the developer obtains a Grading permit. The developer understands that the current NPDES plan review fee on file, effective September 1, 2010, shall be paid in accordance to the fee schedule approved by Resolution No. 10-11510, a copy of which is available at the City.

Facility Reserve Charge:

33. The developer shall pay the City of Pittsburg Facilities Reserve Charge (FRC) (PMC Chapters 13.08, 13.12 and 13.24) to the Engineering Division for water and sewer service in the amounts in effect when the developer obtains a Building Permit. The developer understands that the current FRC on file, effective August 20, 2005, shall be paid in accordance with the fee schedule approved by Resolution No. 05-10291, and amended by Resolutions No. 05-10372 and No. 12-11778, on February 21, 2012, copies of which are available at the City. The FRC shall be paid to the Engineering Division prior to the issuance of a Building Permit.

Traffic Mitigation Fees:

34. The developer shall fulfill their Local Transportation Mitigation Fee ("LTMF") requirements in accordance with the Memorandum of Understanding for payment of Local Transportation Mitigation Fees dated December 22, 1992, as amended and approved by City Council with the adoption of Resolution 93-7890. The developer understands that the LTMF currently on file is \$4,860 per multifamily dwelling unit. The developer further understands that the LTMF is reviewed and adjusted annually to the current Construction Cost Index (CCI) and may be increased at the City Council's discretion based on revised cost estimates for roadway and transit facilities and other factors that demonstrate an increase is needed to offset traffic impacts caused by new development. The LTMF is calculated by dividing the total fee share of improvement costs by the total number of Dwelling Unit Equivalencies ("DUE") in the City, as described in PMC Chapter 15.90 and the Pittsburg Local Transportation Mitigation Fee Program Update, copies of which are available from the City. Fees shall be paid prior to issuance of a building permit by the City's Building Division.
35. The developer shall pay the Regional Transportation Mitigation Fee ("RTMF") to the Engineering Division prior to the issuance of a building permit. The Developer shall fully comply with the Memorandum of Understanding dated June 29, 2010, as amended and approved by City

Council Resolution 13-11963, including payment of the fees referenced therein.

Parkland Dedication:

36. The developer shall fulfill their Parkland Dedication requirements in accordance with the 3rd Amendment to the San Marco Development Agreement.

Engineering Submittals:

37. The developer shall submit to the City's Engineering Division, for review and comment, five (5) copies of the engineering plans, prepared by a registered civil engineer, to include but not be limited to the following:
 - a. A Site Plan
 - b. A Grading and Drainage Plan
 - c. A Utilities Plan
 - d. A Landscaping and Irrigation Plan
 - e. A Stormwater Control Plan and Report
 - f. An Erosion and Sedimentation Control Plan
 - g. A Joint Trench Plan
38. The developer shall submit to the Engineering Division a current geotechnical report that substantiates the design features incorporated into this project, including but not limited to grading activities, compaction requirements, utility construction, slopes, retaining walls, and roadway sections. The geotechnical report shall be submitted to the Engineering Division for review prior to the approval of any civil plans and issuance of any Engineering permits.
39. The developer shall submit an Engineer's Estimate to the Engineering Division for review and approval with the first plan submittal. This estimate shall include all costs associated with the site development improvements, excluding those costs associated with the construction of the building structure itself.

General Engineering Conditions

40. All grading work shall be done in accordance with the provisions of Chapter 15.88 of the Pittsburgh Municipal Code.
41. All site development shall comply with Title 12 (Streets, Sidewalks, and Utilities), Title 13 (Water and Sewers), and Title 15 (Buildings and Construction) of the Pittsburgh Municipal Code as determined by the City Engineer. Issuance of a Site Development Permit shall be required, whereby specific engineering requirements will be made as conditions of approval.

42. The developer shall design and construct a traffic signal and median modifications on West Leland at the project entrance. The design of the traffic signal and median modifications, including installation of crosswalks as appropriate, shall be subject to approval by the City Engineer.
43. The developer shall provide the City with a Public Utility Easement (PUE) along West Leland Road for access to the water meter and backflow device. Services for water and sewer shall terminate behind the sidewalk at meters and lower laterals, within the PUE.
44. The developer shall provide the City with a sanitary sewer manhole structure within the utility easement to be dedicated to the City along West Leland Road.
45. The developer shall provide the City with an easement for access and maintenance of the 36" storm drain system that conveys the stormwater from the south eastern portion of the site to the northeastern portion of the property.
46. All public and pedestrian facilities shall be designed in accordance with Title 24, Handicap Access, and the California Department of State Architect's standards for accessibility compliance.
47. The developer shall provide a minimum 6-foot wide sidewalk along West Leland Road, spanning the length of the property limits along West Leland Road and connecting to existing sidewalks on either side of the property.
48. The developer shall ensure all stormwater runoff is retained within the project boundaries.

General NPDES Conditions:

49. Prior to issuance of a Grading Permit, the developer shall submit to the Engineering Division for review an Erosion and Sedimentation Control Plan and a copy of the Notice of Intent (NOI), which was submitted to the State Water Resources Control Board. The erosion control/SWPPP shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff. The SWPPP measures shall also include erosion control measures to prevent soil, dirt, and debris from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
50. The developer shall incorporate long-term BMPs for the reduction or elimination of storm water pollutants. The project design shall incorporate, wherever feasible, the following long term BMPs to limit pollutant generation, discharge, and runoff. Such source control design measures may include:

- a. incorporating landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices;
 - b. providing covered trash, food waste, and compactor enclosures;
 - c. use of pavers for walkways and other appropriate hardscape surfaces to minimize impervious areas;
 - d. minimizing the amount of directly connected impervious surface area;
 - e. constructing concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter; and
 - f. plumbing of the following discharges to the sanitary sewer, subject to Delta Diablo Sanitation District's authority and standards:
 - i. Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurant.
 - ii. Dumpster drips from covered trash and food compactor enclosures.
 - iii. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
 - iv. Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option.
51. Grading and/or building permit plans (including structural, mechanical, architectural, grading, drainage, site, landscape, and other drawings) shall show the details and methods of construction for site design featured, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs, permanent stormwater control BMPs, and other features that control stormwater flow and potential for stormwater pollutants.
52. The developer shall evaluate the existing, receiving storm, sewer, and water facilities for adequate capacity and provide the results to the City to identify any service or supply problems. The cost for installation of additional facilities shall be borne by the developer.
53. The design and construction of storm drain, water, and sewer facilities shall be in accordance with Section 17.28.020 of the Pittsburg municipal Code.
54. The developer shall provide appropriate water service, adequately sized to meet the domestic and fire protection demands for the project.
55. The developer shall provide appropriate sanitary sewer, adequately sized to accommodate the project's wastewater demand.
56. In accordance with PMC12.36.130, the developer shall ensure that all utility

service laterals and equipment (including, but not limited to, electric, communication and cable television lines) installed in and for the purpose of supplying service to any other new construction or use shall be installed underground on the property to be served, and from the property to be served to the point of connection with the utility's distribution facilities, in accordance with utility filed rules as approved by the California Public Utilities Commission or as approved by the City Engineer.

Landscaping located within the Public Right of Way:

57. The developer shall provide a Central Irrigation System that is compatible with Rainmaster DX 2 Evolution, with a remote control included with the package. The installation of this system shall be certified by a John Deere Landscapes United Greentech representative prior to the City's acceptance of the installation.
58. The developer shall design the landscaping within the areas of public right of way in accordance with the provisions of Section 18.84.320 of the Pittsburg Municipal Code, and current standard details dated May 2007.

Additional Engineering Exactions:

59. The developer may elect to annex into Community Facilities District (CFD) 2017-1 for Fire Safety Services once the district has been established. If the developer elects to annex into CFD 2017-1, the developer shall deliver written approval, in a manner acceptable to the Community Development Director, stating that the owner of the parcel is electing to annex the subject property into CFD 2017-1.

Standard Conditions:

60. The applicant shall comply with all the requirements of the Community Development Department, Contra Costa County Fire Protection District, Delta Diablo Sanitation District, and all other applicable local, state and federal agencies.
61. The Standard Conditions of Development as adopted by the Pittsburg Planning Commission by Resolution No. 8931 shall apply as conditions of approval for this project as applicable. Where there is conflict between the Standard Conditions of Development and the specific conditions of approval specified in this resolution, the specific conditions of this Resolution No. 10060 shall govern.
62. Developer agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by

any person challenging the validity of this project approval, subsequent project approval, or other action arising out of, or in connection with, this project approval. The parties shall cooperate in defending such action or proceeding. The parties shall use reasonable efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel at developer's sole cost and expense. Developer may select its own legal counsel to represent developer's interests at developer's sole cost and expense. Developer shall pay for City's costs of defense, whether directly or by timely reimbursement to City on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent responding to and defending the claim, action or proceeding.

63. This design review approval will expire on April 25, 2020, unless a building permit or grading permit has been issued for purposes of construction of this project, or a written request for an extension is filed with the Planning Division prior to the expiration date and is subsequently approved by the Planning Commission. The approval shall be valid for no more than six months from the date of permit issuance, unless work is commences and diligently pursued prior to the expiration of the permit.

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner _____, seconded by Commissioner _____, the foregoing resolution was passed and adopted the 25th day of April, 2017, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES:

NAYES:

ABSTAIN:

ABSENT:

I hereby certify that the above Resolution No. 10060 was adopted by the Planning Commission of the City of Pittsburg on April 25, 2017.

KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION



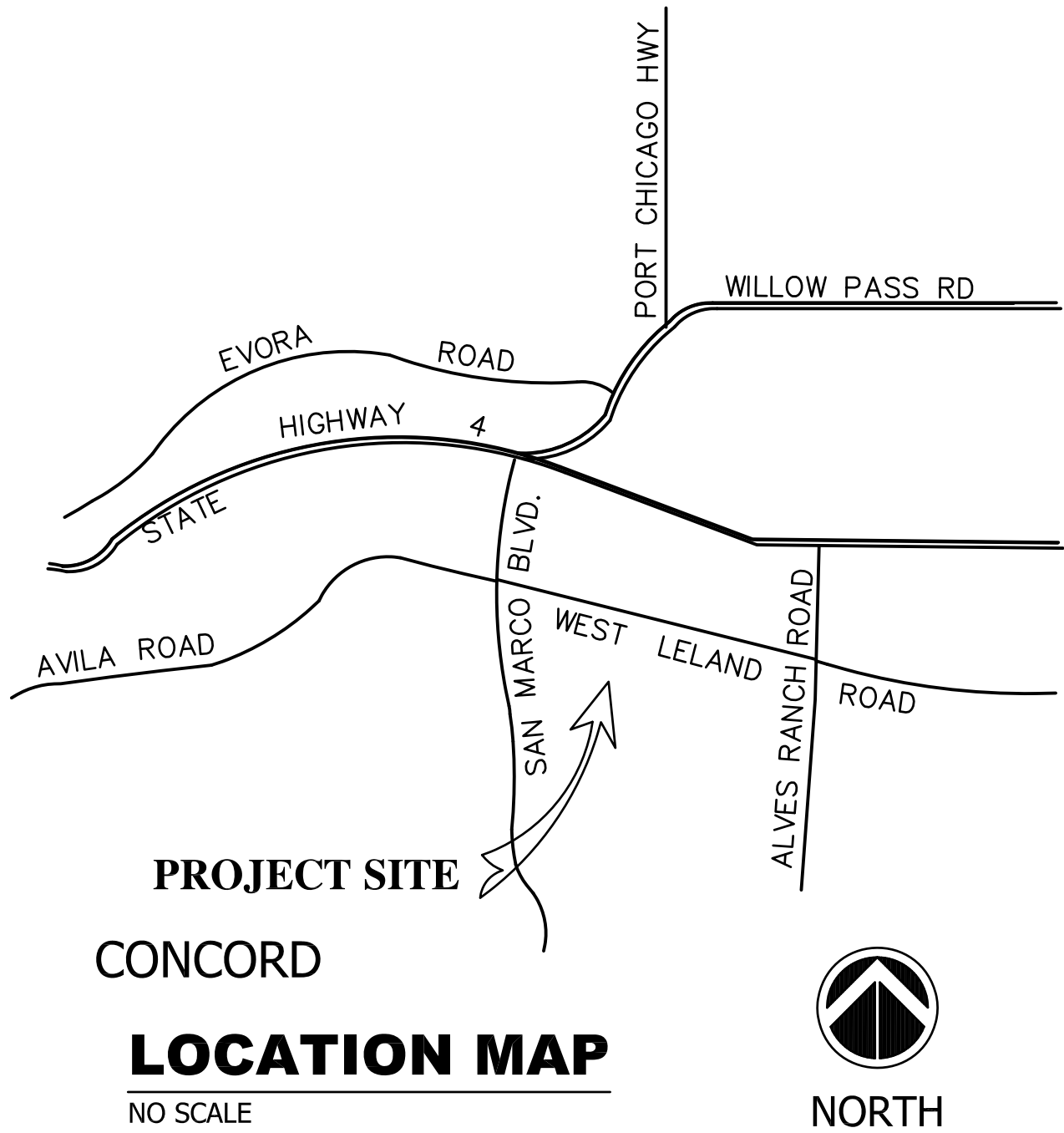
RECEIVED
MARCH 10, 2017
PLANNING DIVISION

ESPERANZA AT SAN MARCO

PITTSBURG, CA

BY

DISCOVERY BUILDERS INC.



PROJECT TEAM

OWNER: **DISCOVERY BUILDERS INC.**
4061 Port Chicago Highway, Suite H
Concord, CA 94520
T 925.682.6419
CONTACT: Kevin English
EMAIL: kenglish@discoverybuilders.com

ARCHITECT: **LCA ARCHITECTS, INC.**
590 Ygnacio Valley Road, Suite 310
Walnut Creek, CA 94596
T 925.944.1626
CONTACT: PETER STACKPOLE
EMAIL: pstackpole@lca-architects.com

CIVIL ENGINEER: **ISAKSON & ASSOCIATES INC.**
2255 Ygnacio Valley Road
Walnut Creek, CA 94598
T 925.937.9333
CONTACT: Dave Isakson
EMAIL: admin@isaksonandassociates.com

LANDSCAPE: **THOMAS BAAK & ASSOCIATES, LLP**
1620 North Main Street, Suite 4
Walnut Creek, CA 94596
T 925.933.2583
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A2	CLUBHOUSE ELEVATIONS
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A3.5	BUILDING ELEVATIONS - GARAGE
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A6	MASSING PLANS AND ROOF PLAN - BUILDINGS A & B
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Esperanza at San Marco
PITTSBURG, CALIFORNIA
A.P.N. 097-550-018

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COVER SHEET

SCALE: NO SCALE
DATE: 2 / 27 / 2017

REVISIONS:

PROJECT NO. 13012

A0
SHEET OF



OWNER SAN MARCO PROPERTIES, LLC

PROJECT DATA	
GROSS SITE AREA -	22.3 ACRES
NET SITE AREA -	13.3 ACRES
TOTAL UNITS -	318 UNITS
GROSS DENSITY -	14.3 DU/AC
NET DENSITY -	23.9 DU/AC

	NUMBER OF BUILDINGS		NUMBER OF UNITS/BLDG	
TYPE A -	7	x	24	= 168 UNITS
TYPE B -	5	x	30	= 150 UNITS
TOTAL -				318 UNITS

1 BR UNITS -	102 (32.0%)
2 BR UNITS -	216 (68.0%)

PARKING COUNT:	
CARPORT PARKING (39 CARPORTS) -	312 SPACES
GARAGE PARKING (8 GARAGES) -	48 SPACES
GARAGE PARKING (1 GARAGE) -	4 SPACES
UNCOVERED PARKING -	271 SPACES
TOTAL PARKING AVAILABLE -	636 SPACES
PARKING SPACES PER UNIT -	2.00 SPACES/UNIT

ACCESSIBLE PARKING SPACES	
1. COVERED UNITS (GROUND FLOOR) = 106 UNITS	4. TOTAL REQUIRED ACCESSIBLE SPACES = 7 SPACES
2. REQUIRED PARKING SPACES 106 X .02 = 212 SPACES 212 X .02 = 4.2 OR 5 SPACES	5. TOTAL PROVIDED TYPE & NUMBER OF ACCESSIBLE SPACES 1 - GARAGE SPACE 3 - CARPORT SPACE 3 - OPEN SPACES 7 - TOTAL SPACES
3. GUEST ACCESSIBLE PARKING SPACES TOTAL GUEST SPACES = UP TO 40 SPACES 40 X .05 = 2 SPACES	

BUILDING TYPES
TYPE A - SAN MARCO BLDG #3 - 24 UNITS
TYPE B - ESPERANZA BLDG #1 - 30 UNITS

CONCEPTUAL SITE PLAN

50' 0' 50' 100'

SCALE: 1" = 50'

NORTH



Esperanza at San Marco

PITTSBURG, CALIFORNIA
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CONCEPTUAL SITE PLAN, PROJECT DATA

SCALE: AS SHOWN
DATE: 2 / 27 / 2017

REVISIONS:



CONCEPTUAL RIGHT SIDE ELEVATION



CONCEPTUAL FRONT ELEVATION



CONCEPTUAL LEFT SIDE ELEVATION



CONCEPTUAL REAR ELEVATION

CONCEPTUAL CLUBHOUSE ELEVATIONS

SCALE: 1/8" = 1'-0"



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(925) 944-1626 | (925) 944-1686 FAX | WWW.LCA-ARCHITECTS.COM

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**CLUBHOUSE
ELEVATIONS**

SCALE: AS SHOWN
DATE: 2 / 27 / 2017

REVISIONS:

PROJECT NO. 13012

A2

SHEET OF



CONCEPTUAL FRONT ELEVATION



CONCEPTUAL REAR ELEVATION

CONCEPTUAL BUILDING 'A' ELEVATIONS

SCALE: 1/8" = 1'-0"





CONCEPTUAL RIGHT SIDE ELEVATION



CONCEPTUAL LEFT SIDE ELEVATION

CONCEPTUAL BUILDING 'A' ELEVATIONS

SCALE: 1/8" = 1'-0"



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BUILDING A
ELEVATIONS

SCALE: AS SHOWN
DATE: 2 / 27 / 2017

REVISIONS:

PROJECT NO. 13012



CONCEPTUAL FRONT ELEVATION



CONCEPTUAL REAR ELEVATION

CONCEPTUAL BUILDING 'B' ELEVATIONS

SCALE: 1/8" = 1'-0"





CONCEPTUAL RIGHT SIDE ELEVATION



CONCEPTUAL LEFT SIDE ELEVATION

CONCEPTUAL BUILDING 'B' ELEVATIONS



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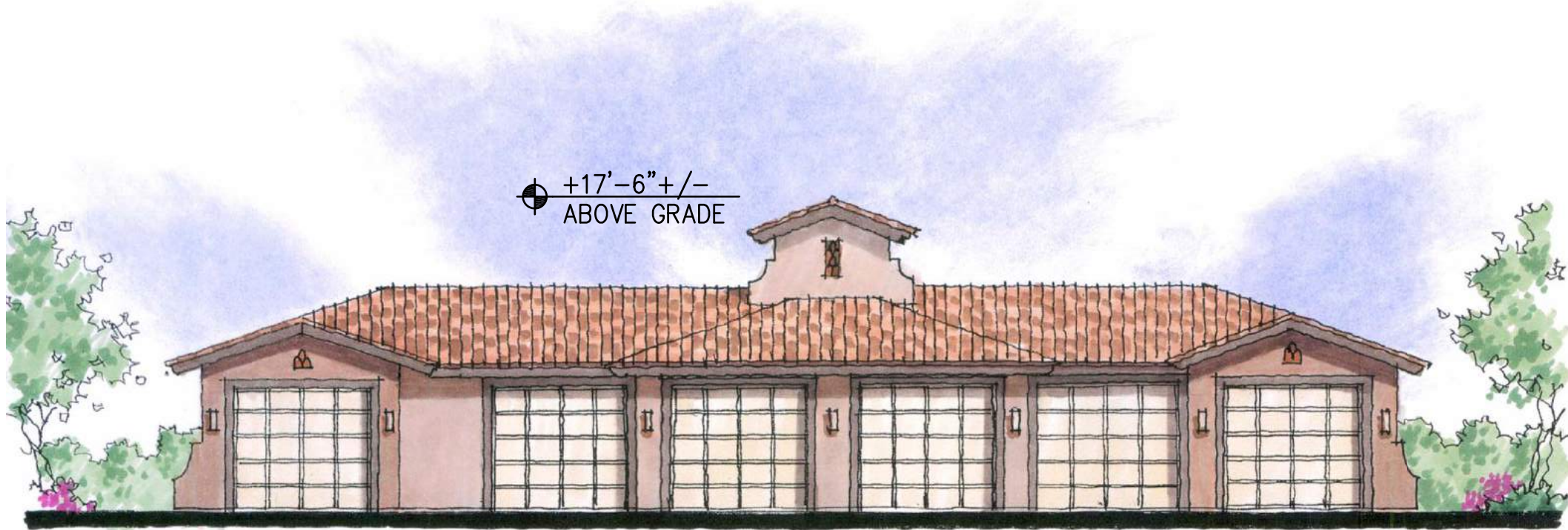
BUILDING B
ELEVATIONS

SCALE: AS SHOWN
DATE: 2 / 27 / 2017

REVISIONS:



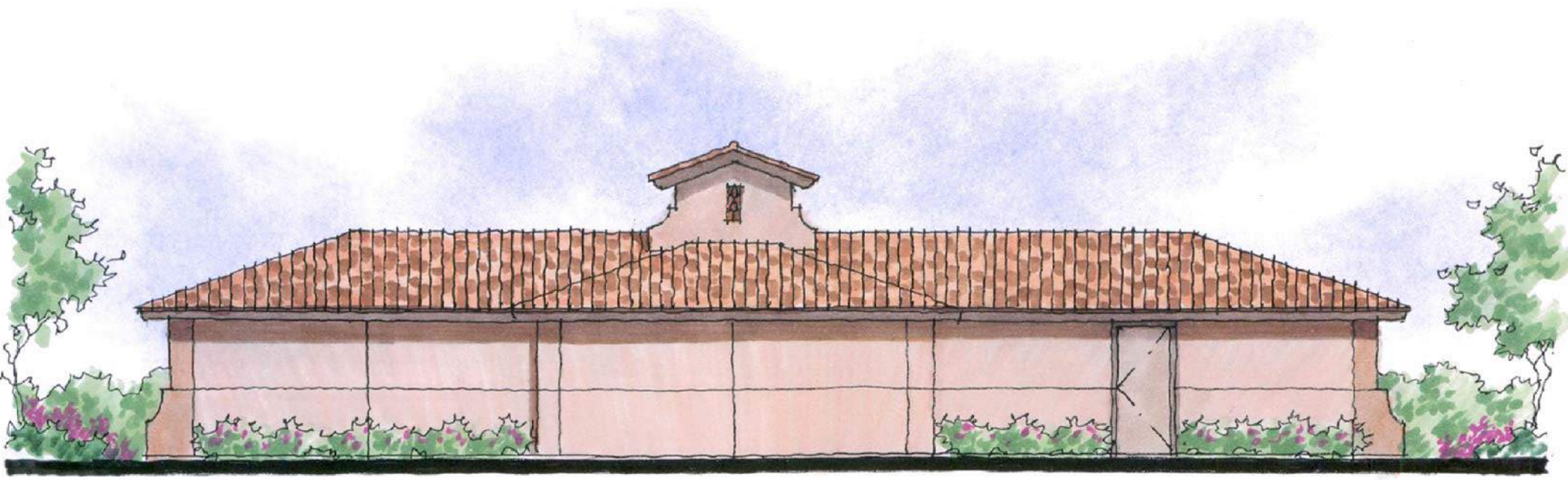
CONCEPTUAL RIGHT SIDE ELEVATION



CONCEPTUAL FRONT ELEVATION



CONCEPTUAL LEFT SIDE ELEVATION



CONCEPTUAL REAR ELEVATION

CONCEPTUAL GARAGE BLDG. ELEVATIONS
SCALE: 1/8" = 1'-0"



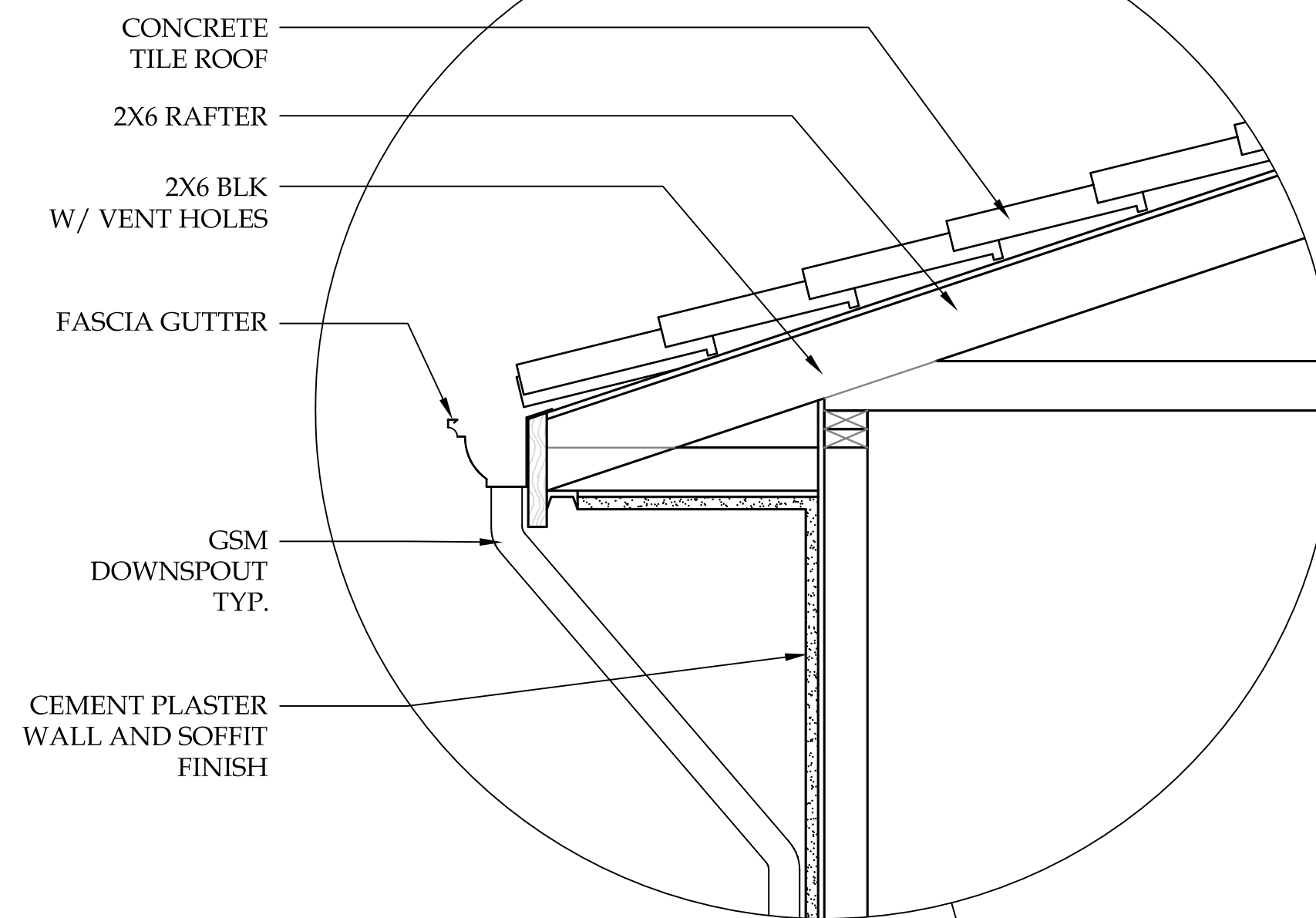
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GARAGE BLDG.
ELEVATIONS

SCALE: AS SHOWN
DATE: 2 / 27 / 2017

REVISIONS:

PROJECT NO. 13012

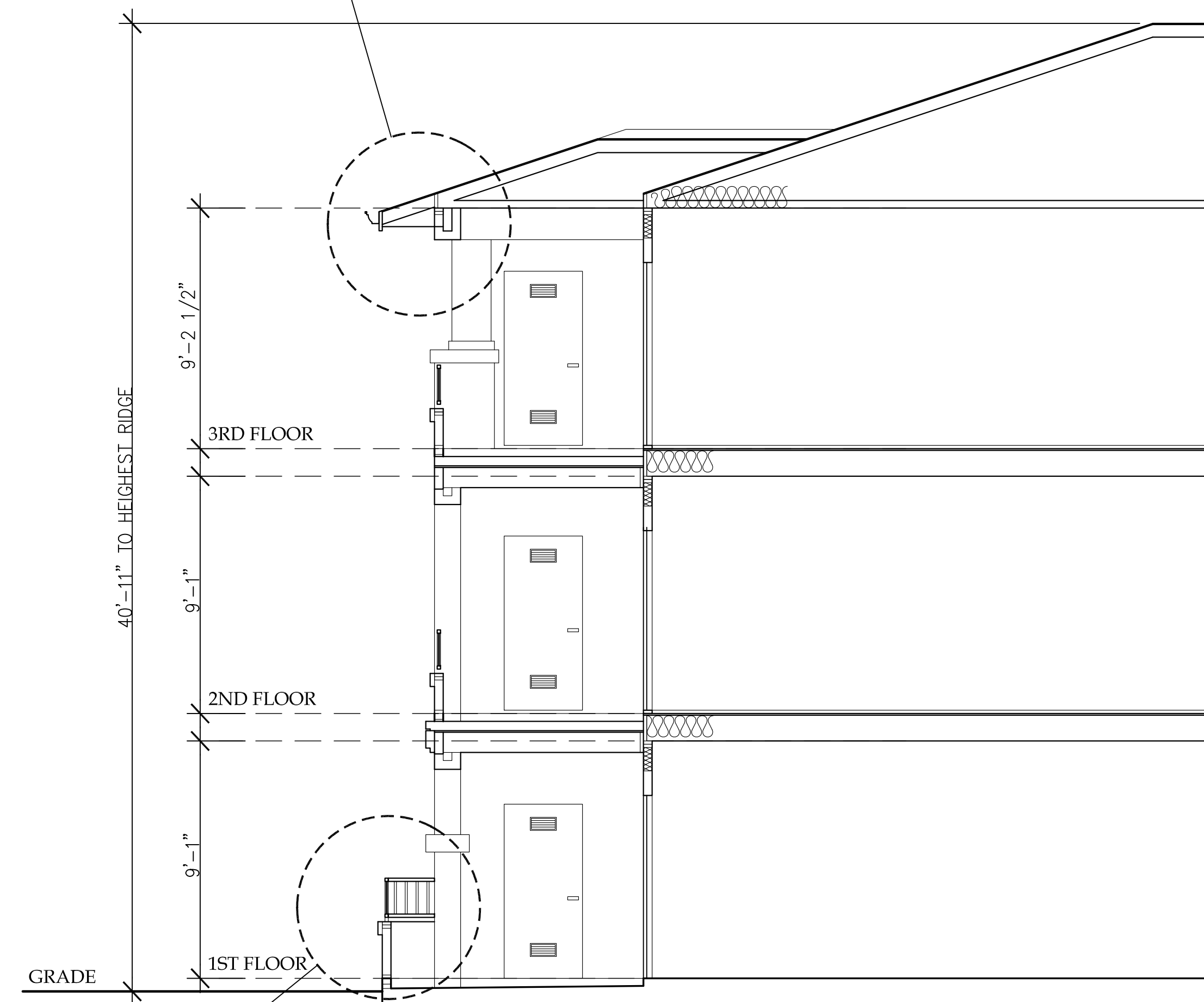


CONCRETE TILE ROOFING
ARCHITECTURAL FASCIA
GUTTER WITH GSM RAIN WATER
LEADERS

FOAM TRIM
METAL GUARDRAIL

FOAM TRIM

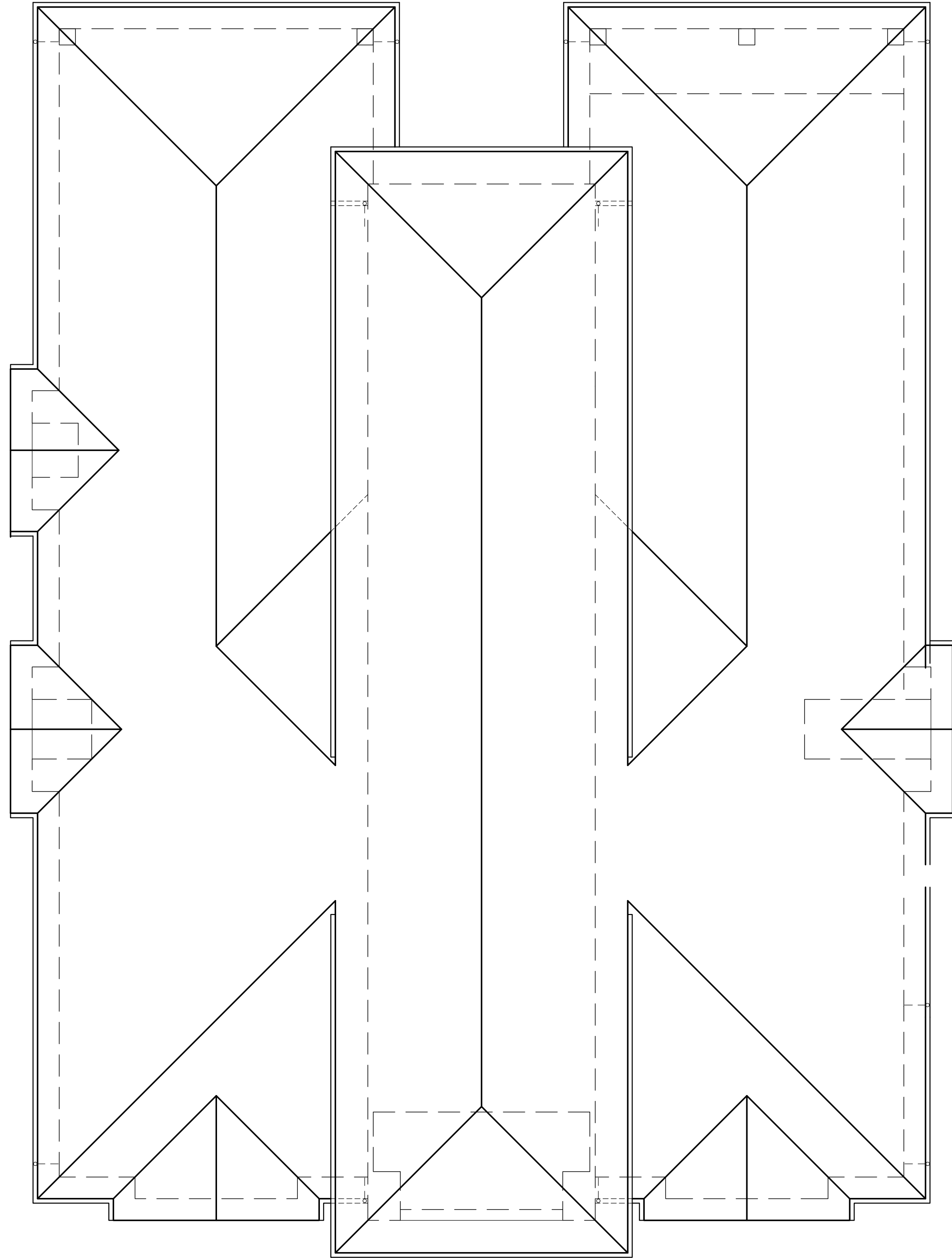
FOAM WALLS



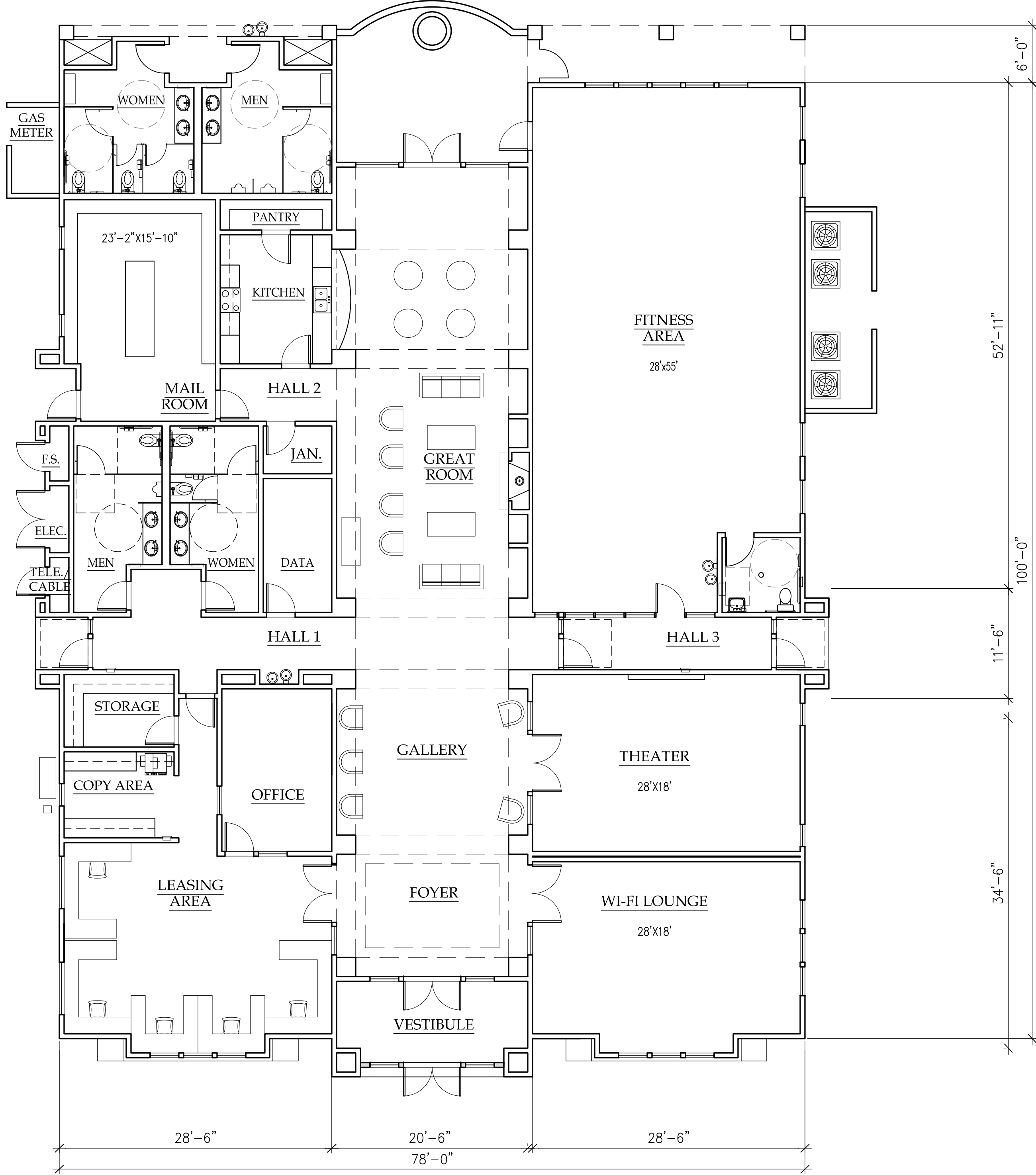
CONCEPTUAL ELEVATION DESIGN ELEMENTS & SECTION

SCALE: 1/4" = 1'-0"





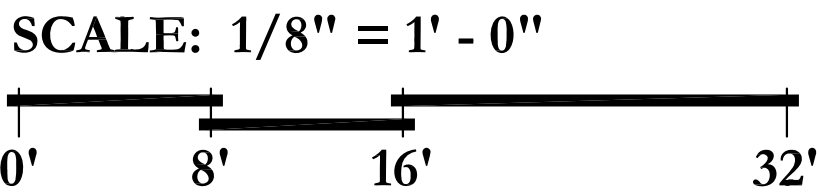
ROOF PLAN



FLOOR PLAN

7,873 S.F.

CLUBHOUSE



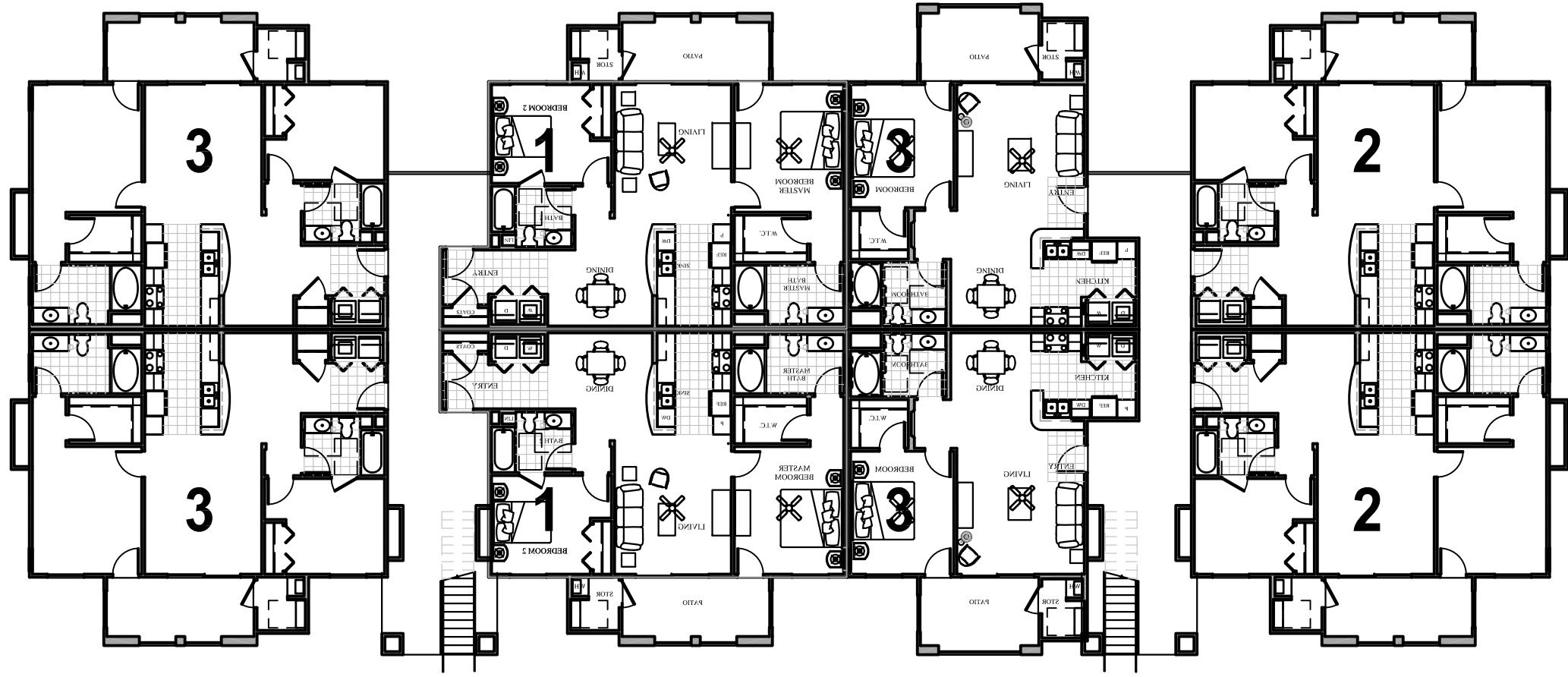
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CLUBHOUSE
PLAN &
ROOF PLAN

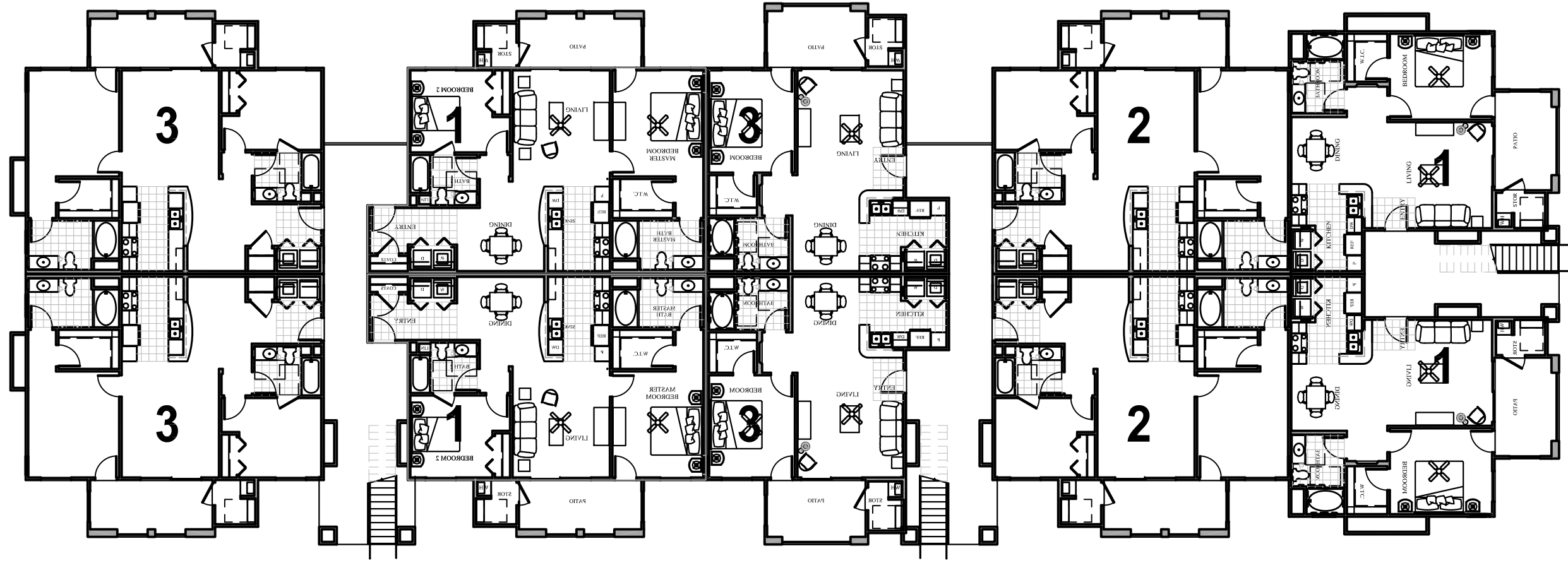
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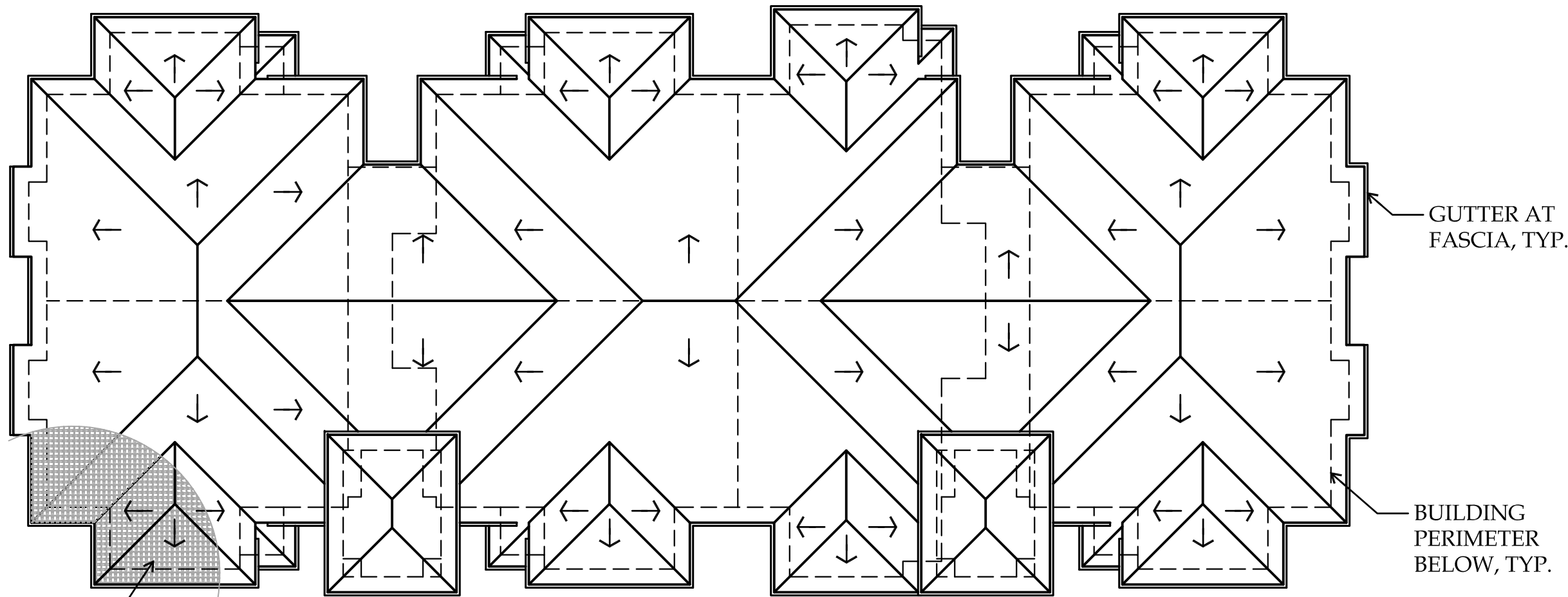
BUILDING A



BUILDING B

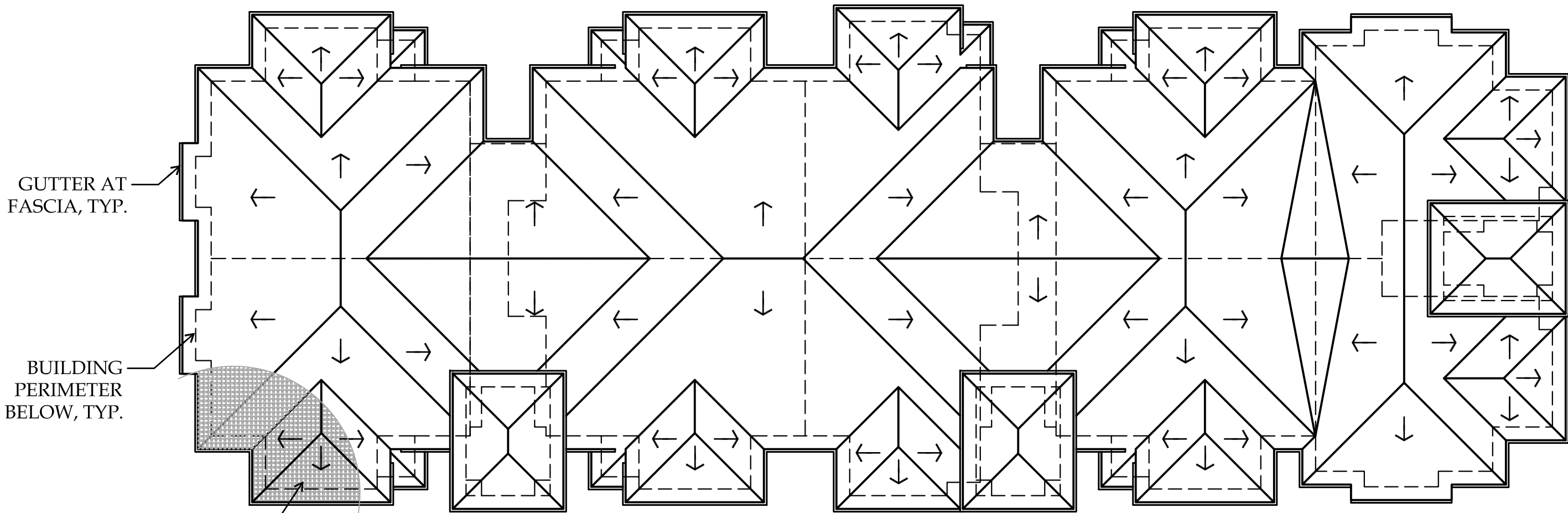
CONCEPTUAL MASSING PLANS

SCALE: 1/16" = 1'-0"



CONCRETE
TILE ROOF

BUILDING A



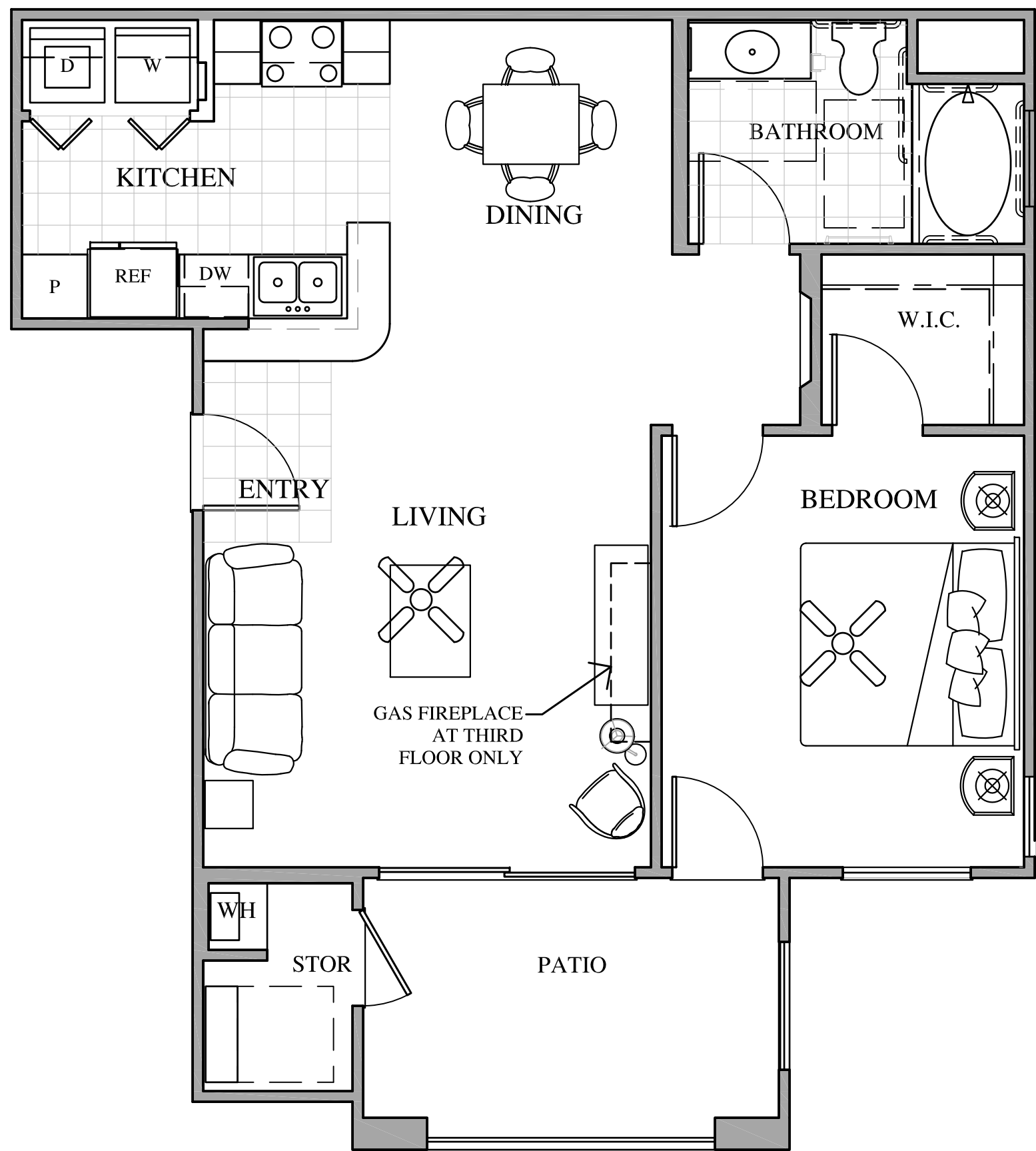
CONCRETE
TILE ROOF

BUILDING B

CONCEPTUAL ROOF PLANS

SCALE: 1/16" = 1'-0"

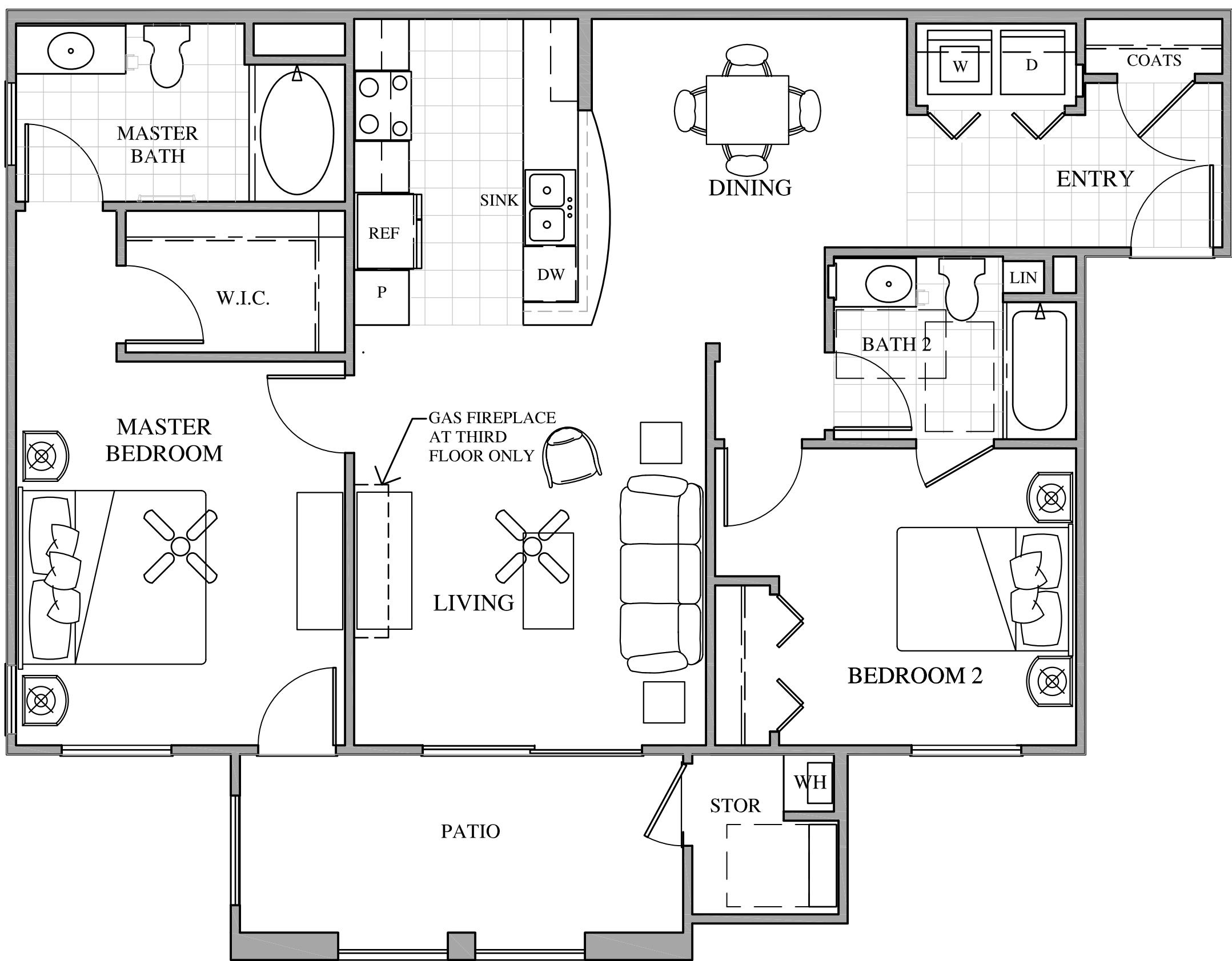




UNIT 1

1 BR / 1 BATH

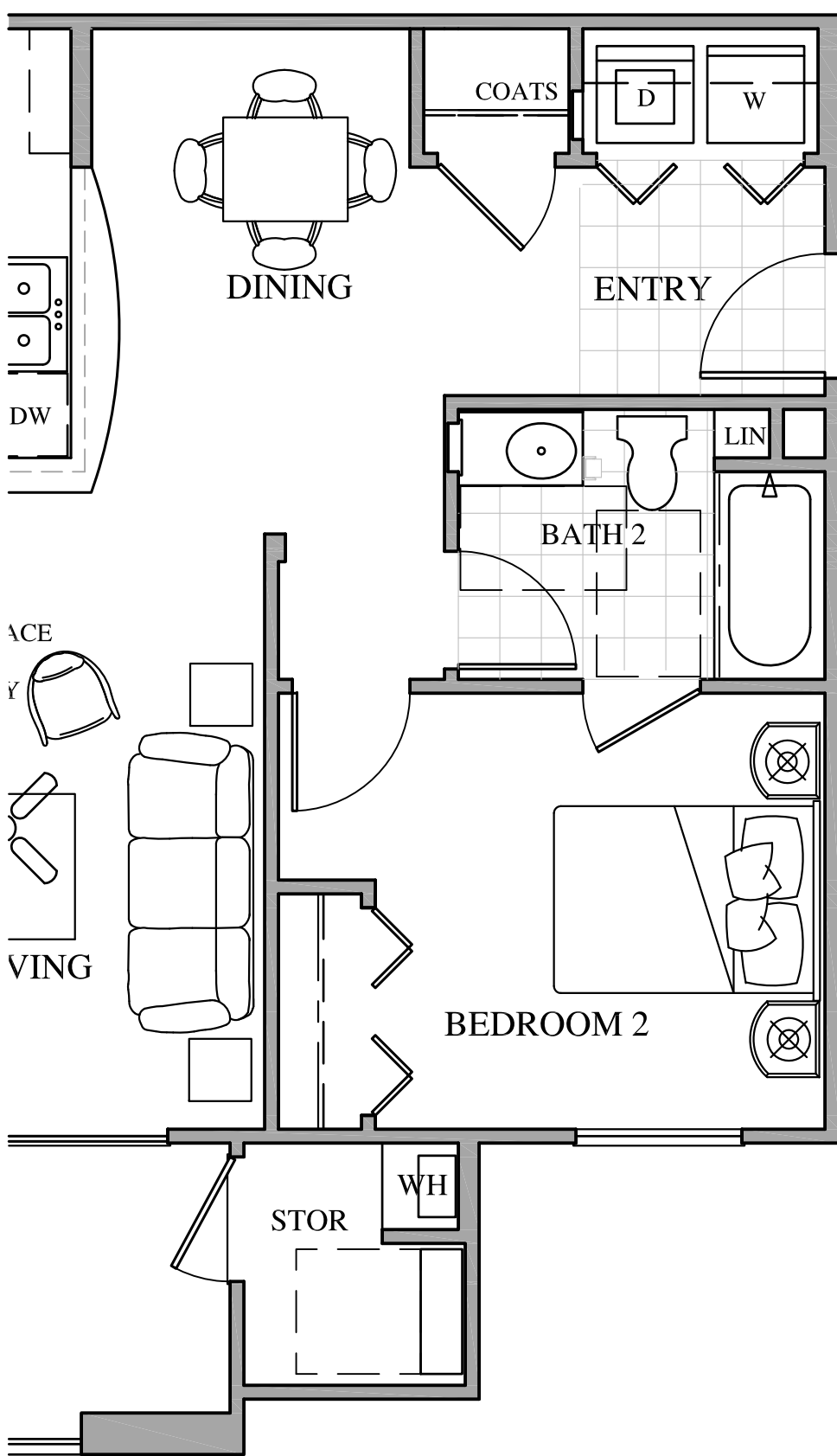
UNIT AREA = 772 SF
PRIVATE STORAGE = 37 SF
DECK (PRIVATE OS) = 98 SF



UNIT 2

2 BR / 2 BATH

UNIT AREA = 1,117 SF
PRIVATE STORAGE = 37 SF
DECK (PRIVATE OS) = 105 SF



UNIT 3

2 BR / 2 BATH
SIMILAR TO UNIT 2 WITH
ALTERNATIVE ENTRY LAYOUT

UNIT AREA = 1,067 SF
PRIVATE STORAGE = 37 SF
DECK (PRIVATE OS) = 105 SF

CONCEPTUAL UNIT PLANS

SCALE: 1/4" = 1'-0"



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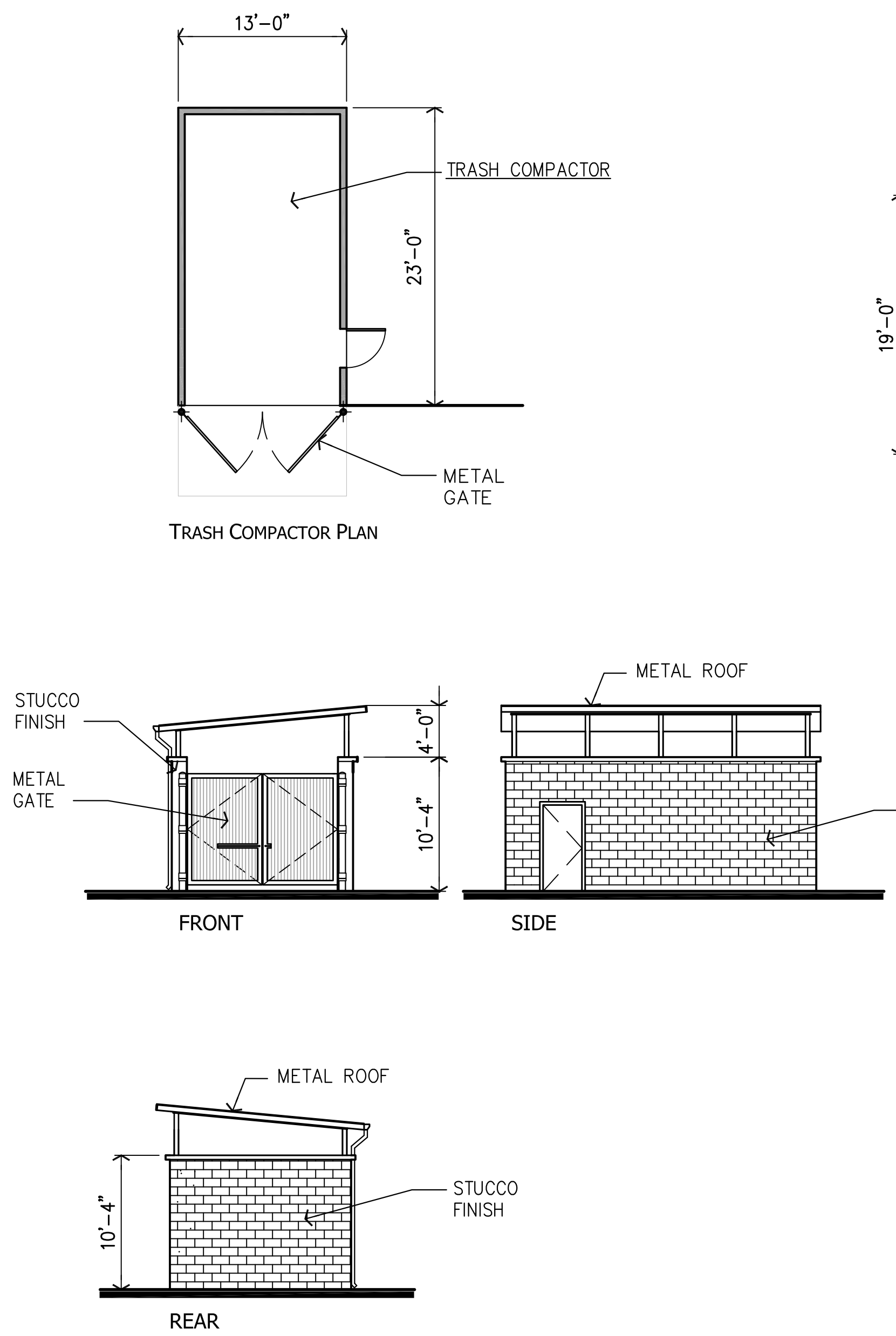
UNIT
FLOOR PLANS

SCALE: AS SHOWN
DATE: 2 / 27 / 2017

REVISIONS:

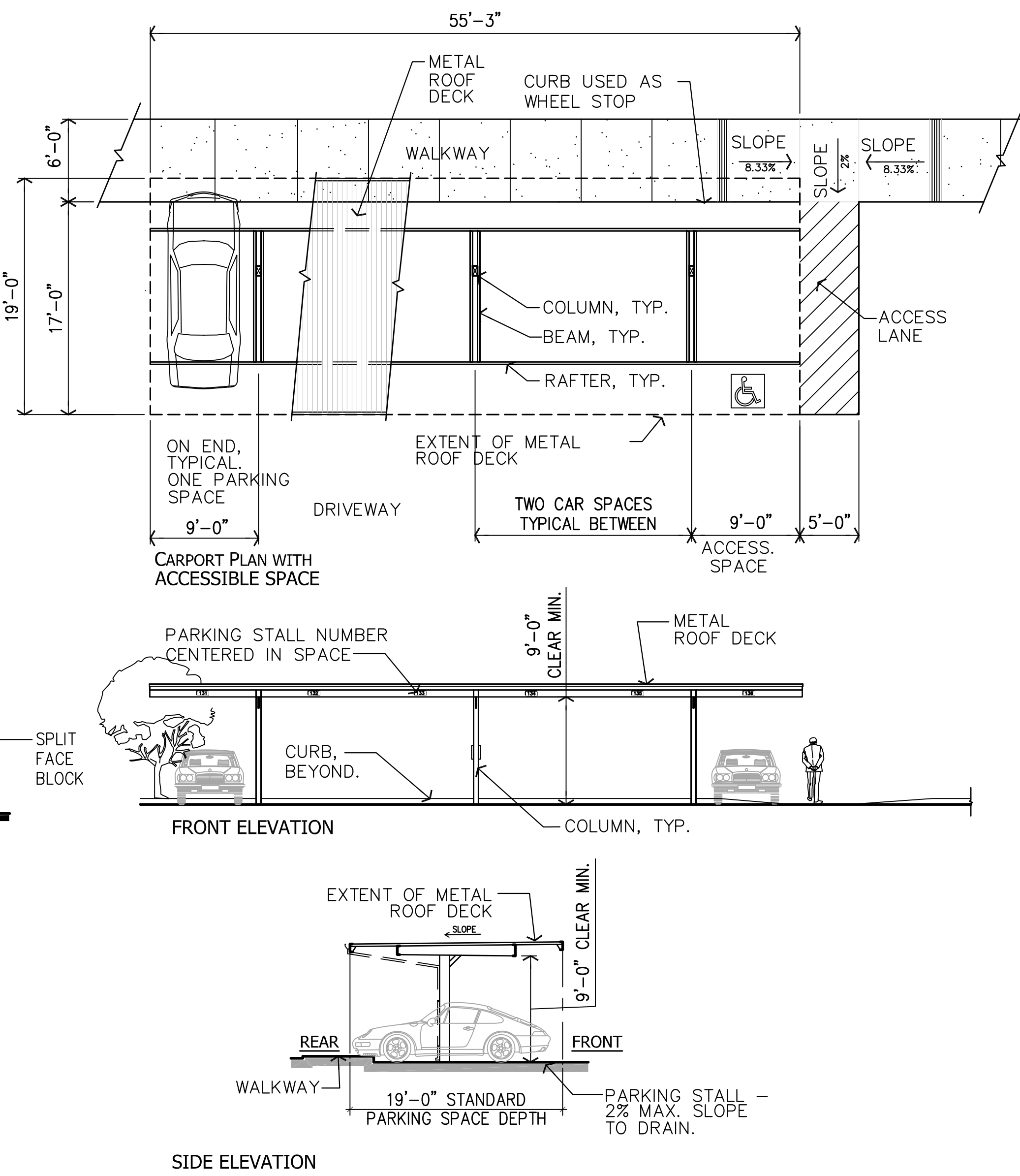
PROJECT NO. 13012

A7
SHEET OF



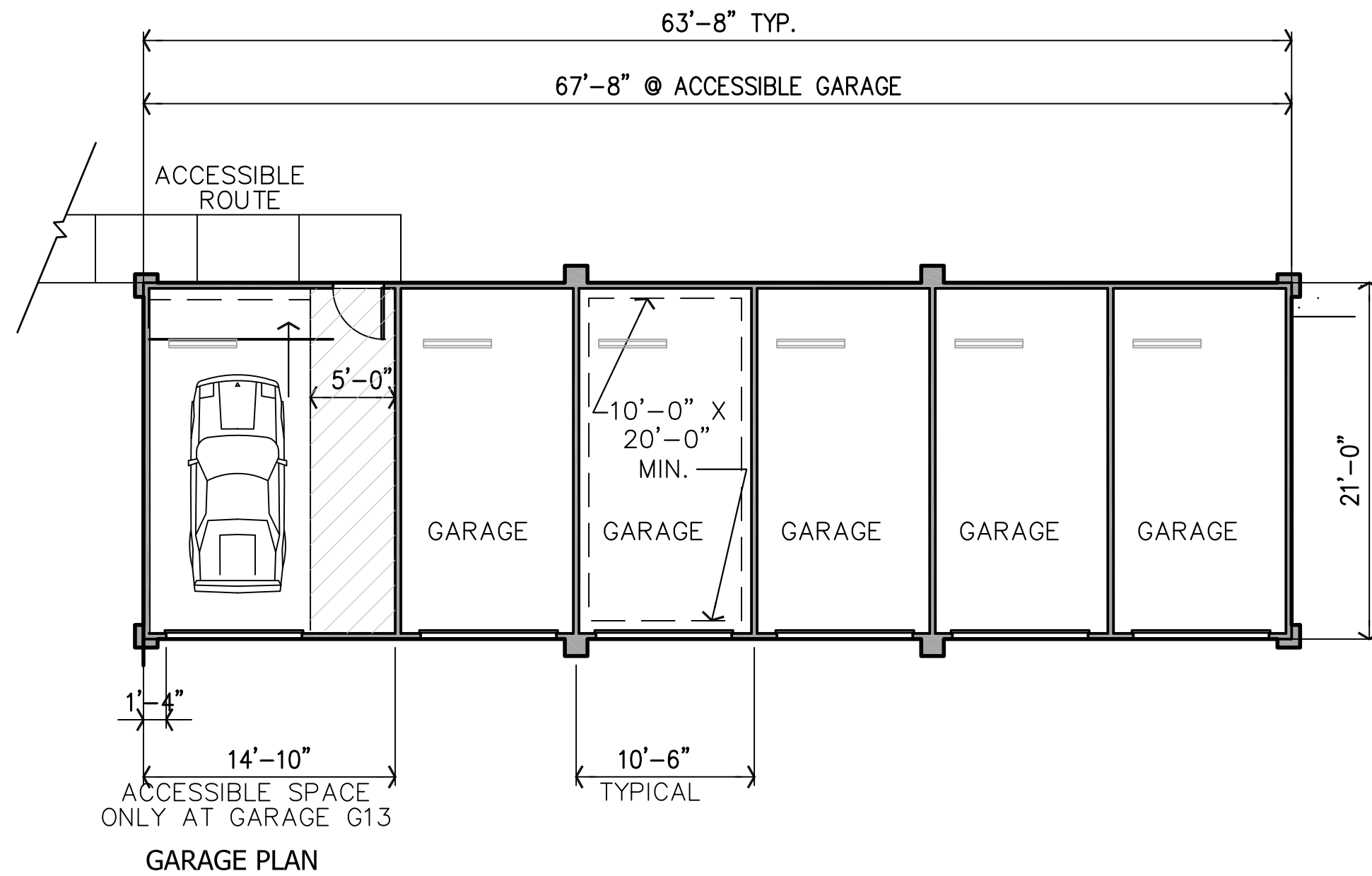
TRASH COMPACTOR PLAN & ELEVATION

SCALE: 1/8"=1'-0"



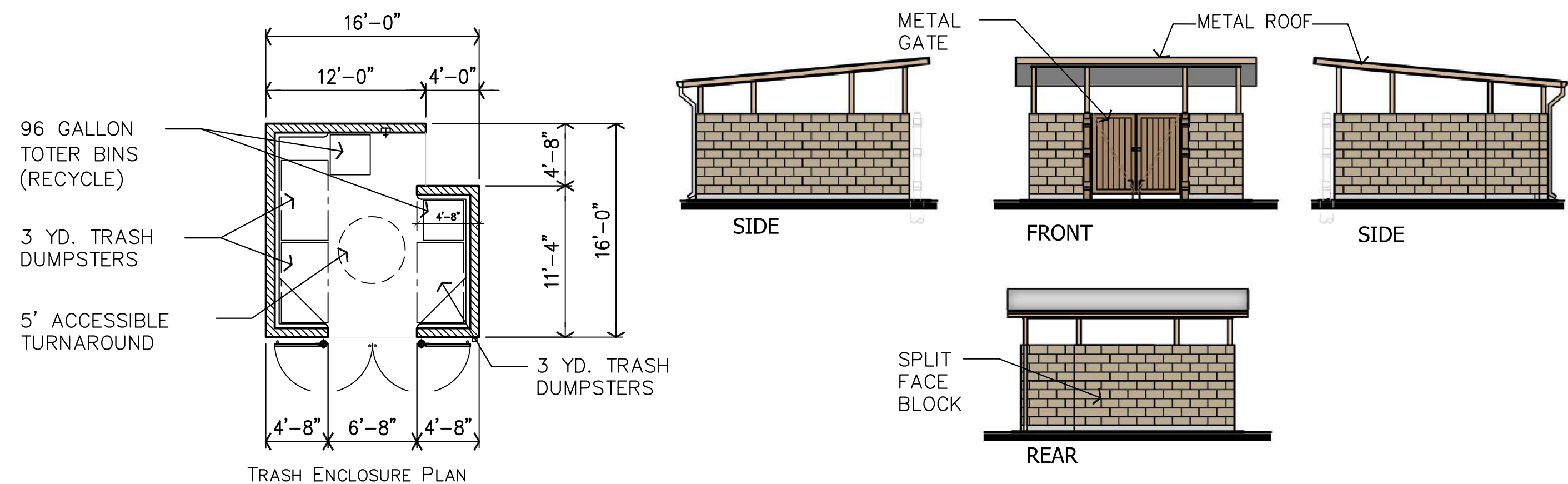
CARPORT PLAN & ELEVATION

SCALE: 1/8"=1'-0"



GARAGE PLAN

SCALE: 1/8"=1'-0"



TRASH ENCLOSURE PLAN & ELEVATION

SCALE: 1/8"=1'-0"

CONCEPTUAL ACCESSORY BUILDINGS

SCALE: 1/8" = 1'-0"





CONCEPTUAL FRONT ELEVATION



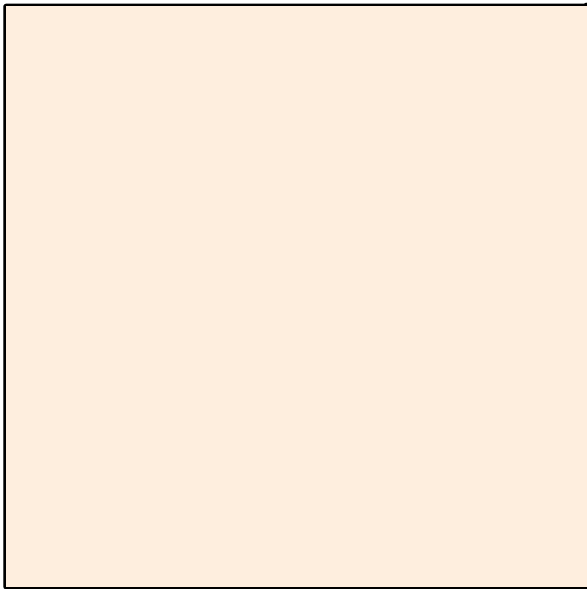
CONCEPTUAL REAR ELEVATION

COLOR CHART

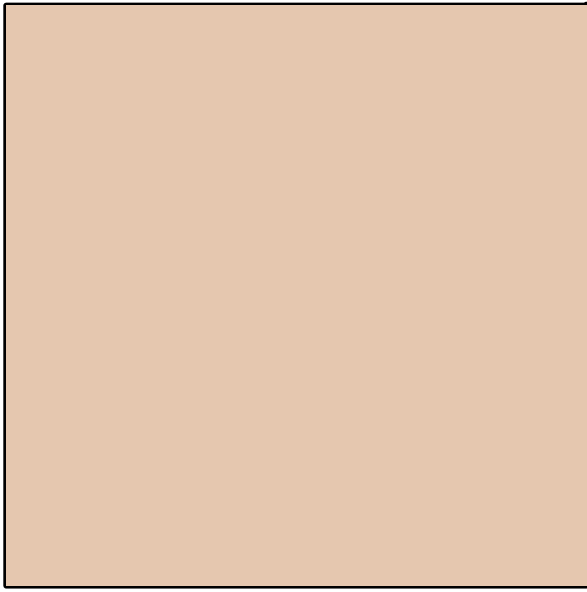
(These colors are approximate. Accuracy is limited by scanning & printing technology. Please see physical Color & Materials Board for actual materials.)



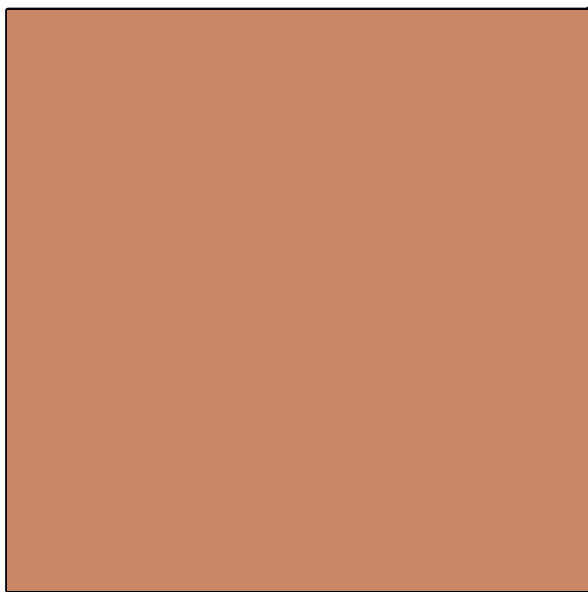
1 ROOF
EAGLE ROOF
CONCRETE TILE
CAPISTRANO
ADOBE BLEND 3723



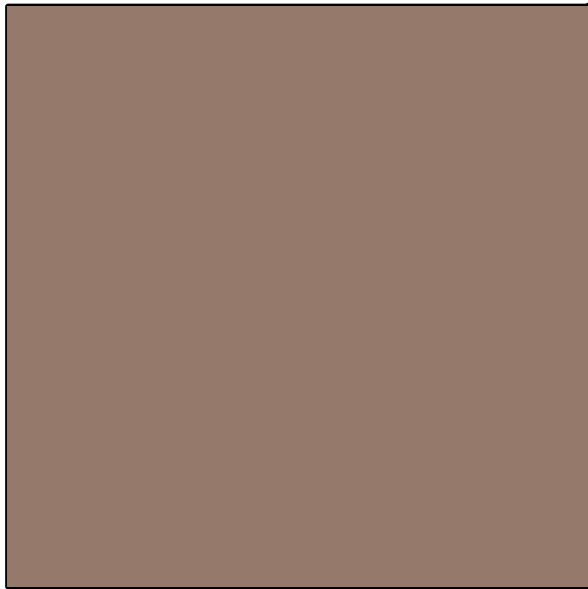
2 BODY COLOR 1
KELLY MOORE
KM4527-1
TOASTED OATMEAL



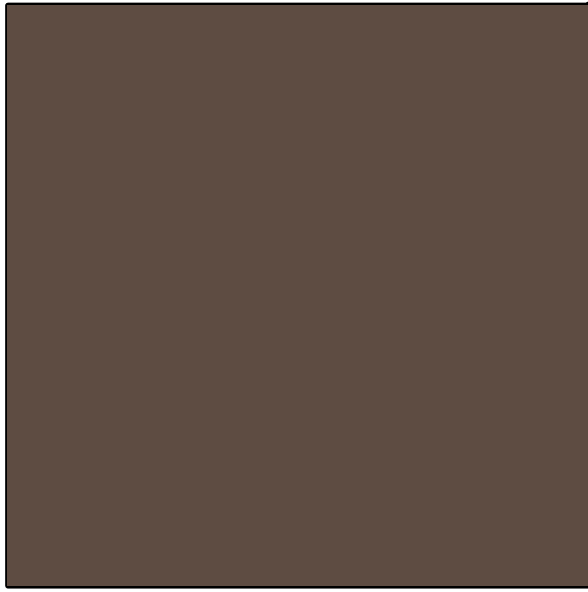
3 BODY COLOR 2
KELLY MOORE
KM4530-2
FRIENDLY HOMESTEAD



4 BODY COLOR 3
KELLY MOORE
212
SALTILLO



5 FASCIA / ACCENT / TRIM
KELLY MOORE
KM4510-3
BEAR HUG



6 BALCONY
KELLY MOORE
417
OXFORD BROWN

COLOR & MATERIALS

SCALE: 1/8" = 1'-0"



RECEIVED
MARCH 10, 2017
PLANNING DIVISION

CITY OF PITTSBURG
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

LEGEND:

- | | | | |
|--|---------------------------------|--|---|
| | PROJECT BOUNDARY | | RETAINING WALL |
| | RIGHT-OF-WAY LINES | | 42" +/- DECORATIVE METAL VIEW FENCE |
| | PROPERTY LINES | | EX. SPOT ELEVATION |
| | DAYLIGHT LINES | | |
| | BUILDING NUMBER | | |
| | PAD GRADE | | |
| | BUILDING FINISH FLOOR | | |
| | FIRE HYDRANT | | |
| | SEWER LINE, & DIRECTION | | PROPOSED 2:1 SLOPE (UNLESS OTHERWISE NOTED) |
| | SEWER MANHOLE (PROPOSED) | | STREET GRADE & DIRECTION |
| | SEWER CLEANOUT | | |
| | STORM DRAIN LINE | | PROPOSED PAVEMENT |
| | STORM DRAIN CATCH BASIN | | PROPOSED SIDEWALK/WALKWAY |
| | STORM AREA DRAIN | | |
| | STORM BASIN OUTFALL | | CARPORT |
| | WATER LINE & SIZE | | GARAGE |
| | DENOTES FINISH GRADE | | |
| | DENOTES HANDICAP PATH OF TRAVEL | | |
| | STAIRWAY | | |

OWNER/DEVELOPER: SAN MARCO PROPERTIES, LLC.
4061 PORT CHICAGO HWY. STE. H.
CONCORD, CA 94520
PHONE: (925) 682-6419

CIVIL ENGINEER: ISAKSON & ASSOCIATES, INC.
2255 YGNACIO VLY.RD., SUITE C
WALNUT CREEK, CA 94598-3335
PHONE: (925) 937-9333

SOILS ENGINEER: ENGEQ INC.
690 WALNUT AVENUE, SUITE 220
VALLEJO, CA 94592
PHONE: (707) 562-0030
(PROJECT No. 2705.2.702.01)

GENERAL NOTES:

1. ALL DOWNSPOUTS WILL BE CONNECTED TO AREA DRAINS AND STORM DRAIN LINES
2. PRELIMINARY INTERIOR STORM DRAIN SYSTEM SUBJECT TO CHANGE DEPENDING ON FIELD CONDITIONS AND LANDSCAPING
3. SEE LANDSCAPE PLANS FOR FENCE LOCATIONS
4. ALL PARKING BAYS WHICH COLLECT AND CONVEY WATER SHALL HAVE THRU CURB SLOTS TO ALLOW FLOW BETWEEN ISLANDS
5. APN NO. 097-550-018

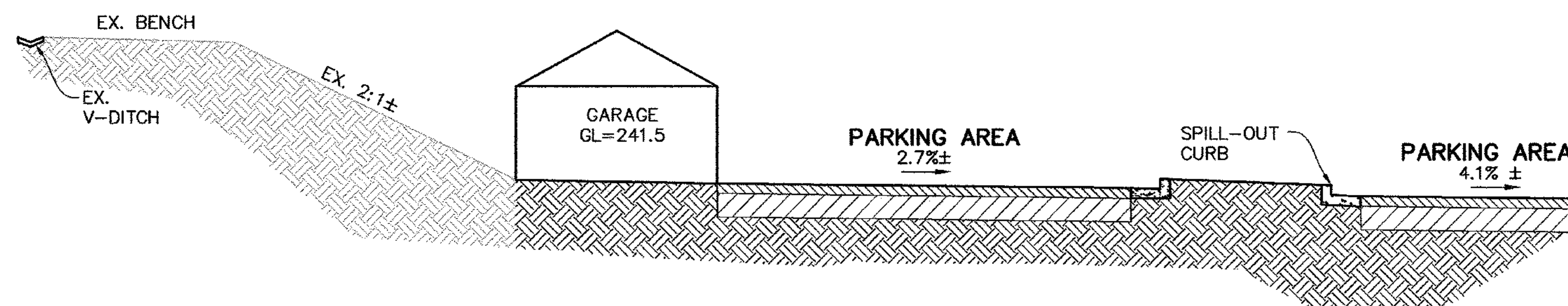
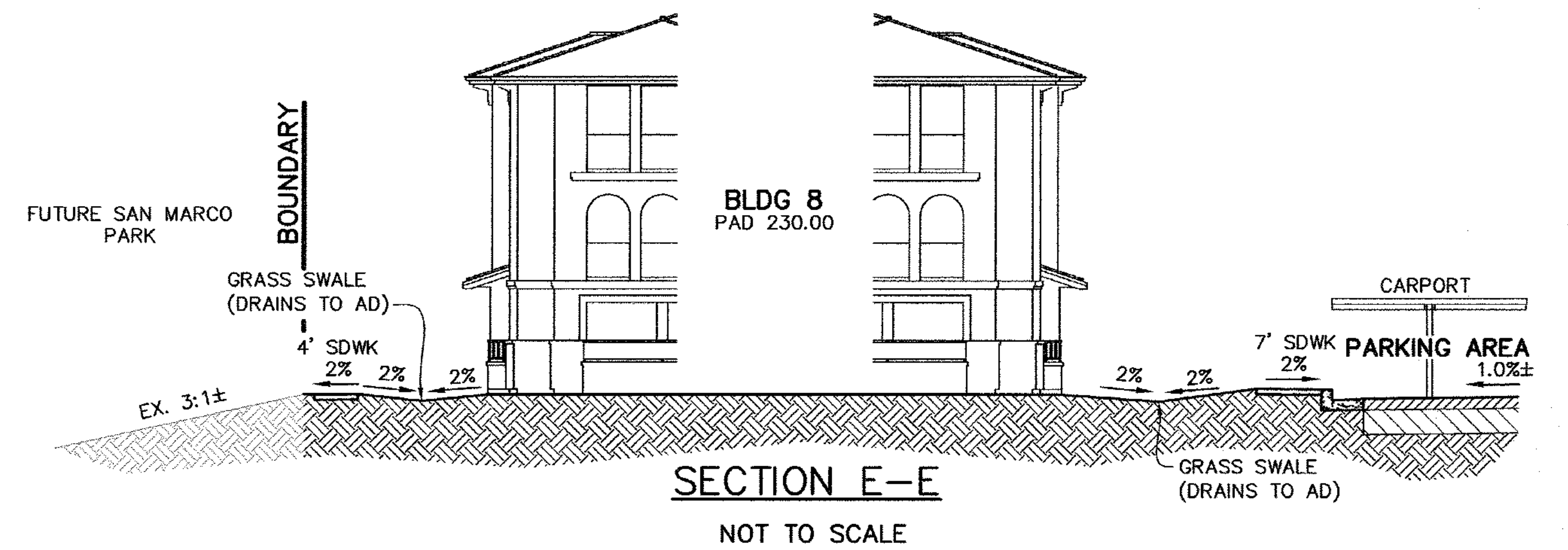
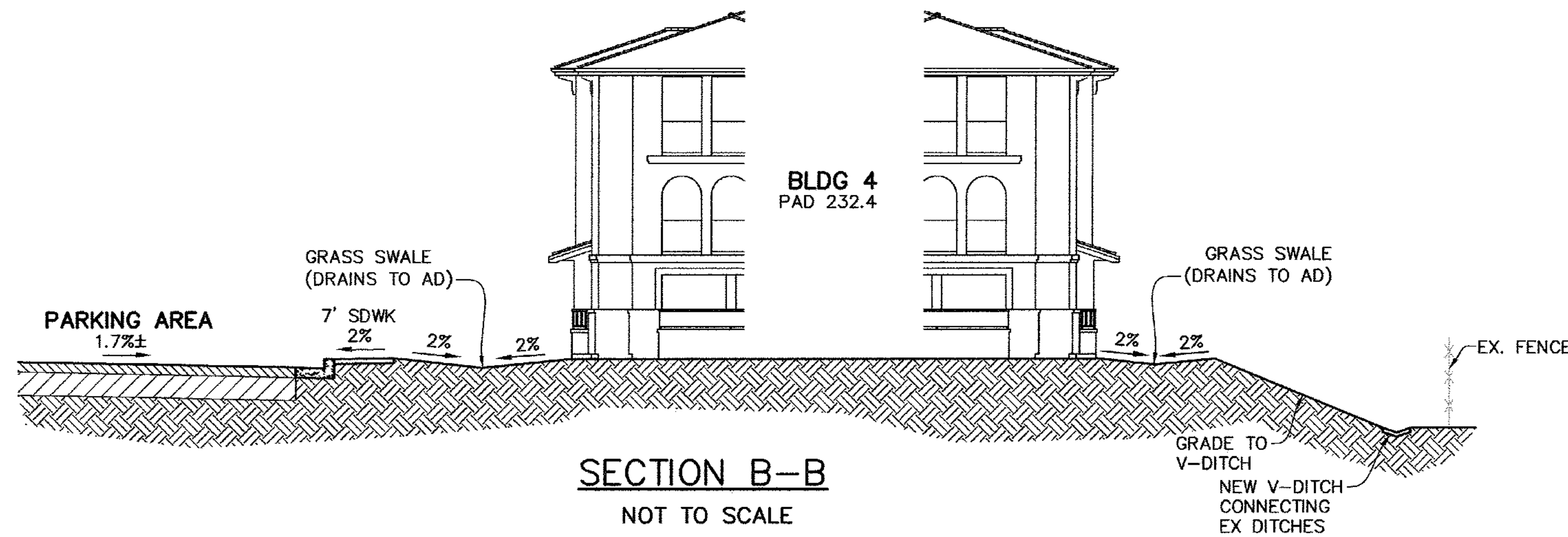
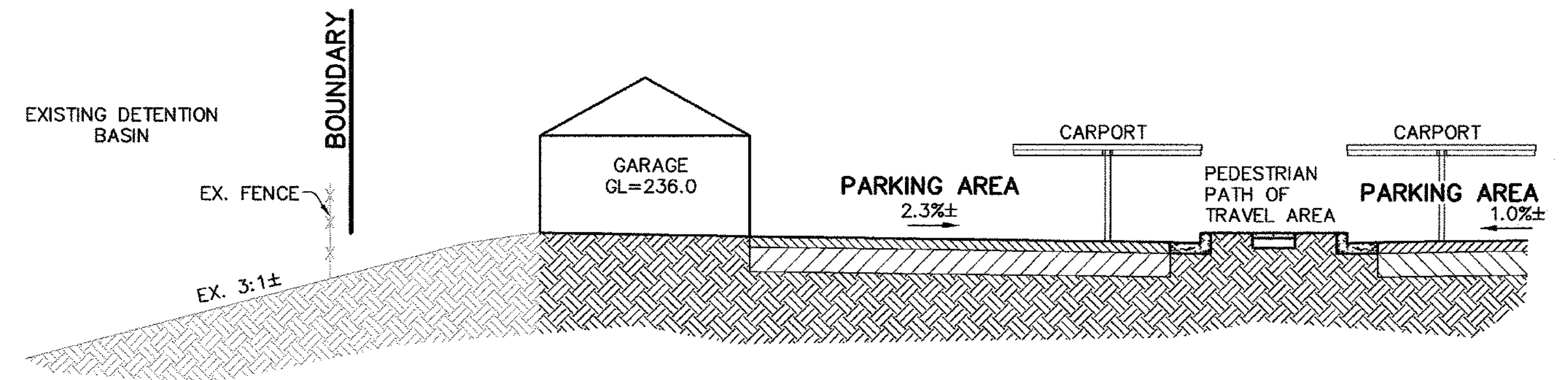
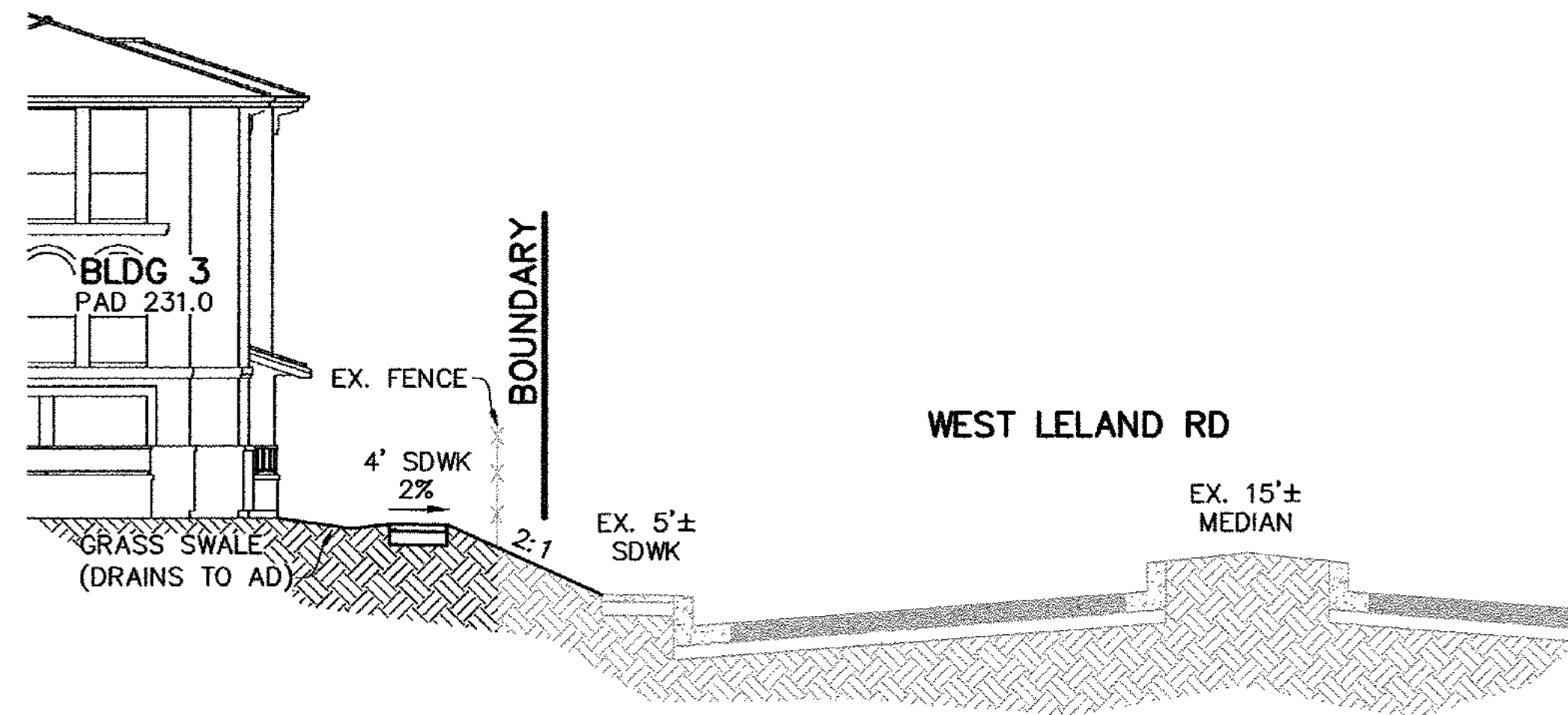
SHEET INDEX	
C1	TITLE SHEET, GENERAL NOTES & PATH OF TRAVEL
C2	SECTIONS
C3	GRADING AND DRAINAGE PLAN (1)
C4	GRADING AND DRAINAGE PLAN (2)
C5	UTILITY PLAN

[illegible]

ESPERANZA AT SAN MARCO - PRELIMINARY GRADING, DRAINAGE & UTILITY PLAN 02-09-17

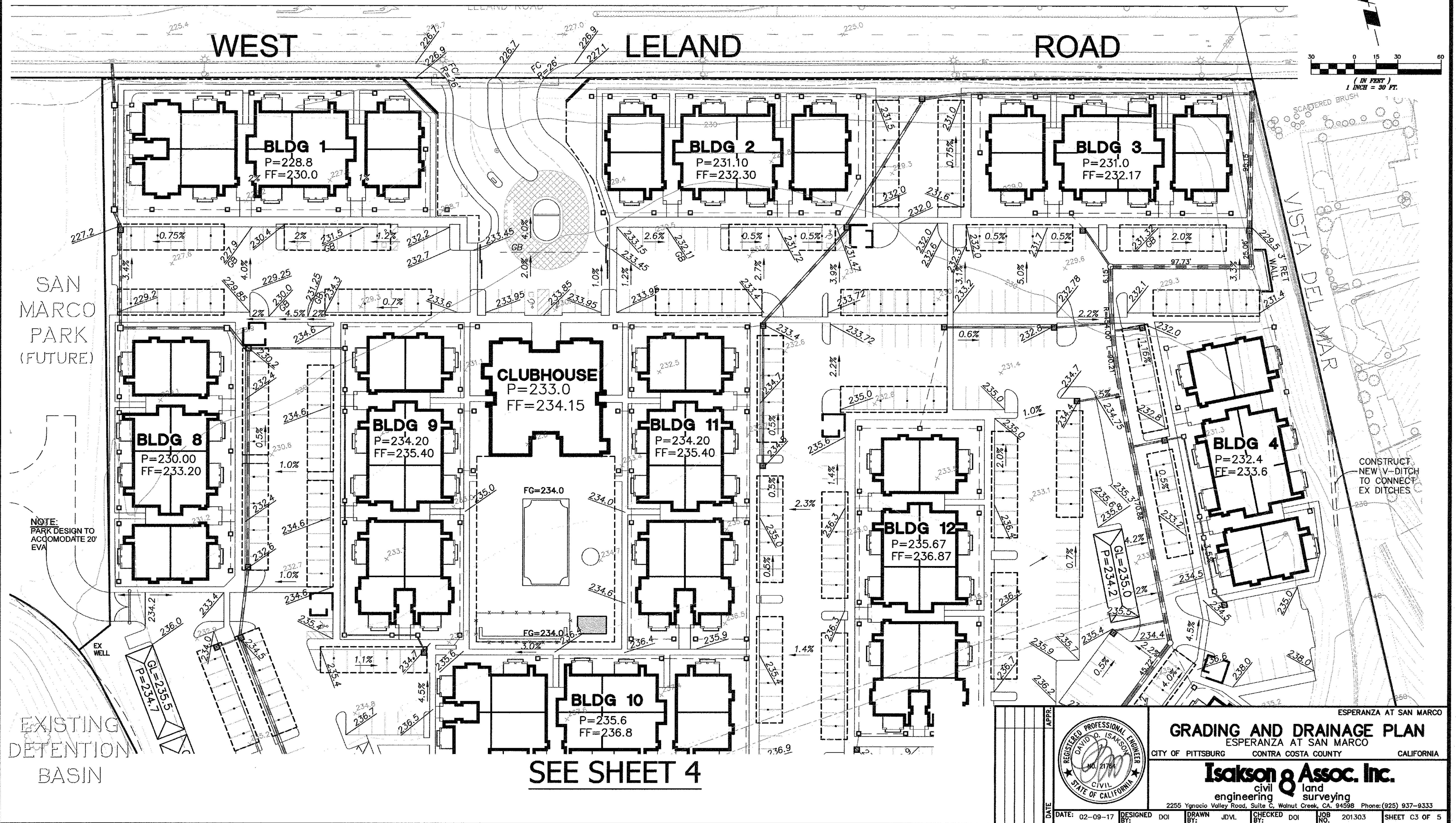
PRELIMINARY GRADING, DRAINAGE AND UTILITY PLAN ESPERANZA AT SAN MARCO

CITY OF PITTSBURG
CONTRA COSTA COUNTY
STATE OF CALIFORNIA



DATE: 02-09-17		DESIGNED BY: DOI		DRAWN BY: JDVL		CHECKED BY: DOI		JOB NO. 201303		SHEET C2 OF 5	
APPR.		DATE		BY		BY		BY		BY	
REGISTERED PROFESSIONAL ENGINEER DAVID Q. ISAKSON NO. 21764 CIVIL STATE OF CALIFORNIA ESPERANZA AT SAN MARCO SECTIONS ESPERANZA AT SAN MARCO CITY OF PITTSBURG CONTRA COSTA COUNTY CALIFORNIA Isakson & Assoc. Inc. civil engineering and land surveying 2255 Ygnacio Valley Road, Suite C, Walnut Creek, CA 94598 Phone: (925) 937-9333											

CITY OF PITTSBURG
CONTRA COSTA COUNTY
STATE OF CALIFORNIA



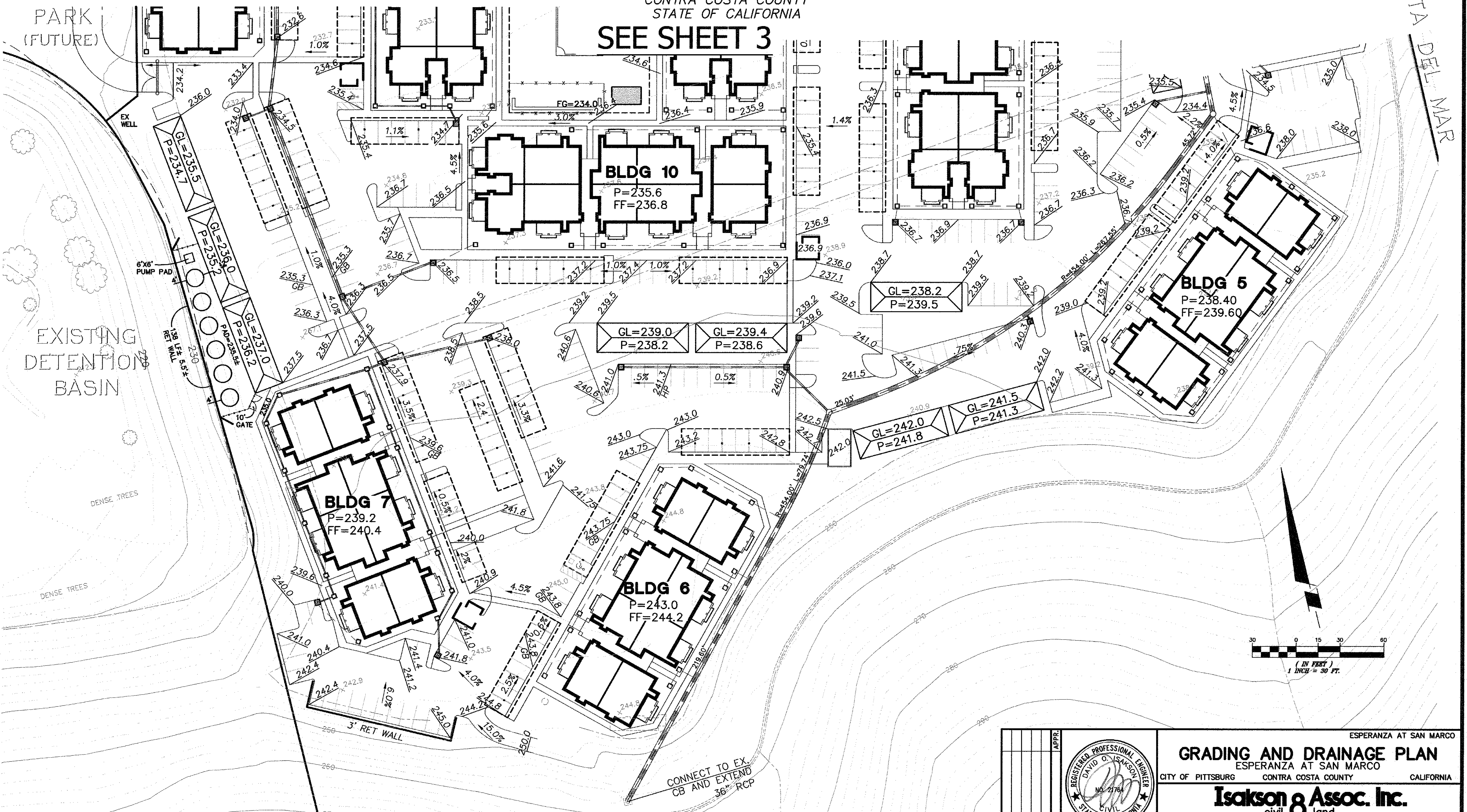
PRELIMINARY GRADING & DRAINAGE PLAN ESPERANZA AT SAN MARCO

CITY OF PITTSBURG
CONTRA COSTA COUNTY
STATE OF CALIFORNIA

SEE SHEET 3

SAN
MARCO
PARK
(FUTURE)

VISTA
DEL MAR

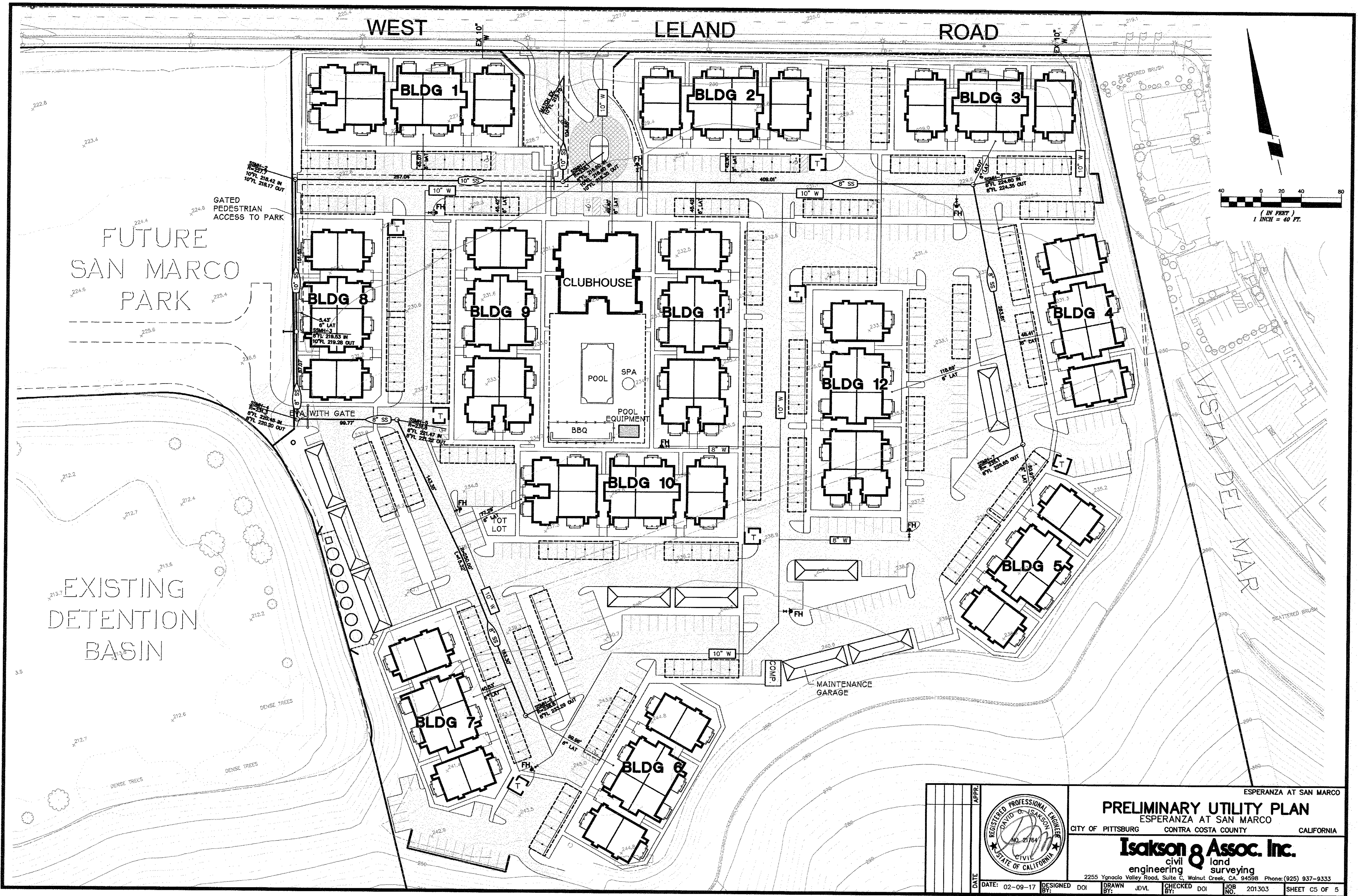


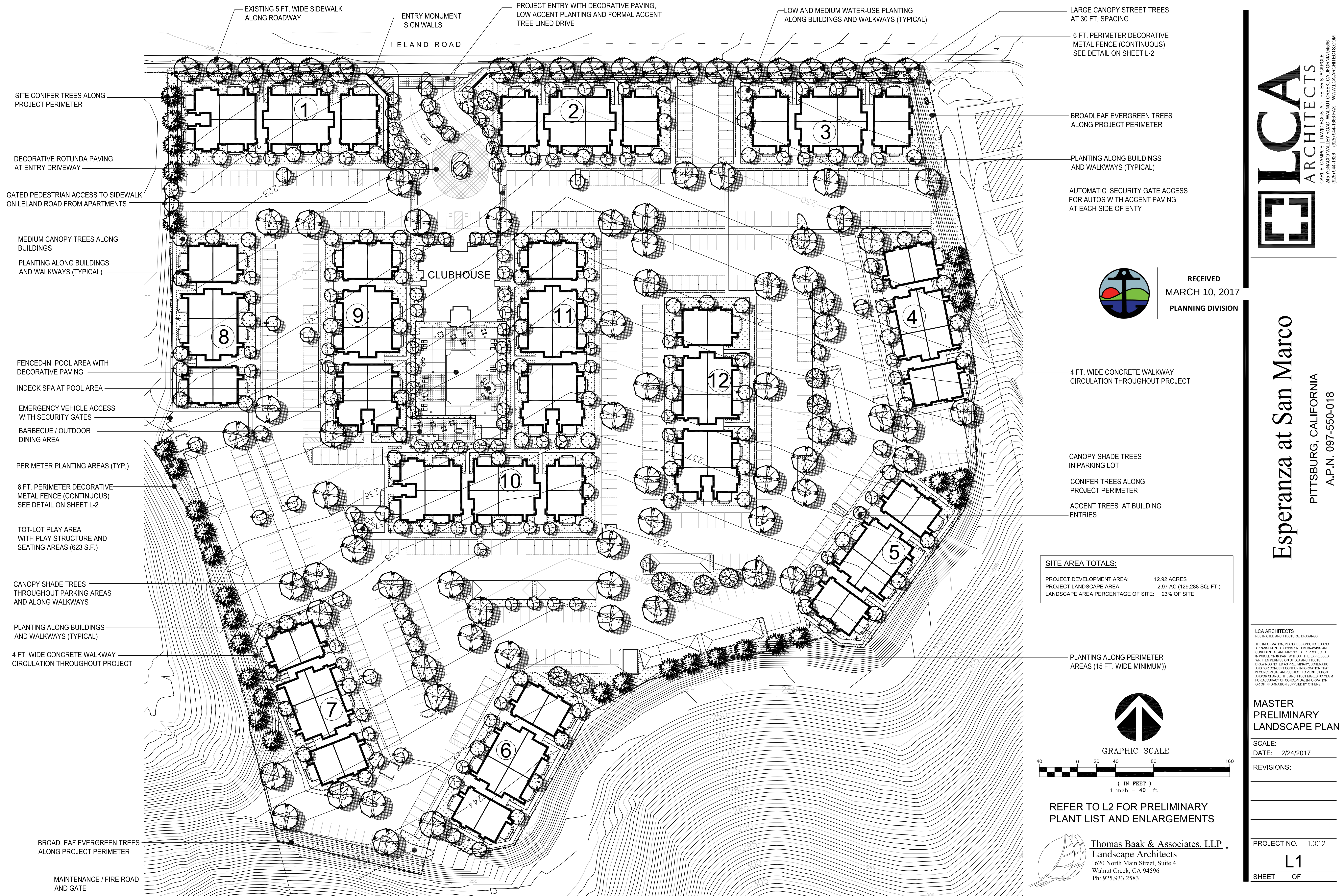
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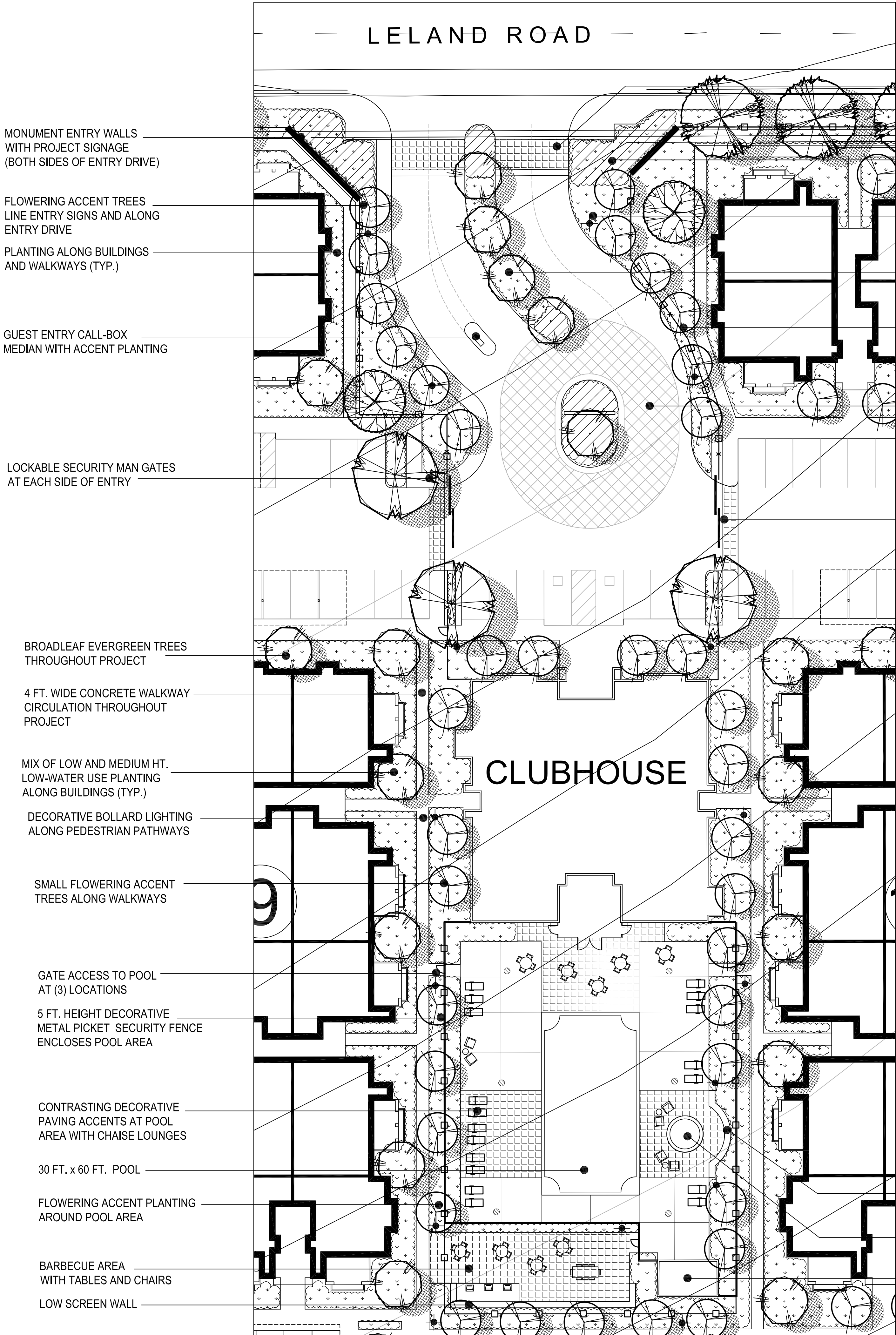
REGISTERED PROFESSIONAL ENGINEER
DAVID O. ISAKSON
NO. 21764
CIVIL
STATE OF CALIFORNIA

GRADING AND DRAINAGE PLAN
ESPERANZA AT SAN MARCO
CITY OF PITTSBURG CONTRA COSTA COUNTY CALIFORNIA

Isakson & Assoc. Inc.
civil engineering and land surveying
2255 Ygnacio Valley Road, Suite C, Walnut Creek, CA. 94598 Phone: (925) 937-9333







MONUMENT ENTRY WALLS
WITH PROJECT SIGNAGE
(BOTH SIDES OF ENTRY DRIVE)

FLOWERING ACCENT TREES
LINE ENTRY SIGNS AND ALONG
ENTRY DRIVE

PLANTING ALONG BUILDINGS
AND WALKWAYS (TYP.)

GUEST ENTRY CALL-BOX
MEDIAN WITH ACCENT PLANTING

LOCKABLE SECURITY MAN GATES
AT EACH SIDE OF ENTRY

BROADLEAF EVERGREEN TREES
THROUGHOUT PROJECT

4 FT. WIDE CONCRETE WALKWAY
CIRCULATION THROUGHOUT
PROJECT

MIX OF LOW AND MEDIUM HT.
LOW-WATER USE PLANTING
ALONG BUILDINGS (TYP.)

DECORATIVE BOLLARD LIGHTING
ALONG PEDESTRIAN PATHWAYS

SMALL FLOWERING ACCENT
TREES ALONG WALKWAYS

GATE ACCESS TO POOL
AT (3) LOCATIONS

5 FT. HEIGHT DECORATIVE
METAL PICKET SECURITY FENCE
ENCLOSES POOL AREA

CONTRASTING DECORATIVE
PAVING ACCENTS AT POOL
AREA WITH CHAISE LOUNGES

30 FT. x 60 FT. POOL

FLOWERING ACCENT PLANTING
AROUND POOL AREA

BARBECUE AREA
WITH TABLES AND CHAIRS

LOW SCREEN WALL

DECORATIVE PAVING ACCENTS
AT ENTRY DRIVE

ANNUAL AND PERENNIAL ACCENT COLOR
BEDS AT ENTRY MONUMENT CORNERS

DECORATIVE BOLLARD LIGHTING
ALONG PEDESTRIAN PATHWAYS
AND PROJECT ENTRY

ENTRY DRIVE MEDIAN DIVIDER WITH
LOW ACCENT PLANTING AND SMALL
FLOWERING TREES

DECORATIVE METAL PICKET FENCE
LINING ENTRY DRIVE UP TO AUTO
SECURITY GATES

DECORATIVE CIRCULAR ACCENT
PAVING AT CLUBHOUSE ENTRY DRIVE

AUTOMATIC SECURITY GATE ACCESS
FOR AUTOS WITH ACCENT PAVING
AT EACH SIDE OF ENTRY



PROJECT SIGNS AT ENTRY WALLS

PLANTING ALONG BUILDINGS
AND WALKWAYS (TYP.)

RESIDENCE BUILDINGS

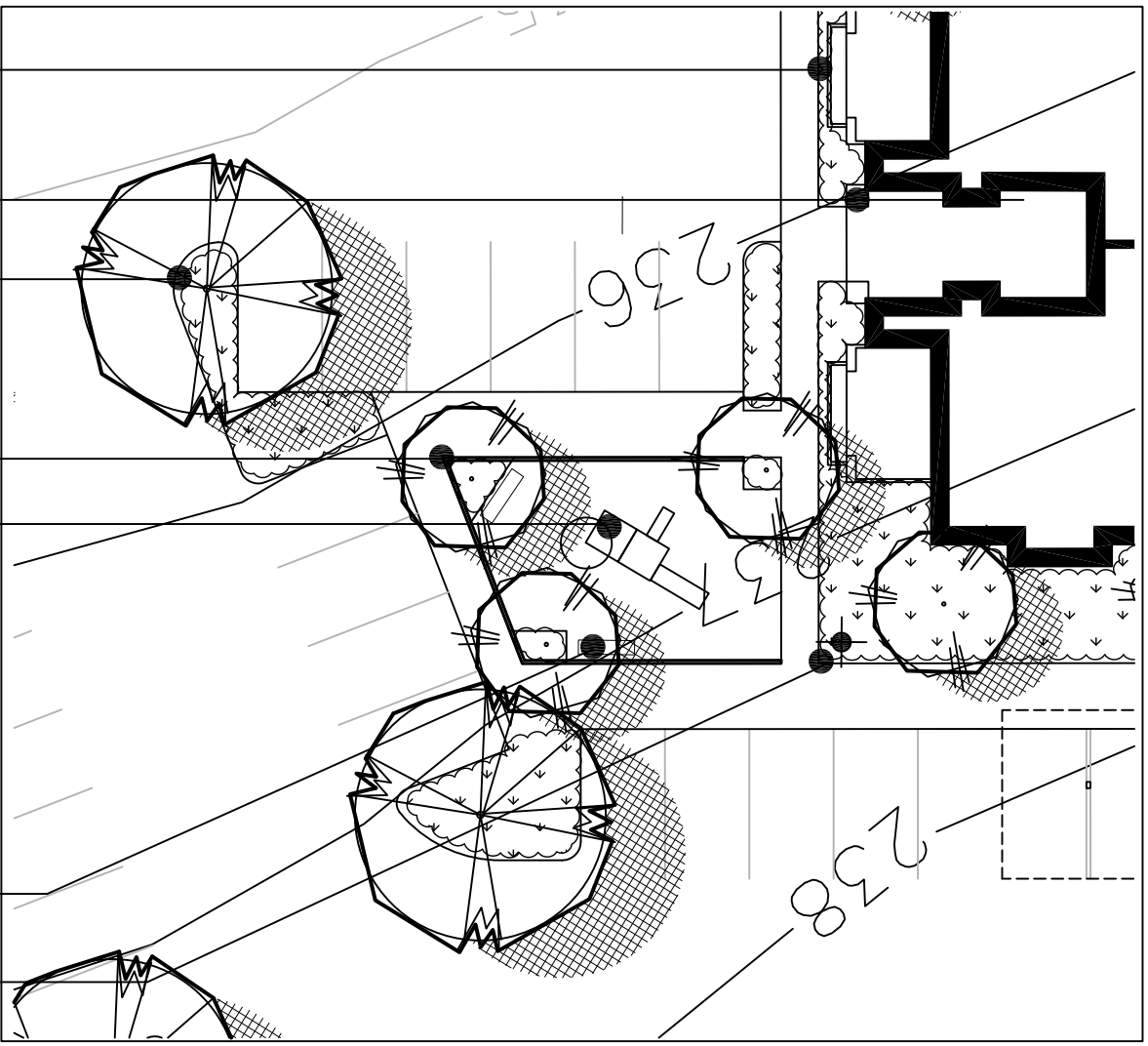
CANOPY SHADE TREES

36" HT. SAFETY RAIL FENCE
ALONG PARKING AREA SIDE

CHILDREN'S PLAY STRUCTURE
WITH SAFETY PLAY SURFACE
(623 SQ.FT. FOR 2-5 YR. OLDS)

BENCH SITTING AREAS AT
PLAY AREA

DECORATIVE BOLLARD LIGHTING
ALONG PEDESTRIAN PATHWAYS



CHILDREN'S PLAY LOT AREA

PRELIMINARY PLANT LIST:

LARGE CANOPY SHADE TREES: 15 GALLON SIZE
ACER RUBRUM (SCARLET MAPLE)
PLATANUS ACERIFOLIA 'COLUMBIA' (PLANETREE)
QUERCUS COCCINEA (SCARLET OAK)
ULMUS PARVIFOLIA (CHINESE ELM)
ZELKOVA SERRULATA (ZELKOVA TREE)

MEDIUM CANOPY TREES: 15 GALLON SIZE
CARPINUS BETULAS 'FRANS FONTAINE' (HORNBEAM)
FRAXINUS OXY. 'RAYWOODII' (RAYWOOD ASH)
PISTACIA CHINENSIS (CHINESE PISTACHE)

CONIFER TREES: 15 GALLON
CEDRUS DEODARA (DEODARA CEDAR)
PINUS ELДАРICA (AFGHAN PINE)

BROADLEAF EVERGREEN TREES: 15 GALLON SIZE
ARBUTUS 'MARINA' (MARINA)
LAURUS NOBILIS (SWEET BAY)
LOPHOSTEMON CONFERTUS (BRISBANE BOX)
OLEA EUROPEA (FRUITLESS OLIVE)
QUERCUS AGRIFOLIA (COAST LIVE OAK)

ACCENT TREES: 15 GALLON SIZE
CERCIS OCCIDENTALIS (REDBUD)
CRATAEGUS LAEVIGATA (FLOWERING CRABAPPLE)
LAGERSTROEMIA SPECIES (GRAPE MYRTLE)
PRUNUS CERASIFERA (PURPLE-LEAF PLUM)

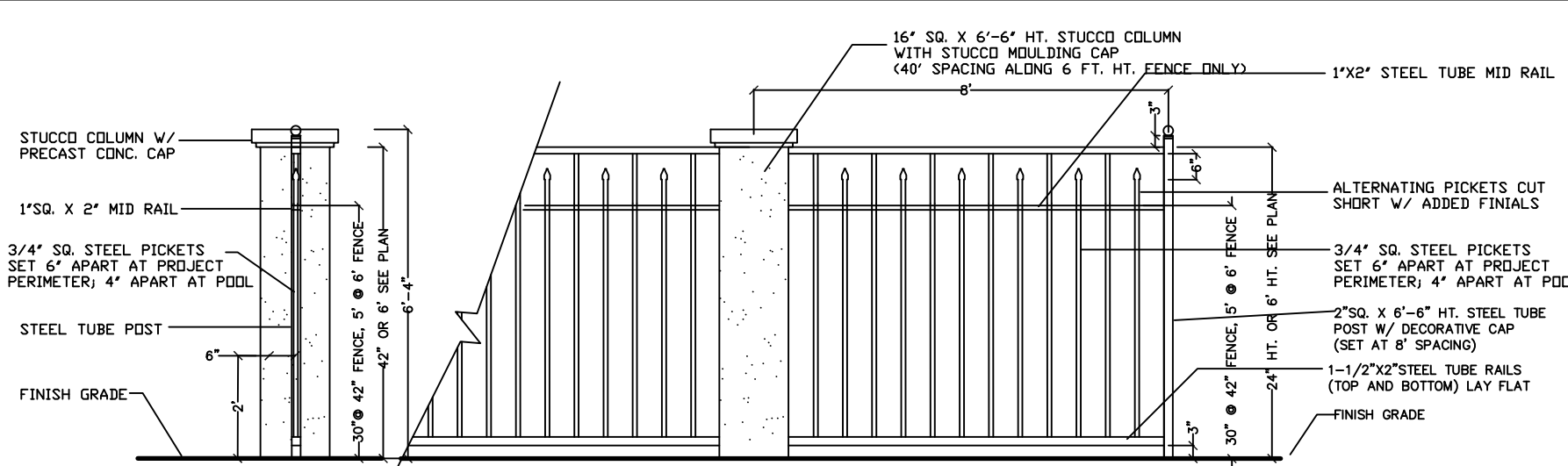
ACCENT PERENNIALS/GRASSES: ONE GALLON SIZE
CAREX SPECIES (SEDGE)
DIETES VEGETA (FORTNIGHT LILY)
ERIGERON KARVINSKIANUS (SANTA BARBARA DAISY)
HEMEROCALLIS SPECIES (DAYLILY)
LANTANA MONTEVIDENSIS (LANTANA)
LAVANDULA AUGUSTIFOLIA (ENGLISH LAVENDER)
NASSELLA SPECIES (FEATHER GRASS)
PENNISETUM SPECIES (FOUNTAIN GRASS)
PHORMIUM SPECIES (FLAX)

SHRUBS: 5 GALLON SIZE
ABELIA SPECIES (ABELIA)
ARCTOSTAPHYLOS 'HOWARD MCMINN' (MANZANITA)
BERBERIS THUNBERGII (BARBERRY)
BUXUS JAPONICA (BOXWOOD)
CEANOTHUS SPECIES (WILD LILAC)
CISTUS SPECIES (ROCKROSE)
HETEROMELES ARBUTIFOLIA (TOYON)
LIGUSTRUM TEXANUM (PRIVET)
MYRTUS COMMUNIS (DWARF MYRTLE)
PITTOSPORIUM SPECIES (MOCK ORANGE)
PLUMBAGO AURICULATA (CAPE PLUMBAGO)
RHAMNUS CALIFORNICA 'EVE CASE' (COFFEEBERRY)
RHAPHIOLEPIS INDICA (INDIA HAWTHORN)
ROSMARINUS 'TUSCAN BLUE' (TUSCAN ROSEMARY)
SALVIA SPECIES (SAGE)
TEUCRIUM FRUTICANS (GERMANDER)
VIBURNUM TINUS 'SPRING BOUQUET' (LAURUSTINUS)

GROUNDCOVERS: ONE GALLON (SPACING NOTED)
ARCTOSTAPHYLOS 'POINT REYES' (MANZANITA) - 36" O.C.
COPROSMA 'VISTA VERDE' (COPROSMA) - 36" O.C.
COTONEASTER 'LOWFAST' (COTONEASTER) - 42" O.C.
ROSMARINUS PROSTRATUS (ROSEMARY) - 36" O.C.

GENERAL NOTES:

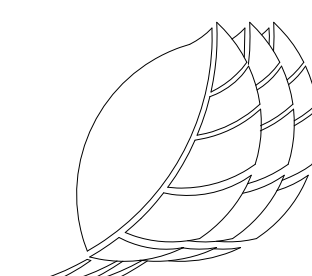
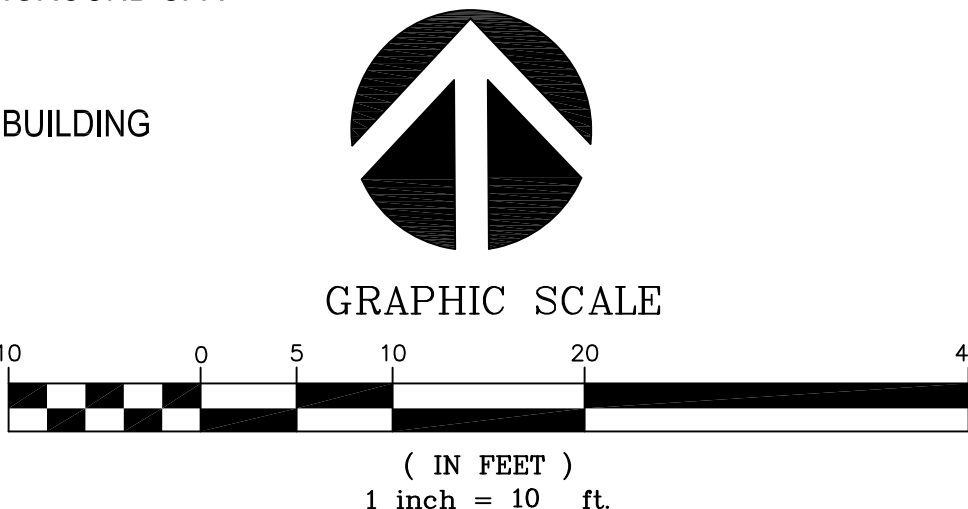
- ALL PLANTING SHALL BE WATERED BY A FULLY AUTOMATIC, WATER-CONSERVING IRRIGATION SYSTEM, COMPRISED OF DRIP APPLICATION AND LOW PRECIPITATION BUBBLERS.
- ALL PLANTING AREAS SHALL RECEIVE A 3" LAYER OF FIRBARK MULCH DRESSING.
- NO TURF IS PROPOSED FOR THE PROJECT.



SECTION

ELEVATION

PROJECT DECORATIVE METAL FENCE DETAIL



Thomas Baak & Associates, LLP
Landscape Architects
1620 North Main Street, Suite 4
Walnut Creek, CA 94596
Ph: 925.933.2583



Esperanza at San Marco
PITTSBURG, CALIFORNIA
A.P.N. 097-550-018

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PRELIMINARY
ENLARGEMENT
PLANS

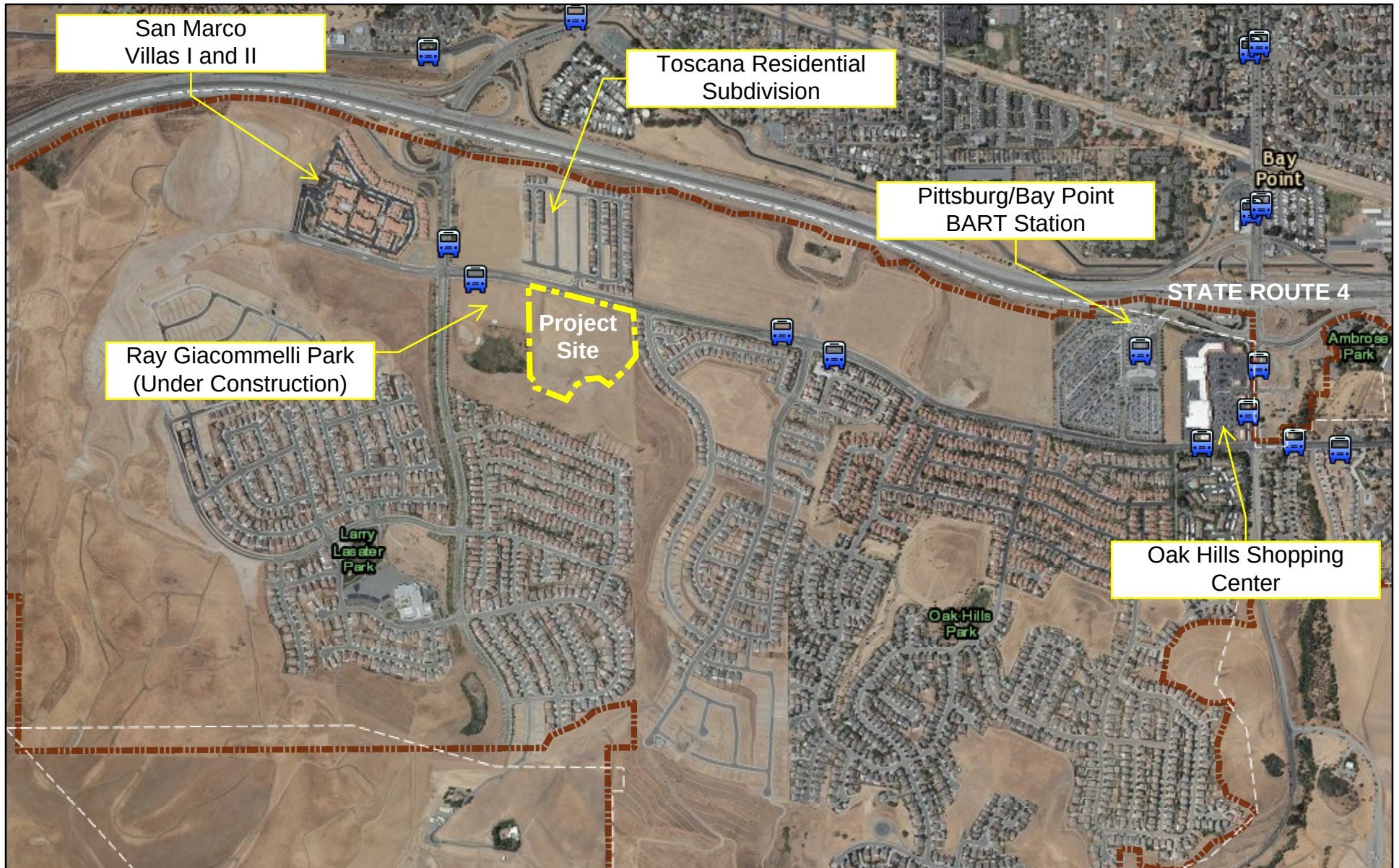
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DATE: 2/24/2017

REVISIONS:

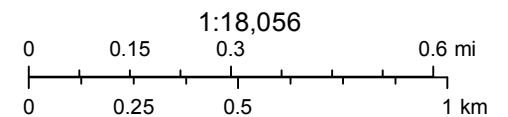
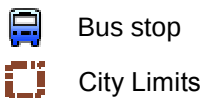
PROJECT NO. 13012

L2
SHEET OF

Surrounding Land Uses



April 12, 2017



Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

Existing Conditions



Fig. 1: Project site facing southeast

Attachment4
Applicable General Plan Goals and Policies
Esperanza at San Marco, AP-13-932 (DR)

General Plan Goal/Policy	Analysis
Land Use Element:	
2-G-1: Maintain a compact urban form within the City's projected municipal boundary. Ensure that hillside lands not environmentally suitable for development are maintained as open space.	Consistent. The proposed project would be constructed within the existing municipal boundary, helping the City maintain a compact urban form. No Hillside land would be disturbed.
2-G-5: Promote a diversity of housing types, including opportunities for hillside estate development, as well as smaller lot, infill, and high-density housing.	Consistent. The proposed project would provide high-end, market-rate rental housing for families and young professionals within one mile of the Pittsburg/Bay Point BART Station.
2-P-5: Undertake planned development as a means to achieve high community design standards, not to circumvent development intensity standards.	No conflict. The proposed project is located within the PD-1362 (Planned Development, Ordinance No. 12-1362) District, also known as 'San Marco.' The proposed project was identified as part of the development plan.
2-P-6: Ensure provision of community amenities within planned development projects, including parks and recreation facilities, streetscaping and pedestrian paths, transit facilities, parking areas, and public safety facilities. Ensure construction of amenities at a time that is in balance with the needs of the development.	Consistent. The proposed project is adjacent to Ray Giacomelli Park, and includes a separate tot lot and clubhouse facility with a pool and gym onsite. Additionally, proposed conditions of approval would require the developer install a bollard style bike repair station, bicycle parking racks, and a 100-square foot area for community gardening.
2-P-7: During development review, consider project compatibility with existing surrounding land uses. Ensure that sensitive uses—such as residences, schools, and parks—are not subject to hazardous or unhealthy conditions.	No conflict. The proposed project would be located within an existing residential setting, and would not create hazardous or unhealthy conditions.
2-P-15: Ensure minimum residential densities, in accordance with the ranges stipulated in this Plan.	No conflict. The proposed project is located within 'Village M' of the PD-1362 (Planned Development, Ordinance No. 12-1362) District. Village M is a 22.3-acre site with 420 residential apartment units planned and a maximum allowable density of 18 units per acre; the proposed project is approximately 14.3 units per gross acre.
2-P-18: Limit all new multi-family housing to 20 units or more. Update the Zoning Ordinance to ensure that new multi-family projects are developed as large-scale, professionally maintained, high-density housing.	Consistent. The project, as proposed, includes 318 apartment units.
2-P-30: Encourage private developers to conduct geotechnical and biological studies prior to filing project applications to ensure environmentally sensitive project layout and design.	No conflict. The proposed development was analyzed within the San Marco Subsequent Final EIR, which included geotechnical and biological studies.
2-P-86: Work with project developers to ensure that new residential neighborhoods and business commercial complexes built along West Leland Road provide transit amenities (such as pedestrian paths, bus shelters, bicycle racks) and convenient access to the Pittsburg/Bay Point BART Station.	Conditionally consistent. Proposed conditions of approval would require the developer install a bollard style bike repair station and bicycle parking racks.

Growth Management:

3-G-1: Manage the City's growth to balance development of housing options and job opportunities, protection of open space and habitat areas, construction of transportation improvements, and preservation of high quality public facilities.	No conflict. The proposed project would provide additional housing options in an area where demand is at an all-time high, and would not remove open space or habitat areas. Additionally, proposed conditions of approval would require the developer install transportation improvements, such as traffic signals at the intersection of West Leland Road and the project entrance, as well as amenities that would encourage bicycle use, such as indoor parking racks and a repair station.
3-G-5: Ensure that new residential, commercial and industrial growth within the Voter-Approved Urban Limit Line pays its share of the costs for the construction of facilities needed to serve that growth.	No conflict. The developer would be required to pay all building permit and impact fees associated with residential development.
3-G-9: Encourage the provision of new and improved pedestrian, bicycle and transit facilities to serve all users of new development projects.	Conditionally consistent. Proposed conditions of approval would require the developer install a six-foot-wide sidewalk along the project frontage, as well as bicycle amenities such as parking facilities and a repair station.
3-P-1: Allow urban and suburban development only in areas where public facilities and infrastructure (police, fire, parks, water, sewer, storm drainage, and community facilities) are available or can be provided.	Consistent. The proposed project site is located in an area where public facilities and infrastructure are available or can be provided.
3-P-2: Prior to project approval, ensure that the existing and planned transportation system will have adequate capacity to accommodate new urban development.	No conflict. The proposed project is within the scope of the SEIR (SCH #91073029) prepared for the San Marco Development Plan Area and certified by the Planning Commission on October 13, 1992. The project is in substantial conformance with the multi-family residential units analyzed in the SEIR for Village M of the San Marco Development Plan area. A proposed condition of approval would require the developer comply with all applicable mitigation measure contained within the SEIR.
3-P-12: Adopt and update development mitigation programs that collect fees to mitigate transportation impacts to both local and regional transportation facilities.	No conflict. Proposed conditions of approval would require the developer pay local and regional traffic mitigation fees.
3-P-16: Preserve options for future transit use when designing improvements for roadways. Ensure that developers provide bus turnouts and/or shelters, where appropriate, as part of projects. (Transportation Policy 7-P-29)	No conflict. The nearest existing transit stop and bus turnout is approximately 500 feet from the project site.
3-P-17: As part of development approval, ensure that safe and contiguous routes for pedestrians and bicyclists are provided within new development projects and on any roadways that are impacted as a result of new development. (Transportation Policy 7-P-34)	Conditionally consistent. Proposed conditions of approval would require the developer install a six-foot-wide sidewalk along the project frontage, as well as bicycle amenities such as parking facilities and a repair station.

Urban Design

4-G-11: Initiate streetscape improvements to create an attractive, usable, multimodal transportation corridor along Leland Road.	Consistent. The proposed project includes heavy landscaping, including 20 shade trees, along the frontage of West Leland Road. This, combined with a proposed condition of approval which would require the developer install a new six-foot-wide sidewalk along West Leland Road, would create an attractive, usable, multimodal transportation corridor.
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4-G-17: Encourage development of diverse and distinctive neighborhoods that build on the patterns of the natural landscape and provide a sense of connection with surrounding uses.	No conflict. The proposed project would be consistent with the San Marco development plan and the architectural style apparent throughout the area. The proposal includes a pedestrian connection to the future Ray Giacomelli Park, to the west.
4-G-18: Ensure that neighborhood streets provide safe and attractive connections to local schools, parks, commercial centers, and transit facilities for pedestrians and bicycles.	Consistent. The proposed project includes heavy landscaping, including 20 shade trees, along the frontage of West Leland Road. This, combined with a proposed condition of approval which would require the developer install a new six-foot-wide sidewalk along West Leland Road, would create an attractive, usable, multimodal transportation corridor.
4-P-81: Encourage neighborhood design—including components such as land use, development intensity, and street layout—to be responsive to natural and institutional elements, including Adjacent Uses. Promote connections with surrounding land uses by integrating street networks and visual/architectural treatments.	Consistent. The proposed project includes connections to the future Ray Giacomelli Park. A proposed condition of approval would require pedestrian-scale lighting be installed along pathways throughout the development to encourage walking and enhanced safety.
4-P-82: Develop and implement development standards in the City's Zoning Ordinance and Subdivision Regulations that minimize the visual dominance of garages in residential units.	Consistent. The proposed project includes nine detached garages, each housing 6 vehicles. These garages are proposed to be located at the rear of the property and would not be visible from West Leland Road. Additionally, a proposed condition of approval would require carports visible from the right-of-way or Ray Giacomelli Park be finished with a roof material and pitch similar to that of the main residential buildings.
4-P-83: Ensure that new developments provide an integrated pattern of streets and pedestrian paths that provide connections between neighborhoods.	No conflict. The current proposal does not include any improved pedestrian, bicycle, or transit facilities. However, the project includes a network of internal pathways throughout the site, as well as to the future park, and would not eliminate or reroute any existing neighborhood connections.
4-P-85: Provide safe and comfortable pedestrian routes through local neighborhoods by requiring sidewalks on both sides of residential streets, except in hillside areas, by planting street trees adjacent to the curb, and by minimizing curb cuts.	Consistent. The proposed project includes heavy landscaping, including 20 shade trees, along the frontage of West Leland Road. This, combined with a proposed condition of approval which would require the developer install a new six-foot-wide sidewalk along West Leland Road, would create an attractive, usable, multimodal transportation corridor.
Transportation Element	
7-G-15: Encourage walking as a regular means of transportation for people who live within a half-mile walk of school, work, or routine shopping destinations.	Consistent. The proposed project includes heavy landscaping, including 20 shade trees, along the frontage of West Leland Road. This, combined with a proposed condition of approval which would require the developer install a new six-foot-wide sidewalk along West Leland Road, would create an attractive, usable, multimodal transportation corridor.
7-P-2: Use the adopted Regional and Local Transportation Impact Mitigation Fee ordinances to ensure that all new development pays an equitable pro-rata share of the cost of transportation improvements.	No conflict. Proposed conditions of approval would require the developer pay local and regional traffic mitigation fees.

7-P-4: Require that all traffic studies be conducted by professional transportation consultants selected by the Planning and Building and Engineering Departments, with the City acting as the lead agency. Ensure that all costs associated with the traffic study are paid by the applicant.	No conflict. The proposed project is within the scope of the SEIR (SCH #91073029) prepared for the San Marco Development Plan Area and certified by the Planning Commission on October 13, 1992. The traffic study conducted as part of this SEIR was prepared by a professional transportation consultant.
7-P-34: As part of development approval, ensure that safe and contiguous routes for pedestrians and bicyclists are provided within new development projects and on any roadways that are impacted as a result of new development.	Consistent. The proposed project includes heavy landscaping, including 20 shade trees, along the frontage of West Leland Road. This, combined with a proposed condition of approval which would require the developer install a new six-foot-wide sidewalk along West Leland Road, would create an attractive, usable, multimodal transportation corridor. The project also includes a network of internal pathways throughout the site, as well as to the future park, and would not eliminate or reroute any existing neighborhood connections.
7-P-39: Ensure that residential and commercial developments provide pedestrian pathways between lots for direct routes to commercial centers, schools, and transit facilities.	Consistent. The proposed project includes a network of internal pathways as well as a pedestrian connection to the neighboring park. This will allow residents easy and direct access to the bus stop located in front of the park along West Leland Road, as well as a safe path of travel to nearby school facilities.
7-P-40: Ensure provision of sufficiently wide sidewalks and pedestrian paths in all new residential development.	Consistent. The proposed project includes heavy landscaping, including 20 shade trees, along the frontage of West Leland Road. This, combined with a proposed condition of approval which would require the developer install a new six-foot-wide sidewalk along West Leland Road, would create an attractive, usable, multimodal transportation corridor. The project also includes a network of internal pathways throughout the site, as well as to the future park, and would not eliminate or reroute any existing neighborhood connections.
7-P-42: Improve pedestrian crossing safety at heavily used intersections by installing crossing controls that provides adequate time for pedestrians to cross the street.	Conditionally consistent. A proposed condition of approval would require the developer install traffic signals and crosswalks at the intersection of West Leland Road and the project entrance.
7-P-43: Provide adequate roadway width dedications for bicycle lanes, paths, and routes as designated in Figure 7-4.	No conflict. West Leland Road is currently wide enough to allow for a Class II bicycle facility on both sides. The proposed project would not hinder the future development of this pathway.
7-P-45: During review of development projects, encourage secure bicycle facilities and other alternative transportation facilities at employment sites, public facilities, and multi-family residential complexes.	Conditionally consistent. Proposed conditions of approval would require the developer install a bollard style bike repair station and bicycle parking racks.
Youth and Recreation Element	
8-P-3: Develop public parks and recreational facilities that are equitably distributed throughout the urbanized area, and provide neighborhood recreation facilities in existing neighborhoods where such facilities are presently lacking.	Consistent. The proposed project is adjacent to Ray Giacomelli Park, and includes a separate tot lot and clubhouse facility with a pool and gym onsite.

Resource Conservation Element	
9-G-11: Reduce the number of motor vehicle trips and emissions accounted to Pittsburg residents and encourage land use and transportation strategies that promote use of alternatives to the automobile for transportation, including bicycling, bus transit, and carpooling.	Consistent. The proposed project includes heavy landscaping, including 20 shade trees, along the frontage of West Leland Road. The project also includes a network of internal pathways throughout the site, is less than 500 feet from a bus stop, and less than a mile from a BART station. These factors, combined with proposed conditions of approval which would require the developer install a new six-foot-wide sidewalk along West Leland Road, bicycle parking facilities, and a bicycle repair station, would promote use of alternative modes of transportation.
9-P-33: Encourage new residential development and remodeled existing homes to install clean-burning fireplaces and wood stoves.	Consistent. The proposed project includes clean burning gas fireplaces within third floor units. No fireplaces are proposed in lower level units.
Health and Safety Element	
10-P-39: Strive to maintain a ratio of 1.8 sworn police officers per 1,000 residents.	No conflict. The project site has previously been annexed into the public safety community facilities district (CFD).
Public Facilities Element	
11-G-2: Continue to implement water conservation policies to ensure adequate supplies of water in the future.	Consistent. The proposed project would include water conservation measures such as fully-automatic water systems, a three-inch layer of mulch, and no turf areas.
11-G-6: Continue reduction and recycling efforts within the City to divert increasingly larger portions of the waste stream from local landfills.	Conditionally consistent. A proposed condition of approval would require all trash enclosures be sized to meet the recycling requirements of AB 341.
11-G-7: Manage solid waste so that State diversion goals are met.	
11-G-8: Require development in areas of high fire hazard to be designed and constructed to minimize potential losses and maximize the ability of fire personnel to suppress fire incidents.	No conflict. The applicant would be required to adhere to all CCCFPD requirements prior to issuance of a building or grading permit.
11-P-18: Ensure that new residential, commercial, and industrial development equitably share costs associated with providing wastewater services to areas of urban expansion within the Planning Area.	No conflict. The proposed project would be required to install necessary utility and stormwater infrastructure or pay in lieu fees prior to construction. The developer would also be required to pay all building permit and impact fees associated with residential development.
11-P-23: Encourage builders to incorporate interior and exterior storage areas for recyclables into new or remodeled residential, commercial, and industrial structures.	Consistent. The proposal includes seven shared refuse areas that have been designed to accommodate trash and recycling facilities.
11-P-29: Ensure adequate road widths in new development for fire response trucks, per the subdivision regulations.	No conflict. The applicant would be required to adhere to all CCCFPD requirements prior to issuance of a building or grading permit.
11-P-33: As a condition of approval, ensure that all new and redevelopment projects underground utility lines on and adjacent to the site.	Conditionally consistent. A proposed condition of approval would require the undergrounding or screening of all utility equipment.

Noise Element	
12-G-1: Protect public health and welfare by eliminating or minimizing the effects of existing noise problems, and by preventing increased noise levels in the future.	Conditionally consistent. A proposed condition of approval would require the developer adhere to all mitigation measures and performance standards specified in the San Marco Subsequent Environmental Impact Report (SEIR) for potential noise impacts.
12-P-5: Require that applicants for new noise-sensitive development, such as schools, residences, and hospitals, in areas subject to noise generators producing noise levels greater than 65 dB CNEL, obtain the services of a professional acoustical engineer to provide a technical analysis and design of mitigation measures.	
12-P-6: Ensure that new noise-sensitive uses, including schools, hospitals, churches, and homes, in areas near roadways identified as impacting sensitive receptors by producing noise levels greater than 65 dB CNEL (Figure 12-1), incorporate mitigation measures to ensure that interior noise levels do not exceed 45 dB CNEL.	
Housing Element	
Housing Goal I: Foster development of a variety of housing types, densities, and prices to balance the City's housing stock and to meet Pittsburgh's regional fair share housing needs for people of all income levels.	Consistent. The proposed project would provide high-end, market-rate rental housing for families and young professionals within one mile of the Pittsburgh/Bay Point BART Station.
Housing Goal V: Enhance the visual quality of Pittsburgh's residential neighborhoods.	Consistent. The proposed project is designed to accentuate the Mediterranean-style of existing residential and commercial development in the area. The proposed project would utilize high quality materials and building accents, as well as heavy landscaping to provide a conformable and attractive neighborhood.
P-1.2: Encourage the construction of both high end and moderate-income housing in the southern foothills, downtown, along the waterfront, and throughout Pittsburgh to provide above moderate-income housing opportunities in the community and to increase economic activity within the city.	Consistent. The proposed project would provide high-end, market-rate rental housing for families and young professionals within the southern foothills.
P-1.4: Support the construction of multi-family housing in close proximity to transit, arterials, shopping, and public services.	Consistent. The proposed project would provide high-end, market-rate rental housing for families and young professionals within one mile of the Pittsburgh/Bay Point BART Station, near the future Alves Ranch Commercial Development, and less than 500 feet from a bus stop.
P-1.6: Meet Pittsburgh's fair share regional housing needs.	Consistent. The proposed project would contribute 318 market rate units towards the City's regional housing needs allocation (RHNA).
P-5.1: Enhance the quality and variety of new home designs and home additions to ensure an attractive living environment.	Consistent. The proposed project is designed to accentuate the Mediterranean-style of existing residential and commercial development in the area. The proposed project would utilize high quality materials and building accents, as well as heavy landscaping to provide a conformable and attractive neighborhood.
P-5.2: Enhance the built environment through citywide landscaping efforts including the installation of street trees that will grow to create a street tree canopy along roadways and sidewalks	

Attachment5
Property Development Comparison
 Esperanza at San Marco, AP-13-932 (DR)

Development Regulations: <i>PD-1362</i>	Requirement:	Proposed Project:
Max. Density:	18 d.u./ac.	14.3 d.u./ac.
Height:	45 ft.	41 ft.
Max. Lot Coverage:	60%	< 60%
Minimum Yards:	-	-
Front:	10 ft.	13 ft.
Side	5 ft.	5 ft.
Rear:	10 ft.	200+ ft.
Site Landscaping:	n/a	23%
Private Storage Area:	n/a	37 s.f. (222 cu. ft.)
Private Open Space:	n/a	98-105 s.f.
Parking Required (2 spaces/unit):	632 spaces (318 covered)	632 spaces (318 covered)

Attachment5
Development Review Design Guidelines
 Esperanza at San Marco, AP-13-932 (DR)

Design Review Guideline	Meets Guideline?
I.a: Reliefs and architectural treatments should be provided on all building elevations (360 degree architecture), i.e. 2"x4" (wood or styrofoam/stucco) window and door reveal treatment on all building elevations.	Yes. All building sides contain similar architectural treatments.
I.b: Provide concrete and/or tile roof material. Architectural grade composition material may be used if rake treatment is included or roof pitch, greater than 4:12 is used.	Yes. The project proposes concrete Spanish-style roof tiles on all residential buildings as well as on the clubhouse, garages, and carports visible from the right-of-way.
I.c: Each dwelling unit should be provided with complete front yard and corner-side yardxerophytic landscaping and automaticirrigation (Section 18.84.300 PMC).	Yes. The proposed landscape plans note that all planting areas shall be water by a fully automatic irrigation system. No turf will be used.
I.d: Required front yards should vary in depth unless otherwise stated for a proposed PD (Planned Development) district.	Not applicable. The proposed project does not proposed multiple lots with separate yards or residences.
I.e: Decorative masonry walls should be provided between all arterial streets andfuture homes.	Not applicable. The applicant has proposed installing a wrought-iron gate with concrete pilasters along the street frontage.
I.f: Roof slopes should be considered greater than 4:12 unless inappropriate forarchitectural style (i.e. Ranch Style, etc.).	Yes. The proposed 12:4 roof slope is appropriate for the architectural style.
I.g: Provide articulated garage doors on all garages.	Yes. All proposed garage doors contain architectural reliefs appropriate for their location within the interior of the development.
I.h: Garage doors designs should not be duplicated. Not less than four styles shouldbe used in a subdivision.	Not applicable. All garage doors should be of a common style as this is a single development.
I.i: Side-on garages are recommended intermittently through-out the subdivision (70' wide lots or greater).	Not applicable. All garages are located within the interior of the project site, and will not be visible from the public right-of-way.
I.j: Garage frontage should not occupy more than 60% of allowable lot frontage.	Yes. All garages are located within the interior of the property, behind the main residential buildings.

I.k: Provide board-onboard fencing on all side yards and rear yards (excluding side yards and rear yards adjacent to major thoroughfares), unless a view corridor is to be maintained.	Not applicable. The proposed project does not include board-on-board fencing.
I.l: The architectural treatments (such as sidings, shingles, window and door trims) established on the front facades of each of the approved house designs shall be carried around to the sides and rear elevations of the buildings, except that masonry veneer treatments at the base of a structure need be carried only partly around the side elevations, to either the adjoining fence line or the closest interior right angle joint.	Yes. All building sides contain similar architectural treatments.
II.a: Subdivision entry monuments should be provided on new major subdivisions, neighborhoods or villages, if appropriate	Yes. The proposed project would include an entry sign on either side of the entry drive. The design of the sign would be similar to other subdivision signage within the San Marco development area.
II.b: Perimeter wall and/or sound wall pilasters should not be greater than 50' on-center.	Yes. The proposed project would include a metal picket fence with concrete pilasters positioned 40 feet on-center.
II.c: Sound walls exceeding 6' in height and visible from the public right-of-way should be treated with decorative features consistent with the neighborhood design.	Yes. The proposed project does not propose any masonry or soundwalls at this time. However, concrete pilasters placed intermittently along the project frontage would be stucco finished and include a stucco molding cap.
II.d: All masonry walls should include a wall cap.	
II.e: Retaining walls, exceeding 3 feet tall, adjacent to a public right-of-way should be constructed with the same materials as used for the sound wall.	Not applicable. The project does not propose any retaining walls exceeding three feet in height.
II.f: Masonry or sound walls should be staggered when adjacent to public right-of-ways.	Not applicable. The proposed project does not include a masonry or soundwall along the public right-of-way.
II.g: Single story units should be located on corner lots whenever possible.	Not applicable. The proposed project is not located on a corner lot.

II.h: Developer should select, at least, one of the schemes provided in Appendix #1 for screening all utility boxes, transformers, backflow preventers, meters and junction boxes.	Conditionally. A proposed condition of approval would require the developer underground or screen all utility boxes, transformers, backflow preventers, meters and junction boxes.
II.i: Construct fence/walls at top of down slope banks. Design fence at top of slope to take advantage of potential views.	Not applicable. The proposed project site is flat, and development would not impact any scenic vistas or other views.
II.j: Dwelling unit driveways should align with on-coming street at three-way intersections when possible.	Yes. The proposed vehicle entry to the project site would align with the entry of the Toscana residential subdivision, creating a four-way intersection.
II.k: Existing trees which have greater than a nine (9) inch trunk caliper should be incorporated into the design of project.	Not applicable. There are no existing trees on site.
II.l: Landscaped portions of set-backs, excluding sidewalk along public streets, should not be less than the height of the fence or sound wall.	Yes. The proposed fence height along the right-of-way is six feet, while the landscaped portions of this setback are 12-15 feet.
II.m: Landscaping areas shall not be less than three feet wide, between the curbs.	Yes. All new landscaped areas are proposed to be three feet or greater in width.
II.n: Subdivision perimeter walls should be minimized. Install wrought iron fencing at open end of cul-de-sacs, parks and open space.	Yes. Wrought iron fencing is proposed along all property lines visible from the public right-of-way or surrounding public areas.
III.a: A/C units should be substantially screened from view by way of a permanent screen or appropriately sized plant material.	Conditionally. A proposed condition of approval would require the developer screen all A/C equipment.
III.b: Detached carports and/or garages should have the same roof material and roof pitch as the main dwelling units.	Conditionally. A proposed condition of approval would require all garages and carports visible from the public right-of-way or park be finished with a roof pitch and material similar to that of the main residential buildings.
III.c: Projects with many buildings (greater than three) should provide a variety of building sizes and masses resulting in varying elevations from a streetscape perspective.	Not applicable. The proposed project includes a clubhouse, 12 apartment buildings, and nine garages; however, only three of the apartment buildings and the clubhouse would be visible from the right of way.
III.d: Bus stops should share the same architectural theme as that of the dwelling units.	Not applicable. The proposed project does not propose additional bus stops, as there is already a stop less than 500 feet away.

III.e: Parking lots should not dominate area adjacent to public streets. Structures and parking should be interspersed creating pockets of parking and variety from a streetscape point of view.	Yes. In order to reduce the visual impact of parking lots, the developer has located all resident parking within the interior of the development.
Green Building Design Guideline	Preliminarily Meets Guideline?
VI.C.1: For residential buildings without solar energy systems, roof surface should be covered with a green/living roof (> 50% of roof surface) or with a cool roof.	Conditionally. A proposed condition of approval would require all residential buildings and carports be prewired for solar photovoltaic panels.
VI.C.2: Uncovered rooftop expanses greater than 200 s.f. should be designed to be strong enough to support green roofs, community gardens, raised beds, and be accessible to occupants for gardening purposes.	Not applicable. The proposed project includes sloped roofs which do not provide space for community gardens. Additionally, the aesthetic value of the development would be hindered by inclusion of energy systems or water heaters along the roof.
VI.C.3: Roofs should have solar hot water systems (panels), solar photovoltaic panels or low-profile wind energy generation turbines and should include a sustainable plan for maintenance of such systems. Roofs should be covered with a cool roof under the energy generation structures. Roof segments that are uncovered by energy systems should host raised bed garden space or greenhouses, a green/living roof, or cool roof surfaces.	
VI.C.4: Parking lot impacts should be minimized. Outdoor parking lots with more than 20 spaces and solar access over 75% or more of its surface area should install renewable energy systems on carport structures. Urban heat island impacts should be minimized through the use of shading (parking lot trees) or paving material design choices. Recommended choices include renewable energy systems on carport structures, shade trees, underground parking, and open-grid pavement systems.	Conditionally. The proposed landscape plans show the development would include parking lot trees for shading, and a proposed condition of approval would require all residential buildings and carports be prewired for solar photovoltaic panels.
VI.C.5: Electric vehicle charging units should be made available to tenants with electric vehicles. The parking spaces with charging units should be clearly marked with signs designating them for assigned tenants or electric vehicle use only.	Conditionally. A proposed condition of approval would require the developer prewire for a minimum of 12 electric vehicle charging stations, and install two stations.

VI.C.6: Pedestrian and bicycle paths should provide safe, visible, and unobstructed bicycle and pedestrian access between facilities, from facility entrances to bicycle and pedestrian routes (sidewalks and bicycle lanes), through parking lots, and between facilities and existing or planned bicycle and pedestrian routes.	Yes. The proposed project includes heavy landscaping, including 20 shade trees, along the frontage of West Leland Road. The project also includes a network of internal pathways throughout the site, is less than 500 feet from a bus stop, and less than a mile from a BART station. These factors, combined with proposed conditions of approval which would require the developer install a new six-foot-wide sidewalk along West Leland Road, bicycle parking facilities, and a bicycle repair station, would promote use of alternative modes of transportation.
VI.C.7: Convenient, visible, and secure bicycle storage facilities should be available on site, sufficient to accommodate demand of residents and guests.	
VI.C.8: Outdoor design and features should maximize landscaping water conservation.	Yes. The proposed landscape plans note that all planting areas shall be water by a fully automatic irrigation system. No turf will be used.

SUMMARY OF IMPACTS AND MITIGATIONS

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
LAND USE				
The project would result in the urban conversion of the largest of the five remaining unsubdivided properties in the city's Southwest Hills planning area, would result in a substantial westerly extension of urbanization, and would represent a significant loss of local open space values.	S	This impact would be unavoidable and unmitigable, unless the general plan development designations and corresponding project size and development area were substantially reduced and confined to the lower elevations of the site.	City	SU
Construction of the project and associated freeway, arterial roadway, and infrastructure improvements would have significant growth-inducing effects on the adjacent Alves, Seecon, DeBonneville, and Ridge Farm properties.	S	Project growth-inducing effects on the adjacent Alves, Seecon, DeBonneville, and Ridge Farm properties would be subject to similar individual rezoning, environmental impact documentation, and public review procedures to ensure that associated adverse impacts and related mitigation needs are adequately addressed.	City	LS
Conversion of the project site from agricultural rangeland to urban use would not constitute a significant adverse impact because none of the site is classified as prime agricultural land, the project represents a small portion of the countywide rangeland inventory, and the project	LS	No mitigation required.	None	LS

S = Significant

LS = Less than significant

SU = Significant unavoidable impact

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
would not contribute to a significant countywide cumulative decline in agricultural productivity.				
The project would extend suburban density residential development to an elevation 270 feet higher than the highest existing suburban development, and would extend "ranchette" lots up to an elevation approximately 500 feet higher than existing major subdivisions in the Pittsburg hills. The visual impacts of this project aspect, which would be significant, are described herein under <i>VISUAL FACTORS</i>.	S	This impact would be unavoidable and unmitigable unless the general plan Land Use map and/or policies were changed to confine development to lower elevations of the project site.	City	SU
The quality and livability of the approximately 309 closest project homes to the onsite PG&E and USA electrical transmission lines would be substantially diminished by views of these lines and associated towers.	S	Strategic planting of screen vegetation should be incorporated into the project landscaping plan to filter or block views of the transmission lines and towers from affected private lots, project travel corridors, and other key onsite vantage points. Even with these measures, however, these impacts could not be reduced to less than significant levels, given the height and prominence of the existing tower lines.	Project	SU
The proposed large lots located atop the southwest ridge area of the site do not assure adequate preservation of the <i>Open Space</i> area designated on the City of Pittsburg General Plan Land Use Map.	S	The approximately 95-acre <i>Open Space</i> area now shown on the project development plan as five large lots in Village N should be more effectively preserved as permanent undisturbed open space through use of a conservation easement or some similar legal instrument.	Project	LS

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Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
The project would involve culverting and filling of onsite creek channels, which would be inconsistent with <u>Pittsburg General Plan</u> provisions calling for preservation and enhancement of creek open space, habitat, and recreational values.	S	This easement should cover at least 85 percent of each of these lots.	--	--
		See Vegetation and Wildlife section for mitigation of this impact.	--	--
The project could have land use compatibility impact problems with existing or future grazing activity on the Alves property (until the Alves site is converted to similar residential use, as anticipated in the city's general plan).	S	Land use compatibility impacts between project residential uses and existing or future grazing activity on the Alves property should be mitigated by implementation of the following measures:	Project	LS
		- Warning prospective buyers of potential nuisances from grazing and other adjacent agricultural activity. - Implementation of strict project leash laws to keep project dogs away from livestock and equestrian activities on adjacent properties. - Construction of dog-proof fencing between project yards and adjacent agricultural operations.		
The introduction of approximately 13 project homes in Village D near existing kennel and planned "animal center" activities on the	S	The same mitigations listed for impacts to the Alves property should be implemented.	Project	LS

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Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
adjacent DeBonneville property may also result in future nuisance complaints from the new homeowners.				
The introduction of two or three project homes in Village D near existing grazing, stable, paddock uses, truck storage, and other ranching activities on the adjacent Ridge Farms property could result in future nuisance complaints from the new homeowners.	S	The same mitigations listed for impacts to the Alves property should be implemented.	Project	LS
The introduction of approximately 27 lots in project Villages G and N next to existing grazing activity on the adjacent Seecon property could also result in future nuisance complaints from the new homeowners.	S	The same mitigation listed for impacts to the Alves property should be implemented.	Project	LS
The construction of the project adjacent to Highway 4 could result in impacts on project residents related to air quality and noise.	S	See SEIR sections on Noise and Air Quality for recommended mitigation measures.	--	--
The project would be located outside the "Explosive Safety Quantity Distance" (ESQD) areas established to indicate the minimum required distance between inhabited structures and weapons storage activities at the Concord Naval Weapons Station.	LS	No mitigation required.	--	--

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Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
Successful development and buildout of the project, and completion of related highway interchange, arterial roadway extensions, and other infrastructure extensions, would substantially increase pressures for development of other surrounding southwest Pittsburg lands, including the recently annexed Alves site, the pending DeBonneville and Ridge Farm annexations, and eventually other lands	S	Any such precedent-following actions would be subject to similar individual general plan amendment, rezoning, environmental impact documentation, and public review procedures to ensure that associated impacts and related mitigation needs are adequately addressed.	City	LS

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Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
POPULATION AND HOUSING				
in the vicinity, including the adjacent Seeno property to the south. With the exception of the Alves property, urban development of these lands would require city approval of general plan amendments.	LS	No mitigation required.	None	LS
The project would result in the construction of 2,938 residential units, including 1,363 single-family units, 1,236 apartments, and 339 townhouses. These residential units would accommodate an estimated total population of 7,730. Assuming project completion by the year 2005, the 2,938 new housing units would account for approximately 49 percent of the ABAG-projected increase of 6,010 households in the Pittsburg area between 1990 and 2005 and almost four percent of the countywide increase of 77,100 households during the same 15-year period.				
Without the project, anticipated cumulative growth is expected to add approximately 3,489 residential units and approximately 8,025 persons to the city between 1990 and the year 2005, a 13 percent 1990-2005 increase. The project would increase this growth increment to a total of 6,427 new residential units and	LS	No mitigation required.	None	LS

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Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation

14,782 people, a 23 percent 1990-2005 increase.

Based on the anticipated project home price and rental ranges described in this SEIR, none of the 2,968 project homes would be affordable to households in the *very low* income range, roughly 25 to 30 percent would be affordable to households in the *low* income range, roughly 45 to 50 percent would be affordable to households in the *moderate* income category, and roughly 25 percent would be affordable to households in the *above moderate* income category.

TRANSPORTATION

The project would be constructed in phases which would be dictated primarily by market forces. The SEIR traffic analysis is based on the conservative ("worst case") assumption that construction of the first 1,000 project units would be completed by 1998 ("Phase I"), the second 1,000 units by 2000 ("Phase II"), and the remaining 438 units by 2005 ("Phase III"). Local roadway improvements assumed to be completed before the end of each of these three project phases include:

Phase I (by 1998): Widening of Highway 4 from four to six lanes between Willow Pass Road-Concord and Bailey Road; associated reconstruction of the Willow Pass Road and Bailey Road interchanges, extension of BART to Bailey Road, extension of Leland Road west into the site, but not yet connecting with Avila Road, and extension of Willow Pass Road over Highway 4 through the site to "stub" at the southern project boundary.

Phase II (by the year 2000): Leland Road would be connected to Avila Road.

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Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation

Phase III (by the year 2005): No additional improvements.

The proposed project residential mix would be expected to generate approximately 9,550 daily two-way trips on an average weekday following occupancy of Phase I; 7,560 additional trips after Phase II; and 5,910 additional trips after Phase III; for a total of 23,020 average daily trips. Project traffic distribution would occur as shown in SEIR Table 17 (section IV.C.2). Specific "base case" and project traffic impacts are described below (the term "base case" refers to anticipated future roadway operational conditions at years 1998, 2000, and 2005, without the project).

Base Case Traffic Impacts--Highway 4 and Ramps

Base case traffic volumes without the project would result in significant operational impacts on <u>westbound</u> Highway 4 in the AM peak hour west of Willow Pass Road-Concord by 1998; westbound east of Bailey Road by 2005; and on the westbound on-ramp from southbound Willow Pass Road-Pittsburg by 1998. Similar impacts would occur eastbound during the PM peak hour east of Bailey Road by 1998.	S	By 1998, require fair-share contribution from all "base case" developments for an additional freeway lane in each direction on Highway 4 west of the Willow Pass Road-Concord interchange to the Port Chicago interchange, an additional freeway lane in each direction east of Bailey Road to Railroad Avenue or beyond, and a second southbound Willow Pass Road-Pittsburg to westbound Highway 4 on-ramp lane. A short additional auxiliary lane should be provided to the west of this on-ramp lane merge area with the freeway mainline.	All "base case" development	LS
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Base Case Traffic Impacts--Non-Freeway Road Segments

Base case traffic volumes at local non-freeway midblock roadway segments <u>without the project</u> would result in significant operational impacts in the <u>AM peak hour</u> by the year 2005 on Bailey Road, south of Leland Road (borderline	S	By the year 2000, the city should require fair-share contributions from all benefitting "base case" developments to improve Bailey Road between Leland Road and the City of Concord (i.e., selected realignments to reduce curves	All "base case" development	LS
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Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
operating conditions), and on westbound Willow Pass Road-Pittsburg, east of Port Chicago Highway (borderline operating conditions). Similar impacts would occur during the <u>PM peak hour</u> on Bailey Road, south of Leland Road by the year 2000, and on Willow Pass Road-Concord (borderline operating conditions) by the year 2005.		and grades, widening of travel lanes, the addition of paved shoulders, and ideally, the addition of two more travel lanes). By the year 2005, the city should require fair-share contributions from all benefiting "base case" developments for the widening of Willow Pass Road-Concord from two to four lanes from Avila Road through the U.S. Naval Weapons Station.		
<i>Base Case Traffic Impacts--Intersections</i>				
Base case traffic volumes <u>without the project</u> would result in significant operational impacts in the AM and PM peak hours at the Willow Pass Road-Concord/Avila-Leland Road intersection by the year 2000 (i.e., unacceptable delays for left turns from Avila-Leland Road). Signal warrant criteria would be reached at the Willow Pass Road extension/Highway 4 eastbound ramps intersection by 1998, and at the Willow Pass Road-Concord/Avila-Leland Road intersection by 2000.	S	By the year 1998, the city should require fair-share contributions from all "base case" developments for the new signal that would be warranted at the Willow Pass extension/Highway 4 eastbound off-ramp intersection. By the year 2000, the city should require similar fair-share contributions for a traffic signal at Avila-Leland/Willow Pass Road-Concord intersection, for left and right turn deceleration lanes on the Willow Pass Road-Concord intersection approaches, and for the widening that would be needed on the Avila-Leland intersection approaches to provide separate right and left turn lanes. By the year 2005, the city should require similar contributions for a traffic signal at the Avila-Leland Road/Willow Pass extension intersection.	All "base case" development	LS

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
<i>Project Traffic Impacts--Highway 4 and Ramps</i>				
Project traffic would create significant additional operational impacts on Highway 4 in the AM peak hour <u>westbound</u> from the Willow Pass Road extension-Pittsburg to Willow Pass Road-Concord, and westbound, west of Willow Pass Road-Concord, by 2005.	S	By 2005, the project should provide a 200-to-300 space park-and-ride lot (two to three acres) adjacent to or near the Willow Pass Road-Pittsburg/Highway 4 interchange. The applicant should also coordinate project internal street design with local transit agencies to provide bus stops throughout the development, and should provide TSM/TDM information to all project residents.	Project	LS
		If the ongoing CCTA Highway 4 improvement project provides pavement width for only six lanes plus auxiliary lanes, the city should require a fair-share contribution from the project and all other benefitting developments towards the addition of one freeway lane in each direction (possibly an H.O.V. lane) from the Willow Pass Road-Pittsburg interchange to west of the Willow Pass Road-Concord interchange by 2005. If a mechanism is not established by the CCTA to collect such contributions, these impacts would be significant unmitigable impacts.	Project and all benefitting developments	LS

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SU = Significant unavoidable impact

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
Project Traffic Impacts--Non-Freeway Road Segments				
The applicant does not control access across the Alves property. Without this access, the project would result in significant adverse operational impacts to the local circulation system.	S	The applicant should construct access to the project through the Alves property. Without the access, the project should not proceed.		
Project traffic would create marginal operating conditions during the PM peak hour on Bailey Road south of Leland Road by 1998, and more than a five percent increase in traffic to a roadway with a pre-existing LOS E would occur by 2000. Project traffic would also create significant additional operational impacts during	S	The City should require fair-share contributions from the project and other benefitting developments for the widening and improvements needed along Bailey Road from Leland Road to the City of Concord by the year 2000. The City should require similar fair share contributions for the widening of Willow Pass	Project and all benefitting developments	LS

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Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
the AM peak hour on Bailey Road, south of Leland Road by 2005. Significant operational impacts would also occur on Willow Pass Road-Concord, south of Avila Road by 2005.		Road-Concord from two to four lanes south of Avila Road by 2005.		
<i>Project Traffic Impacts--Intersections</i>				
Project traffic would significantly aggravate the pre-existing need for signals at the intersection of the Willow Pass Road extension/Highway 4 eastbound ramps intersection by 1998, and the Willow Pass Road-Concord/Avila-Leland Road intersection by 2000.	S	#14 The project should provide a fair-share contribution towards the signalization of the Willow Pass Road-Pittsburgh/Highway 4 eastbound ramps intersection by 1998, provide similar contributions towards the signalization and geometric improvements needed at the Avila-Leland/Willow Pass Road-Concord intersection by 2000, and provide a right turn lane on the eastbound Leland Road approach to Bailey Road by 2005.	Project and all benefitting development	LS
The project would also contribute to cumulative traffic impacts throughout the citywide roadway system beyond the specific intersection and roadway segments analyzed in this SEIR.	S	#15 The project should be required to pay the Traffic Mitigation Fee being considered for adoption by the Pittsburgh City Council in June of 1992 to offset citywide traffic impacts.	City of Pittsburgh, all citywide developments	LS
<i>Regional Impacts</i>				
The project would incrementally add to the pre-existing base case need for widening of Highway 4 to the east through the Antioch area.	S	The project should be required to pay a regional traffic impact fee which should be established by the Contra Costa Transportation Authority. If such a fee is not established prior to issuance of project building permits, these impacts would be unmitigable significant impacts.	CCTA, City of Pittsburgh, adjacent jurisdictions, all regional development	LS

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Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
<i>Project Onsite Impacts</i>				
5.1.2 The westerly portion of the project would have only one access road for use during an emergency until the connection of Leland Road to Avila Road is completed as anticipated in Phase II.	S	Provide an interim emergency access connection from the west end of Leland Road on the south end of Willow Pass Road to the existing local street system.	Project	LS
5.1.3 The project Village A connection to Avila-Leland Road is proposed too close to the Willow Pass extension/Leland Road intersection and would create safety problems related to conflicting vehicular movements between these two intersections.	S	Redesign the project to eliminate the Village A street connection to Avila-Leland Road near the Willow Pass Road extension intersection.	Project	LS
5.1.4 The intersection of Avila-Leland Road/Willow Pass Road extension would operate at LOS E by 2005 in the AM peak hour. During the PM Peak hour, the intersections of Avila-Leland Road/Willow Pass Road extension, Avila-Leland Road/Village A and M access, Avila-Leland Road/Village B-Park access, and Avila-Leland Road/B Street-Village C access would experience unacceptable levels of service by the year 2000. The Avila-Leland/Willow Pass Road extension intersection would also warrant a traffic signal by the year 2000.	S	To mitigate onsite intersection impacts, signalize the Avila-Leland/Willow Pass Road extension intersection by the year 2000 and signalize the Avila-Leland Road intersections with Street B/Village C access and with the Village A and M access drives by 2005.	Project	LS

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Impacts	Potential Significance Without Mitigation		Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
	Potential Significance Without Mitigation	Potential Significance With Mitigation			
SOILS AND GEOLOGY					
The proposed preliminary project grading plan involves extensive "mass grading" over most of the 639-acre, hilly site in order to realize the proposed development capacity and repair existing landslides. The applicant estimate that between 7.5 and nine million cubic yards of earth would be moved to accommodate the project. The plan is expected to involve cuts up to 120 feet deep and 180 feet high, and fills up to about 125 feet deep and 130 feet high. The maximum inclination of both cut-and-fill slopes would be 3:1.					
Expansive soils on the site contain moderate to high shrink/swell potentials which, if not properly engineered for, could damage project homes, roads, and infrastructure.	S	Grading/foundation designs should be prepared for each lot based on a standard soils test performed by a qualified geotechnical professional on each lot after mass grading has been completed, and an associated report recommending appropriate lot-specific foundation design, soil preparation, and selective grading measures.	Project	LS	
A drainage plan should be prepared by a registered civil engineer for each lot in compliance with the provisions listed in SEIR section IV.D.3.b(1) to avoid impacts of expansive earth materials due to improper surface drainage.					
Soils on the site are also susceptible to severe stream, gully, and sheet erosion, particularly during project construction operations.	S	A project erosion control plan should be prepared and implemented by the project civil engineer and a qualified geotechnical professional. The plan should include construction of "V"-lined ditches on all graded slopes, should designate all drainageways as	Project	LS	

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Impacts	Potential Significance Without Mitigation		Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation	
Project hillsides are prone to slope stability problems such as landslide activity, slope creep, and debris flow.	S		public storm easements, should incorporate ABAG-recommended erosion control measures, and should incorporate <i>best-management</i> construction practices. In order to mitigate the specific slope stability impacts identified in the SEIR, the following measures must be completed by a qualified geotechnical professional prior to subdivision approval: ■ Preparation of a <u>detailed</u> geologic map. This map should identify every instance of past landsliding, earthflows, slumps, debris flows, debris basins, erosional gullies, and every occurrence of colluvial swales, soil creep, rock falls, and adversely oriented bedding. Test borings and/or exploration pits should be used to evaluate all areas of unstable material. ■ A slope stability analysis should be completed for critical cut slopes, fill slopes, and natural slopes. ■ A detailed slope stabilization plan should be prepared. This plan should include the measures listed in section IV.D.3.e(1) of this SEIR.	Project	LS	

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Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
Project homes, appurtenant structures, retaining walls, roadways, and public infrastructure could be damaged by reactivation of existing landslides on the site.	S	The slope stabilization plan described above should give particular attention to onsite landslide areas. Prior to subdivision approval, a detailed construction plan should be prepared, including detailed sections, limits of work, and grading specifications for all landslides, potential landslides, and off-site landslides.	Project	LS
Project homes, appurtenant structures, retaining walls, roadways, and public infrastructure could also be damaged by slope creep and debris flow.	S	The slope stabilization plan should include specific recommendations, including setbacks from slopes susceptible to slope creep, to offset potential damage to project features.	Project	LS
If project subsurface drainage improvements at cut and fill slopes are not properly maintained, they could cease to function as designed, causing slope stability impacts.	S	See General Mitigations at the end of this section.	Project	LS
The extensive and large amounts of fill proposed for the site, in combination with the number of compressible deposits on the site, make the project particularly subject to damage due to differential fill settlement.	S	To mitigate the potential effects of differential settlement: (1) a series of laboratory settlement analyses should be completed for soils on the site prior to subdivision approval; (2) all fill should be placed so as to minimize settlement; (3) subsurface drains should be placed under all fills; and (4) a fill settlement monitoring program should be implemented.	Project	LS

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Impacts	Potential Significance Without Mitigation		Mitigation Measures		Mitigation Responsibility		Potential Significance With Mitigation	
	Mitigation		Mitigation		Project		Project	
Damage to structures, as well as slope and stream bank failure, could occur within the project as a result of seismically-induced groundshaking. Groundshaking could also cause landslides, differential fill settlement, ground fissures, or liquefaction, effects which could also significantly damage project structures and infrastructure.	S		Seismic-related hazards could be offset through completion of the following: ■ Prior to subdivision approval, an analysis by a qualified geotechnical professional of the site susceptibility to earthquake-induced landsliding, fill settlement, development of ground fissures, and liquefaction, and the preparation of detailed recommendations to address identified hazards through engineering solutions or the avoidance of hazardous areas. This analysis should be based on test borings and laboratory tests. ■ Prior to subdivision approval, an analysis of possible sympathetic displacement along the fault related features of the site, and the preparation of recommendations for appropriate setbacks from these features. ■ Construction of project buildings and foundations, underground utilities, and other improvements in compliance with all public agency requirements.		Project		LS	
Project-grading (placement of fill, location of cuts) could affect existing onsite groundwater conditions (see Table 30, SEIR section IV.D.2), resulting in slope instability, differential fill settlement, seepage, and other geotechnical hazards. Also, project landscape irrigation could result in increased infiltration into the	S		These groundwater-related geotechnical hazards could be offset by construction of a subsurface drainage system in all fill areas (especially all springs or streams to be covered), construction of trench drains across all onsite valleys in which fill is proposed to extend offsite, subdrainage measures as		Project		LS	

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Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
groundwater system, resulting in similar geotechnical hazards.		needed at utility trenches, design of a surface drainage system which will not create adverse impacts on the groundwater regime, and education of project homeowners regarding the hazards of over-irrigation of landscape areas.		
The hauling of excess dirt from the site due to a possible grading cut-and-fill imbalance could result in heavy offsite truck traffic during the project construction period, and associated offsite and air quality impacts relating to dust particles.	S	Onsite grading should be balanced to the extent possible to reduce or eliminate necessary offsite hauling of dirt.	Project	LS

The SEIR also makes several general recommendations to facilitate effective mitigation of all identified impacts. These recommendations include: (1) the preparation of a detailed construction phase geologic map to verify that geologic conditions are as expected; (2) completion of progress and completion reports with a geologic mapping of all cut-and-fill pads and slopes, and also showing the installed location of subdrainages and cleanouts; and (3) the implementation of ongoing maintenance and repair programs for all geotechnical-related mitigation elements of the project, funded by a maintenance assessment district.

DRAINAGE AND WATER QUALITY

The project proponents have designed a drainage system which includes detention facilities designed to limit offsite drainage runoff peak runoff to levels stipulated by the Contra Costa County Flood Control and Water District. The design of the system has been approved by the CCCFCWCD.	LS	No additional mitigation is required.	None	LS
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Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
Although the total volume of runoff from the site would increase, the reduction in peak discharge rates created by the proposed drainage system, and the existing capacity of the downstream drainage system, would be expected to prevent the project from creating significant downstream drainage facility impacts due to increased volumes.	LS	Prior to Final Map Approval, a hydrology report describing the project drainage system design details must be submitted to all affected agencies. The report must present a complete hydraulic analysis of discharge from the project beneath Highway 4, and the capacity of the proposed retention basins.	Project	LS
As explained herein under Soils and Geology, the project could cause significant erosion and related impacts due to steep slopes, the susceptibility of site soils to erosion, and the large quantity of grading proposed.	S	The project grading plan should include an approved drainage and erosion control plan and an associated ongoing inspection program, as described in SEIR sections IV.D.3 (Soils and Geology) and IV.E.3.b (Drainage and Water Quality).	Project	LS
The conversion of the site from grassland to suburban type development would increase the amount of non-point urban pollutants flowing from the site into Shore Acres Creek and eventually into Suisun Bay.	S	In anticipation of the NPDES stormwater discharge permit requirements to be implemented in the near future, the project should include provisions for street cleaning, oil and grease separators for large parking areas, infiltration areas, and trash racks.	Project	LS
VISUAL				
The proposed conversion of hillside rangeland to urban use would be consistent with the <u>Pittsburg General Plan Land Use Map</u> , but	S	The visual impact associated with the proposed change in land use could not be mitigated to levels considered less than significant.	Project	SU

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Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
would represent a significant adverse visual impact on the rural, open space character of the distinctive Southwest Hills landscape.		However, the following measures would substantially reduce identified visual impacts: (1) Require that all project construction occur at elevations below the major ridgeline portion of the site (i.e., below approximately the 750-foot contour); (2) Incorporate appropriate controls on architecture, grading, introduced landscaping, future tree removal, ongoing landscape maintenance, and building materials and colors (including roofing) in the final project design (CC&Rs, etc.); (3) Incorporate architectural design standards in the project final design to ensure against visually conspicuous residential structures, particularly for possible custom homes in Village N; (4) Incorporate provisions and controls in the project final design related to common and private landscaping as described in SEIR section IV.F.2.a(4); and (5) Incorporate provisions and controls in the final project design to reduce the effects of light and glare, as described in SEIR section IV.F.3.a(5).		

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Impacts	Potential Significance		Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
	Without Mitigation	With Mitigation			
The location of residential uses and other features in proximity to the two parallel PG&E electrical transmission lines and associated towers would result in adverse visual impacts for residents and users of those project components closest to the lines.	S		Identified visual impacts associated with the PG&E electrical transmission lines and towers could be reduced, although not to less than significant levels, by the strategic location of trees and other landscaping.	Project	SU
The generally consistent building setbacks, home types, and building heights, in combination with the garage doors of similar design, narrow residential streets, limited front yard setbacks, and large percentage of two story homes, could result in visual monotony and an internal sense of excessive density and enclosure.	S		The final project design should include more variation in unit design, the inclusion of more single-story elements in two-story homes, the introduction of more single-story homes at selected locations along each street, and the introduction of unit designs which do not emphasize the garage door in the front elevation.	Project	LS
The project would significantly change the character of the west "gateway" to the Pittsburgh community as viewed from eastbound traffic on Highway 4 (see Figure 38 in SEIR section IV.F.2), and would also dramatically change the view of the site for westbound traffic on Highway 4 (see Figure 39).	S		Implementation of mitigation measures described in SEIR section IV.F.3 relating to: (1) increased tree planting; (2) implementation of an effective landscaping plan for Villages A, B, C, and M; (3) the use of subdued building materials and colors (including roofing); and (4) provision of dense landscaping in open space areas in Villages B, C, and M, would substantially reduce project adverse visual impacts on views from Highway 4, although not to less than significant levels. Preservation of the southern portion of Shore Acres Creek and	Project	SU

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Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
Project homes in Villages L, J, and M would be most visible from viewpoints in the Sea Breeze and Mota Ranch subdivisions. Project impacts on southerly views from these two subdivisions would be significant due to the close proximity, the large portion of the site visible from these locations, and the degree of contrast between the intensive new project suburban landscape and the distinctive existing hillside landscape (see Figure 40 in section IV.F.2).	S	incorporation of the creek into the project design would also reduce visual impacts. Implementation of all measures listed above and below would substantially reduce impacts on views from these locations, although not to less than significant levels. The preservation of the general plan designated "major ridge" and Open Space area of the site would also be particularly effective.	Project	SU
Views of the project from the Shore Acres community would be limited by intervening urban development and landscaping. However, loss of the visual relief currently provided to this community by the project site ridgeline backdrop to the south would be considered a significant adverse visual impact.	S	Implementation of all measures listed above and below would substantially reduce project impacts on views from locations in the Shore Acres community, although not to less than significant levels. The preservation of the general plan designated "major ridge" and Open Space areas would be particularly important.	Project	SU
Project visibility from the unincorporated West Pittsburgh community would be limited primarily to vantage points along Willow Pass Road and along those diagonal, northeast-southwest oriented residential streets north of Willow Pass Road which are in line with the project site. Loss of the visual relief currently provided by	S	Implementation of all measures listed above and below would substantially reduce impacts on views from West Pittsburgh vantage points, although not to less than significant levels. The preservation of the general plan designated "major ridge" and Open Space areas would be particularly important.	Project	SU

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Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation

the ridgeline backdrop of the project site would be considered a significant adverse visual impact.

Views of the project site from Evora Road (photograph 1 in SEIR section IV.F.1) and Avila Road would also undergo a dramatic change. The amount of traffic on Evora Road, the extent of views of the site from this route, and the distinctly rural existing character of the area would make the project impacts to these views particularly significant. Due to the relatively small amount of traffic on Avila Road, project impacts on Avila Road views would not be considered significant.

The development of the Oak Hills South subdivision and the Alves property, in combination with the project, would represent a major westerly extension of Pittsburg urbanization, a significant reduction in the existing hillside landscape, a significant loss of open space, and a corresponding significant cumulative visual impact. The potential future conversion of the adjacent DeBonneville, Ridge Farm, and Seecon properties to urban use would further increase the cumulative adverse visual impact.

Mitigation relating to use of subdued building materials and colors, and common landscaping, would be effective in substantially reducing project impacts on views from Evora Road and Avila Road-Leland Avenue. Mitigation relating to increased overall landscaping, landscaping in Villages A, B, and C; and use of subdued roofing materials would be particularly important for reducing impacts on views from Evora Road.

Each additional development in the project vicinity is currently undergoing or will be subject to its own environmental review. The visual impacts and mitigation needs related to each of these projects should be addressed in each project review. Nevertheless, the cumulative adverse visual impacts of these development expectations, although substantially reducible through good design, could not be mitigated to less than significant levels.

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Project

City

SU

SU

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
The development plan includes five 20-acre+ lots in the ridgeline area in the upper southwest portion of the project site which is designated by the general plan as <i>Open Space</i> . Inadequate control of the development and use of these lots would be in conflict with the intent of this general plan land use designation and would create a significant adverse visual impact.	S	Any private ownership of the designated <i>Open Space</i> area should be subject to permanent prohibition on future development or visual impacts on at least 85 percent of the ownership through application of a conservation easement or some similar legal instrument.	Project	LS
The project site plan may not be consistent with the city general plan policy to retain "major ridgelines" as open space. Project homes are proposed in an area of the southwest corner of the site designed by the <u>Pittsburg General Plan</u> as a "major ridgeline."	S	The layout of Neighborhood N should be revised as warranted to achieve project consistency with the "major ridgeline" and <i>Open Space</i> designations of the city general plan.	Project	LS
VEGETATION AND WILDLIFE				
The project would involve removal of most of the site's existing vegetation, including over 500 acres of common annual grassland. The direct loss of this grassland vegetation would not be biologically significant, but would contribute to a significant regional cumulative loss of open wildlife range.	S	The project contribution to these regional impacts could be reduced, but not to less than significant levels, through appropriate revegetation and landscaping of the site with emphasis on native plants, and restoration of site riparian and wetland areas.	Project	SU
No sensitive plant species would be affected by the project.	LS	No mitigation is required.	None	LS

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Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
No significant impacts to common or sensitive wildlife species have been identified.	LS	No mitigation is required.	None	LS
The project would result in the loss of 0.75 acre of riparian thicket along Shore Acres Creek, and 3.5 acres of jurisdictional wetlands.	S	<u>The project should be redesigned to preserve the identified corridor of riparian and other vegetation along the northern section of Shore Acres Creek, and the riparian herbaceous meadow in the northwest corner of the site. Alternately, these sensitive habitats should be re-created elsewhere on the site (i.e., in a designated park or open space area) to the satisfaction of the US Army Corps of Engineers and the State Department of Fish and Game.</u>	Project	LS
		The wet meadow to be displaced by the eastbound offramp of the new freeway interchange should be re-created elsewhere on the site (i.e., in a designated park or open space area), to the satisfaction of the US Army Corps of Engineers.		
These stream and wetland fill aspects of the project would require a Section 404 permit from the US Army Corps of Engineers (COE) and would require a Streambed Alteration permit from the Department of Fish and Game (DFG).	S	As a condition of project approval, the applicant should be required to submit to the city written documentation showing that all COE and DFG requirements have been met with regard to Section 404 and the Streambed Alteration permitting process.	Project	LS

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Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
MUNICIPAL SERVICES				
Schools				
The project would generate an estimated 423 additional elementary school, 173 middle school, and 202 high school students. This additional enrollment would create significant impacts on the capacity of these Mount Diablo Unified School District elementary and middle schools serving the project area.	S	School enrollment impacts would be partially mitigated by the existing school impact fees. The project should also participate in a future added capital facilities program which would include (in addition to the payment of existing fees) payment of any additional impact fees established by the MDUSD under current state guidelines, and establishment of a project Mello-Roos District to fund the project's fair share of necessary cumulative school improvements. Project participation in this mitigation program could be reduced in exchange for financing or construction of a new elementary school on the project site.	Project, City, MDUSD	LS
Water				
The project would require construction of the water distribution system planned for the site by the city's <u>Water Master Plan Update</u> .	S	The project would be responsible for all water distribution system improvements required to serve the project, and should also constitute a project fair share toward the cost of recent water treatment plant expansion and raw water storage facilities.	Project	LS

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Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
<i>Sewer</i>				
The project would require the construction of the planned sewer collection system from the project to the existing West Pittsburgh interceptor, as anticipated by the Delta Diablo Sanitation District (DDSD). The DDSD has established a development fee to fund this construction.	S	The project would be required to pay the sewer development fees for DDSD Zone 1. Applicant completion of a sewer capacity study to determine the size of the project sewer extension lines and points of connection to the DDSD main facilities would also be required.	Project	LS
<i>Police Service</i>				
The project would be subject to longer than typical emergency response times and would generate a need for ten additional sworn police officers and five non-sworn personnel at project buildout.	S	A new, separate, fully staffed, southwest area beat should be established to meet the demands of the project and other cumulative growth in the city's southwest area. The police department also recommends that the project provide (1) adequate, well lit, accessible, and safe parking lots for proposed multi-family buildings, (2) streets which meet city standards, and (3) parks which do not abut side and/or rear yards of residential dwellings.	City	LS
<i>Fire Protection Service</i>				
The project would significantly increase the population located outside the existing range of adequate Riverview Fire Protection District (RFPD) emergency response time. The substantial new population generated by the	S	A new fire station should be constructed at a location which can meet the RFPD response time standard. The project should provide its fair share of those local fire protection capital improvement and operating expenses not	RFPD, Project fair share	LS

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Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
project would also create the demand for a new fire station (and associated equipment) in closer proximity to the site, and the need to fund ongoing operation of that station. Payment of the established Fire Facilities Fee for capital improvements and the Annual Benefit Assessment Fee for annual operations would only partially fund these necessary increases in capital facilities and ongoing operations require by the project.		covered by existing fees. The project should also incorporate the additional development design measures recommended by the RFPD which are listed in SEIR section IV.H.5.c(3).		
<i>Parks and Recreation</i>				
To meet city per-capita park standards, the project would need to include approximately 15.5 total acres of community park and 23 total acres of neighborhood parks. The proposed combination of one 36-acre community park, two "community recreation areas" totalling eight acres, and three one-acre village parks would meet the total acreage park needs of project residents and would provide adequate park facilities within walking distance (i.e., one-half mile) from all project lots, provided that the various park facilities are fully improved and completed in a sequence that adequately corresponds to project population needs.	LS	The project must complete proposed park and recreation facilities in a sequence that relates adequately to the needs of project residential phasing; i.e., at least one park facility which is equivalent to a neighborhood park (5 acres or greater in size) should be constructed with the first three project villages.	Project	LS

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Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
<i>Library Services</i>				
The project would increase the total population served by the Pittsburg and Concord branches of the Contra Costa County Library system by four and one-half percent. This population increase would reduce the already inadequate library space per capita and books per capita ratios at both of these branches.	S	The project should contribute additional library facilities equal to the need generated by the project. Based on nationally accepted per-capita standards, this goal would require the addition of approximately 3,865 square feet of library space, and the addition of 15,460 volumes of books to the local branches of the county library system. The project impact on library space and volumes per capita ratios could also be offset by adequate provision of a fully-equipped bookmobile.	Project	LS
<i>NOISE</i>				
Noise levels outside of proposed project homes closest to Highway 4, Willow Pass Road, and West Leland Road would exceed the normally acceptable exterior L_{eq} standard of 60 dBA for residential development and the interior standard of 45 dB L_{eq} when windows are open.	S	To mitigate exterior noise level impacts, an eight-foot high landscaped berm, or an 11-foot sound wall, or some combination of the two, should be constructed along Highway 4; a seven-foot sound wall should be constructed on both sides of the Willow Pass Road extension (or the project could be redesigned to allow room for a noise berm); and individual decks and patios on those project homes adjacent to Leland Road should be constructed with fences adequately designed to mitigate local noise impacts to each individual affected dwelling unit.	Project	LS

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Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
		First floor interior noise levels would be mitigated by those measures described above for exterior noise levels. Second story interior spaces exposed to 60 dB exterior noise levels should be provided with mechanical ventilation so that windows can be closed. In some cases, sound rated glazing may be required.		
No significant offsite noise impacts related to project-generated traffic have been identified.	LS	No mitigation is required.	None	LS
No significant construction period noise impacts on offsite land uses have been identified.	LS	No mitigation is required.	None	LS
Because the development would be phased, construction noise from later phases would impact project homes constructed in earlier phases.	S	To reduce identified impacts, project construction should be limited to weekdays between 8:00 AM and 5:00 PM. All equipment used in the project should be muffled and maintained.	Project	SU
AIR QUALITY				
Construction of the project would generate significant quantities of airborne particulate matter (PM-10) which could adversely affect existing or future residential areas near the project site.	S	Construction period air quality impacts should be reduced through implementation of the construction practices described in SEIR section IV.J.3(a).	Project	LS

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Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
Project generated emissions of carbon monoxide would not result in local concentrations above state and federal standards.	LS	No mitigation is required.	None	LS
<i>Need Determine Conduct</i> The project would result in emissions of regional pollutants (i.e., pollutants which affect the entire San Francisco air basin) exceeding 150 lbs. per day for two precursors of ozone (reactive organic gases, and oxides of nitrogen).	S	Project impacts on regional air quality could be reduced, but not to less than significant levels, by locating one or more neighborhood commercial centers within the project; by provision of expanded pedestrian trail, bicycle and transit facilities within the project to encourage alternative transportation options; and by restricting the number of fireplaces and woodstoves per household, and/or by requiring use of EPA-certified woodstoves or fireplace inserts.	Project	SU
CULTURAL RESOURCES				
Project and grading could damage prehistoric or historic resources located around the Rogers Ranch complex.	S	An archaeologist (familiar with the history of the site) should be present to monitor site clearing and grading to identify and remove any significant in this area and 19th century artifacts discovered in this process. All known and discovered historic resources should be catalogued and described in a summary archaeological report which would constitute preservation of the site's cultural resources in written form.	Project	LS

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SU = Significant unavoidable impact

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
Project grading and construction could also damage prehistoric and/or historic resources at the Highway 4/Isolate 1 location.	S	This location should be mechanically tested under the supervision of a qualified archaeologist for any evidence of buried prehistoric deposits before project grading and construction begin. If any resources are discovered, construction should be halted and further evaluation through hand excavation should occur to assess the significance of the finds and to formulate necessary further mitigation measures.	Project	LS
Project grading and construction could damage prehistoric and historic resources at the Alvernaz Ranch Complex location.	S	Historic research and an architectural evaluation for this location, plus backhoe testing, should be completed by qualified cultural resource professionals before any grading or construction begins. The results of the research should be preserved in written form. In addition, if any resources are discovered during the backhoe testing, a specific archaeological mitigation program should be formulated for this location depending on the nature of the find.	Project	LS
Project grading and construction could also damage prehistoric and historic resources at the identified possible barn/structure location along the minor drainage channel in the northeast corner of the site.	S	The mitigations described above for the Alvernaz Ranch Complex location should also be implemented for this location.	Project	LS

S = Significant
LS = Less than significant
SU = Significant unavoidable impact

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
PUBLIC HEALTH AND SAFETY				
Electrical Transmission and Distribution Line Impacts				
To date, there is no conclusive evidence regarding the possible health risks from power line EMF exposure. However, there is the potential that project residents could be exposed to power line EMFs that could adversely affect their health. There are approximately 73 lots or units proposed within 150 feet of the edge of the 230 kV PG&E transmission line easement and approximately 77 units or lots located within 100 feet of the PG&E 115 kv line easement. Future occupants of these units could be exposed to potential health risks related to prolonged EMF exposure.	S	Although no specific setback or other criteria exists beyond conventional PG&E easement boundaries, the following measures are suggested in this SEIR, based primarily on current state standards for school facilities: Setbacks. The applicant should endeavor to redesign the project such that proposed residential lots should be located at least 150 feet from the edge of the 87.5-foot 230 kV transmission line easement and 100 feet from the edge of the 50-foot 115 kV transmission line easement. This measure would require the relocation of up to an estimated 150 proposed residential lots and units. Disclosure. Prospective project residents of all project homes within 200 feet of the 230 kV line, 150 feet of the 115 kV line, and 100 feet of the 69 kV line <u>easement edges</u> should be notified in writing by the applicant of the potential EMF health risks associated with such lines. This could be achieved by requiring the project proponent to include such disclosures in	Project	Unknown

S = Significant
LS = Less than significant
SU = Significant unavoidable impact

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
<i>Natural Gas Well Hazard Impacts</i>				
The applicant plans to abandon the existing gas wells as the project is developed. Unless these gas wells are abandoned to current Department of Oil and Gas (DOG) standards specified in Section 1723 of Title 14 of the California Code of Regulations, future residents could be subject to the risk of explosion.	S	the sales and rental materials to be signed by future project residents.	Project	LS
		The following two mitigation measures should be implemented to reduce natural gas well hazard impacts to a less than significant level: <i>Remediation.</i> Pursuant to Section 3208.1 of the Public Resources Code, the applicant would be required to contact DOG's Woodland district office to determine whether wells have been abandoned to current abandonment standards (as required in Section 1723 of Title 14 of the California Code of Regulations), and whether additional remedial work on a particular well would be necessary.		
		<i>Avoid Abandoned Wells.</i> Revise the site plan to avoid construction of residential units over the wells. If avoidance is not possible, a State Division of Oil and Gas (DOG)-approved vent systems should be installed to collect and disperse any gas vapors that may be emitted from the wells.		

S = Significant
LS = Less than significant
SU = Significant unavoidable impact

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
<i>Natural Gas Well Access Impacts</i>				
Early phases of development could block access to gas wells located in portions of the site that would be developed in latter phases of the project, a potentially significant impact assuming that there is additional gas to be extracted.	S	Adequate access to the active well sites should be maintained. Access should be wide enough to allow large mobile rigs to access the active well sites.	Project	LS
<i>Natural Gas Well Noise Impacts</i>				
Noise associated with gas well compressors operating near earlier phases of development could disturb project residents. This could result in significant noise impacts prior to project build-out.	S	Noise from compressors used on gas wells that could adversely affect project residents should be reduced by implementing the following measures: <i>Limit Hours of Operation.</i> Limit noise-generating pumping activities near project residences to daytime, weekday (non-holiday) hours (8:00 AM to 5:00 PM). <i>Shield Equipment.</i> Shield stationary noise-generating equipment with plywood barriers in order to reduce noise impacts.	Project	LS
<i>Natural Gas Pipeline Impacts</i>				
PG&E has a ten-foot natural gas pipeline easement at the southwestern corner of the site. Ranchette Lot 1268 proposed in Village	S	Ranchette Lot 1268 in Village N at the southwestern corner of the site should include the necessary building setback and other	Project	LS

S = Significant
LS = Less than significant
SU = Significant unavoidable impact

Impacts	Potential Significance Without Mitigation	Mitigation Measures	Mitigation Responsibility	Potential Significance With Mitigation
N in the southwestern portion of the site would encroach into this pipeline easement.		limitations necessary to avoid encroachment into PG&E's gas pipeline easement.		
<i>Fuel Storage Tank Impacts</i>				
A small fuel storage tank is located near one of the existing natural gas wells in the northern portion of the site. If fuel spills or leaks have occurred and soil around the tank is contaminated, construction workers could be exposed to contamination during project site preparation work and future residents could be exposed to contamination over the long-term.	S	The fuel storage tank should be removed, the soils around the tank should be tested for contamination and, if necessary, the soil cleaned to ensure that it is devoid of any contamination from the tank. If contaminated soils are discovered, a remediation plan should be submitted to and approved by the Toxic Substances Control Division of the California Environmental Protection Agency (Cal-EPA). Implementation of an approved remediation plan would be expected to reduce impacts to a less than significant level.	Project	LS

S = Significant
LS = Less than significant
SU = Significant unavoidable impact



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 MEETING

NOTICE IS HEREBY GIVEN that the **Planning Commission of the City of Pittsburg** will conduct a public meeting on:

DATE: April 25, 2017
TIME: 7:00 p.m.
PLACE: City Council Chamber at City Hall
 65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Esperanza Apartments at San Marco (Village M), AP-13-932 (DR).

This is a request for design review approval of plans to construct a 318-unit apartment complex along the south side of West Leland Road, immediately west of Tomales Bay Drive. The project consists of 12 three-story buildings and site improvements on 13.3 acres in 'Village M' of the San Marco PD (Planned Development, Ordinance No.12-1362) District. Assessor's Parcel No. 097-550-018.

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

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

Where can I get more information about this project?

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

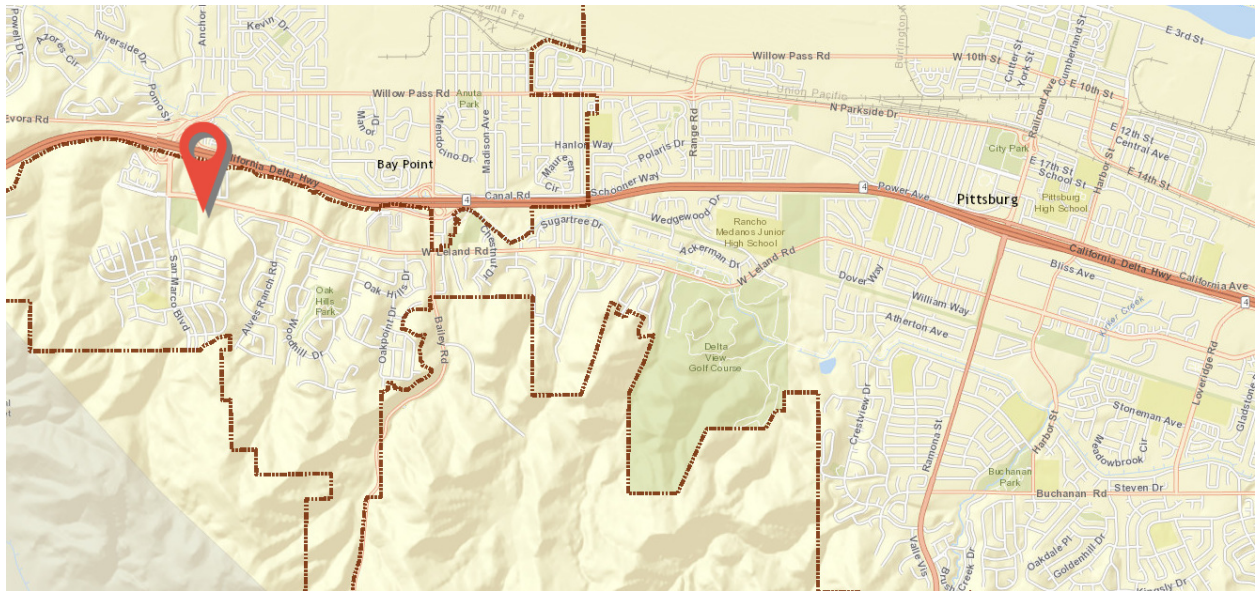
What can I do if I have comments on the project?

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

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


 KRISTIN POLLOT, AICP, SECRETARY
 PITTSBURG PLANNING COMMISSION

Project Title: Esperanza Apartments at San Marco (Village M), AP-13-932 (DR)
Location: South side of West Leland Road, west of Tomales Bay Drive, APN: 097-550-018



Jordan Davis

From: sonia gregerson [REDACTED]
Sent: Saturday, April 15, 2017 10:58 PM
To: Jordan Davis
Subject: Proposal for the Espranza Apartments

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Jordan Davis

I would like to raise an objection to the planned project: As this proposal was a surprised to me and my neighbors.

Esperanza Apartments at San Marco (Village M), AP-13-932 (DR). This is a request for design review approval of plans to construct a 318-unit apartment complex along the south side of West Leland Road, immediately west of Tomales Bay Drive. The project consists of 12 three-story buildings and site improvements on 13.3 acres in 'Village M' of the San Marco PD

I moved into the area of Vista Del Mar, the housing area between Tomales Bay Drive and Alves Ranch Road 3 yrs ago at that time we were told that the master planned was a park between San Marcos Blvd and Tomales Bay Drive. We were told that multifamily housing would be built in the area across the street from Vista Del Mar at Alves Ranch Road/crossing E. Leland Ave in the very large field.

There was no mention at that time about building apartments next to the community park nor do I see any in the previous designs for the park.

I realize that the Multifamily units (Apartments) are cheaper to construct than single-family housing or a Town homes. I realize that for the City is "willing to move forward with lower projected profit depending on the strength of the market,". What is the strength of the market?

New apartments were just built and opened at the San Marco Villa at San Marcos Blvd area during the end of 2016-2017. Why would we need another 318 units for rent instead of more single family housing for sale? What will they be renting for? Will there be mandatory availability for low income rental?

The 2016 report of the monthly supply of inventory noted that in Contra Costa County homes sold quickly but there are still constrained due to supply and demand.

So, we don't need more apartments; people are looking for homes to buy and invest in, there are not enough of homes as it is so why not put town homes in this area, or even the 'clustered' type homes? This would make more sense and be more useful than rental property, where you have more migrating tenants; coming and going.

Plus, we would then have twice as many people traveling on the East and West Leland Ave. We already have a quite a pile up in the morning with people driving towards the freeway and one lane available to turn right onto San Marcos Blvd as well as the public grade school traffic coming down San Marcos Blvd.

The infrastructure cannot handle this.

I will be at the meeting on 4/25 to listen to all the reasons you might feel that this would be a good project but in the end, **you don't have to live here**; I and my neighbors do, and we are all unhappy with this turn of events.

Respectfully

Sonia Gregerson

"when the power of love overcomes the love of power, the world will know peace"

Jordan Davis

From: Naila Syed [REDACTED]
Sent: Sunday, April 16, 2017 4:26 PM
To: Jordan Davis
Subject: Objections to Esperanza Apartments

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Jordan

This is an email to object the plans to the Esperanza Apartments. We moved into this community about 6 months ago and we were told by Seeno Homes of the ARCO garage and a community park. ARCO is up and running but the Park area has remained the same for years now.

This community is in desperate need of commercial and retail space. There needs to be space for kids to play and ideally have some sort of recreation center nearby. Instead the City of Pittsburg is happily taking all the taxes and special assessment monies and building more homes. I understand that there is a need, however there has to be other areas in Pittsburg. This specific area is already densely populated with lots of new and slightly older homes, but without any proper stores and the traffic is a nightmare in the morning.

I think the City of Pittsburg needs to do a proper needs assessment into what is needed in this area and not just keep suggesting new homes and apartments.

Additionally I would like to inquire of any site which can show new community development ideas of the City of Pittsburg

Sincerely

Naila Syed
Bellagio Community

Jordan Davis

Subject: RE: San Marco Development - Esperanza Apartments, etc.**From:** Kristie Ward [REDACTED]**Sent:** Tuesday, April 18, 2017 12:01 PM**To:** Kristin Pollot**Subject:** San Marco Development - Esperanza Apartments, etc.

Hi Ms. Pollot,

If this email should be sent to another staff member of the planning department, please let me know. I'm writing because of a conversation with my neighbors about the ongoing development in the San Marco area. Of particular concern are the plans for a 300+ apartment building called Esperanza.

My neighbor informed me that the environmental impact report is from 1993. If that is accurate, I'm sure that the report, along with other studies related to the quality of life and safety of residents, are woefully out-of-date and do not reflect the current situation in this area of Pittsburg. We have more houses here and in surrounding communities. Antioch, Brentwood, and Oakley are significantly more developed now than they were in 1993 and that impacts Pittsburg.

The traffic in the area during morning commute time already impacts many people trying to get to work. Aggressive driving, cutting through streets, and disregard for traffic laws are just a few of the problems on Leland between Bailey and San Marco. I know PPD is well aware of these issues.

I realize these development plans are agreed to years in advance, but if the infrastructure does not support the growth, the city will have a variety of other issues. Highway 4 is a mess and there are no other options besides Bailey to get into Concord. From what I have heard, there are no plans to extend Leland into Concord or San Marco over the hill. If there are plans, those should happen before construction on additional houses/apartments are complete.

Another concern among many neighbors are options for grocery stores, etc. Many of my neighbors spend their hard-earned dollars at stores in other cities when they would rather spend that money in Pittsburg.

Is there a formal channel to voice concerns over these plans? Attending city meetings does not always work for those trying to commute back home in the evenings, especially with how traffic has been lately.

Thank you for your time and assistance,

Kristie Ward
Resident of Oak Hills South

Jordan Davis

From: Gabe Essoe [REDACTED]
Sent: Thursday, April 20, 2017 2:32 PM
To: Jordan Davis
Cc: Kelley Essoe
Subject: Esperanza Apartment complex

To: Pittsburg City Council

Re: Esperanza Apartments

Date: 4/20/2017

I regret not being able to attend the Public Meeting on this matter, but I want to voice my **strong opposition against this project.**

The consideration is simple. This area of Pittsburg has been slowly deteriorating since I move here in 1999.

There are too many people for the amenities this area has to offer. There is only shopping center which is always totally crowded. Along with the greater population density, crime has risen dramatically. Adding another 318 units into an already congested area will reduce the quality of life here massively.

We need another shopping center, schools, more Bart parking. We need better services, not another 1000 people to further congest our limited resources.

Thank you for the consideration,

Gabe Essoe
Real Estate Broker
20 Quartz Ct, Pittsburg CA 94565
925-709-3232

**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
April 25, 2017**

ITEM: **No. 5 – East Santa Fe Triplex, AP-17-1225 (DR).**

ORIGINATED BY: Dan DiAnda, Orant LLC, 309 Ray St., Suite H, Pleasanton, CA 94566

SUBJECT: This is a request for design review approval of plans to construct a three-unit apartment complex and site improvements on a vacant 7,790 square foot parcel located at 465 East Santa Fe Avenue, in the RH (High Density Residential) District. APN: 086-143-004.

RECOMMENDATION:

Staff recommends that the Commission adopt Resolution No. 10061, approving Design Review Application No. 17-1225, subject to conditions.

BACKGROUND:

The proposed project site has historically remained vacant, but appears to have previously been used as additional parking for neighboring multifamily and single-family residences. The property was acquired by the current owner in 2015.

PROJECT DESCRIPTION:

Existing Conditions: The project site is a currently vacant 7,790 square foot lot located on the north side of East Santa Fe Avenue, west of Harbor Street. See Attachment 3 for an overview of surrounding land uses and photos of the project site's existing condition.

Proposed Project: The proposed project consists of three, three bedroom, market-rate apartment units, as well as related site improvements including drive aisles, parking, landscaping, walkways, and lighting. Each 1,300 square foot unit would include a single-car garage, two and one-half bathrooms (including an ensuite master bath), kitchen, dining area, living room, in-unit washer/dryer, and private, fenced yard space. The apartments feature a modern architectural design, characterized by strong angles, many windows, and multiple reliefs to provide building articulation and visual interest. The complex would provide a single vehicular entrance from East Santa Fe Avenue.

GENERAL PLAN/CODE COMPLIANCE:

General Plan: The property has a General Plan land use designation of *High Density Residential*, which is intended to provide sites for residential development at densities ranging from 14 to 25 units per gross acre. The proposed multifamily residential project

proposes a density of approximately 17 dwelling units per acre, and is therefore consistent with the uses and density envisioned by the General Plan for the *High Density Residential* land use designation. A full analysis of the project's consistency with all applicable general plan goals and policies can be found in Attachment 4 to this report.

Zoning: The property is located within the RH (High Density Residential) District. The proposed multifamily residential project is a permitted use within the RH District, subject to design review approval by the Planning Commission. As shown in Attachment 5, the proposed use would meet or exceed the development regulations for properties located within the RH District.

Parking: Pittsburg Municipal Code (PMC) section 18.78.040, Schedule A, specifies multifamily residential uses provide two parking spaces per unit, including one covered, as well as one-half space for per each unit having two or more bedrooms, yielding a total requirement of seven parking spaces for the project as proposed.

PMC section 18.78.040(G)(1) provides the Commission the authority to reduce the number of required parking spaces for multifamily residential projects on infill sites that are within one-quarter mile of a bus facility. As shown in Attachment 3, the proposed multifamily project site is within one-quarter mile of multiple bus stops; therefore, the applicant is requesting the Commission waive the required additional one-half space for each unit containing two or more bedrooms, and approve the project subject to a condition which would require the developer provide a third off-street parking space along the northern end of the project site, for a total of six off-street parking spaces (three covered and three uncovered).

Development Review Design Guidelines: The proposed development is subject to the City's adopted Development Review Design Guidelines (DRDG), adopted by Planning Commission through Resolution No. 9864. As shown in Attachment 6, the proposed project is consistent with the applicable DRDG sections, specifically those that call for: 1) high quality design and materials to be used; and 2) garage doors which do not dominate the street frontage.

The proposed project would also be in conformance with DRDG section IV, "Green Building Design Guidelines," if conditions are added to require that: 1) all air conditioning and other utility equipment be screened completely from view from all public right-of-ways; 2) turf areas be substituted with drought-tolerant ornamental grass material; and 3) fixed bicycle parking for at least one bicycle be provided within every unit.

Required Findings: Design review approval for the project can be granted by the Planning Commission only after the Commission makes a determination that the proposed project is consistent with PMC section 18.36.220 (B), which is summarized below:

- A. the structure conforms with good taste, good design and in general contributes to the character and image of the city as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality;
- B. the structure will be protected against exterior and interior noise, vibrations and other factors that may tend to make the environment less desirable;
- C. the exterior design and appearance of the structure is not of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value;
- D. the structure is in harmony with proposed developments on land in the general area; and
- E. the application conforms with the criteria set forth in any applicable city-adopted design guidelines.

Environmental: This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 32, "In-Fill Development Projects," of the state CEQA Guidelines, section 15332.

Public Notice: Although not required by the PMC, on or prior to April 14, 2017, notice of the April 25, 2017, public meeting to consider design review of the proposed project was posted at City Hall, the Pittsburg Library, and on the "Public Notices" section of the City's website; was delivered for posting at the Pittsburg Library; and was mailed via first class or electronic mail to the applicant, to the property owner, to owners of property located within 300 feet of the proposed project site, to local service agencies expected to provide services to the site, and to individuals who had previously filed written request for such notice.

ANALYSIS:

As shown in Attachment 4, the proposed project is consistent with applicable policies contained within the General Plan. Most notably, the proposed project is consistent with Housing Element Goal G-1, which encourages the City to foster development of a variety of housing types, densities, and prices to balance the City's housing stock and meet Pittsburg's regional fair share housing needs for people of all income levels. As described in the City's Housing Element, owner-occupied housing units are more likely to have three or four bedrooms, and the City currently maintains a significant supply of rental units with two or fewer bedrooms. Since 2013, the City has entitled 648 residential rental units with two or fewer bedrooms, 70 units (11 percent) with three bedrooms, and no four bedroom units. As such, the proposed project would help meet the need for market-rate rental housing with more than two bedrooms.

Staff believes the requested parking reduction is warranted and would not cause issues due to the small size of the project and the availability of street parking immediately adjacent to the site. The site layout and building design would also help reduce crime, as the proposal is consistent with multiple crime prevention through environmental design (CPTED) principles. Specifically, the proposed project layout:

- 1) allows for optimal natural surveillance, due to the number of windows overlooking the parking area and drive aisle, which are also visible from the street rather than hidden behind buildings; and
- 2) naturally controls access by providing a single entry point, and providing architectural bollards which help delineate public and private space.

Further, staff believes that the proposed project's high-quality design, apartment sizes, and amenities, such as attached garages, would make these units desirable. The project would contribute to the improvement of the area by developing a long-standing vacant parcel. With the adoption of several conditions of approval related to bicycle parking, landscaping and screening of utilities, the project would also be consistent with the applicable adopted Development Review Design Guidelines. With the inclusion of these conditions, staff believes that the Planning Commission can make the required findings to approve the proposed architectural and site development plans.

ACTION REQUIRED:

In order to approve the project as recommended, the Commission must move to adopt Resolution No. 10061 approving Design Review Application No.17-1225, subject to conditions.

ATTACHMENTS:

1. Proposed Resolution No. 10061
2. Project Plans, dated January 2017
3. Existing Conditions and Surrounding Uses
4. Applicable General Plan Goals and Policies
5. Property Development Regulations
6. Development Review Design Guidelines
7. Public Meeting Notice and Vicinity Map

Prepared by: Jordan Davis, AICP, Associate Planner

3 UNIT APARTMENT BUILDING

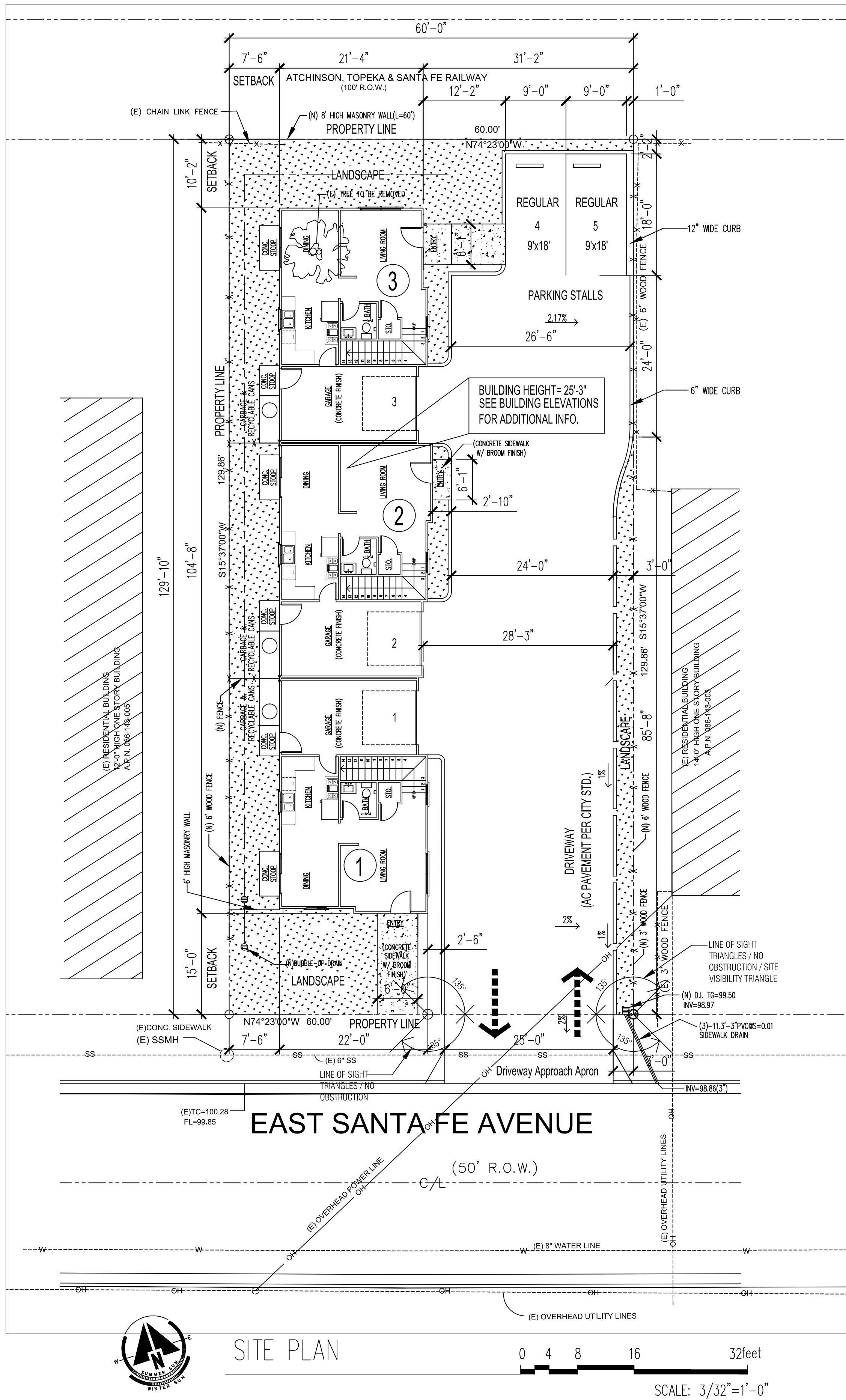
465 E. Santa Fe Avenue,
Pittsburg, California

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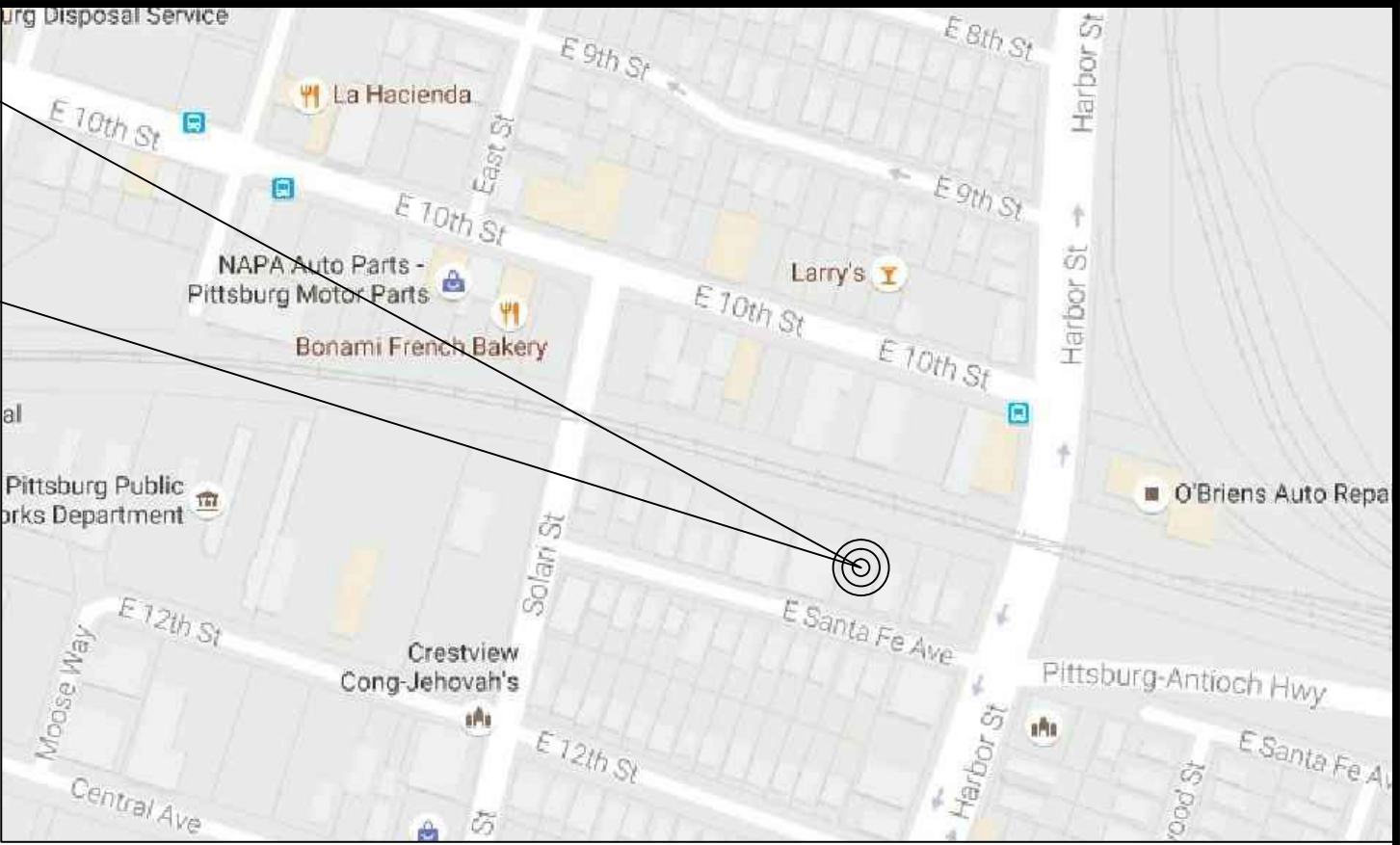
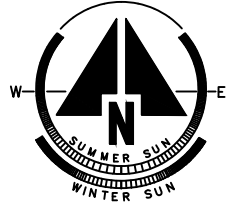


P E R S P E C T I V E

PROJECT DESCRIPTION:	
NEW 3 UNIT APARTMENT BUILDING DRAWING	
INDEX	
TITLE SHEET / PERSPECTIVE / DWG INDEX	A1
SITE PLAN / VICINITY MAP	A2
FIRST FLOOR PLAN	A3
SECOND FLOOR PLAN	A4
ROOF PLAN	A5
BUILDING ELEVATIONS	A6
BUILDING ELEVATIONS	A7
COLOR BOARD	A8
LANDSCAPE PLAN	A9
LANDSCAPE BOARD	A10



The Site
465 E. Santa Fe Avenue,
Pittsburg, California



VICINITY MAP

NTS

PROJECT DATA:

SITE AREA: 7,779.86 S.F.
ZONING: R-H
BUILDING AREA: 4,335 S.F.

PARKING ANALYSIS:

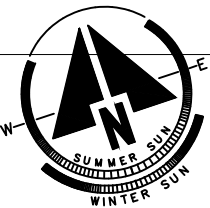
APARTMENT (3 BEDROOMS PER UNIT): = 2 STALLS REQUIRED
NUMBER OF PARKING REQUIRED: = 8 PARKING STALLS (7 PROVIDED)

PARKING PROVIDED:

REGULAR STALL: 5 (9'x18')
TOTAL PARKING PROVIDED: 5 PARKING STALLS

SITE DATA:

BUILDING COVERAGE: 2,233.50 S.F. / 7,779.86 S.F.= 28.70%
HARDSCAPE (CONC. WALKWAY/CONC.STOOP /PAD): 213.60 S.F. / 7,779.86 S.F.= 3.3%
LANDSCAPING: 2,131.76 S.F. / 7,779.86 S.F.= 27%
ASPHALT PAVING: 3,201 S.F. / 7,779.86= 41.0%
TOTAL: 7,779.86 S.F. = 100%



SITE PLAN

0 4 8 16 32feet
SCALE: 3/32"=1'-0"

ENGINEER CERTIFICATE

PREPARED UNDER THE SUPERVISION OF:

ALEJO M. PASCUAL, JR. RCE 27629 EXPIRES 3-31-18

AL PASCUAL & ASSOCIATES, INC.

841 Montevino Dr. Pleasanton, California (925) 487 4163

ENGINEERS
SURVEYORS
PLANNERS

SITE PLAN
3 UNIT APARTMENT BUILDING
465 E. SANTA FE AVENUE

CITY OF PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA

DRAWN BY: STAFF

DESIGNED BY: AL P.

CHECKED BY: AL P.

PRINTED:

DATE: JANUARY, 2017

SCALE: NTS

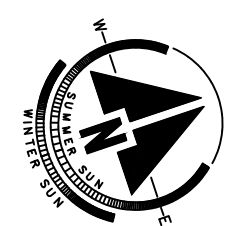
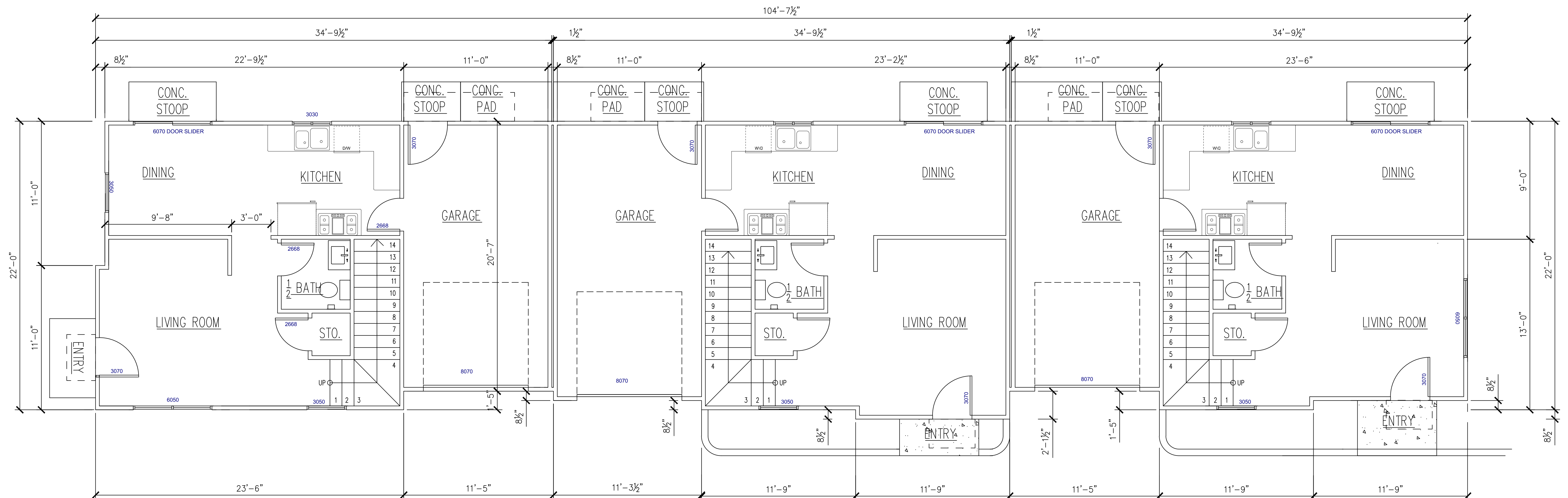
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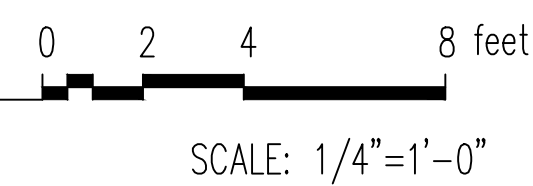
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A2

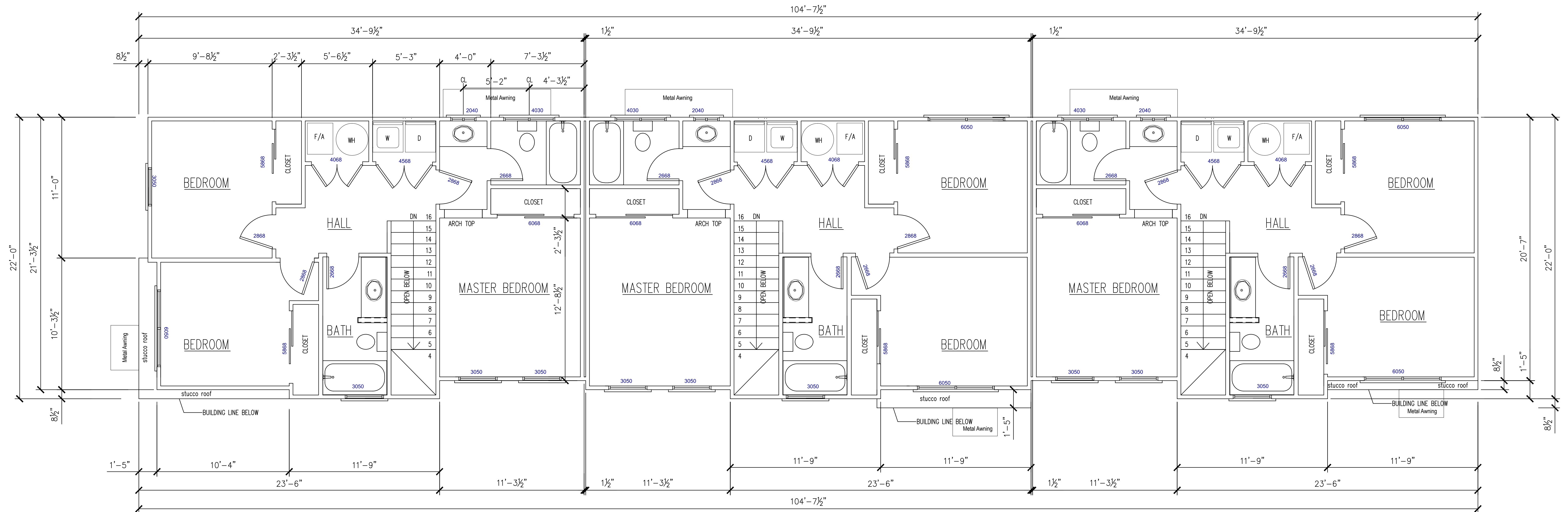
2 of 10 SHEETS



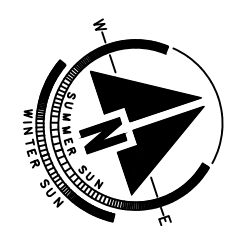
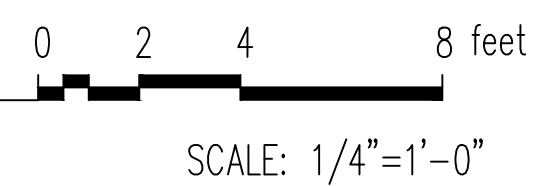
FIRST FLOOR PLAN



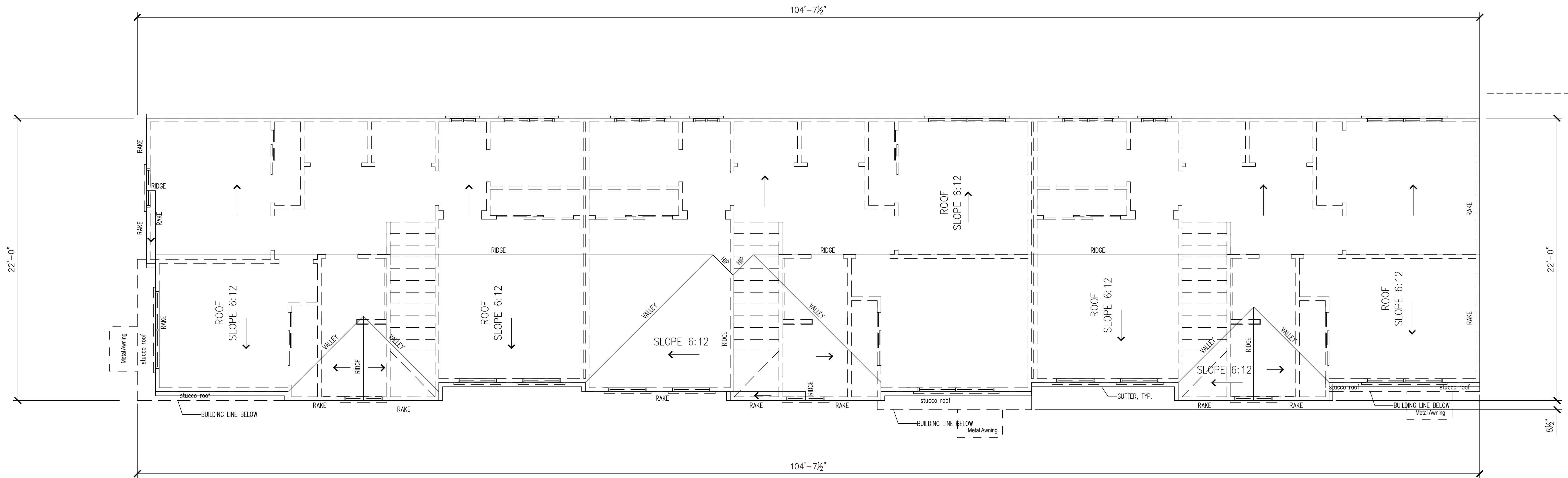
				<u>ENGINEER CERTIFICATE</u>		ENGINEERS SURVEYORS PLANNERS		COVER SHEET 3 UNIT APARTMENT BUILDING 465 E. SANTA FE AVENUE		DRAWN BY: STAFF	DATE: JANUARY, 2017	SHEET NO. A3 3 OF 10 SHEETS
				PREPARED UNDER THE SUPERVISION OF:		AL PASCUAL & ASSOCIATES, INC.		CITY OF PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA		DESIGNED BY: AL P.	SCALE: NTS	
						841 Montevino Dr. Pleasanton, California (925) 487 4163				CHECKED BY: AL P.	JOB NO. 3606	
NO. BY DATE REVISIONS APVD.				ALEJO M. PASCUAL, JR. RCE 27629 EXPIRES 3-31-18						PRINTED:	DISK NO.	



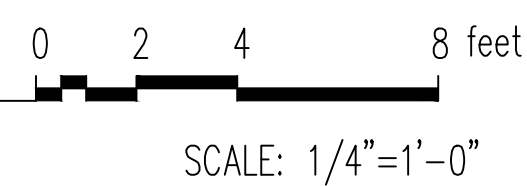
SECOND FLOOR PLAN



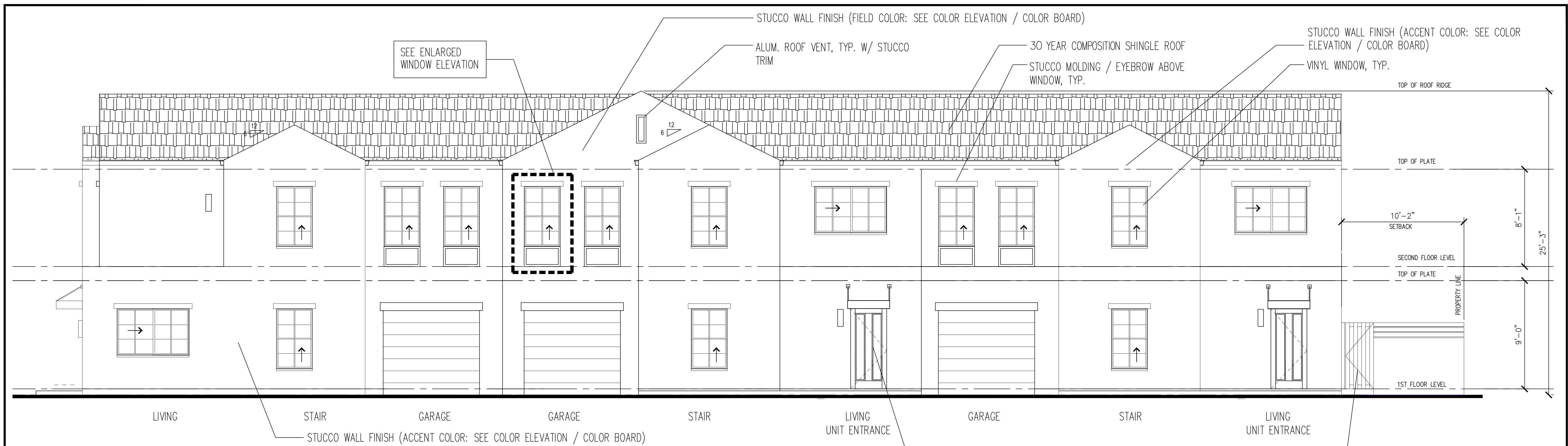
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						PREPARED UNDER THE SUPERVISION OF:		ENGINEERS SURVEYORS PLANNERS		CITY OF PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA		DESIGNED BY: AL P.	SCALE: NTS	
NO. BY DATE				REVISIONS		APVD.		841 Montevino Dr. Pleasanton, California (925) 487 4163				CHECKED BY: AL P.	JOB NO. 3606	
												PRINTED:	DISK NO.	4 OF 10 SHEETS



ROOF PLAN

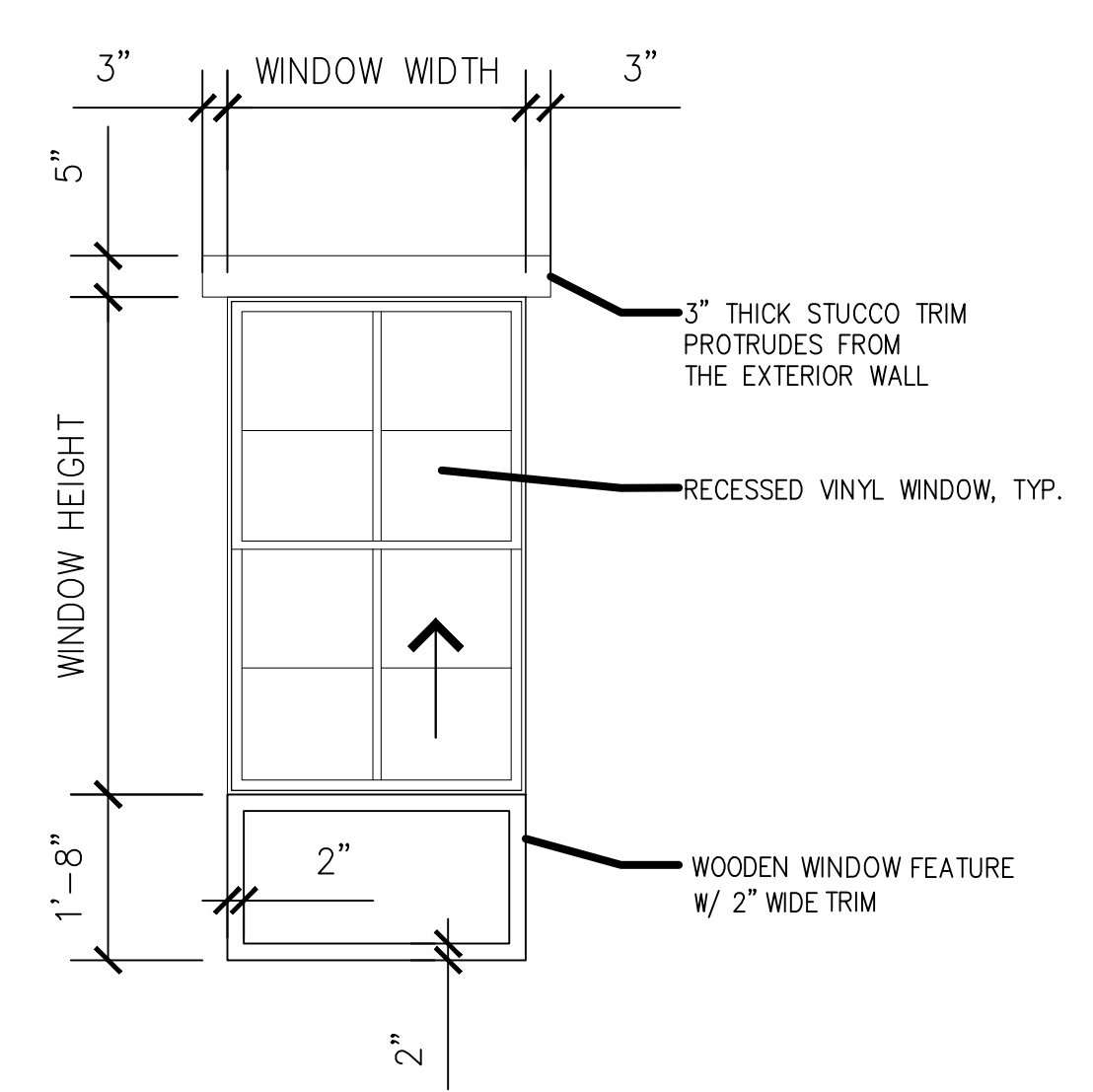
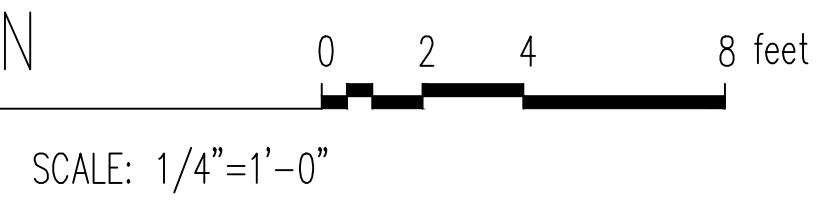


					ENGINEER CERTIFICATE PREPARED UNDER THE SUPERVISION OF:					ENGINEERS AL PASCUAL & ASSOCIATES, INC. SURVEYORS PLANNERS 841 Montevino Dr. Pleasanton, California (925) 487 4163					COVER SHEET 3 UNIT APARTMENT BUILDING 465 E. SANTA FE AVENUE CITY OF PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA					DRAWN BY: STAFF DESIGNED BY: AL P. CHECKED BY: AL P. PRINTED:		DATE: JANUARY, 2017 SCALE: NTS JOB NO. 3606 DISK NO.		SHEET NO. A5 5 of 10 SHEETS	
NO.	BY	DATE	REVISIONS		APVD.	ALEJO M. PASCUAL, JR. RCE 27629 EXPIRES 3-31-18																			



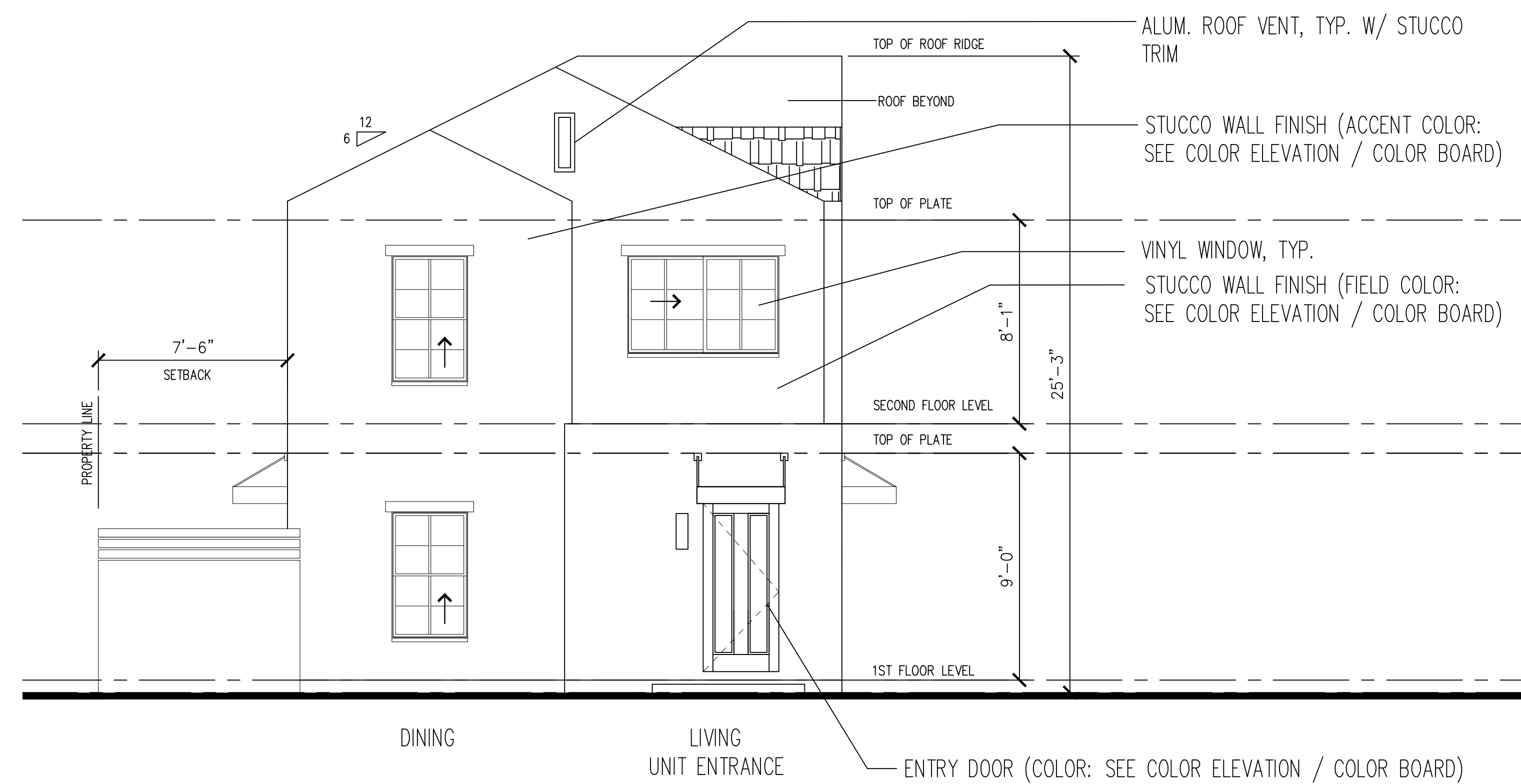
RIGHT SIDE ELEVATION

FACING DRIVEWAY



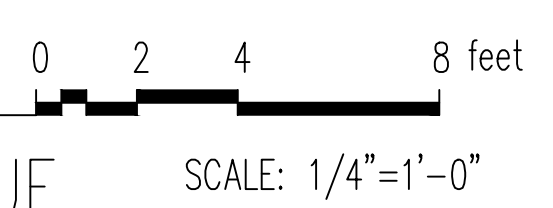
ENLARGED WINDOW ELEVATION

SCALE: 1/2"=1'-0"

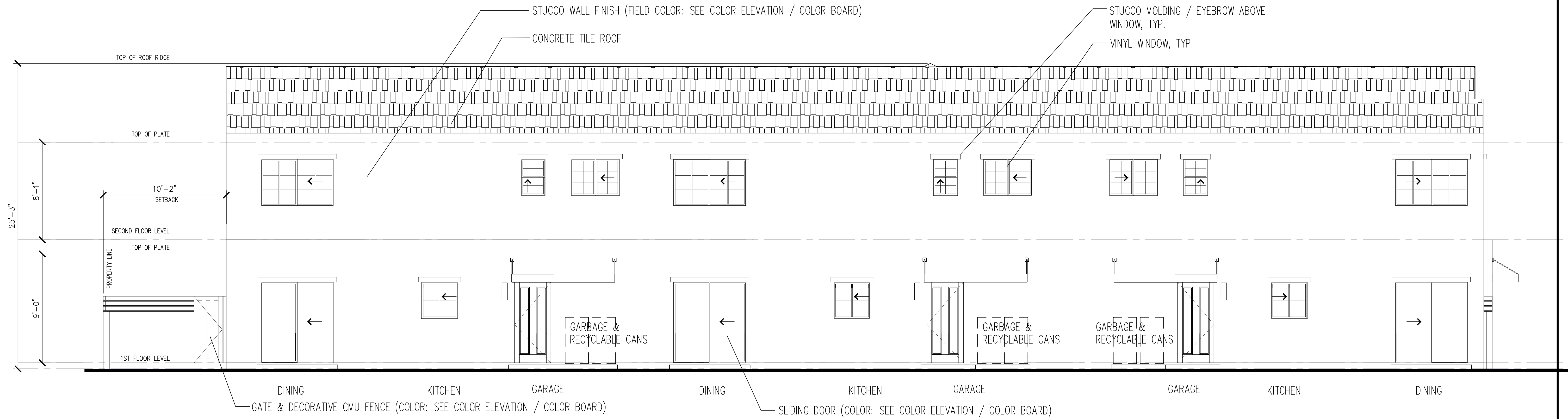


FRONT ELEVATION

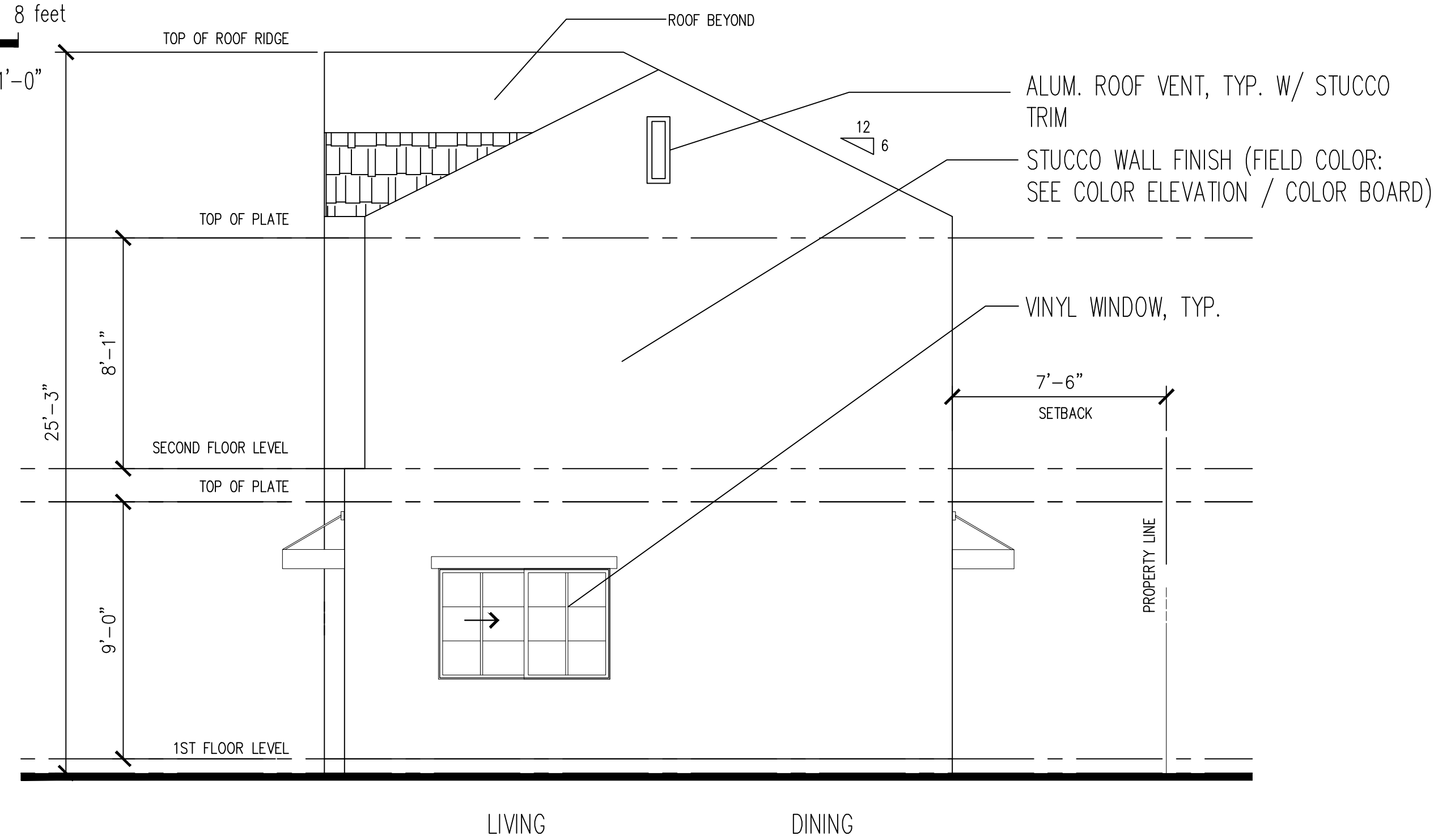
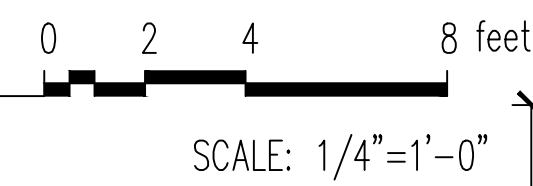
FACING EAST SANTA FE AVENUE



						<u>ENGINEER CERTIFICATE</u>		ENGINEERS		COVER SHEET		DRAWN BY: STAFF	DATE: JANUARY, 2017	SHEET NO. A6	
						PREPARED UNDER THE SUPERVISION OF:		SURVEYORS		3 UNIT APARTMENT BUILDING		DESIGNED BY: AL P.	SCALE: NTS		
								PLANNERS		465 E. SANTA FE AVENUE		CHECKED BY: AL P.	JOB NO. 3606		
NO.	BY	DATE	REVISIONS		APVD.	ALEJO M. PASCUAL, JR. RCE 27629 EXPIRES 3-31-18		841 Montevino Dr. Pleasanton, California (925) 487 4163		CITY OF PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA		PRINTED:	DISK NO.		
															6 OF 10 SHEETS



LEFT SIDE ELEVATION



REAR ELEVATION



NO.	BY	DATE	REVISIONS	APVD.	

ENGINEER CERTIFICATE		
PREPARED UNDER THE SUPERVISION OF:		
ALEJO M. PASCUAL, JR.	RCE 27629	EXPIRES 3-31-18

AL PASCUAL & ASSOCIATES, INC.		ENGINEERS SURVEYORS PLANNERS
841 Montevino Dr. Pleasanton, California (925) 487 4163		

COVER SHEET	
3 UNIT APARTMENT BUILDING	
465 E. SANTA FE AVENUE	
CITY OF PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA	

DRAWN BY: STAFF	DATE: JANUARY, 2017	SHEET NO. A7 7 OF 10 SHEETS
DESIGNED BY: AL P.	SCALE: NTS	
CHECKED BY: AL P.	JOB NO. 3606	
PRINTED:	DISK NO.	



FRONT ELEVATION
FACING E SANTA FE AVE.
NOT TO SCALE

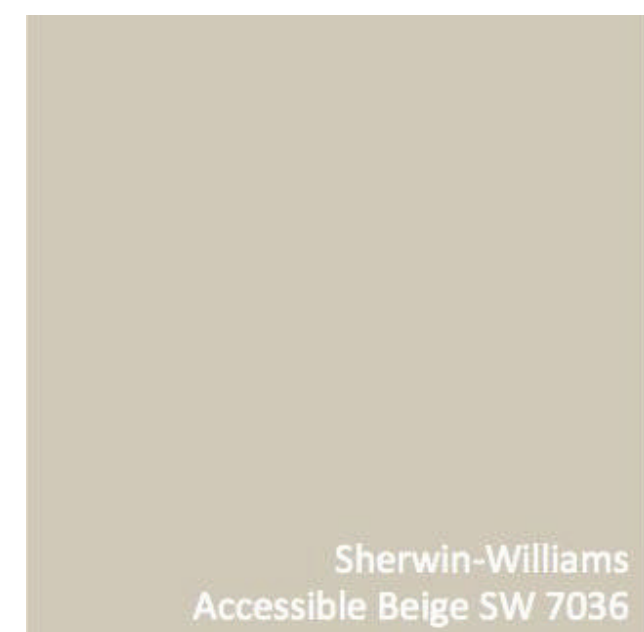


RIGHT ELEVATION
FACING DRIVEWAY
NOT TO SCALE

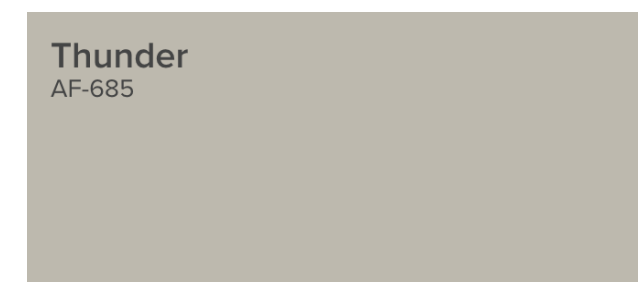
1 COLOR PALLETTE



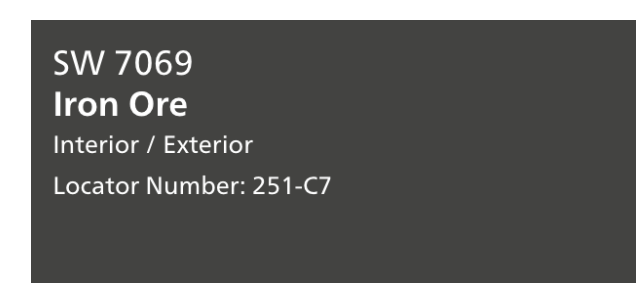
'FIELD COLOR' OF BUILDING



'ACCENT'/SECONDARY BUILDING COLOR



TERTIARY BUILDING COLOR - 'POP-OUTS' & TRIM



DOOR, FASCIA, & WOOD WINDOW FEATURE COLOR

2 STUCCO WALL
W/ PAINTED WOODEN SLAT PRIVACY SCREEN



3 STUCCO FINISH:



SMOOTH COAT STUCCO EXTERIOR FINISH
COLORS: FIELD: ALABASTER;
ACCENT: ACCESSIBLE BEIGE
STUCCO TRIM: THUNDER

4 FRONT ENTRY DOORS



CRAFTSMAN ENTRY DOOR W/ WINDOW
COLOR: IRON ORE

5 COMPOSITION SHINGLE ROOF



GAF GRAND SEQUOIA SLATE
LAMINATED ROOF SHINGLES - COLOR: SLATE

6 GABLE VENT



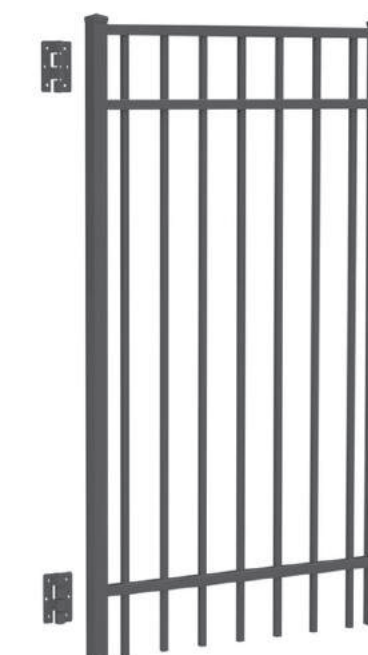
LOUVER GABLE VENT - COLOR: IRON ORE
STUCCO TRIM - COLOR: THUNDER

7 WOODEN WINDOW FEATURES



EXAMPLE: WOODEN BOX RELIEF UNDER WINDOWS
COLOR: IRON ORE

8 IRON GATE



DECORATIVE BLACK FENCE GATE

9 GARAGE DOOR



INSULATED SINGLE GARAGE DOOR
COLOR: IRON ORE

10 WINDOW STYLES



VINYL WINDOW W/ GRIDS
EXTERIOR FACING: BRONZE
INTERIOR FACING: WHITE

11 LIGHT FIXTURES



2 LIGHT OUTDOOR FLUSHMOUNT LAMP

12 METAL AWNINGS



COLOR: IRON ORE

ENGINEER CERTIFICATE

PREPARED UNDER THE SUPERVISION OF:

ALEJO M. PASCUAL, JR. RCE 27629 EXPIRES 3-31-18

AL PASCUAL & ASSOCIATES, INC.

841 Montevino Dr. Pleasanton, California (925) 487 4163

ENGINEERS
SURVEYORS
PLANNERS

COLOR BOARD
3 UNIT APARTMENT BUILDING
465 E. SANTA FE AVENUE

CITY OF PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA

DRAWN BY: STAFF

DESIGNED BY: AL P.

CHECKED BY: AL P.

PRINTED:

DATE: JANUARY, 2017

SCALE: NTS

JOB NO. 3606

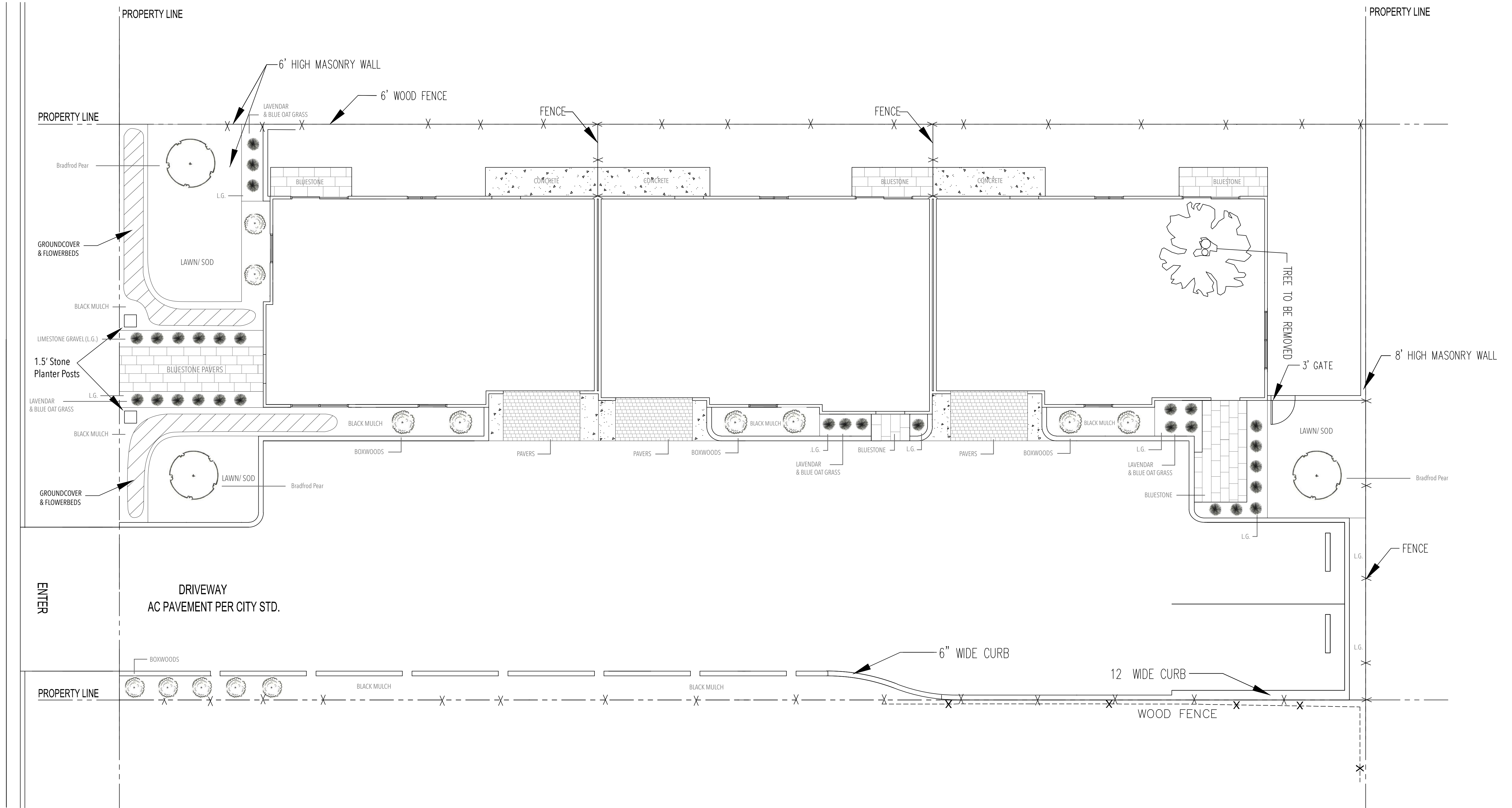
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SHEET NO.

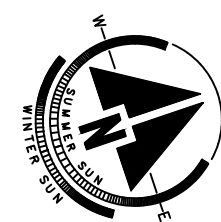
A8

8 of 10 SHEETS

EAST SANTA FE AVENUE



NOTE: LANDSCAPING AREAS SHALL NOT BE LESS THAN THREE FEET WIDE (CITY OF PITTSBURG DRDG II.M)
ALL DRIP IRRIGATION



SITE PLAN



SCALE: 3/16"=1'-0"

				ENGINEER CERTIFICATE		ENGINEERS SURVEYORS PLANNERS		CONCEPTUAL LANDSCAPE PLAN 3 UNIT APARTMENT BUILDING 465 E. SANTA FE AVENUE		DRAWN BY: STAFF	DATE: JANUARY, 2017	SHEET NO. A9 9 OF 10 SHEETS
				PREPARED UNDER THE SUPERVISION OF:		AL PASCUAL & ASSOCIATES, INC.		CITY OF PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA		DESIGNED BY: AL P.	SCALE: NTS	
NO. BY DATE REVISIONS				APVD: ALEJO M. PASCUAL, JR. RCE 27629 EXPIRES 3-31-18		841 Montevino Dr. Pleasanton, California (925) 487 4163				CHECKED BY: AL P.	JOB NO. 3606	
										PRINTED:	DISK NO.	

SHRUBS

A large, dense bush of lavender with many tall, purple flower spikes, growing in a garden bed next to a path.

FLOWERBEDS

A photograph of a well-maintained flower bed. In the foreground, there are bright yellow daffodils on the left and a large bush of light purple lavender in the center. To the right of the lavender is a plant with silvery, fuzzy foliage. The background is filled with more greenery and various flowers, including pink roses. A wooden edging separates the flower bed from a gravel path on the right. A semi-transparent text box in the lower-left corner of the image contains the text: "GAP Gardens", "www.gapphouse.com", and "02115".

A close-up photograph showing a dense layer of dark brown, shredded wood mulch. The mulch consists of numerous small, irregular pieces of wood, bark, and twigs, creating a textured surface. The lighting is even, highlighting the natural grain and color variations of the wood.

A close-up photograph showing a light-colored gravel surface on the left and a green lavender plant with small purple flowers on the right. The gravel is composed of small, rounded stones. The lavender plant has long, thin green leaves and clusters of tiny purple blossoms.

A close-up photograph of a paved surface composed of rectangular stone tiles. The tiles are arranged in a staggered pattern and vary in color, including shades of gray, beige, and light brown. The surface appears to be made of natural stone or concrete.

				I				ENGINEER CERTIFICATE		ENGINEERS		LANDSCAPE BOARD		DRAWN BY: STAFF		DATE: JANUARY, 2017		SHEET NO.	
								PREPARED UNDER THE SUPERVISION OF:		SURVEYORS		3 UNIT APARTMENT BUILDING		DESIGNED BY: AL P.		SCALE: NTS		A10	
										PLANNERS		465 E. SANTA FE AVENUE		CHECKED BY: AL P.		JOB NO. 3606			
NO.				BY		DATE		REVISIONS		APVD.		CITY OF PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA		PRINTED:		DISK NO.			
								ALEJO M. PASCUAL, JR.		RCE 27629 EXPIRES 3-31-18		841 Montevino Dr. Pleasanton, California (925) 487 4163						10 of 10 SHEETS	

3 UNIT APARTMENT BUILDING

465 E. Santa Fe Avenue,
Pittsburg, California

RECEIVED
FEB 07 2017
PLANNING DIVISION



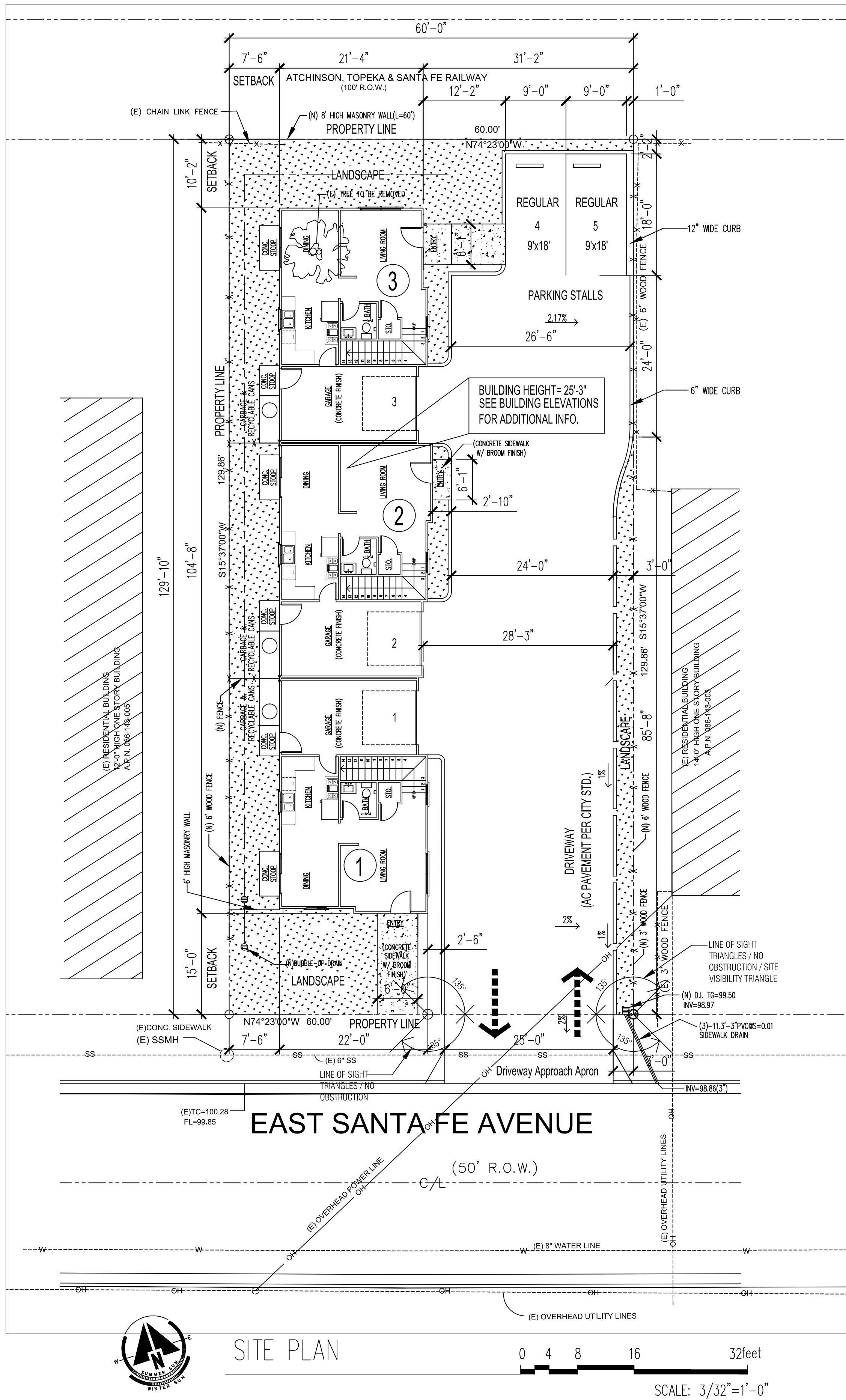
P E R S P E C T I V E

PROJECT DESCRIPTION:

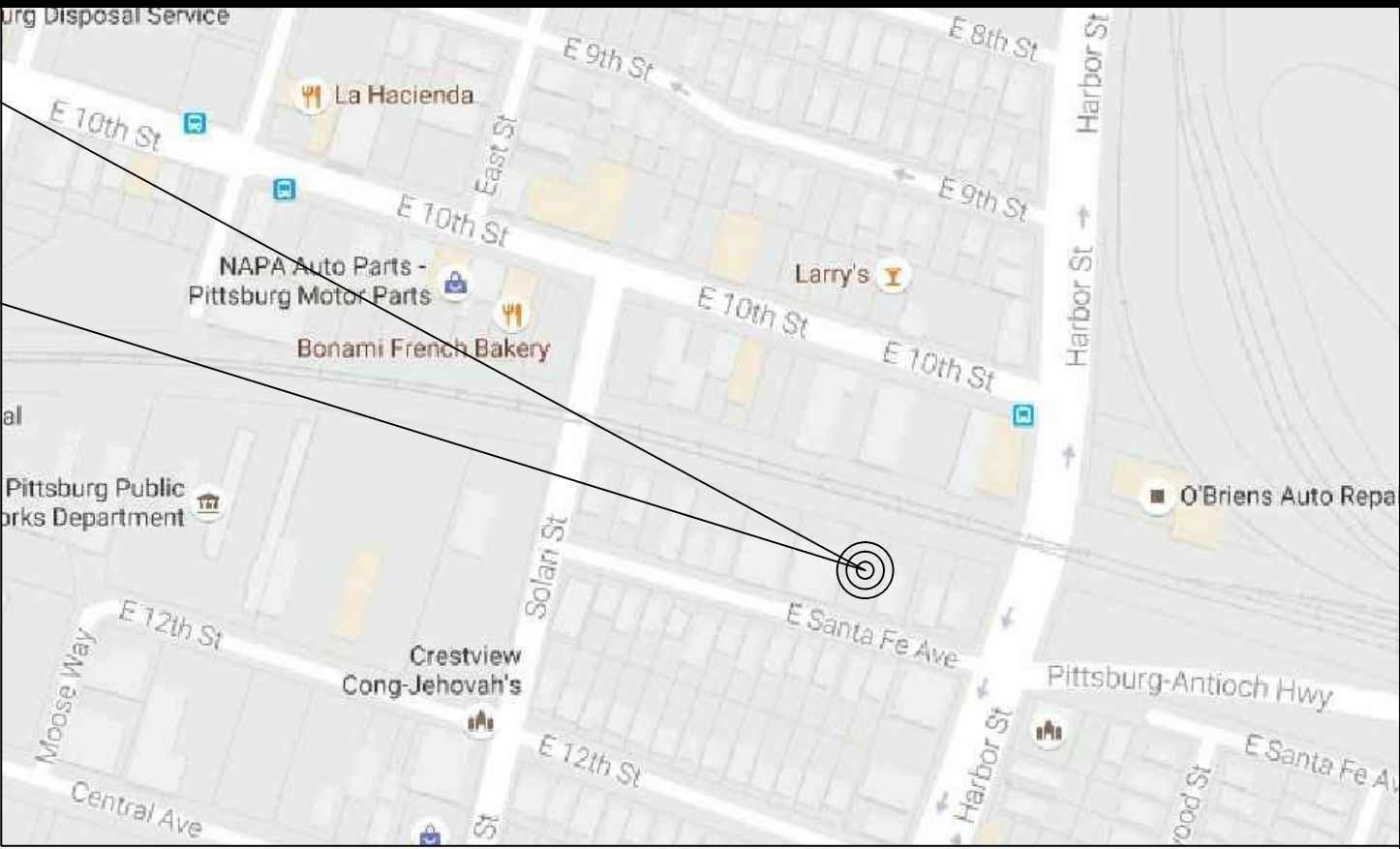
NEW 3 UNIT APARTMENT BUILDING DRAWING

INDEX

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BUILDING ELEVATIONS	A6
BUILDING ELEVATIONS	A7
COLOR BOARD	A8
LANDSCAPE PLAN	A9
LANDSCAPE BOARD	A10



The Site
465 E. Santa Fe Avenue,
Pittsburg, California



VICINITY MAP

NTS

PROJECT DATA:

SITE AREA: 7,779.86 S.F.
ZONING: R-H
BUILDING AREA: 4,335 S.F.

PARKING ANALYSIS:

APARTMENT (3 BEDROOMS PER UNIT): = 2 STALLS REQUIRED
NUMBER OF PARKING REQUIRED: = 8 PARKING STALLS (7 PROVIDED)

PARKING PROVIDED:

REGULAR STALL: 5 (9'x18')
TOTAL PARKING PROVIDED: 5 PARKING STALLS

SITE DATA:

BUILDING COVERAGE: 2,233.50 S.F. / 7,779.86 S.F.= 28.70%
HARDSCAPE (CONC. WALKWAY/CONC.STOOP /PAD): 213.60 S.F. / 7,779.86 S.F.= 3.3%
LANDSCAPING: 2,131.76 S.F. / 7,779.86 S.F.= 27%
ASPHALT PAVING: 3,201 S.F. / 7,779.86= 41.0%
TOTAL: 7,779.86 S.F. = 100%

SITE PLAN

0 4 8 16 32feet
SCALE: 3/32"=1'-0"

ENGINEER CERTIFICATE

PREPARED UNDER THE SUPERVISION OF:

ALEJO M. PASCUAL, JR. RCE 27629 EXPIRES 3-31-18

AL PASCUAL & ASSOCIATES, INC.

841 Montevino Dr. Pleasanton, California (925) 487 4163

ENGINEERS
SURVEYORS
PLANNERS

SITE PLAN
3 UNIT APARTMENT BUILDING
465 E. SANTA FE AVENUE

CITY OF PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA

DRAWN BY: STAFF

DESIGNED BY: AL P.

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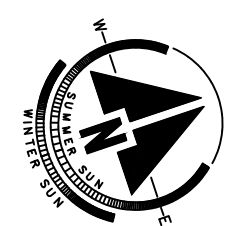
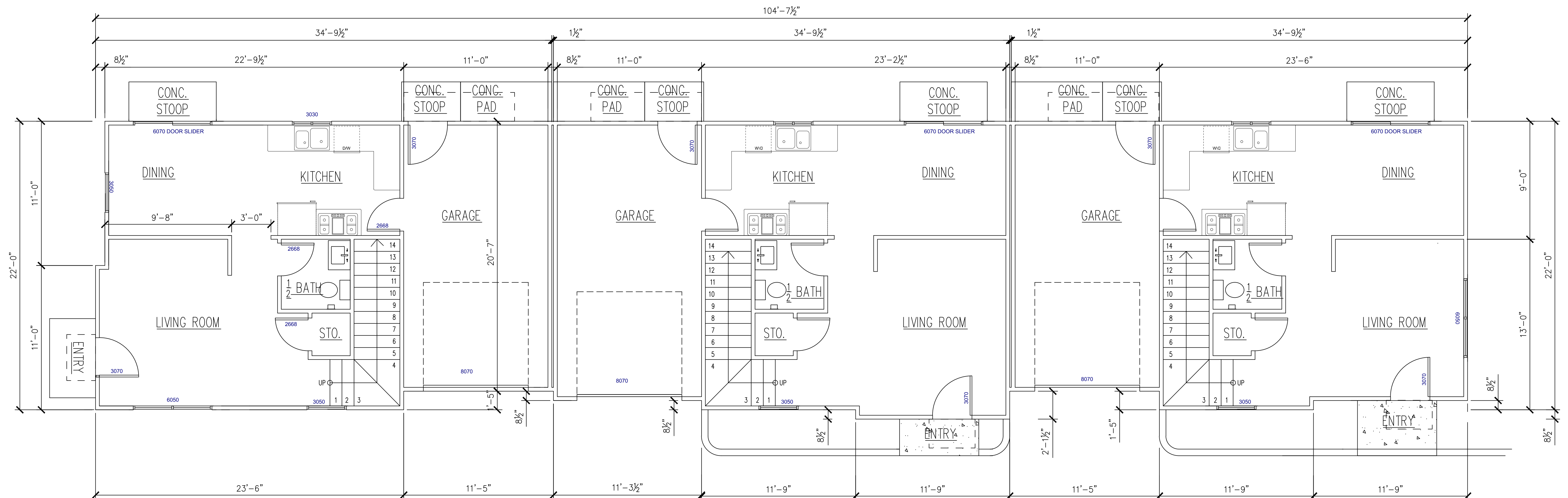
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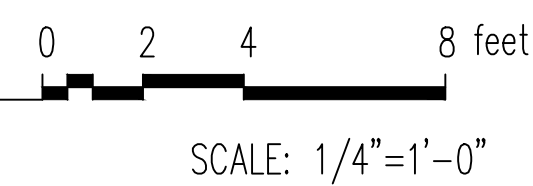
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A2

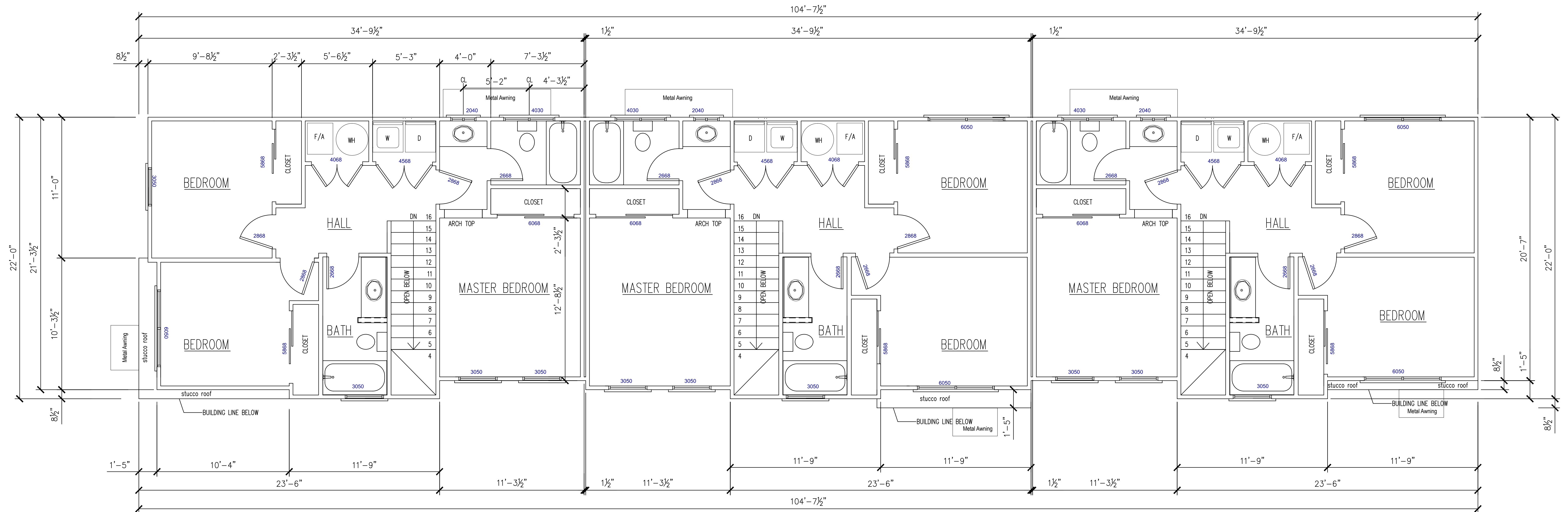
2 of 10 SHEETS



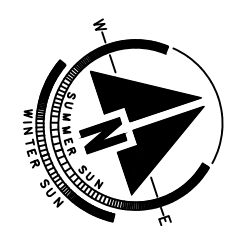
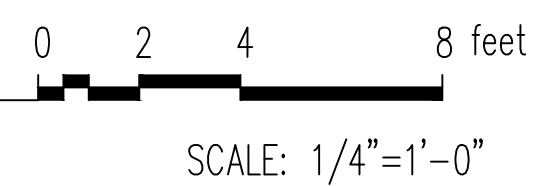
FIRST FLOOR PLAN



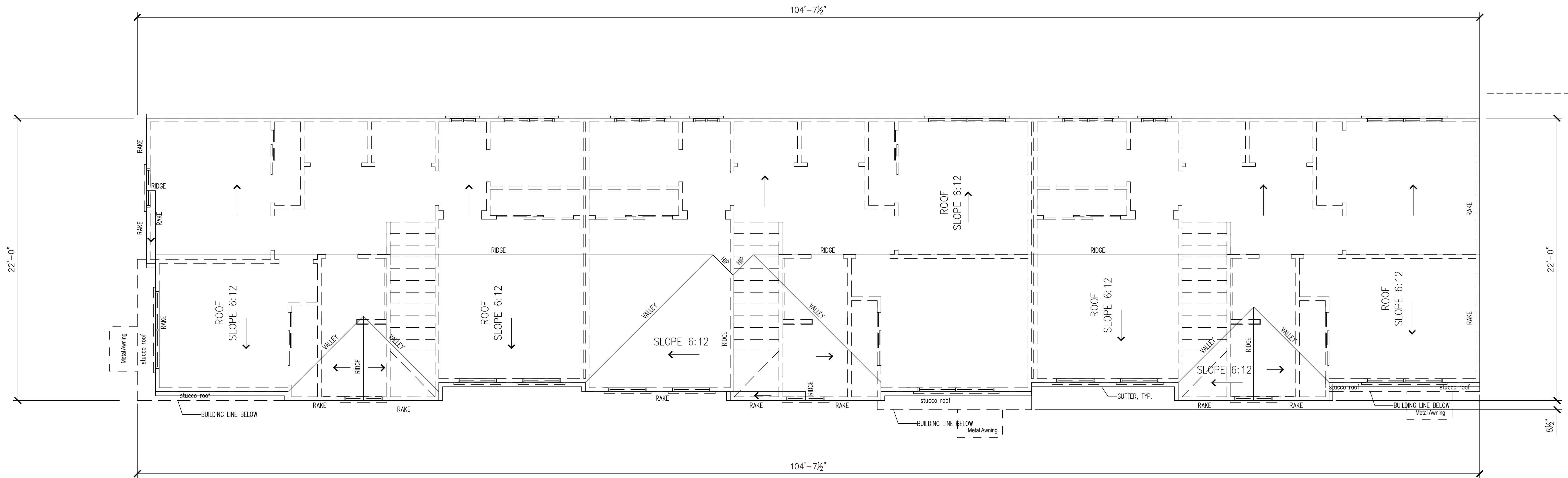
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						PREPARED UNDER THE SUPERVISION OF:									DESIGNED BY: AL P.		SCALE: NTS			
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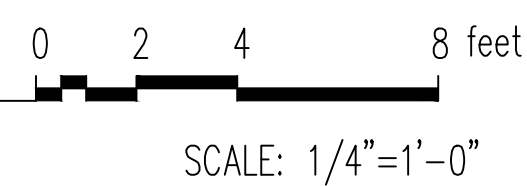
SECOND FLOOR PLAN



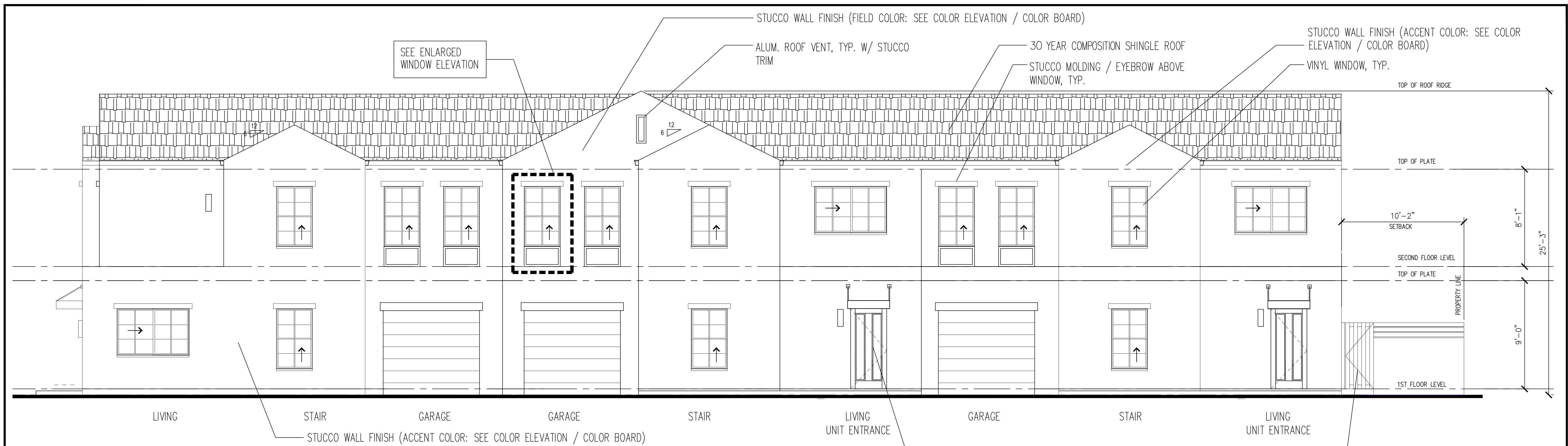
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ROOF PLAN

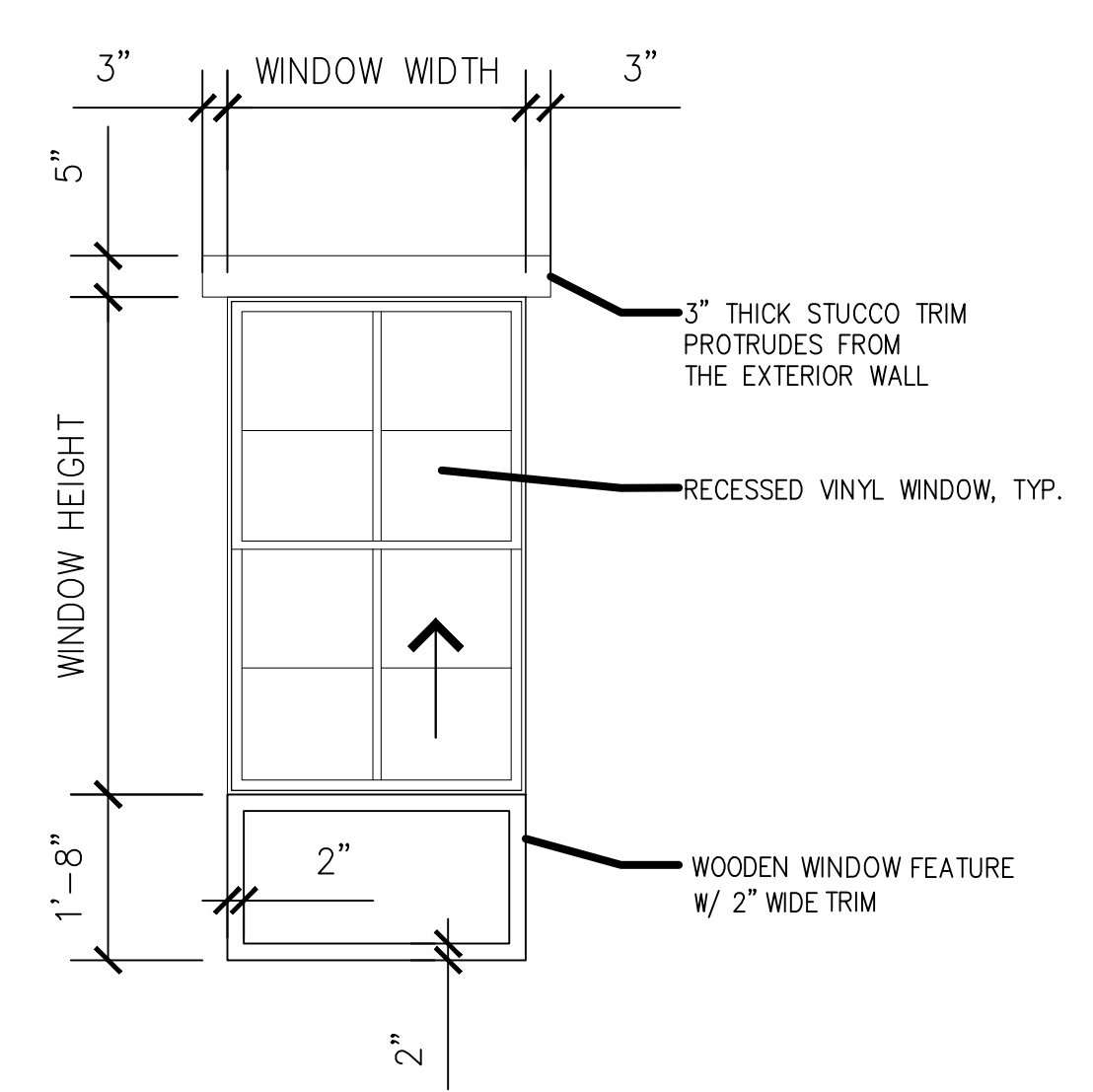
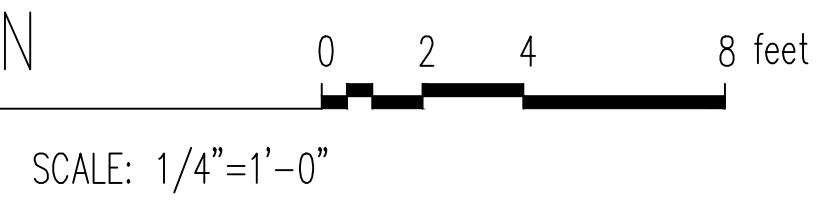


					ENGINEER CERTIFICATE PREPARED UNDER THE SUPERVISION OF:					ENGINEERS AL PASCUAL & ASSOCIATES, INC. SURVEYORS PLANNERS 841 Montevino Dr. Pleasanton, California (925) 487 4163					COVER SHEET 3 UNIT APARTMENT BUILDING 465 E. SANTA FE AVENUE CITY OF PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA					DRAWN BY: STAFF DESIGNED BY: AL P. CHECKED BY: AL P. PRINTED:		DATE: JANUARY, 2017 SCALE: NTS JOB NO. 3606 DISK NO.		SHEET NO. A5 5 of 10 SHEETS	
NO.	BY	DATE	REVISIONS		APVD.	ALEJO M. PASCUAL, JR. RCE 27629 EXPIRES 3-31-18																			



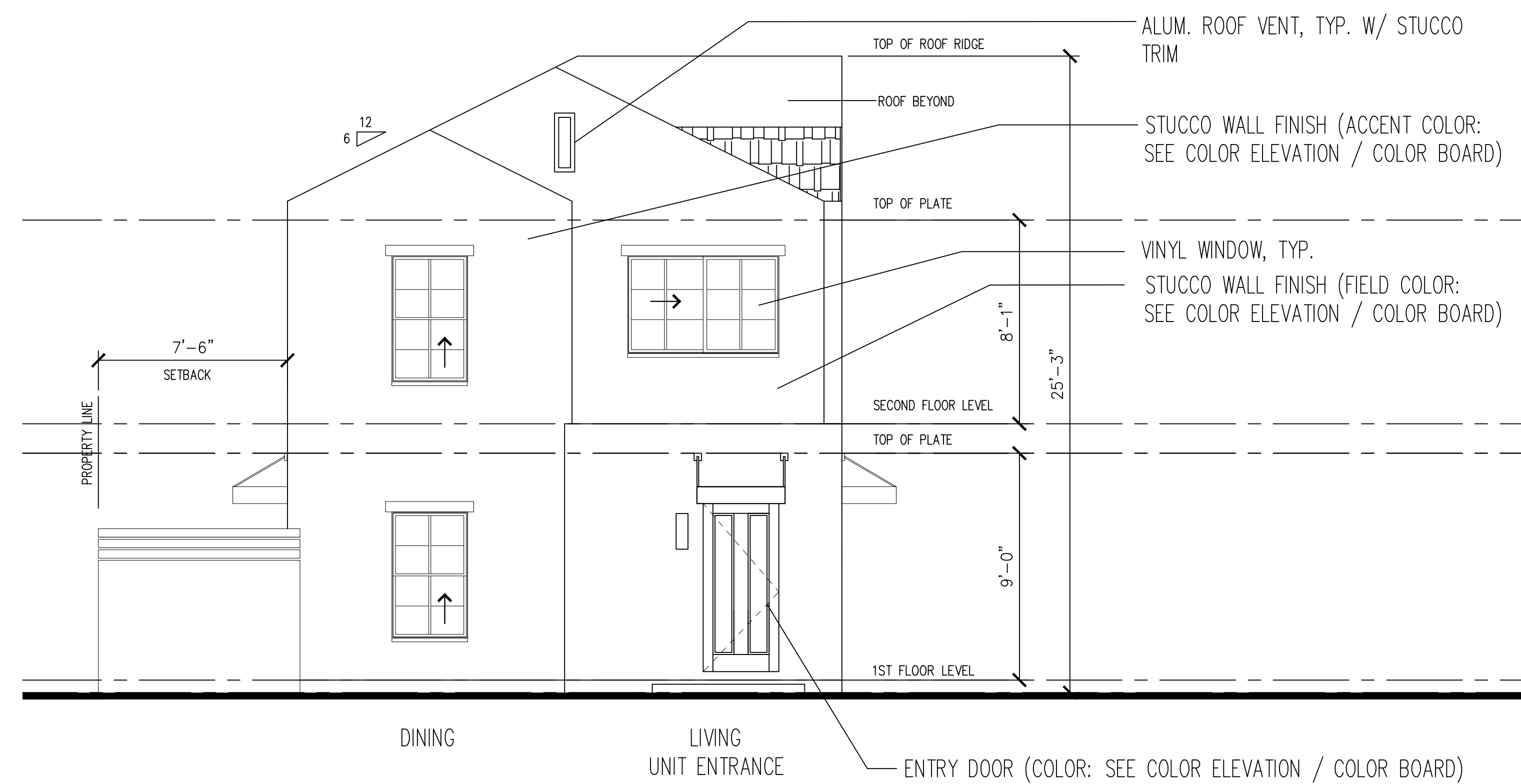
RIGHT SIDE ELEVATION

FACING DRIVEWAY



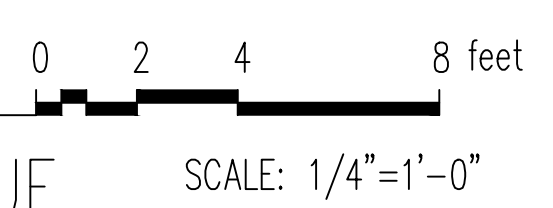
ENLARGED WINDOW ELEVATION

SCALE: 1/2"=1'-0"

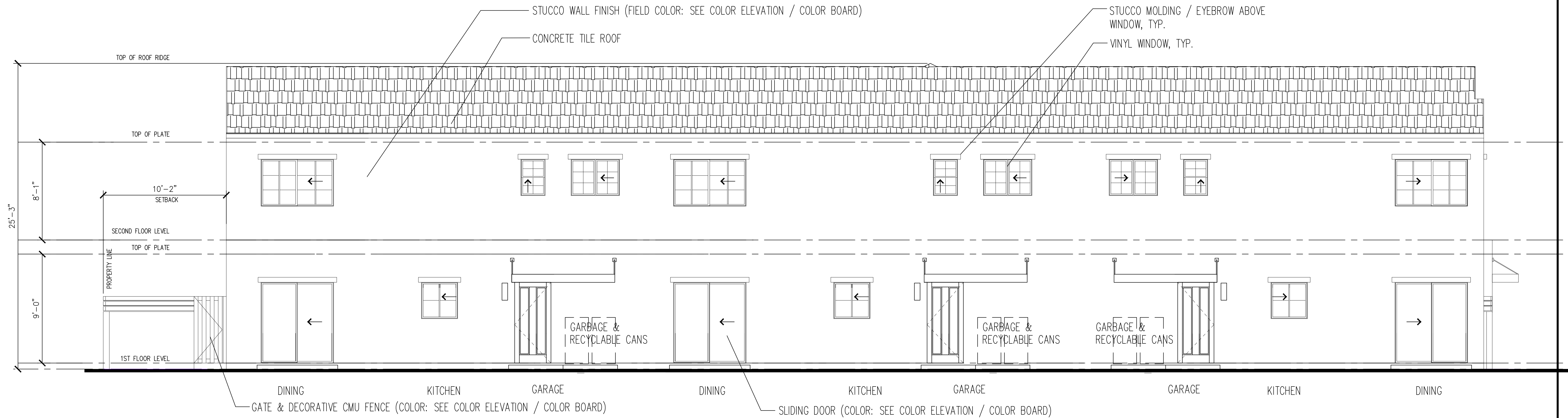


FRONT ELEVATION

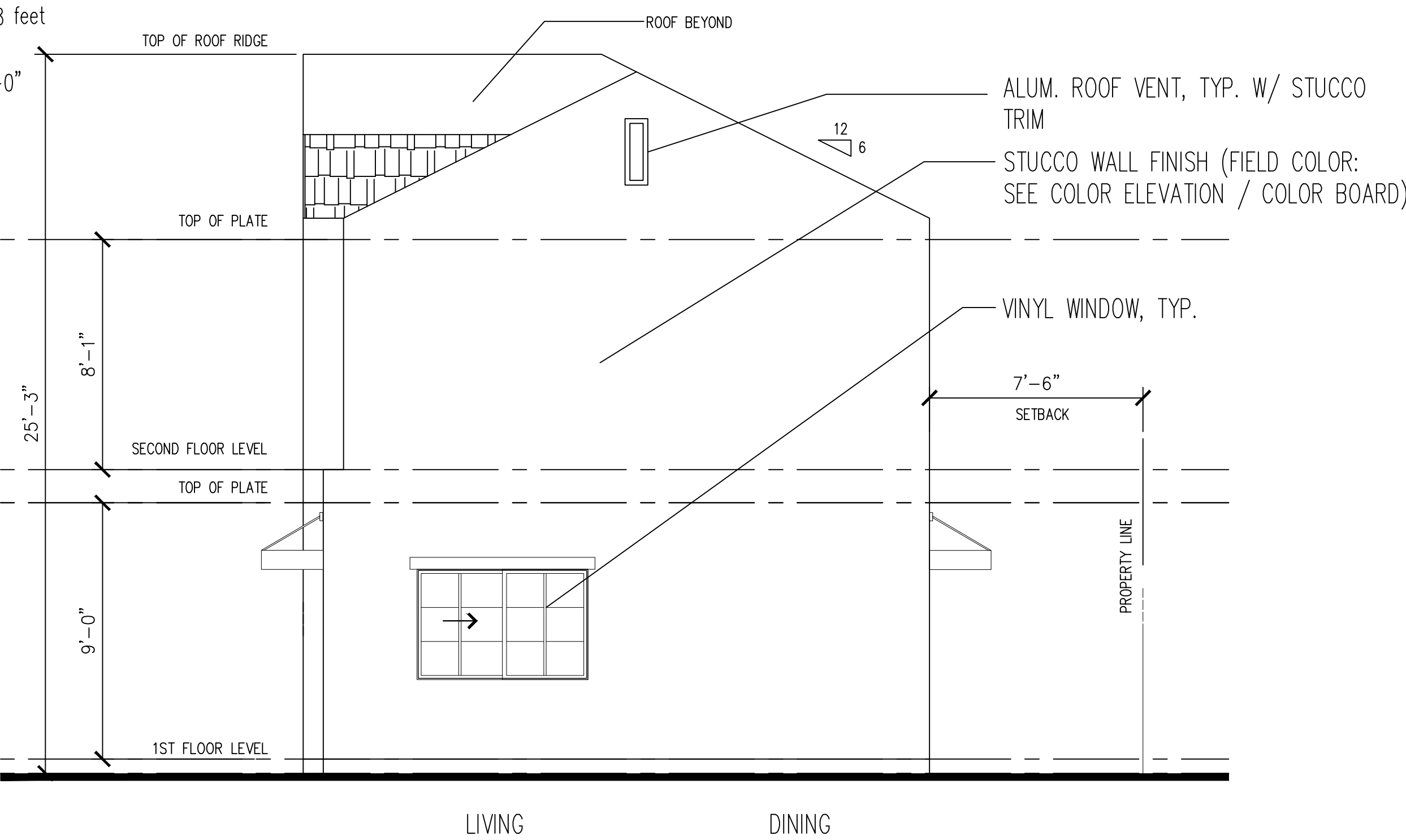
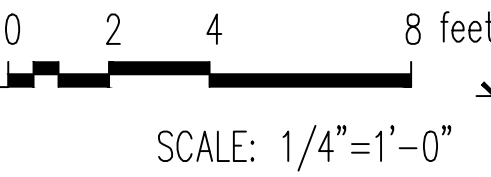
FACING EAST SANTA FE AVENUE



						<u>ENGINEER CERTIFICATE</u>		ENGINEERS SURVEYORS PLANNERS		COVER SHEET 3 UNIT APARTMENT BUILDING 465 E. SANTA FE AVENUE		DRAWN BY: STAFF	DATE: JANUARY, 2017	SHEET NO. A6
						PREPARED UNDER THE SUPERVISION OF:		AL PASCUAL & ASSOCIATES, INC.				DESIGNED BY: AL P.	SCALE: NTS	
												CHECKED BY: AL P.	JOB NO. 3606	
NO.	BY	DATE	REVISIONS			APVD.	ALEJO M. PASCUAL, JR. RCE 27629 EXPIRES 3-31-18	841 Montevino Dr. Pleasanton, California (925) 487 4163		CITY OF PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA		PRINTED:	DISK NO.	6 OF 10 SHEETS



LEFT SIDE ELEVATION



REAR ELEVATION



NO.	BY	DATE	REVISIONS	APVD.	

ENGINEER CERTIFICATE		
PREPARED UNDER THE SUPERVISION OF:		
ALEJO M. PASCUAL, JR.	RCE 27629	EXPIRES 3-31-18

AL PASCUAL & ASSOCIATES, INC.	ENGINEERS
	SURVEYORS
	PLANNERS
841 Montevino Dr. Pleasanton, California (925) 487 4163	

COVER SHEET	
3 UNIT APARTMENT BUILDING	
465 E. SANTA FE AVENUE	
CITY OF PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA	

DRAWN BY: STAFF	DATE: JANUARY, 2017
DESIGNED BY: AL P.	SCALE: NTS
CHECKED BY: AL P.	JOB NO. 3606
PRINTED:	DISK NO.

SHEET NO.
A7
7 OF 10 SHEETS



FRONT ELEVATION
FACING E SANTA FE AVE.
NOT TO SCALE

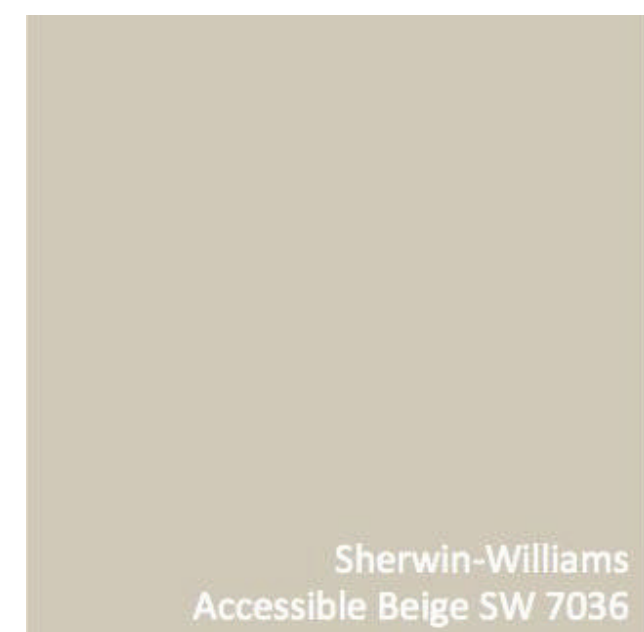


RIGHT ELEVATION
FACING DRIVEWAY
NOT TO SCALE

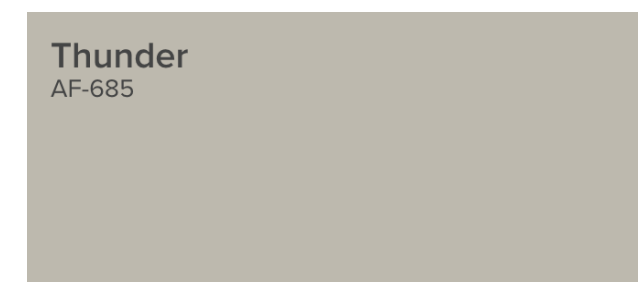
1 COLOR PALLETTE



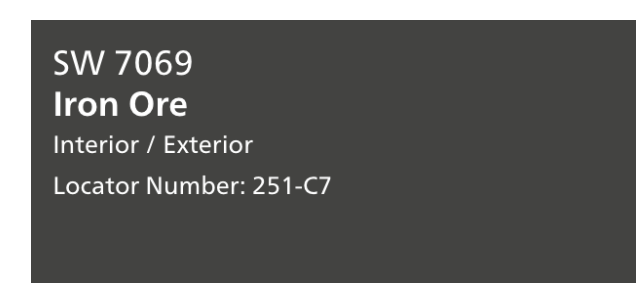
'FIELD COLOR' OF BUILDING



'ACCENT'/SECONDARY BUILDING COLOR



TERTIARY BUILDING COLOR - 'POP-OUTS' & TRIM



DOOR, FASCIA, & WOOD WINDOW FEATURE COLOR

2 STUCCO WALL
W/ PAINTED WOODEN SLAT PRIVACY SCREEN



3 STUCCO FINISH:



SMOOTH COAT STUCCO EXTERIOR FINISH
COLORS: FIELD: ALABASTER;
ACCENT: ACCESSIBLE BEIGE
STUCCO TRIM: THUNDER

4 FRONT ENTRY DOORS



CRAFTSMAN ENTRY DOOR W/ WINDOW
COLOR: IRON ORE

5 COMPOSITION SHINGLE ROOF



GAF GRAND SEQUOIA SLATE
LAMINATED ROOF SHINGLES - COLOR: SLATE

6 GABLE VENT



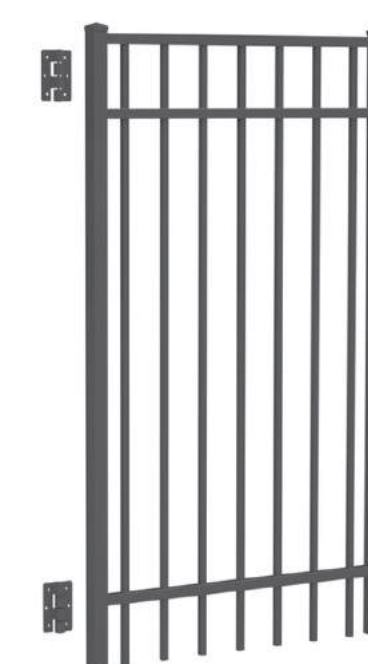
LOUVER GABLE VENT - COLOR: IRON ORE
STUCCO TRIM - COLOR: THUNDER

7 WOODEN WINDOW FEATURES



EXAMPLE: WOODEN BOX RELIEF UNDER WINDOWS
COLOR: IRON ORE

8 IRON GATE



DECORATIVE BLACK FENCE GATE

9 GARAGE DOOR



INSULATED SINGLE GARAGE DOOR
COLOR: IRON ORE

10 WINDOW STYLES



VINYL WINDOW W/ GRIDS
EXTERIOR FACING: BRONZE
INTERIOR FACING: WHITE

11 LIGHT FIXTURES



2 LIGHT OUTDOOR FLUSHMOUNT LAMP

12 METAL AWNINGS



COLOR: IRON ORE

ENGINEER CERTIFICATE

PREPARED UNDER THE SUPERVISION OF:

ALEJO M. PASCUAL, JR. RCE 27629 EXPIRES 3-31-18

AL PASCUAL & ASSOCIATES, INC.

841 Montevino Dr. Pleasanton, California (925) 487 4163

ENGINEERS
SURVEYORS
PLANNERS

COLOR BOARD
3 UNIT APARTMENT BUILDING
465 E. SANTA FE AVENUE

CITY OF PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA

DRAWN BY: STAFF

DESIGNED BY: AL P.

CHECKED BY: AL P.

PRINTED:

DATE: JANUARY, 2017

SCALE: NTS

JOB NO. 3606

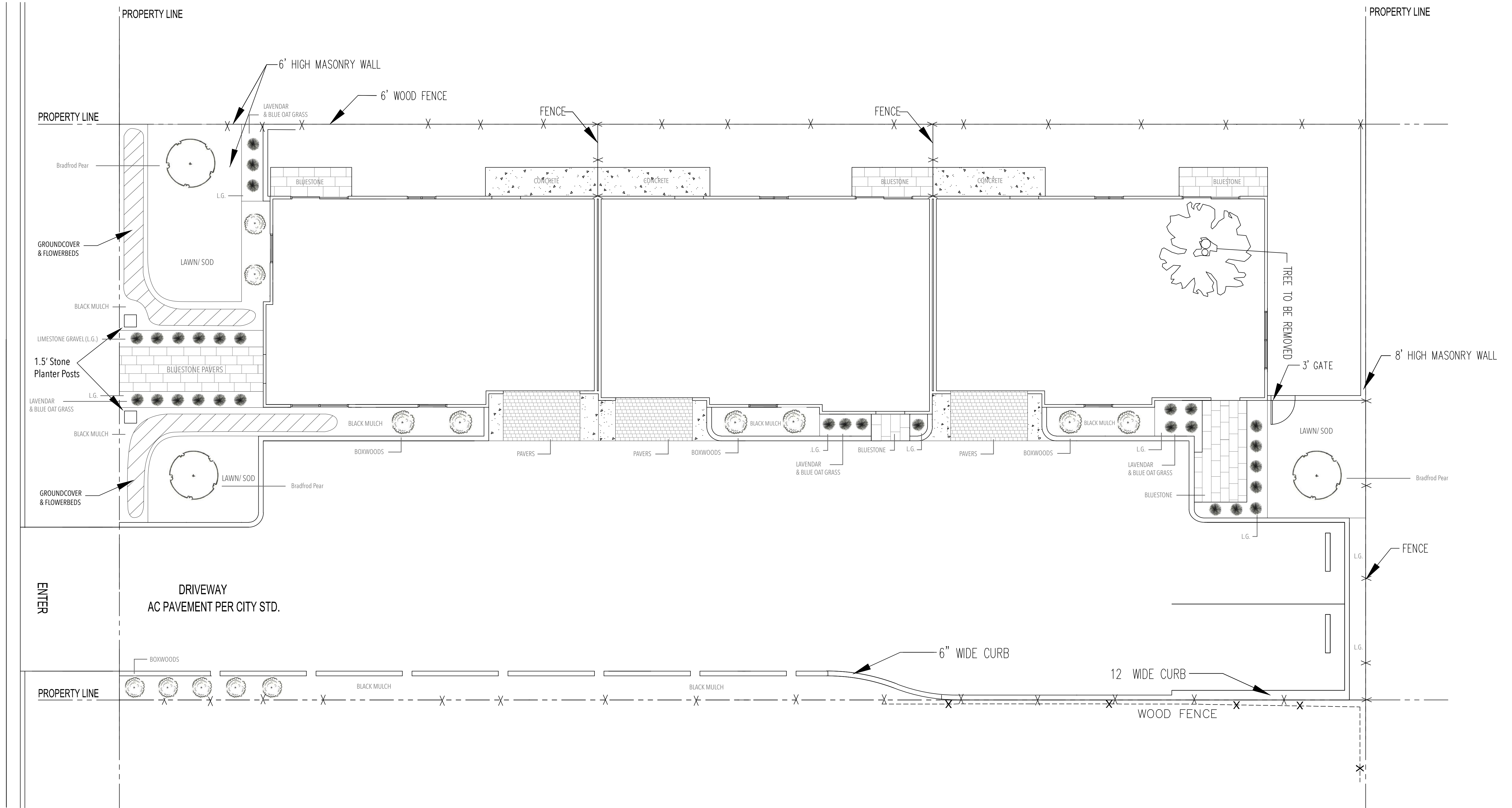
DISK NO.

SHEET NO.

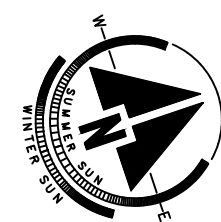
A8

8 of 10 SHEETS

EAST SANTA FE AVENUE



NOTE: LANDSCAPING AREAS SHALL NOT BE LESS THAN THREE FEET WIDE (CITY OF PITTSBURG DRDG II.M)
ALL DRIP IRRIGATION



SITE PLAN



SCALE: 3/16"=1'-0"

				ENGINEER CERTIFICATE		ENGINEERS SURVEYORS PLANNERS		CONCEPTUAL LANDSCAPE PLAN 3 UNIT APARTMENT BUILDING 465 E. SANTA FE AVENUE		DRAWN BY: STAFF	DATE: JANUARY, 2017	SHEET NO. A9 9 OF 10 SHEETS
				PREPARED UNDER THE SUPERVISION OF:		AL PASCUAL & ASSOCIATES, INC.		CITY OF PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA		DESIGNED BY: AL P.	SCALE: NTS	
NO. BY DATE REVISIONS				APVD: ALEJO M. PASCUAL, JR. RCE 27629 EXPIRES 3-31-18		841 Montevino Dr. Pleasanton, California (925) 487 4163				CHECKED BY: AL P.	JOB NO. 3606	
										PRINTED:	DISK NO.	

SHRUBS

FLOWERBEDS

A photograph of a well-maintained flower bed. In the foreground, there are bright yellow daffodils on the left and a large bush of light purple lavender in the center. To the right of the lavender is a plant with silvery, fuzzy foliage. The background is filled with more greenery and various pink and white flowers. A wooden edging separates the flower bed from a light-colored gravel path on the right. A semi-transparent green box with white text is overlaid on the left side of the image.

GAP Gardens
www.gapphos.com

A close-up photograph showing a dense layer of dark brown, shredded wood mulch. The mulch consists of numerous small, irregular pieces of wood, bark, and twigs, creating a textured surface. The lighting is even, highlighting the natural grain and color variations of the organic material.

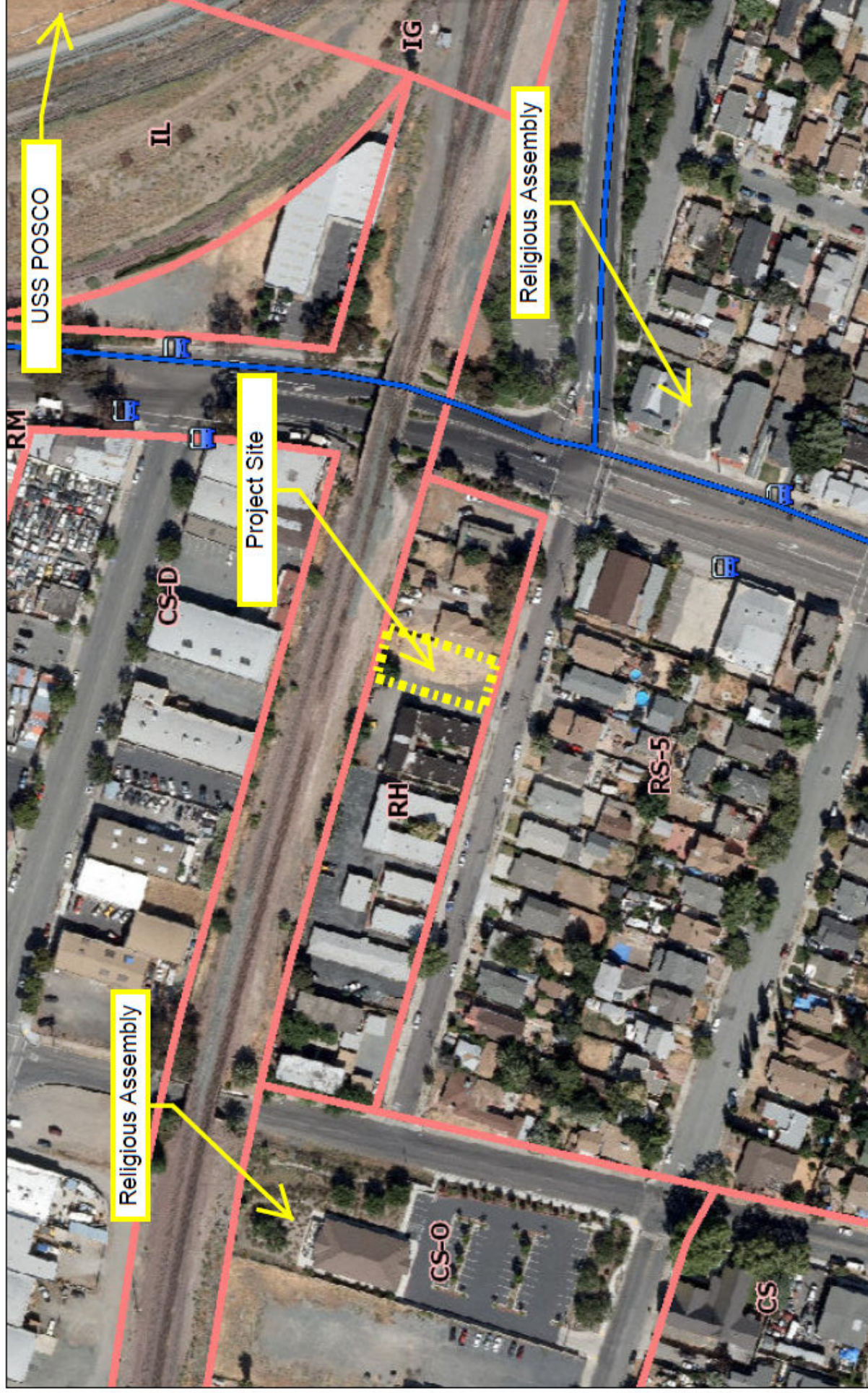
A close-up photograph showing a light-colored gravel surface on the left and a green lavender plant with small purple flowers on the right. The gravel is composed of small, rounded stones. The lavender plant has long, thin green leaves and clusters of tiny purple blossoms.

A close-up photograph of a stone tile surface. The tiles are rectangular and arranged in a grid. The colors vary significantly, including shades of grey, beige, and brown. One tile in the center-right features a prominent horizontal band of reddish-brown and brown tones, suggesting a layered or veined stone. The texture appears slightly rough and natural.

A close-up photograph of a paved surface composed of rectangular stone tiles. The tiles are arranged in a staggered pattern and vary in color, including shades of gray, beige, and light brown. The surface appears to be made of natural stone or concrete.

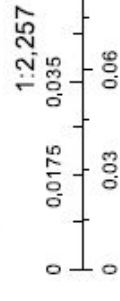
			I			<u>ENGINEER CERTIFICATE</u>			ENGINEERS SURVEYORS PLANNERS			LANDSCAPE BOARD 3 UNIT APARTMENT BUILDING 465 E. SANTA FE AVENUE			DRAWN BY: STAFF	DATE: JANUARY, 2017	SHEET NO.			
						PREPARED UNDER THE SUPERVISION OF:			AL PASCUAL & ASSOCIATES, INC.						DESIGNED BY: AL P.	SCALE: NTS	A10			
															CHECKED BY: AL P.	JOB NO. 3606				
NO.	BY	DATE	REVISIONS			APVD.	ALEJO M. PASCUAL, JR.	RCE 27629	EXPIRES 3-31-18			841 Montevino Dr. Pleasanton, California (925) 487 4163			CITY OF PITTSBURG,	CONTRA COSTA COUNTY,		CALIFORNIA	PRINTED:	DISK NO.

Surrounding Land Uses



April 19, 2017

- Existing Bicycle Facilities
- Bus Stop
- Zoning



Existing Site Conditions



Attachment4
Applicable General Plan Goals and Policies
East Santa Fe Triplex, AP-17-1225 (DR)

General Plan Goal/Policy	Analysis
Land Use Element:	
2-G-1: Maintain a compact urban form within the City's projected municipal boundary. Ensure that hillside lands not environmentally suitable for development are maintained as open space.	Consistent. The proposed project would be constructed within the existing municipal boundary, helping the City maintain a compact urban form.
2-G-5: Promote a diversity of housing types, including opportunities for hillside estate development, as well as smaller lot, infill, and high-density housing.	Consistent. The proposed project would provide market-rate, three bedroom-unit, rental housing, which is in high demand but scarcely available within the City.
2-G-16: Maintain the existing, predominantly residential land use pattern within a grid street network.	Consistent. The proposed project is a residential use and would continue the residential land use pattern of the east Central Subarea.
2-G-17: Foster increased connectivity within the [East Central] neighborhoods, and to surrounding areas.	No conflict. The proposed project does not propose to add or remove any streets, which could affect connectivity.
2-P-7: During development review, consider project compatibility with existing surrounding land uses. Ensure that sensitive uses—such as residences, schools, and parks—are not subject to hazardous or unhealthy conditions.	Consistent. The proposed project is a residential use and would continue the residential land use pattern of the east Central Subarea.
2-P-15: Ensure minimum residential densities, in accordance with the ranges stipulated in this Plan.	Consistent. The property has a General Plan land use designation of High Density Residential, which is intended to provide sites for residential development at densities ranging from 14 to 25 units per gross acre. The proposed multifamily residential project proposes a density of approximately 17 dwelling units per acre, and is therefore consistent with the uses and density envisioned by the General Plan for the High Density Residential land use designation.
2-P-18: Limit all new multi-family housing to 20 units or more. Update the Zoning Ordinance to ensure that new multi-family projects are developed as large-scale, professionally maintained, high-density housing.	No conflict. Staff believes this policy is intended for newly created lots, which are required to be a minimum 36,000 square feet within the RH District in order to allow a minimum of 20 units at a maximum density (min. lot area per unit) of 1,800 square feet. (36,000/1,800=20)
Growth Management:	
3-G-1: Manage the City's growth to balance development of housing options and job opportunities, protection of open space and habitat areas, construction of transportation improvements, and preservation of high quality public facilities.	No conflict. The proposed project would provide additional housing options in an area where demand is at an all-time high, and would not remove open space or habitat areas. Additionally, proposed conditions of approval would require the developer install indoor bicycle parking racks as a transportation related improvement that would encourage bicycle use.
3-G-5: Ensure that new residential, commercial and industrial growth within the Voter-Approved Urban Limit Line pays its share of the costs for the construction of facilities needed to serve that growth.	No conflict. The developer would be required to pay all building permit and impact fees associated with residential development.

3-G-9: Encourage the provision of new and improved pedestrian, bicycle and transit facilities to serve all users of new development projects.	Conditionally consistent. A proposed condition of approval would require the developer replace the existing damaged sidewalk with a new sidewalk ADA compliant sidewalk.
3-P-1: Allow urban and suburban development only in areas where public facilities and infrastructure (police, fire, parks, water, sewer, storm drainage, and community facilities) are available or can be provided.	Consistent. The proposed project site is located in an area where public facilities and infrastructure are available or can be provided.
3-P-2: Prior to project approval, ensure that the existing and planned transportation system will have adequate capacity to accommodate new urban development.	No conflict. The project was reviewed by the City's traffic engineer, and it has been determined that the existing and planned transportation system would have adequate capacity to accommodate new urban development.
3-P-12: Adopt and update development mitigation programs that collect fees to mitigate transportation impacts to both local and regional transportation facilities.	No conflict. Proposed conditions of approval would require the developer pay local and regional traffic mitigation fees.
3-P-16: Preserve options for future transit use when designing improvements for roadways. Ensure that developers provide bus turnouts and/or shelters, where appropriate, as part of projects. (Transportation Policy 7-P-29)	No conflict. The proposed project site is within ¼ mile of 11 bus stops.
3-P-17: As part of development approval, ensure that safe and contiguous routes for pedestrians and bicyclists are provided within new development projects and on any roadways that are impacted as a result of new development. (Transportation Policy 7-P-34)	Conditionally consistent. A proposed condition of approval would require the developer replace the existing damaged sidewalk with a new sidewalk ADA compliant sidewalk.
Urban Design	
4-G-17: Encourage development of diverse and distinctive neighborhoods that build on the patterns of the natural landscape and provide a sense of connection with surrounding uses.	Consistent. The proposed project is a residential use and would continue the residential land use pattern of the east Central Subarea.
4-G-18: Ensure that neighborhood streets provide safe and attractive connections to local schools, parks, commercial centers, and transit facilities for pedestrians and bicycles.	Conditionally consistent. A proposed condition of approval would require the developer replace the existing damaged sidewalk with a new sidewalk ADA compliant sidewalk.
4-P-82: Develop and implement development standards in the City's Zoning Ordinance and Subdivision Regulations that minimize the visual dominance of garages in residential units.	Consistent. The proposed project includes garages that are oriented toward the interior of the property, reducing their visibility from the right-of-way.
4-P-83: Ensure that new developments provide an integrated pattern of streets and pedestrian paths that provide connections between neighborhoods.	No conflict/conditionally consistent. The proposed project does not propose to add or remove any streets, which could affect connectivity. A proposed condition of approval would require the developer replace the existing damaged sidewalk with a new sidewalk ADA compliant sidewalk.
4-P-85: Provide safe and comfortable pedestrian routes through local neighborhoods by requiring sidewalks on both sides of residential streets, except in hillside areas, by planting street trees adjacent to the curb, and by minimizing curb cuts.	Consistent. The proposed project would provide new additional street trees, and includes only one driveway entry, minimizing the number of curb cuts.

Transportation Element	
7-G-15: Encourage walking as a regular means of transportation for people who live within a half-mile walk of school, work, or routine shopping destinations.	Conditionally consistent. The proposed project would provide new additional street trees, and includes only one driveway entry, minimizing the number of curb cuts. A proposed condition of approval would require the developer replace the existing damaged sidewalk with a new sidewalk ADA compliant sidewalk.
7-P-2: Use the adopted Regional and Local Transportation Impact Mitigation Fee ordinances to ensure that all new development pays an equitable pro-rata share of the cost of transportation improvements.	No conflict. Proposed conditions of approval would require the developer pay local and regional traffic mitigation fees.
7-P-34: As part of development approval, ensure that safe and contiguous routes for pedestrians and bicyclists are provided within new development projects and on any roadways that are impacted as a result of new development.	Conditionally consistent. The proposed project would provide new additional street trees, and includes only one driveway entry, minimizing the number of curb cuts. A proposed condition of approval would require the developer replace the existing damaged sidewalk with a new sidewalk ADA compliant sidewalk.
7-P-39: Ensure that residential and commercial developments provide pedestrian pathways between lots for direct routes to commercial centers, schools, and transit facilities.	
7-P-40: Ensure provision of sufficiently wide sidewalks and pedestrian paths in all new residential development.	
7-P-45: During review of development projects, encourage secure bicycle facilities and other alternative transportation facilities at employment sites, public facilities, and multi-family residential complexes.	Conditionally consistent. Proposed conditions of approval would require the developer install bicycle parking racks within each garage.
Youth and Recreation Element	
8-P-3: Develop public parks and recreational facilities that are equitably distributed throughout the urbanized area, and provide neighborhood recreation facilities in existing neighborhoods where such facilities are presently lacking.	No conflict/conditionally consistent. The proposed project is located within ½ mile of City Park, Central Park, and John Buckley Square, as well as the 8 th Street and Columbia Linear Parks. Further, the due to the size of the proposed project parcel, an onsite park is not feasible. However, a condition of approval would require the developer annex into a park maintenance CFD prior to issuance of building permits.
Resource Conservation Element	
9-G-11: Reduce the number of motor vehicle trips and emissions accounted to Pittsburg residents and encourage land use and transportation strategies that promote use of alternatives to the automobile for transportation, including bicycling, bus transit, and carpooling.	Consistent/conditionally consistent. The proposed project site is within ¼ mile of 11 bus stops. Further, the proposed project would provide new additional street trees, and includes only one driveway entry, minimizing the number of curb cuts. A proposed condition of approval would require the developer replace the existing damaged sidewalk with a new sidewalk ADA compliant sidewalk.
Health and Safety Element	
10-P-39: Strive to maintain a ratio of 1.8 sworn police officers per 1,000 residents.	Conditionally consistent. A proposed condition of approval would require the project site be annexed into the public safety community facilities district (CFD).
Public Facilities Element	
11-G-2: Continue to implement water conservation policies to ensure adequate supplies of water in the future.	Conditionally consistent. The proposed project would include an all-drip irrigation system, and a proposed conditions of approval would require the developer replace all proposed lawn sod with mulch.

11-G-6: Continue reduction and recycling efforts within the City to divert increasingly larger portions of the waste stream from local landfills.	Consistent. The proposed project includes separate trash receptacle storage areas which are sized to allow storage of solid waste, recyclable waste, and green waste bins.
11-G-7: Manage solid waste so that State diversion goals are met.	
11-G-8: Require development in areas of high fire hazard to be designed and constructed to minimize potential losses and maximize the ability of fire personnel to suppress fire incidents.	No conflict. The applicant would be required to adhere to all CCCFPD requirements prior to issuance of a building or grading permit.
11-P-18: Ensure that new residential, commercial, and industrial development equitably share costs associated with providing wastewater services to areas of urban expansion within the Planning Area.	No conflict. The proposed project would be required to install necessary utility and stormwater infrastructure or pay in lieu fees prior to construction. The developer would also be required to pay all building permit and impact fees associated with residential development.
11-P-23: Encourage builders to incorporate interior and exterior storage areas for recyclables into new or remodeled residential, commercial, and industrial structures.	Consistent. The proposed project includes separate trash receptacle storage areas which are sized to allow storage of solid waste, recyclable waste, and green waste bins.
Noise Element	
12-P-5: Require that applicants for new noise-sensitive development, such as schools, residences, and hospitals, in areas subject to noise generators producing noise levels greater than 65 dB CNEL, obtain the services of a professional acoustical engineer to provide a technical analysis and design of mitigation measures.	Consistent. The project would provide an 8-foot masonry wall along the northern border of the site, between the proposed residential units and the BNSF railroad tracks.
Housing Element	
Housing Goal I: Foster development of a variety of housing types, densities, and prices to balance the City's housing stock and to meet Pittsburgh's regional fair share housing needs for people of all income levels.	Consistent. The proposed project would provide market-rate, three bedroom-unit, rental housing, which is in high demand but scarcely available within the City.
Housing Goal V: Enhance the visual quality of Pittsburgh's residential neighborhoods.	Consistent. The modern architectural style of the project would contribute to the improvement of the area by developing a long-standing vacant parcel.
P-1.4: Support the construction of multi-family housing in close proximity to transit, arterials, shopping, and public services.	No conflict. The proposed project site is within ¼ mile of 11 bus stops, and within ½ mile of Downtown Pittsburgh.
P-1.6: Meet Pittsburgh's fair share regional housing needs.	Consistent. The proposed project would contribute three moderate-income, market-rate units towards the City's regional housing needs allocation (RHNA).
P-5.1: Enhance the quality and variety of new home designs and home additions to ensure an attractive living environment.	Consistent. The modern architectural style of the project would contribute to the improvement of the area by developing a long-standing vacant parcel.
P-5.2: Enhance the built environment through citywide landscaping efforts including the installation of street trees that will grow to create a street tree canopy along roadways and sidewalks	Consistent. Twenty percent of the proposed project site would be landscaped, and two additional street trees would be planted along the project frontage.

Attachment5
Property Development Comparison
East Santa Fe Triplex, AP-17-1225 (DR)

Development Regulations: <i>RH (High Density Residential) District</i>	Requirement:	Proposed Project:
Max. Density(min. lot area per unit):	1,800s.f. (allowable range of 2 to 4 total units on site)	2,600s.f. (3 total units)
Max. Height:	45 ft.	25.25 ft.
Max. Lot Coverage:	60%	29%
Minimum Yards:	-	-
Front:	15 ft.	15 ft.
Side	7.5 ft.	7.5 ft.
Rear:	10 ft.	10 ft.
Minimum Site Landscaping:	20%	27%
Minimum Private Storage Area:	200 ft ³	227 ft ³
Minimum Private Open Space:	60 ft ²	260 ft ²
Parking Required (2.5 spaces/unit):	7 spaces (3 covered)	6 spaces (3 covered)*

* PMC section 18.78.040(G)(1) provides the Commission the authority to reduce the number of required parking spaces for multifamily residential project on infill sites that are within one-quarter mile of a bus facility. As shown in Attachment 3, the proposed multifamily project site is within one-quarter mile of multiple bus stops; therefore, the applicant is requesting the Commission waive the required additional one-half space for each unit containing two or more bedrooms, and approve the project subject to a condition which would require the developer provide a third off-street parking space along the northern end of the project site, for a total of six off-street parking spaces (three covered and three uncovered).

Attachment6
Development Review Design Guidelines
East Santa Fe Triplex, AP-17-1225 (DR)

Design Review Guideline	Meets Guideline?
I.a: Reliefs and architectural treatments should be provided on all building elevations (360 degree architecture), i.e. 2"x4" (wood or styrofoam/stucco) window and door reveal treatment on all building elevations.	Yes. All building sides contain similar architectural treatments and articulation.
I.b: Provide concrete and/or tile roof material. Architectural grade composition material may be used if rake treatment is included or roof pitch, greater than 4:12 is used.	Yes. The project proposes laminated shingle roof tiles on all portions of the apartment structure.
I.c: Each dwelling unit should be provided with complete front yard and corner-side yard xerophytic landscaping and automatic irrigation (Section 18.84.300 PMC).	Conditionally. A proposed condition of approval would require the developer eliminate all turf areas in favor of drought-tolerant grasses.
I.d: Required front yards should vary in depth unless otherwise stated for a proposed PD (Planned Development) district.	Not applicable. The proposed project does not proposed multiple lots with separate yards or residences.
I.e: Decorative masonry walls should be provided between all arterial streets and future homes.	Not applicable. No masonry wall would be constructed along the street frontage.
I.f: Roof slopes should be considered greater than 4:12 unless inappropriate for architectural style (i.e. Ranch Style, etc.).	Yes. The proposed 12:6 roof slope is appropriate for the modern architectural style.
I.g: Provide articulated garage doors on all garages.	Yes. All proposed garage doors contain architectural reliefs appropriate for their location within the interior of the development.
I.h: Garage doors designs should not be duplicated. Not less than four styles should be used in a subdivision.	Not applicable. All garage doors should be of a common style as they would all be located on a single apartment building and the same building façade.
I.i: Side-on garages are recommended intermittently through-out the subdivision (70' wide lots or greater).	Yes. All garages are located within the interior of the project site, and would not be visible from the public right-of-way.
I.j: Garage frontage should not occupy more than 60% of allowable lot frontage.	Yes. All garages are located within the interior of the property, behind the main residential buildings.

I.k: Provide board-onboard fencing on all side yards and rear yards (excluding side yards and rear yards adjacent to major thoroughfares), unless a view corridor is to be maintained.	Yes. Six-foot-high wooden fencing would be installed along both side yards, while an eight-foot-high masonry wall would be constructed along the rear property line.
I.l: The architectural treatments (such as sidings, shingles, window and door trims) established on the front facades of each of the approved house designs shall be carried around to the sides and rear elevations of the buildings, except that masonry veneer treatments at the base of a structure need be carried only partly around the side elevations, to either the adjoining fence line or the closest interior right angle joint.	Yes. All building sides contain similar architectural treatments and articulation.
II.a: Subdivision entry monuments should be provided on new major subdivisions, neighborhoods or villages, if appropriate	Not applicable. The proposed project does not propose an entry sign.
II.b: Perimeter wall and/or sound wall pilasters should not be greater than 50' on-center.	Not applicable. The proposed masonry wall along the rear property line would only be 60 feet long, would not be visible from the public right-of-way, and would not include decorative pilasters or wall caps.
II.c: Sound walls exceeding 6' in height and visible from the public right-of-way should be treated with decorative features consistent with the neighborhood design.	
II.d: All masonry walls should include a wall cap.	
II.e: Retaining walls, exceeding 3 feet tall, adjacent to a public right-of-way should be constructed with the same materials as used for the sound wall.	Not applicable. The project does not propose any retaining walls exceeding three feet in height.
II.f: Masonry or sound walls should be staggered when adjacent to public right-of-ways.	Not applicable. The proposed project does not include a masonry or soundwall along the public right-of-way.
II.g: Single story units should be located on corner lots whenever possible.	Not applicable. The proposed project is not located on a corner lot.
II.h: Developer should select, at least, one of the schemes provided in Appendix #1 for screening all utility boxes, transformers, backflow preventers, meters and junction boxes.	Conditionally. A proposed condition of approval would require the developer underground or screen all utility boxes, transformers, backflow preventers, meters and junction boxes.

II.i: Construct fence/walls at top of down slope banks. Design fence at top of slope to take advantage of potential views.	Not applicable. The proposed project site is flat, and development would not impact any scenic vistas or other views.
II.j: Dwelling unit driveways should align with on-coming street at three-way intersections when possible.	Not applicable. The proposed driveway approach does not align with an existing intersection.
II.k: Existing trees which have greater than a nine (9) inch trunk caliper should be incorporated into the design of project.	Not applicable. The existing tree does not meet the requirements of the City's Tree Preservation Ordinance.
II.l: Landscaped portions of set-backs, excluding sidewalk along public streets, should not be less than the height of the fence or sound wall.	Yes. The proposed fence height parallel to the right-of-way is six feet, while the landscaped portions of this setback are 15 feet.
II.m: Landscaping areas shall not be less than three feet wide, between the curbs.	Yes. All new landscaped areas are proposed to be three feet or greater in width.
II.n: Subdivision perimeter walls should be minimized. Install wrought iron fencing at open end of cul-de-sacs, parks and open space.	Not applicable. The proposed project site is not located at the end of a cul-de-sac or adjacent to a park or open space.
III.a: A/C units should be substantially screened from view by way of a permanent screen or appropriately sized plant material.	Conditionally. A proposed condition of approval would require the developer to screen all A/C equipment.
III.b: Detached carports and/or garages should have the same roof material and roof pitch as the main dwelling units.	Not applicable. The proposed project does not include carports.
III.c: Projects with many buildings (greater than three) should provide a variety of building sizes and masses resulting in varying elevations from a streetscape perspective.	Not applicable. The proposed project includes only one building.
III.d: Bus stops should share the same architectural theme as that of the dwelling units.	Not applicable. The proposed project does not propose additional bus stops, as there are 11 existing bus stops within ¼ mile.
III.e: Parking lots should not dominate area adjacent to public streets. Structures and parking should be interspersed creating pockets of parking and variety from a streetscape point of view.	Yes. In order to reduce the visual impact of parking lots, the developer has located all resident parking within the interior of the development.

Green Building Design Guideline	Preliminarily Meets Guideline?
VI.C.1: For residential buildings without solar energy systems, roof surface should be covered with a green/living roof (> 50% of roof surface) or with a cool roof.	Conditionally. A proposed condition of approval would require the new residential building to be prewired for solar photovoltaic panels.
VI.C.2: Uncovered rooftop expanses greater than 200 s.f. should be designed to be strong enough to support green roofs, community gardens, raised beds, and be accessible to occupants for gardening purposes.	Not applicable. The proposed project includes sloped roofs which do not provide space for community gardens. Additionally, the aesthetic value of the development would be hindered by inclusion of energy systems or water heaters along the roof.
VI.C.3: Roofs should have solar hot water systems (panels), solar photovoltaic panels or low-profile wind energy generation turbines and should include a sustainable plan for maintenance of such systems. Roofs should be covered with a cool roof under the energy generation structures. Roof segments that are uncovered by energy systems should host raised bed garden space or greenhouses, a green/living roof, or cool roof surfaces.	
VI.C.4: Parking lot impacts should be minimized. Outdoor parking lots with more than 20 spaces and solar access over 75% or more of its surface area should install renewable energy systems on carport structures. Urban heat island impacts should be minimized through the use of shading (parking lot trees) or paving material design choices. Recommended choices include renewable energy systems on carport structures, shade trees, underground parking, and open-grid pavement systems.	Not applicable. The proposed parking area contains only three spaces.
VI.C.5: Electric vehicle charging units should be made available to tenants with electric vehicles. The parking spaces with charging units should be clearly marked with signs designating them for assigned tenants or electric vehicle use only.	Not applicable. Due to the limitations on parking stalls available, the project cannot provide a dedicated charging station. All tenants will be provided a private garage in which they may install a private charger.

VI.C.6: Pedestrian and bicycle paths should provide safe, visible, and unobstructed bicycle and pedestrian access between facilities, from facility entrances to bicycle and pedestrian routes (sidewalks and bicycle lanes), through parking lots, and between facilities and existing or planned bicycle and pedestrian routes.	Conditionally. Proposed conditions of approval would require the developer replace the existing damaged sidewalk with a new sidewalk ADA compliant sidewalk and install bicycle storage racks within each garage.
VI.C.7: Convenient, visible, and secure bicycle storage facilities should be available on site, sufficient to accommodate demand of residents and guests.	
VI.C.8: Outdoor design and features should maximize landscaping water conservation.	Conditionally. The proposed landscape plans note that all planting areas shall be watered by a full drip irrigation system. A proposed condition of approval would require the developer remove all turf sod in favor of drought-tolerant grass material.



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 MEETING

NOTICE IS HEREBY GIVEN that the **Planning Commission of the City of Pittsburg** will conduct a public meeting on:

DATE: April 25, 2017
TIME: 7:00 p.m.
PLACE: City Council Chamber at City Hall
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

East Santa Fe Triplex, AP-17-1225 (DR).

This is a request for design review approval of plans to construct a three-unit apartment complex and site improvements on a vacant 7,790 square foot parcel located at 465 East Santa Fe Avenue, in the RH (High Density Residential) District. APN: 086-143-004.

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

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

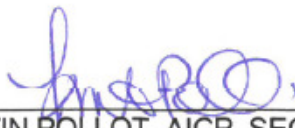
Where can I get more information about this project?

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

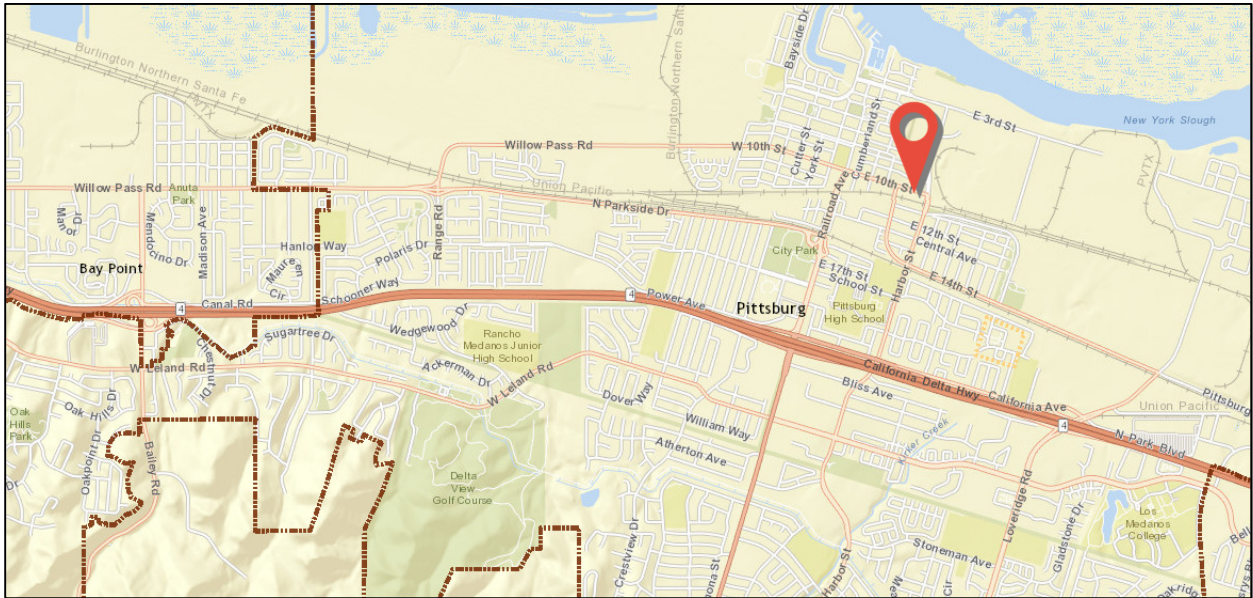
What can I do if I have comments on the project?

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

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


KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

Project Title: East Santa Fe Triplex, AP-17-1225 (DR)
Location: 465 E. Santa Fe Avenue, APN: 086-143-004



**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT**

ITEM: No. 6 - Notice of Intent to Exercise Delegated Design Review Authority and Submittal of Adopted Zoning Administrator Resolutions.

ORIGINATED BY: City of Pittsburgh, Zoning Administrator, 65 Civic Avenue, Pittsburgh, CA 94565

SUBJECT: The Zoning Administrator submits two notices of intent to exercise delegated design review authority for: 1) Mike's Auto Body solar carports; and 2) Fire Station #84 solar carport. The Zoning Administrator also submits one resolution previously approved under the delegated authority (PMC sections 18.32.010 and 18.84.560).

RECOMMENDATION:

Staff recommends that the Commission acknowledge receipt of the two attached Notices of Intent to Exercise Design Review Authority, and the attached adopted Zoning Administrator resolution.

BACKGROUND:

Delegated Design Review Authority: Planning Commission Resolution No. 9444, as later amended by Resolution No. 9918, allows for delegation of nine categories of design review applications from the Planning Commission to the Zoning Administrator, as follows:

1. Freestanding signs: Applicable to signs not already part of a sign program; must be consistent with sign standards and architecturally compatible with associated building.
2. Wireless Communication Equipment: New or replacement antennas on existing poles and their related equipment.
3. Minor Building Remodels: Limited to changes in building colors, awnings, fenestration, and finishes.
4. Changes to Existing Parking Lots.
5. Changes to Existing Landscaping.
6. Additions to Existing Buildings: Additions must be smaller than 2,500 square feet and designed to complement existing building architecture.

Planning Commission Staff Report

7. New Model Homes in Approved Subdivisions. Must be consistent with the general size, quality of architecture and materials, and general character of the originally approved models. Must comply with approved zoning development standards.
8. Ancillary Structures: Structures in any district where visual impacts are minimal, including miscellaneous mechanical equipment associated with legal uses in the Industrial Districts.

The intent of the delegation is to allow a more efficient approval process for non-controversial design review applications, without compromising the integrity of the design review process or removing from public scrutiny those projects that would be most visible or of high interest to the general public. Prior to approving any delegated design review application, the Zoning Administrator must notify the Commission of his or her intent to exercise delegated design review authority. Copies of resolutions approving any delegated design review application must also be provided to the Commission.

PROJECT DESCRIPTION:

Since the last Commission meeting, staff has received two applications requesting design review approval which qualify within one or more of the nine categories of delegated authority established by Resolution No. 9918:

1. Mike's Auto Body Solar Carport, AP-17-123 (AD) – Delegated Design Review Categories 4 and 8.

This is an application filed by Mike Rose, of Mike's Auto Body, requesting administrative design review approval to construct an approximately 5,535 square foot carport which would include solar panels mounted atop the roof of the new structure for the existing Mike's Auto Body, located at 3001 North Park Boulevard in the CC (Community Commercial) District. Assessor's Parcel Number 088-151-012.

2. CCCFPD Station #84 Solar Canopy, AP-17-1238 (AD) – Delegated Design Review Categories 4 and 8.

This is an application filed by Merna Nakhla, of OpTerra Energy, requesting administrative design review approval to construct an approximately 2,210 square foot carport which would include solar panels mounted atop the roof of the new structure for the existing Contra Costa County Fire Protection District Station #84, located at 1903 Railroad Avenue in the PD-1319 (Planned Development, City Council Ordinance No. 09-1319) District. Assessor's Parcel Number 086-190-036.

The Zoning Administrator has also adopted one resolution approving a delegated application as follows:

Planning Commission Staff Report

1. Resolution No. 297: PHS Protected Tree Removal, AP-16-1212 (ZA)

GENERAL PLAN/CODE COMPLIANCE:

Delegated Design Review Authority: Resolution No. 9918 established nine categories of design review applications upon which the Commission would authorize the Zoning Administrator to act. Resolution No. 9918, and PMC section 18.10.100, direct staff to notify the Planning Commission of intent to exercise delegated design review authority on any application that falls within one of those nine categories, prior to approving the application. Upon receiving such notification, a majority of the Commission may direct that the matter be scheduled for future consideration by the entire Commission. Resolution No. 9918 also directs staff to keep the Commission informed about delegated design review application approvals by providing copies of resolutions adopted by the Zoning Administrator.

ANALYSIS:

Not applicable.

ACTION REQUIRED:

Acknowledge receipt of the attached Notices of Intent and the adopted Zoning Administrator resolution.

ATTACHMENTS:

1. Notice of Intent: Mike's Auto Body Solar Carport, AP-17-123 (AD)
2. Notice of Intent: CCCFPD Station #84 Solar Canopy, AP-17-1238 (AD)
3. Zoning Administrator Resolution No. 297

Prepared by: Kristin Pollot, AICP, Zoning Administrator

NOTICE OF INTENT

TO EXERCISE DESIGN REVIEW AUTHORITY DELEGATED TO STAFF PURSUANT TO PLANNING COMMISSION RESOLUTION NO. 9918

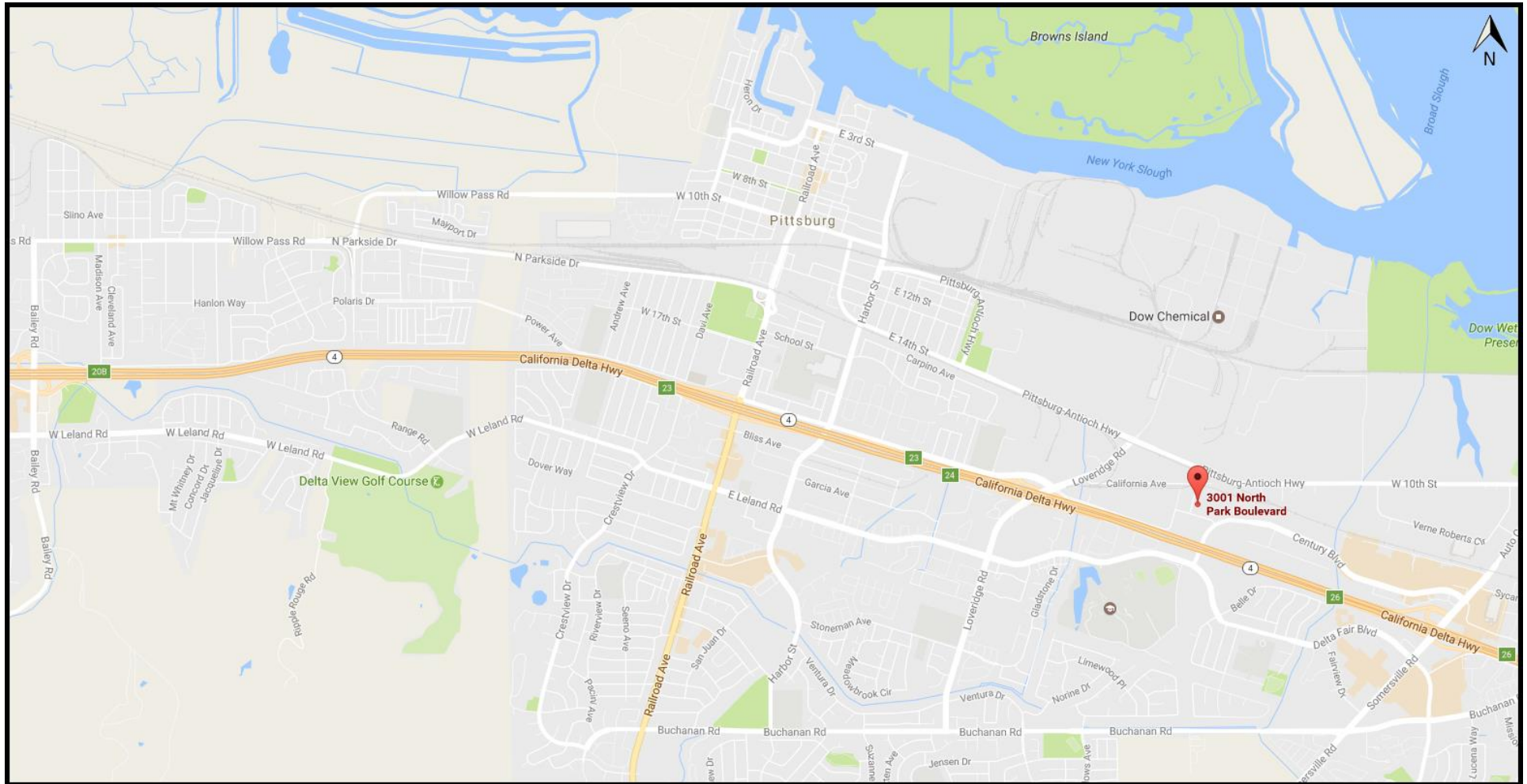
Mike's Auto Body Solar Carport, AP-17-1237 (AD).

This is an application filed by Mike Rose, of Mike's Auto Body, requesting administrative design review approval to construct an approximately 5,535 square foot carport which would include solar panels mounted atop the roof of the new structure for the existing Mike's Auto Body, located at 3001 North Park Boulevard in the CC (Community Commercial) District. Assessor's Parcel Number 088-151-012.

This project is delegated to staff under Category 4 (Changes to Existing Parking Lots) and Category 8 (Ancillary Structures) of Planning Commission Resolution No. 9918.

Mike's Auto Body Solar Carport – Vicinity Map

AP-17-1237	3001 North Park Boulevard
Administrative Design Review	APN: 088-151-012



Mike's Auto Body Solar Carport – Aerial Map

AP-17-1237	3001 North Park Boulevard
Administrative Design Review	APN: 088-151-012



NOTES

1. APPLICABLE AIR QUALITY MANAGEMENT DISTRICT SHALL BE NOTIFIED IN ACCORDANCE WITH CALIFORNIA STATE LAW PRIOR TO START OF ANY DEMOLITION, ADDITION, AND/OR REMODEL WORK.
2. AT TIME OF PERMIT ISSUANCE, CONTRACTOR SHALL SHOW THEIR VALID WORKERS' COMPENSATION INSURANCE CERTIFICATE.

SAFETY SIGN AND LOCATION INFO

SAFETY SIGNS AND LOCATIONS PER COMMUNITY SAFETY AND EDUCATION BUREAU GUIDELINES FOR HAZARDOUS MATERIALS IDENTIFICATION SIGN

FLAMMABLE LIQUID 1C
COMBUSTIBLE LIQUID II

NO WELDING

THE USE OF WELDING OR CUTTING EQUIPMENT IN OR NEAR THIS AREA IS DANGEROUS BECAUSE OF FIRE AND EXPLOSION HAZARDS. WELDING AND CUTTING SHALL BE DONE ONLY UNDER THE SUPERVISION OF THE PERSON IN CHARGE.



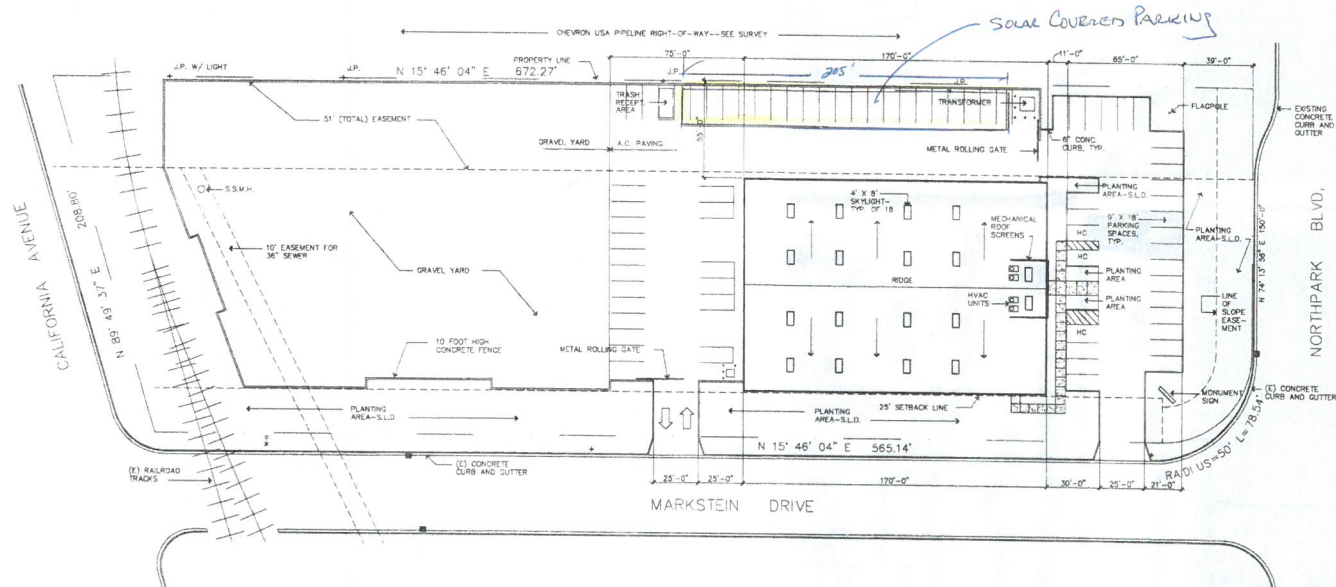
SIGN PLACEMENT SHALL BE IN THE VICINITY OF THE SPRAYING AREA

SCOPE OF WORK

1. FURNISH AND INSTALL BLOWTHERM ULTRA 2000 SPRAY BOOTH.(P.F.C.)
2. FURNISH AND INSTALL CONCRETE EXHAUST PIT FOR SPRAY BOOTH.(Existing With Building Construction)
3. FURNISH AND INSTALL COMPRESSED AIR PIPING FOR SPRAY BOOTH. (P.F.C.)
4. FURNISH AND INSTALL NATURAL GAS PIPING TO SPRAY BOOTH. (Existing With Building Construction)
5. FURNISH AND INSTALL WATER FIRE SUPPRESSION SYSTEM FOR SPRAY BOOTH. (INSTALLED BY FIRE SUPPRESSION CONTRACTOR)
6. FURNISH AND INSTALL ELECTRICAL WIRING TO SPRAY BOOTH. (P.F.C.)
7. FURNISH AND INSTALL ALL ROOF PENETRATIONS FOR SPRAY BOOTH. (SUPPLIED BY CONTRACTOR.)
8. FURNISH AND INSTALL EUROVAC CENTRAL DUST EXTRACTION SYSTEM. (P.F.C.)
9. FURNISH AND INSTALL KAESER SIMPLEX COMPRESSOR PACKAGE.(P.F.C.)
10. FURNISH AND INSTALL BLOWTHERM PAINT MIX ROOM. (P.F.C.)
11. FURNISH AND INSTALL PROSPOT OVERHEAD RESISTANCE WELDING SYSTEM. (P.F.C.)
12. FURNISH AND INSTALL IRT SHORWAVE CURING SYSTEMS. (P.F.C.)
13. FURNISH AND INSTALL CAROLINER STRUCTURE REPAIR BENCHES. (P.F.C.)

LEGEND

- * J.P. (E) JOINT POLE WITH LIGHTING (SEE NOTES)
- TOW TRUCK ENTRY/EXIT
- ⊙ (E) STREET LIGHT



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Equipment Sales and Shop
Design
A Thermo Inc. Company
4085 Delmar Ave. #4
Riverside, CA 92504
951-454-1700
951-454-1701



BY	REVISION

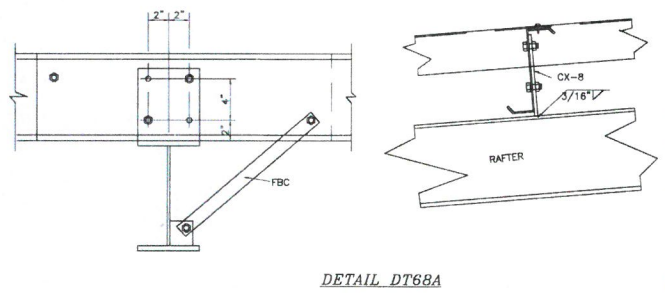
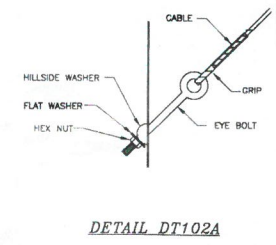
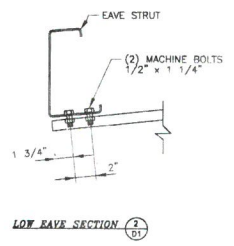
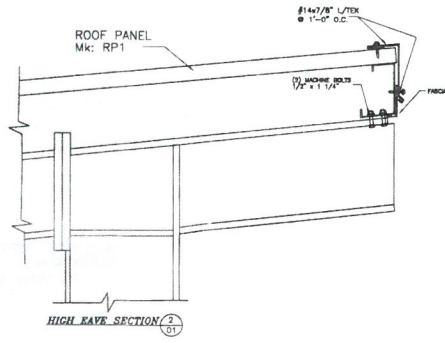
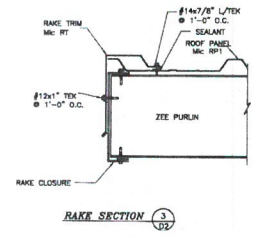
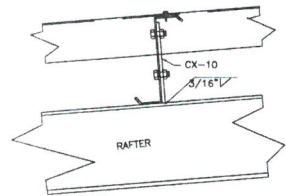
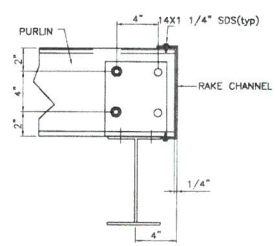
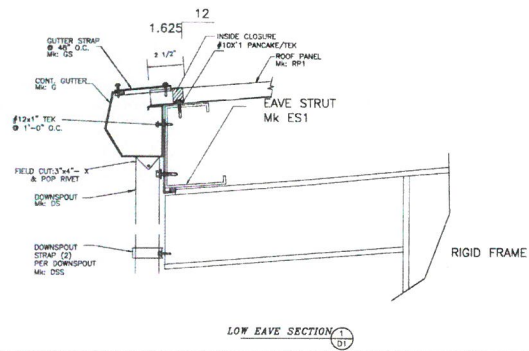
DATE	1/07/03
DRAWN BY	JEFF
APPROVED BY	JOEL
SCALE	1/32" = 1'-0"

American Auto Body
Markstein Drive and Northpark Blvd
Pittsburgh, CA

Site Plan

TITLE
DRAWING
SHEET

A



THIS BUILDING MEETS OR EXCEEDS CODE/CLASS		
2016 CBC ENCL/OPEN		
FOR A LOADING OF:		
DEAD: 3.25 PSF	LIVE: (Purlin) 20.00 PSF	LIVE: (Frame) 12.00 PSF
WIND: 110 MPH	SNOW: .00 PSF	COLLATERAL: 5.00 PSF



LOOMIS BUILDING SYSTEMS
LBs
 3485 SWEETEN ROAD
 LUDWIG, CA 95659
 PHONE (916) 652-6268
 FAX (916) 652-6269

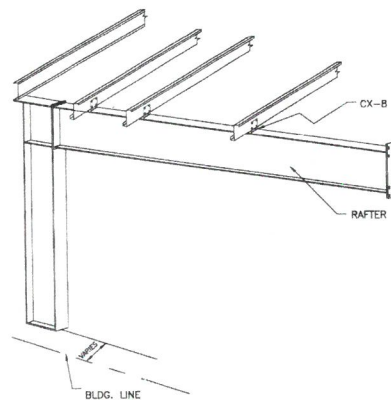
SECTIONS
 DETAILS

SOLAR COVER
 MIKE'S AUTO BODY
 3001 NORTH PARK BLVD.
 PITTSBURG, CA 94568

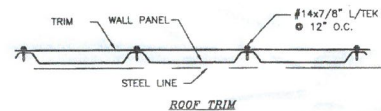
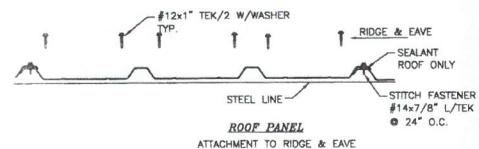
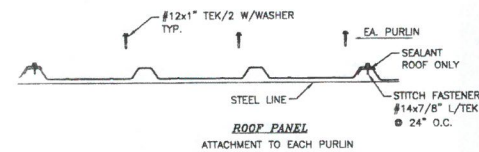
01

GENERAL NOTES:

1. ROOF PANELS ARE 26GA. 3' R PANELS.
2. ATTACH ROOF PANELS TO PURLINS w/ #12 x 1" TEK/2 W/WASHER. USE #14 x 7/8" L/TEK W/ WASHER FOR STITCH FASTENER @ 24" O.C. SEE PANEL FASTENER PATTERNS.
3. WALL PANELS ARE 26GA. 3' WIDE R PANELS.
4. ATTACH WALL PANELS TO WALL GIRTS w/ #12x1" TEK/2. NO WASHERS. USE #14x7/8" L/TEK NO WASHER FOR STITCH FASTENER @ 24" O.C. SEE PANEL CHART BELOW. FASTENERS TO MATCH PANEL COLOR.
5. TRIM IS TO BE 26GA. COLOR
6. ATTACH TRIM w/ #14x7/8" L/TEK. SEE DETAILS FOR TRIM ATTACHMENT. FASTENER COLORS TO MATCH TRIM, WITH THE EXCEPTION OF GUTTER STRAP FASTENERS TO MATCH ROOF.



TYPICAL CONNECTION DETAIL



PANEL FASTENER LAYOUTS

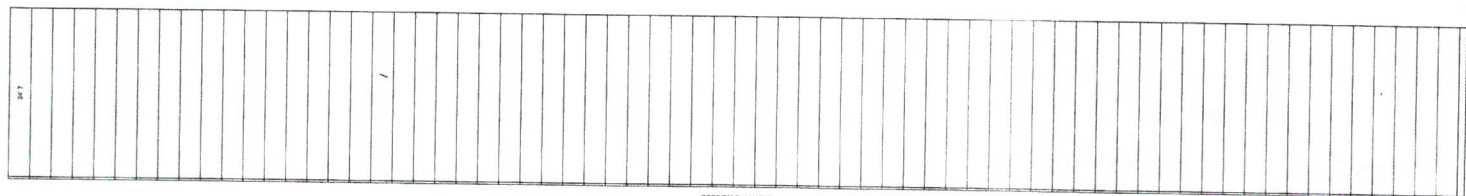
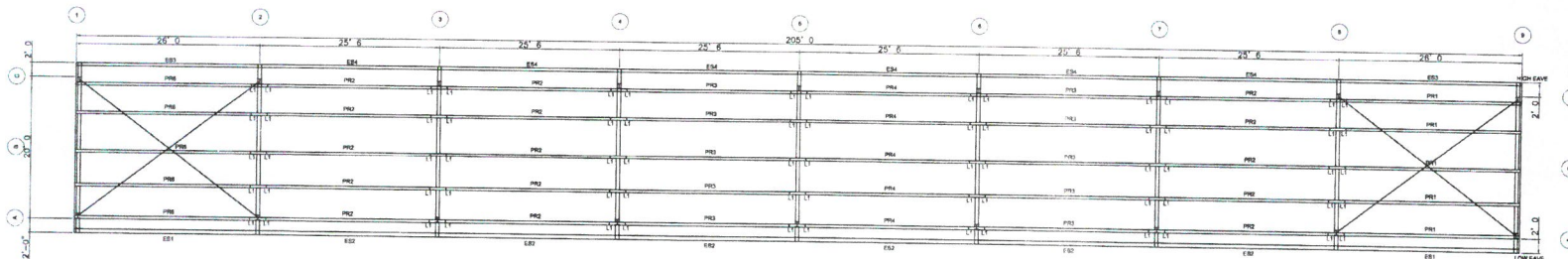
THIS BUILDING MEETS OR EXCEEDS CODE/CLASS:		
2016 CBC ENCL/OPEN		
FOR A LOADING OF:		
DEAD:	LIVE (Purlin):	LIVE (Frame):
3.25 PSF	20.00 PSF	12.00 PSF
WIND:	SNOW:	COLLATERAL:
110 MPH	.00 PSF	5.00 PSF



LOOMIS BUILDING SYSTEMS
LBs
 3485 SVETZER ROAD
 LOOMIS, CA 95650
 PHONE (916) 602-6268
 FAX (916) 602-6268

FASTENERS
 PANELS
 DETAILS

SOLAR COVER
 MIKE'S AUTO BODY
 3001 NORTH PARK BLVD.
 PITTSBURG, CA 94568



ROOF PANEL LAYOUT

SECTION LAP AT SUPPORTS	
LAP INDICATOR	LAP LENGTH (FT & IN)
1.1	1'-11 3/4"
1.2	2'-11 3/4"
1.3	2'-11 3/4"

QTY	PART MARK	DESCRIP	LENGTH	LAP TOWARD LINE # 1	LAP TOWARD LINE # 8
8	DB1	CAB 1/4"	25' 3-15/16		
10	PR1	Bx2 1/2 ZEE 12 GA	27' 1-1/2	1 (1)	
10	PR2	Bx2 1/2 ZEE 14 GA	27' 8-1/2	1 (1)	1 (1)
20	PR3	Bx2 1/2 ZEE 18 GA	27' 8-1/2	1 (1)	1 (1)
2	ES1	8 ES 12	25' 11-1/2		
8	ES2	8 ES 12	25' 5-1/2		
2	ES3	8 ES 14	25' 11-1/2		
8	ES4	8 ES 14	25' 5-1/2		

THIS BUILDING MEETS OR EXCEEDS
CODE/CLASS:
2016 CBC ENCL/OPEN

FOR A LOADING OF:

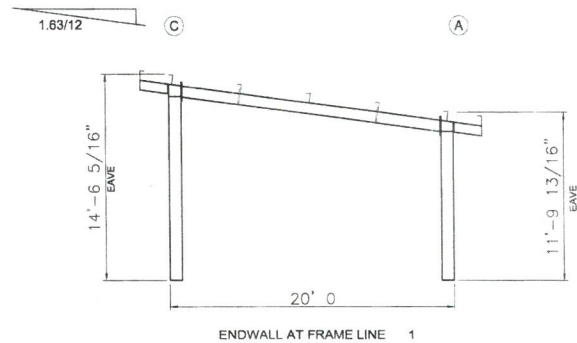
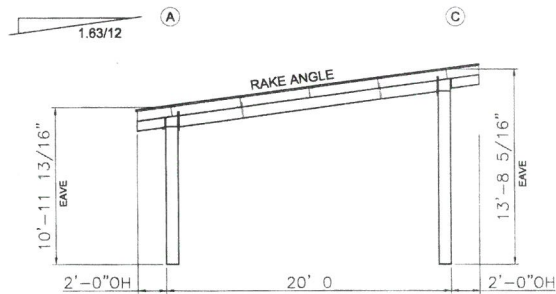
DEAD: 3.25 PSF	LIVE: (Purlin) 20.00 PSF	LIVE: (Frame) 12.00 PSF
WIND: 110 MPH	SNOW: .00 PSF	COLLATERAL: 5.00 PSF

REGISTERED PROFESSIONAL ENGINEER
CHARLES E. DOWNEY
No. C-36365
CIVIL
STATE OF CALIFORNIA

LOOMIS BUILDING SYSTEMS
3485 SVETZER ROAD
LOOMIS, CA 95650
PHONE (916) 652-6258
FAX (916) 652-6268

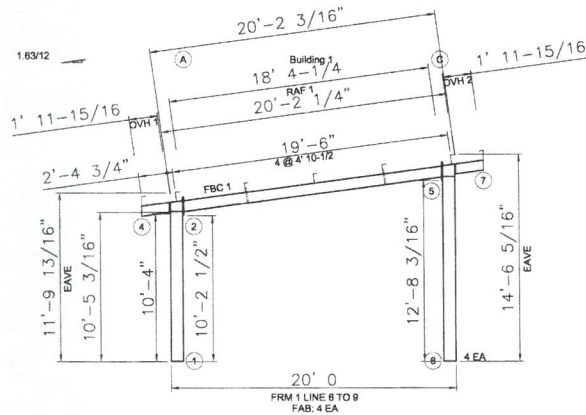
ROOF FRAMING
& SHEETING
PLAN

SOLAR COVER
MIKE'S AUTO BODY
3001 NORTH PARK BLVD.
PITTSBURG, CA 94568



THIS BUILDING MEETS OR EXCEEDS CODE/CLASS:		
2016 CBC ENCL/OPEN		
FOR A LOADING OF:		
DEAD: 3.25 PSF	LIVE: (Purin) 20.00 PSF	LIVE: (Frame) 12.00 PSF
WIND: 110 MPH	SNOW: .00 PSF	COLLATERAL: 5.00 PSF





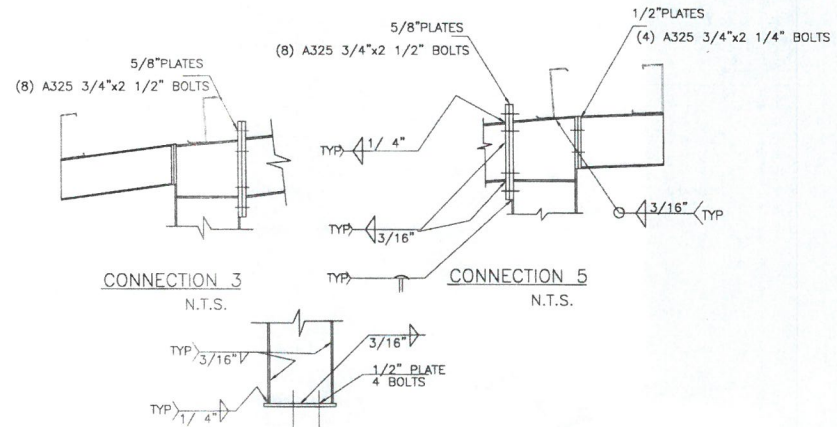
FLANGE BRACE TABLE				
PARTMARK	LENGTH	PLACEMENT	QTY/FR	QTY/BLDG
FBC 1	1'-5 1/16"	NS	5	5

FRAME

FRAME TABLE					
PARTMARK	SEGMENT	TYPE	THICKNESS	LENGTH	WIDTH
SWC 1	1	WEB	10 GA	11'-2 7/8"	0'-10"
SWC 1	1	OUTSIDE FLG	1/4"	10'-4 11/16"	0'-5"
SWC 1	1	INSIDE FLG	1/4"	10'-2"	0'-5"
RAF 1	1	WEB	10 GA	25'-11 11/16"	0'-9"
RAF 1	1	OUTSIDE FLG	1/4"	16'-3"	0'-5"
RAF 1	1	INSIDE FLG	1/4"	16'-3"	0'-5"
SWC 2	1	WEB	10 GA	13'-9 1/2"	0'-10"
SWC 2	1	OUTSIDE FLG	1/4"	13'-1 1/8"	0'-6"
SWC 2	1	INSIDE FLG	1/4"	12'-7 11/16"	0'-6"
DH1	1	WEB	10 GA	2'-0 9/16"	0'-8"
DH1	1	OUTSIDE FLG	1/4"	1'-11 7/16"	0'-5"
DH1	1	INSIDE FLG	1/4"	1'-11 7/16"	0'-5"

JOINT PLATES INFORMATION

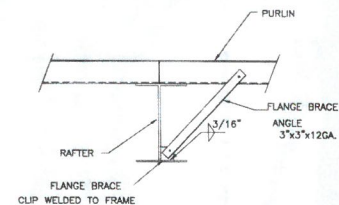
JOINT	PARTMARK	PLATE LENGTH	PLATE WIDTH	THICKNESS	BOLT QTY	DESCRIPTION
①	SWC 1	11'	0'-6"	1/2"	4	AB 3/4"x24"
②	SWC 1	1'-3 3/4"	0'-6"	5/8"	8	A325 3/4"x2 1/2"
③	RAF 1	1'-3 3/4"	0'-6"	5/8"	8	A325 3/4"x2 1/2"
④	RAF 1	1'-3 3/4"	0'-6"	5/8"	8	A325 3/4"x2 1/2"
⑤	SWC 2	1'-3 3/4"	0'-6"	5/8"	4	AB 3/4"x24"
⑥	SWC 2	11'	0'-6"	1/2"	4	AB 3/4"x24"
⑦	DH1	0'-9 1/2"	0'-6"	1/2"	4	A325 3/4"x2 1/4"
⑧	DH1	0'-9 1/2"	0'-6"	1/2"	4	A325 3/4"x2 1/4"



CONNECTION 1 & 6

N.T.S.

NOTE: WELDING SYMBOLS REFERS TO SHOP WELDING



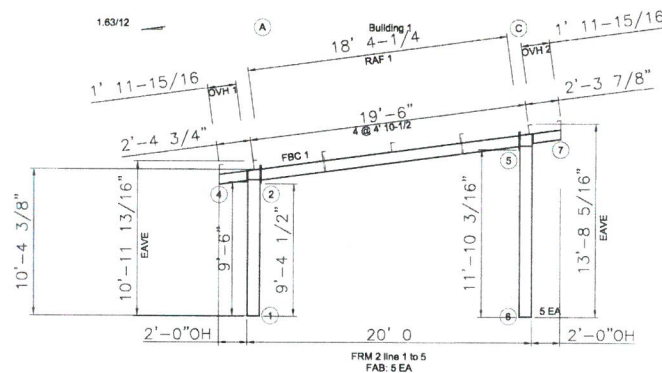
THIS BUILDING MEETS OR EXCEEDS CODE/CLASS:		
2016 CBC ENCL/OPEN		
FOR A LOADING OF:		
DEAD: 3.25 PSF	LIVE: (Purlin) 20.00 PSF	LIVE: (Frame) 12.00 PSF
WIND: 110 MPH	SNOW: .00 PSF	COLLATERAL: 5.00 PSF



LOOMIS BUILDING SYSTEMS
LB
3485 SWEETZ ROAD
LOOMIS, CA 95650
PHONE (916) 652-6568
FAX (916) 652-6268

FRAME 1
CROSS
SECTION

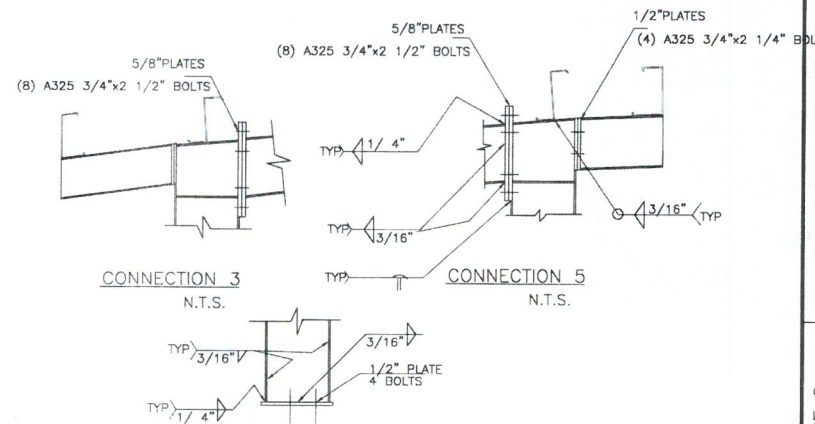
SOLAR COVER
MIKE'S AUTO BODY
3001 NORTH PARK BLVD.
PITTSBURG, CA 94568



FLANGE BRACE TABLE				
PARTMARK	LENGTH	PLACEMENT	QTY/FR	QTY/BLDG
FBC 1	1'-5 1/16"	NS	5	5

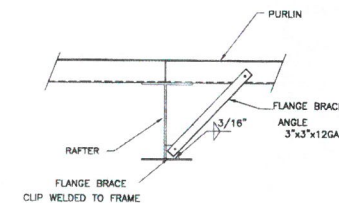
FRAME TABLE					
PARTMARK	SEGMENT	TYPE	THICKNESS	LENGTH	WIDTH
SWC 1_A	1	WEB	10 GA	10-4 3/8"	0'-10"
SWC 1_A	1	OUTSIDE FLG	1/4"	9-7 5/16"	0'-5"
SWC 1_A	1	INSIDE FLG	1/4"	9-4"	0'-5"
RAF 1	1	WEB	10 GA	25-11 11/16"	0'-9"
RAF 1	1	OUTSIDE FLG	1/4"	16-3"	0'-5"
RAF 1	1	INSIDE FLG	1/4"	16-3"	0'-5"
SWC 2_A	1	WEB	10 GA	12-11 1/2"	0'-10"
SWC 2_A	1	OUTSIDE FLG	1/4"	12-1 1/16"	0'-6"
SWC 2_A	1	INSIDE FLG	1/4"	11-9 11/16"	0'-6"
DH1	1	WEB	10 GA	2-0 9/16"	0'-8"
DH1	1	OUTSIDE FLG	1/4"	1-11 7/16"	0'-5"
DH1	1	INSIDE FLG	1/4"	1-11 7/16"	0'-5"

JOINT PLATES INFORMATION						
JOINT	PARTMARK	PLATE LENGTH	PLATE WIDTH	THICKNESS	BOLT QTY	DESCRIPTION
①	SWC 1	11"	0'-6"	1/2"	4	AB 3/4"x24"
②	SWC 1	1'-3 3/4"	0'-6"	5/8"	8	A325 3/4"x2 1/2"
③	RAF 1	1'-3 3/4"	0'-6"	5/8"	8	A325 3/4"x2 1/2"
④	RAF 1	1'-3 3/4"	0'-6"	5/8"	8	A325 3/4"x2 1/2"
⑤	SWC 2	1'-3 3/4"	0'-6"	5/8"	8	A325 3/4"x2 1/2"
⑥	SWC 2	11"	0'-6"	1/2"	4	AB 3/4"x24"
⑦	DH1	0'-9 1/2"	0'-6"	1/2"	4	A325 3/4"x2 1/4"
⑧	DH1	0'-9 1/2"	0'-6"	1/2"	4	A325 3/4"x2 1/4"



CONNECTION 1 & 6
N.T.S.

NOTE: WELDING SYMBOLS REFERS TO SHOP WELDING



THIS BUILDING MEETS OR EXCEEDS
CODE/CLASS:
2016 CBC ENCL/OPEN

FOR A LOADING OF:

DEAD: 3.25 PSF	LIVE: (Purlin) 20.00 PSF	LIVE: (Frame) 12.00 PSF
WIND: 110 MPH	SNOW: .00 PSF	COLLATERAL: 5.00 PSF

REGISTERED PROFESSIONAL ENGINEER
CHARLES E. DOWLEY
No. C-36365
CIVIL
STATE OF CALIFORNIA

LOOMIS BUILDING SYSTEMS
LBs
3485 SWEETZ ROAD
LOOMIS, CA 95650
PHONE (916) 662-6268
FAX (916) 662-6268

FRAME 2
CROSS
SECTION

SOLAR COVER
MIKE'S AUTO BODY
3001 NORTH PARK BLVD.
PITTSBURG, CA 94568

NOTICE OF INTENT

TO EXERCISE DESIGN REVIEW AUTHORITY DELEGATED TO STAFF PURSUANT TO PLANNING COMMISSION RESOLUTION NO. 9918

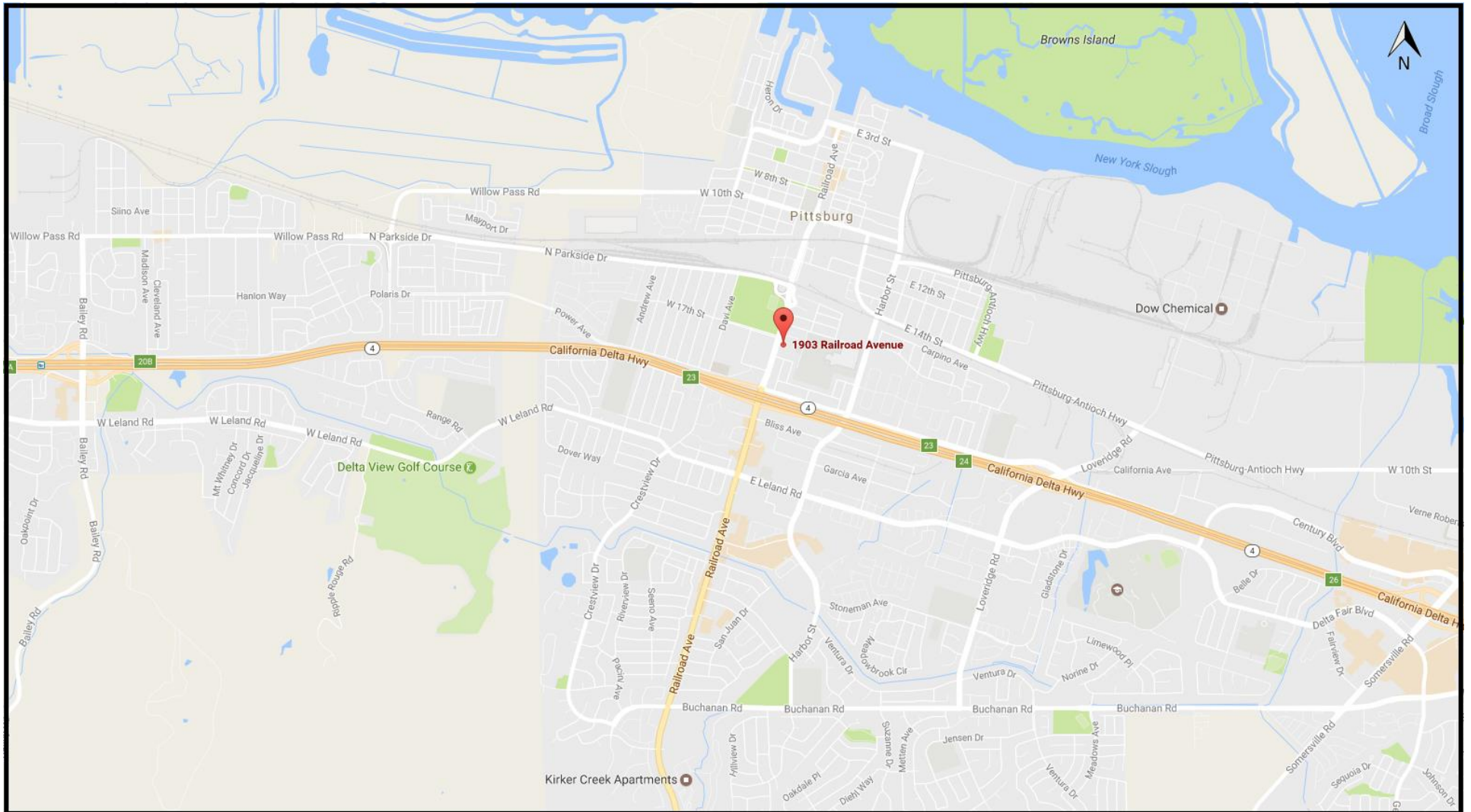
CCCFPD Station #84 Solar Canopy, AP-17-1238 (AD).

This is an application filed by Merna Nakhla, of OpTerra Energy, requesting administrative design review approval to construct an approximately 2,210 square foot carport which would include solar panels mounted atop the roof of the new structure for the existing Contra Costa County Fire Protection District Station #84, located at 1903 Railroad Avenue in the PD-1319 (Planned Development, City Council Ordinance No. 09-1319) District. Assessor's Parcel Number 086-190-036.

This project is delegated to staff under Category 4 (Changes to Existing Parking Lots) and Category 8 (Ancillary Structures) of Planning Commission Resolution No. 9918.

CCCFPD Station #84 Solar Canopy – Vicinity Map

AP-17-1238	1903 Railroad Avenue
Administrative Design Review	APN: 086-190-036



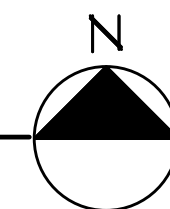
CCCFPD Station #84 Solar Canopy – Aerial Map

AP-17-1238	1903 Railroad Avenue
Administrative Design Review	APN: 086-190-036



VICINITY MAP

SCALE: NTS



CLIENT		
CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT		
PROJECT LOCATION		
CCCFPD FIRE STATION #84 1903 RAILROAD AVE, PITTSBURG, CA 94565		
DESIGNER		
 OPTERRA ENERGY SERVICES Prepared by: OPTERRA ENERGY SERVICES 500 12TH STREET, SUITE 300 OAKLAND, CA 94607 Tel 415 735 9170 Fax 415 735 9363		
CONSULTANTS		
 BLYMYER ENGINEERS 1101 MARINA VILLAGE PARKWAY #100 ALAMEDA, CA 94501 510.521.3773		
REGISTRATION		
		
AGENCY APPROVAL		
ISSUE		
0	04/04/2017	ISSUED FOR PERMIT
MARK	DATE	DESCRIPTION
DRAWN BY:		NO
CHECKED BY:		RP
SCALE:		AS NOTED
KEY PLAN		
SHEET TITLE		
COVERSHEET		
SHEET NUMBER		
CS-1		

CCCFPD
FIRE STATION #84
1903 RAILROAD AVE,
PITTSBURG, CA 94565



Prepared by:

OPTERRA
ENERGY SERVICES

500 12TH STREET, SUITE 3
OAKLAND, CA 94607
Tel 415 735 9170
Fax 415 735 9363



BLYMYER
ENGINEERS
1101 MARINA VILLAGE PARKWAY #
ALAMEDA, CA 94501 510.521.37



ISSUE

[illegible]

DRAWN BY:	NO
CHECKED BY:	RP
SCALE:	AS NOTED

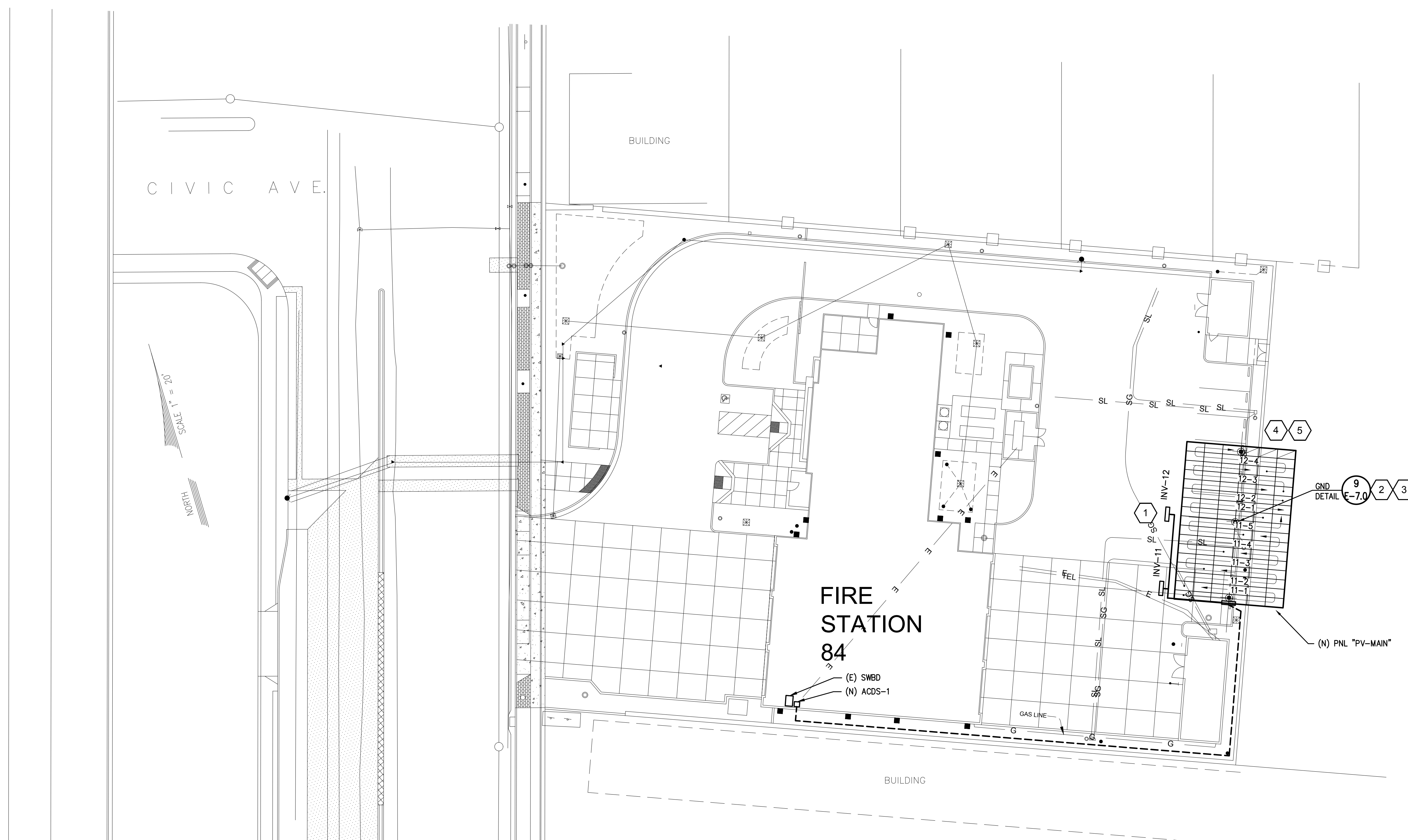
SHEET TITLE

PHOTOVOLTAIC ARRAY
ELECTRICAL SITE PLAN

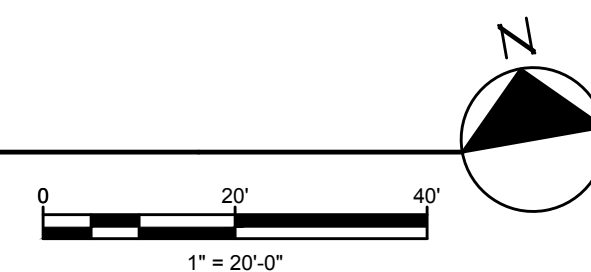
E-3.0

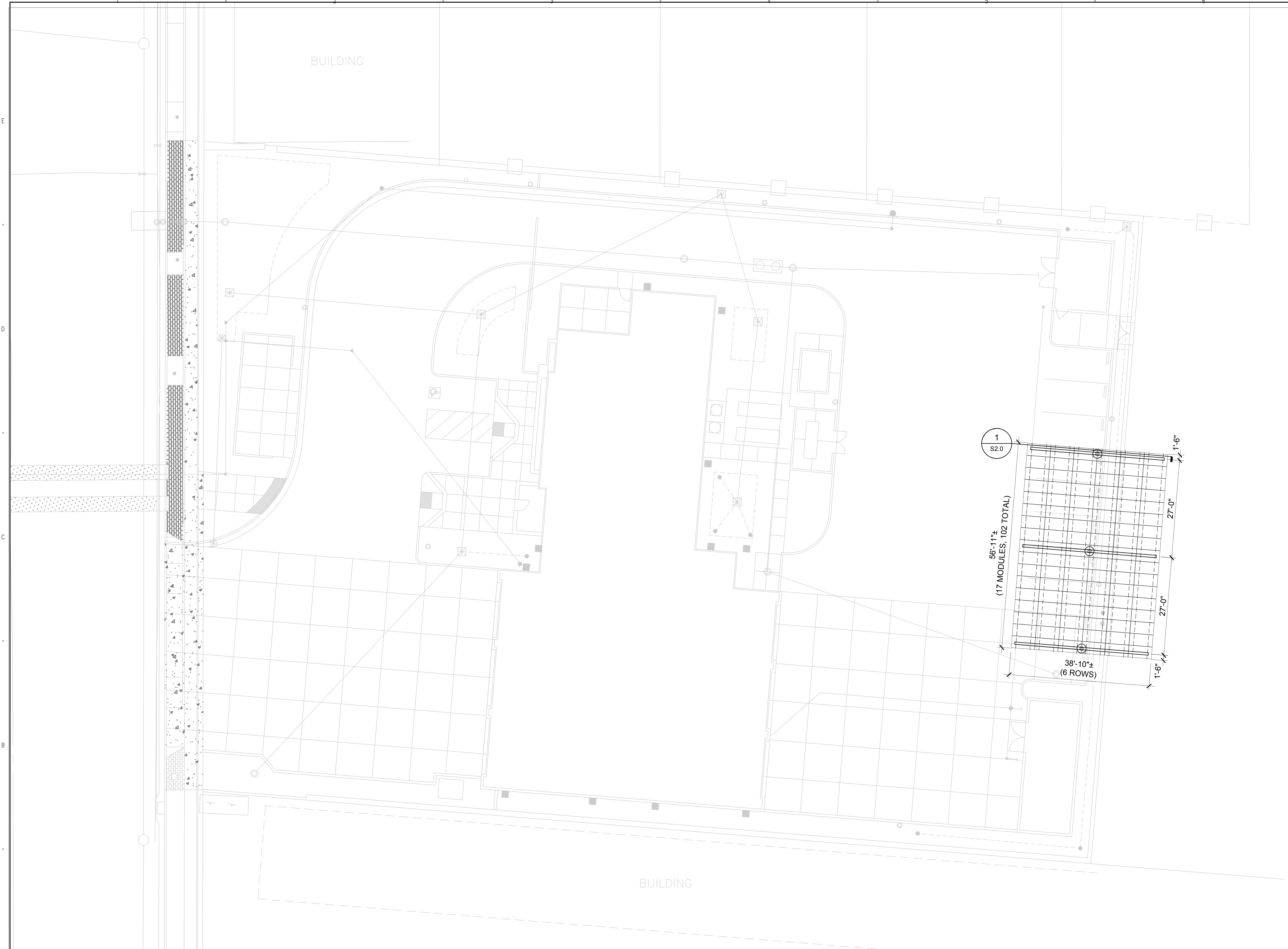
1. REFER TO SHEET E-4.1 FOR WIRE AND CONDUIT SCHEDULES.
2. CONDUIT ROUTING IS DIAGRAMMATIC ONLY. CONTRACTOR SHALL COORDINATE CONDUIT ROUTING TO AVOID EXCESSIVE INTERFERENCE AND BE RESPONSIBLE FOR FIELD CHECKING AND MAKING ALL NECESSARY OFFSETS AS REQUIRED.
3. NO PART OF THIS DRAWING OR SPECIFICATIONS IS INTENDED TO ALLOW A VIOLATION OF PHYSICAL WORKING SPACE REQUIREMENTS AROUND ELECTRICAL EQUIPMENT.
4. STRINGS HOMERUNS SHALL USE UL LISTED WEATHERPROOF, UV SUNLIGHT RESISTANT, FINGERSAFE, PLUG-AND-RECEPTACLE CONNECTORS, MULTICONTACT TYPE OR EQUIVALENT. EXISTING PV MODULE CONNECTORS SHALL BE UTILIZED, HOMERUNS TO MATCH.
5. PROVIDE (1) 2" EMPTY CONDUIT WITH PULLSTRING IN EACH TRENCH.
6. PROVIDE AND INSTALL "DAS COMB BOX" NEXT TO THE MAIN PHOTOVOLTAIC SWMB/PNLI IN CONVENIENT AND ACCESSIBLE LOCATION.
7. RUN 1" FROM "DAS COMB BOX" TO NEXT CANOPY. RUN ONE 2" FROM DAS COMB BOX TO THE NEAREST AWC LOCATION VIA ELECTRICAL SERVICE METER, AS APPLICABLE PER FIELD CONDITION.
8. INSTALL PULL ROPES IN EMPTY RACEWAYS. USE MONOFILAMENT PLASTIC LINE, WHICH IS NOT LESS THAN 200LB TENSILE STRENGTH. LEAVE AT LEAST 12" OF SLACK AT EACH END OF THE PULL WIRE.

1. INVERTERS TO BE INSTALLED ON THE COLUMN ON CANOPY STRUCTURE, AT THE MAXIMUM HEIGHT. SEE INSTALLATION MANUAL FOR EXACT DIMENSIONS OF ACCESS, AND MOUNTING DETAILS.
2. INSTALL CONCRETE-ENCASED ELECTRODE IN ACCORDANCE WITH NEC 250.52(3) CONSISTING OF #2/OAWG BARE COPPER AT LEAST 20 FEET LONG; MIN ONE PER EACH SEPARATE CANOPY STRUCTURE AT THE CENTER COLUMN. INSTALL #2/OAWG BARE COPPER (5C) PROTS FROM ELECTRODE TO THE COLUMN OF SUPPORTING STRUCTURE, AND BOND WITH CONNECTION BAR TERMINAL USING #4AWG BC.
ALL UNDERGROUND AND CONNECTIONS SHALL BE MADE USING UL LISTED IRREVERSIBLE MECHANICAL CONNECTORS AND APPROVED COMPRESSION CONNECTIONS FOR ABOVEGROUND CONNECTIONS, OR EXOTHERMIC WELD PROCESS AS APPLICABLE.
CONTRACTOR TO VERIFY ELECTRODE RESISTANCE TO THE GROUND BY 3 POINT TESTING METHOD. THIS RESISTANCE SHALL NOT EXCEED .50.
3. SUPPLEMENTARY ELECTRODES FOR ARMY GROUNDING SHALL BE INSTALLED IN ACCORDANCE WITH NEC 250.54, 250.52(3)(5/7) AND 690.47.
4. WIRING SHALL BE INSTALLED IN APPROVED RACEWAYS FOR ITS INTENDED USE. ADEQUATELY STRAP AND SUPPORT ALL RACEWAYS. IN GENERAL, SUPPORT ALL CONDUIT WITHIN THREE FEET OF OUTLET BOX, PANEL OR ENCLOSURE AND MAXIMUM TEN FEET ON CABLE THEREAFTER. RACEWAYS TO BE LISTED FOR WET LOCATION.
5. REFER TO SHEET E-6.0 FOR LIGHTING PLAN.

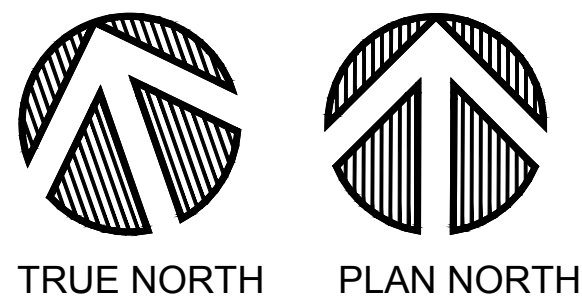


PHOTOVOLTAIC ARRAY ELECTRICAL SITE PLAN
SCALE: 1" = 20'-0"





PV CANOPY LAYOUT
SCALE: 1"=10'



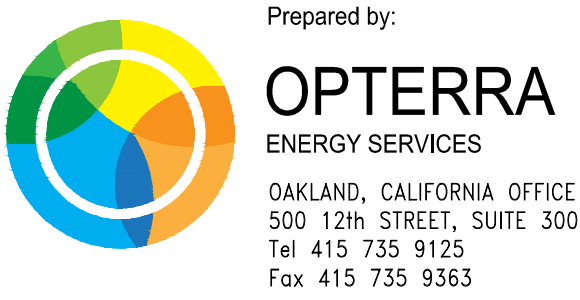
LEGEND	
	LG SOLAR MODULE (102) TOTAL MODULES
	ZEE PURLIN
	6 HIGH SOLAR STRUCTURE AT 27'-0" MAX, SEE DETAIL 1/S2.0, (3) TOTAL

CLIENT

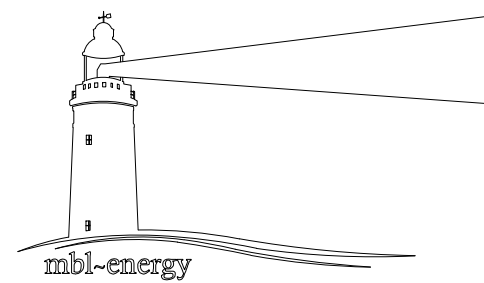
PROJECT LOCATION

FIRE STATION #84
1903 RAILROAD AVENUE
PITTSBURG, CA 94565

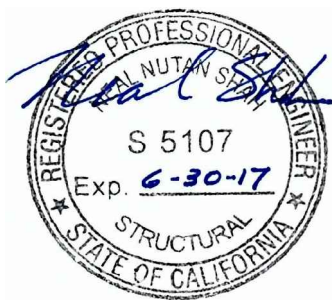
DESIGNER



CONSULTANTS



REGISTRATION



AGENCY APPROVAL

ISSUE

0	03/02/17	50% CLIENT REVIEW
1	03/30/17	100% PERMIT SUBMITTAL

MARK	DATE	DESCRIPTION
------	------	-------------

DESIGNER PROJECT NO.:	--
DRAWN BY:	AT
CHECKED BY:	NS
SCALE:	VARIES

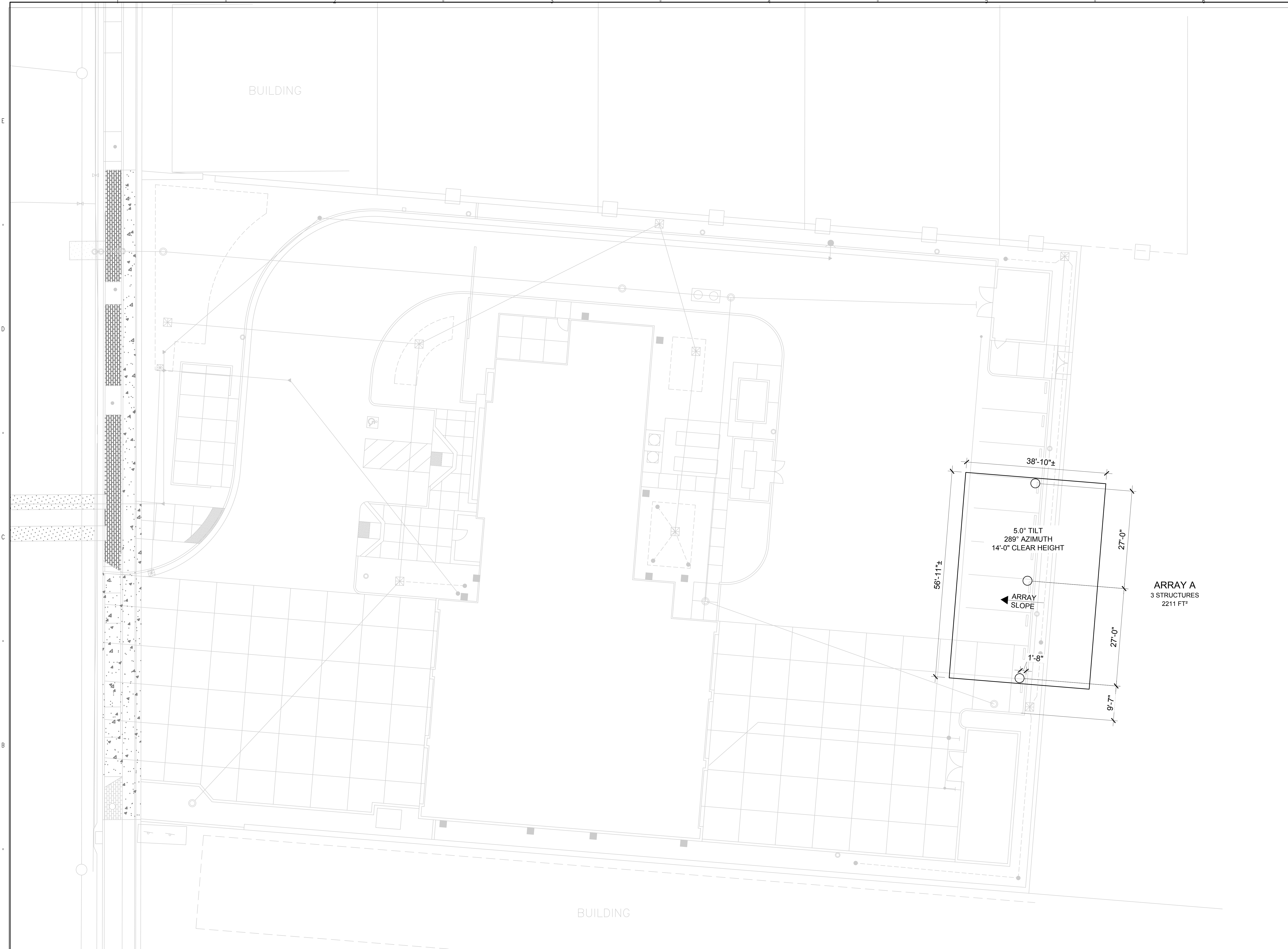
KEY PLAN

SHEET TITLE

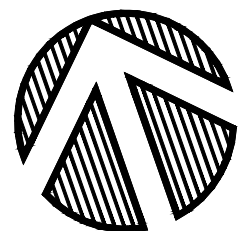
PV CANOPY LAYOUT

SHEET NUMBER

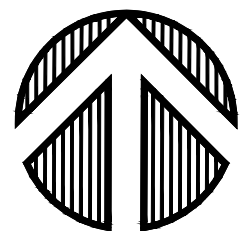
S1.0



PV CANOPY FOUNDATION PLAN
SCALE: 1"=10'



TRUE NORTH



PLAN NORTH

NOTES:
1. LOCATION OF ALL UNDERGROUND UTILITIES SHALL BE VERIFIED PRIOR TO EXCAVATION. ANY CONFLICTING UTILITIES SHALL BE REMOVED OR RE-ROUTED BY OTHERS.

CLIENT

PROJECT LOCATION

FIRE STATION #84
1903 RAILROAD AVENUE
PITTSBURG, CA 94565

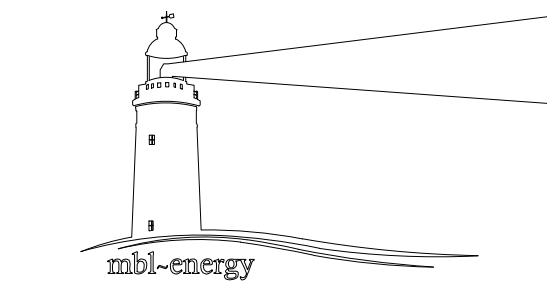
DESIGNER



Prepared by:

OPTERRA
ENERGY SERVICES
OAKLAND, CALIFORNIA OFFICE
300 12TH STREET, SUITE 300
Tel 415 735 9125
Fax 415 735 9363

CONSULTANTS



REGISTRATION



AGENCY APPROVAL

ISSUE		
0	03/02/17	50% CLIENT REVIEW
1	03/30/17	100% PERMIT SUBMITTAL

MARK	DATE	DESCRIPTION
DESIGNER PROJECT NO.: --		
DRAWN BY: AT		
CHECKED BY: NS		
SCALE: VARIES		

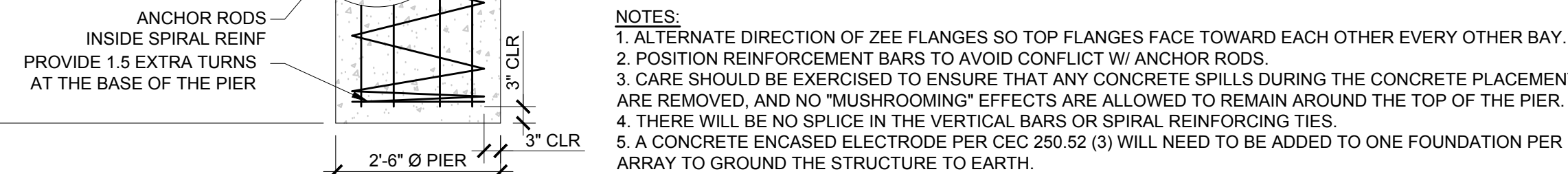
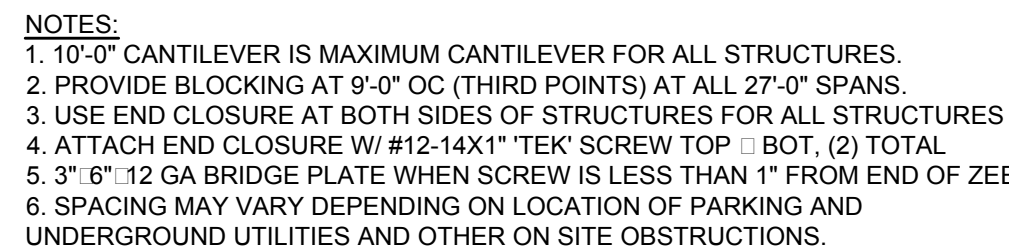
KEY PLAN

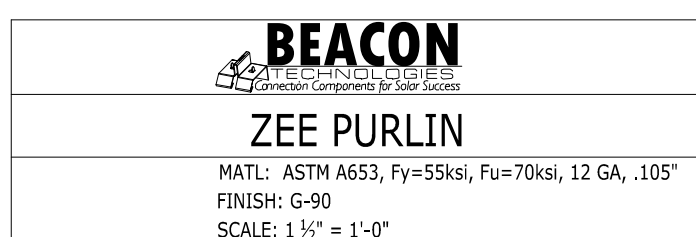
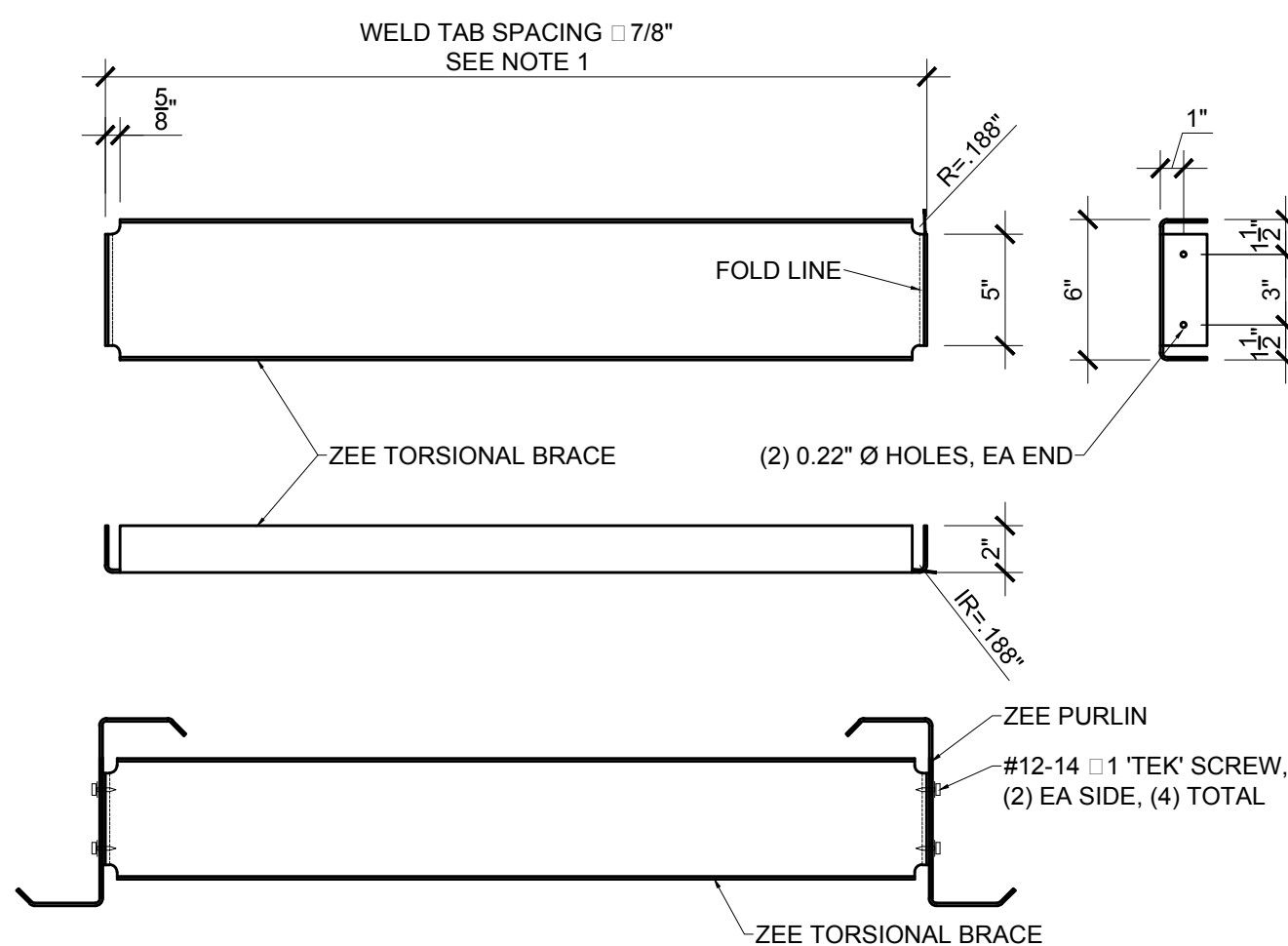
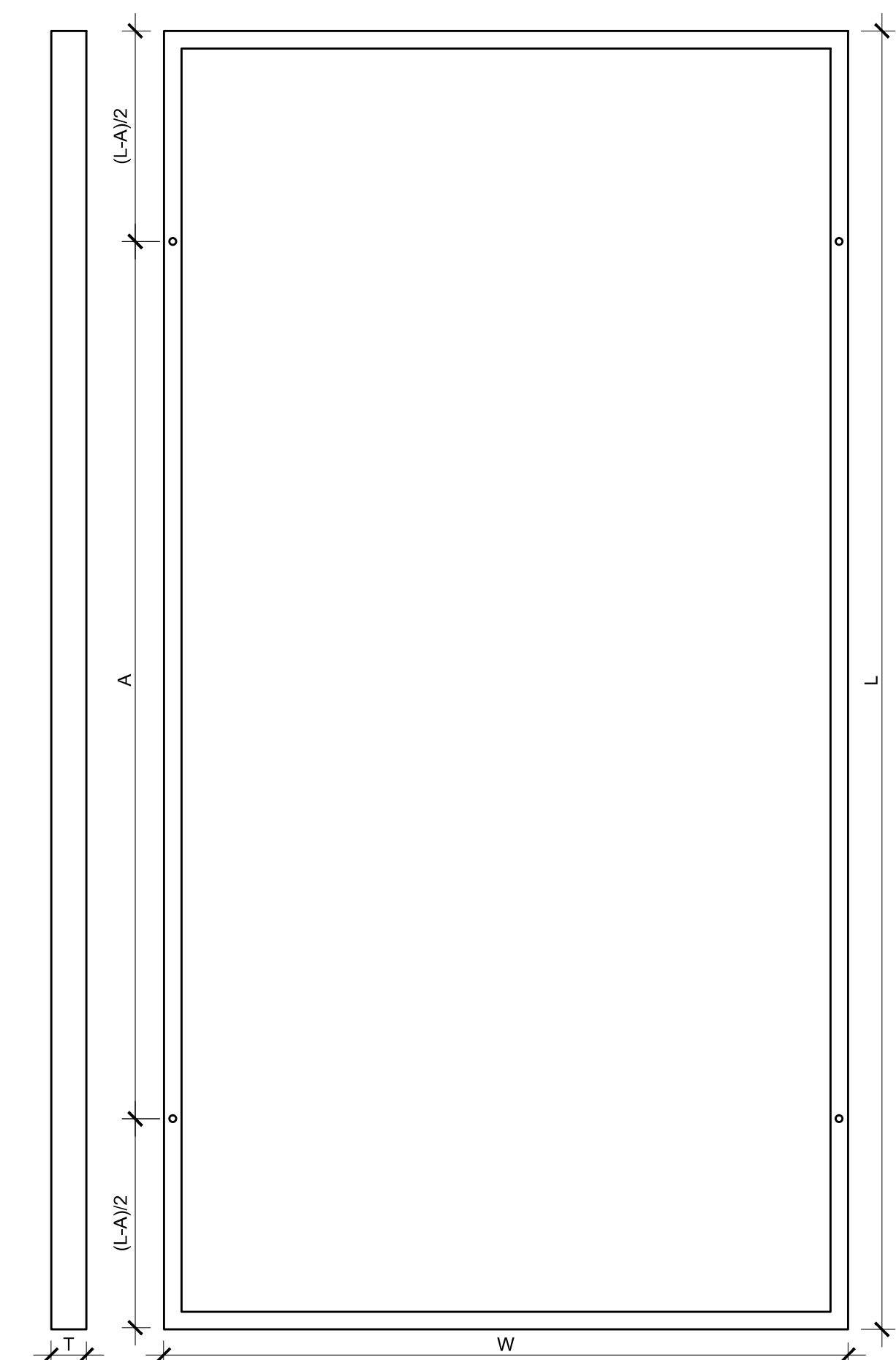
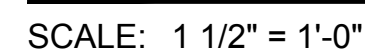
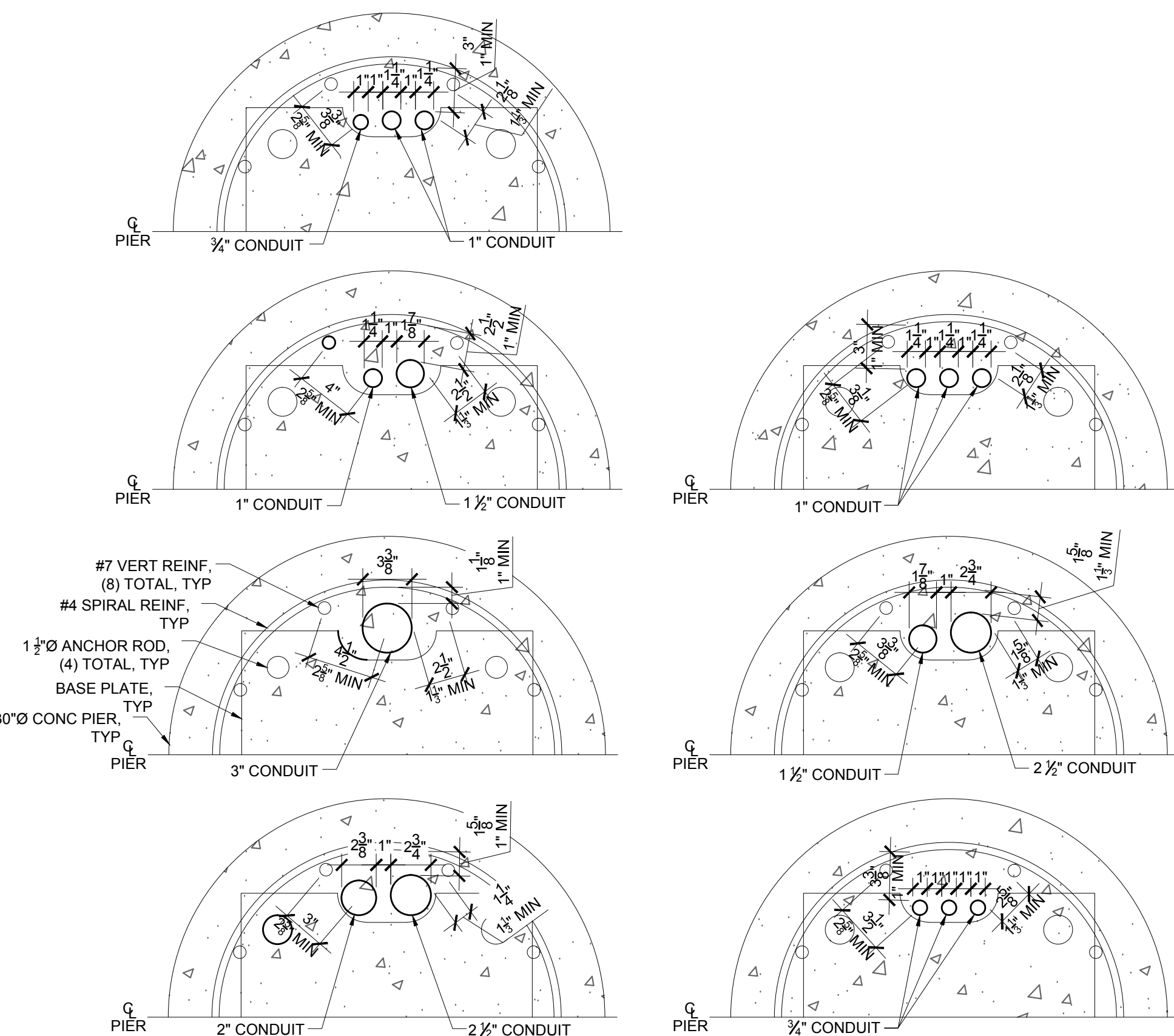
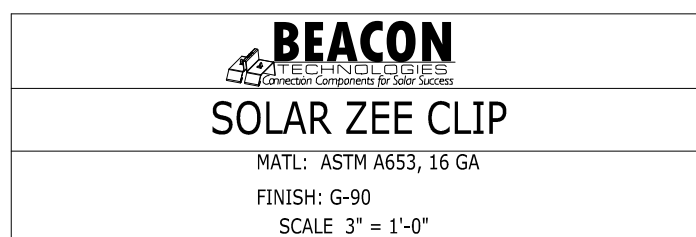
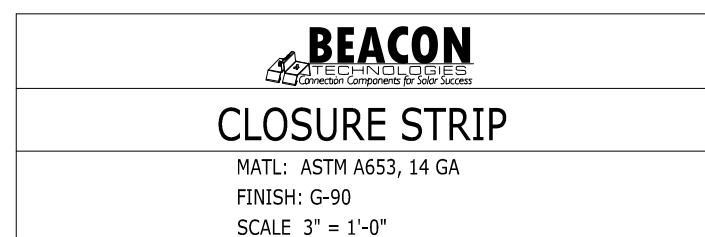
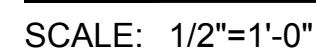
SHEET TITLE

PV CANOPY
FOUNDATION PLAN

SHEET NUMBER

S1.1





MODULE DIMENSIONS		
L	=	77.17"
W	=	39.37"
A	=	48.03"
T	=	1.81"

LG340S2W-G4

SOLAR MODULE FRAME

MATL: ALUMINUM
SCALE: 1 3/4" = 1'-0"

NOTES:
1. VERIFY WELD TAB SPACING PRIOR TO BRACE FABRICATION



BEACON
TECHNOLOGIES

ZEE BRACE

MATL: 12 GA, ASTM A653, $F_y=55\text{ksi}$
FINISH: G-90
SCALE: $1\frac{3}{4}" = 1'-0"$


BEACON
TECHNOLOGIES

ZEE PURLIN

MATL: ASTM A653, $F_y=55\text{ksi}$, $F_u=70\text{ksi}$, 12 GA, .105"
FINISH: G-90
SCALE: $1\frac{1}{2}'' = 1'-0''$

BEFORE THE ZONING ADMINISTRATOR OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Approving the Removal of a)
Protected Tree at 351 School Street, for)
"Pittsburg High School Tree Removal, AP-)
16-1212 (ZA).")

Resolution No. 297

The Zoning Administrator DOES RESOLVE as follows:

Section 1. Background

- A. On December 21, 2016, Prachi Amin, on behalf of Pittsburg Unified School District (PUSD), filed Protected Tree Removal Application No. 16-1212, requesting Zoning Administrator approval of a permit to remove a protected tree, as defined by Pittsburg Municipal Code (PMC) section 18.84.830(F). The project site is located within the public right-of-way at 351 School Street, in the GQ (Government/Quasipublic) District, along the southern border of Assessor's Parcel No. 086-201-001.
- B. On February 28, 2017, the Zoning Administrator submitted to the Planning Commission a Notice of Intent to exercise delegated authority for the subject application pursuant to Pittsburg Municipal Code (PMC) section 18.84.850(C).
- C. The proposed tree removal is exempt from the requirements of the California Environmental Quality Act (CEQA) under the general rule of the State CEQA Guidelines, section 15061, in that the activity in question will not result in any direct significant negative physical impacts on the environment; the proposed tree removal will be subject to PMC section 18.84.855, "Replacement Trees," which requires the replacement of removed protected trees (as defined within PMC section 18.84.830[F] and not exempted under section 18.84.845[B]) at a 12-to-one ratio, and will result in an environmental benefit.
- D. On or prior to March 27, 2017, notice of the April 6, 2017, public hearing notice on this project was posted at City Hall, at and near the proposed project site, and on the "Public Notices" section of the City's website; was delivered to the Pittsburg Library; and mailed via first class or electronic mail to the property owner, the applicant, to all owners of property within 300 feet of the project site, and to all interested parties and individuals and organizations that requested such notice, in accordance with PMC section 18.14.010. On April 3, 2017, the City Clerk posted a notice cancelling and rescheduling, as well as continuing all items scheduled for the April 6, 2017, Zoning Administrator Hearing to April 11, 2017.
- E. PMC section 18.84.850, "Tree Removal Permit Procedure and Requirements," allows for the removal of protected native and non-native trees through the

issuance of a tree removal permit approved by the Zoning Administrator. Pursuant to PMC section 18.84.854(E), in order to approve the removal of protected trees, the Zoning Administrator must find that either:

1. the condition of the tree or trees with respect to disease, danger of falling and the potential for endangering other nearby trees warrants removal and such condition represents a risk to public health and safety and cannot be reasonably remedied through less drastic measure; or
 2. the burden to the applicant in preserving the tree or trees greatly outweighs the tree's or trees' benefit to the public or environment; or
 3. part of a development plan, subdivision or other discretionary project, preservation of the tree or trees will severely reduce the scale or feasibility of the development.
- F. On April 11, 2017, the Zoning Administrator held a public hearing on Protected Tree Removal Application No. 16-1212, at which time oral and/or written testimony was considered.

Section 2. Findings

- A. Based on all the information contained in the Planning Division files on this project, incorporated herein by reference and available for review in the Planning Division located at 65 Civic Avenue in Pittsburg, and based on all oral and written testimony presented at the public hearing, the Zoning Administrator finds that:
1. All recitals above are true and correct and are incorporated herein by reference.
 2. The burden to the applicant, a local school district which represents the citizens of Pittsburg within its jurisdiction, in preserving the tree greatly outweighs the tree's benefit to the public or environment. Preservation of the trees will significantly and negatively impact the budget for renovation of Pittsburg High School's educational facilities, which present a greater benefit to the City than the subject tree, particularly in light of the proposed condition requiring the applicant plant a minimum of 12 new, 15-gallon size trees to mitigate for the removal of the protected tree.

Section 3. Decision

- A. Based on the findings set forth above, the Zoning Administrator hereby approves Protected Tree Removal Application No. 16-1212, subject to the following conditions.
1. The project shall be completed in substantial conformity with the project plans dated December 14, 2016, and attached to this resolution as "Exhibit A," except

as hereinafter modified.

2. Prior to removal of the protected tree, the applicant shall submit either of the following:
 - a. Payment of in-lieu fees equal to the replacement trees' value, installation costs and one year of maintenance costs, as calculated with a 12-to-one ratio of 15-gallon trees (\$600 total); or
 - b. A site plan showing where the 12 required 15-gallon replacement trees are to be located. If choosing this option, the applicant shall install the replacement trees within one year of the date of approval of the replacement plan.
3. All site development shall comply with Title 15 (Building and Construction) of the PMC.
4. The developer shall comply with all requirements of the Pittsburg Building and Engineering Divisions, the Contra Costa County Fire Protection District, and all other applicable local, state and federal agencies. It is the responsibility of the business owner to contact each local, state, or federal agency for requirements that may pertain to this project.
5. The Standard Conditions of Development as adopted by the Pittsburg Planning Commission by Resolution No. 8931 shall apply as conditions of approval for this project as applicable. Where there is a conflict between this resolution and the Standard Conditions of Development, this Zoning Administrator resolution shall govern.
6. Developer agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person challenging the validity of this project approval, subsequent project approval, or other action arising out of, or in connection with, this project approval. The parties shall cooperate in defending such action or proceeding. The parties shall use reasonable efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel at applicant's sole cost and expense. Applicant may select its own legal counsel to represent applicant's interests at applicant's sole cost and expense. Applicant shall pay for City's costs of defense, whether directly or by timely reimbursement to City on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorney's fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent responding to and defending the claim, action or proceeding.
7. This approval will expire on April 11, 2018, unless the applicant has complied with all conditions of approval described herein, or a written request for

extension is filed with the Planning Division prior to the expiration date and subsequently approved by the Zoning Administrator. In the event that the required replacement trees are not planted or in lieu fees are not paid in full, and this approval expires, the property owner shall be considered in violation of the PMC, and shall be subject to administrative citations and/or civil sanctions.

Section 4. Effective Date

This resolution shall take effect immediately upon adoption of this resolution.

The foregoing resolution was passed and adopted the 11th day of April, 2017, by the Zoning Administrator of the City of Pittsburg, California.



KRISTIN POLLOT, AICP
ZONING ADMINISTRATOR

STANDARD CONDITIONS OF DEVELOPMENT
(Planning Commission Resolution No. 8931)

All projects approved by the Planning Commission must meet the following standard conditions unless specifically exempted by the Commission or Council.

A. Project Site.

1. The applicant shall comply with all regulations and code requirements of the Building Division, Engineering Division, Contra Costa Fire Protection District, the Police Department and any other agencies requiring review of the project. If required, these agencies shall be supplied copies of the final building and site plans.
2. Developer shall provide written notification to adjacent property owners for any drainage work required to collect or convey storm water runoff, which may or will affect their properties.
3. During construction water trucks or sprinkler systems are to be used in sufficient quantities to prevent dust from leaving the site during any earthmoving and/or construction activities. Nonpotable water shall be used from a source approved by the City Engineer. (Title 15 of PMC)
4. Continuous 6" high Portland Concrete Cement curbing shall be provided between all driveways and landscaped areas as indicated in the City of Pittsburg Standard Details. In addition to above, curbing between length of parking space and landscaped area shall include a 12" wide "Courtesy Curb."
5. CC&R's (Covenants, Conditions and Restrictions) for the project shall contain appropriate provisions for joint maintenance of any infrastructure, roadways, utilities, landscaping and irrigation as determined necessary by the City Engineer.
6. Developer shall submit a study addressing on and off-site storm water and sewer system capabilities. If the study indicates that the present system is inadequate, the developer must provide plans and install any additional storm water and sanitary sewer facilities including off-site improvements to correct storm water runoff and sanitary sewer demands anticipated for upstream buildout in accordance with the Pittsburg General Plan.
7. Environmental and engineering studies, as directed by the Planning and Building Director, must be complete and on file prior to commencement to plan checking. Developer shall install off-street improvements determined necessary by the City Engineer to provide safe traffic conditions.
8. Developer shall underground existing and required on and off-site utilities as specified in Chapter 17 of the Municipal Code or as deemed necessary by the City Engineer.
9. All site development shall comply with title 12 (Streets, Sidewalks and Utilities), Title 13 (Water and Sewers) and Chapter 15.88 (Grading, Erosion and Sediment Control) of the Pittsburg Municipal Code as determined by the City Engineer. Issuance of a site development permit will be required whereby specific engineering requirements will be made as conditions of approval of that permit.
10. The CC&R's shall restrict the storage of recreational vehicles on this site or parcels unless they are the principle source of transportation for the

owner and prohibit parking on the public street for long than 72 hours.

11. All retaining wall adjacent to public right-of-ways shall be provided with decorative treatment, subject to approval by the Planning Division.

12. The design of any masonry soundwall shall be approved by the Planning and Building Department. It shall match or harmonize with existing soundwalls of neighboring projects along that street.

B. Architecture.

1. All mechanical, irrigation, ground and/or roof mounted equipment shall be architecturally screened from view from all public right-of-ways prior to issuance of certificate of occupancy.

2. All trash enclosures shall be constructed of masonry material with self-enclosing doors and have a second access. The enclosure shall have materials and colors consistent with the primary building.

3. All vents, gutters, downspouts, flashing electrical conduits, etc., shall be painted or finished to match the color of the adjacent surface unless otherwise directed by the Planning Commission.

4. Soffits and other architectural elements visible from view but not detailed on the plans shall be finished in a material in harmony with the exterior of the building.

5. Finish quality of exterior design elements including, but not limited to, building façades and landscaping shall be subject to approval of the Planning Division prior to issuance of Certificate of Occupancy.

C. Landscaping.

1. Specific landscaping for screening shall have an appearance of mature growth subject to a field check and approval by the Planning Division prior to Certificate of Occupancy.

2. The area under the drip line of all existing trees, which are to be saved, shall be fenced during construction. Grading shall be restricted under them to prevent soil compaction around the trees and to protect them from damage.

3. An existing tree inventory shall be created and included on the site plan for all new projects prior to approval of grading plan.

4. All slope banks in excess of five (5) feet in vertical height and 2:1 or greater slope shall be landscaped and irrigated for erosion control and to soften their appearance as follows: one 15-gallon or larger size tree per each 150 sq. ft. of slope area, one 1-gallon or larger size shrub per each 100 sq. ft. of slope area, and appropriate ground cover 12-24 inches on-center. In addition, slope banks in excess of eight (8) feet in vertical height and 2:1 or greater slope also include one 5-gallon or larger size tree per each 250 sq. ft. of slope area. Trees and shrubs shall be planted in staggered clusters to soften and vary slope plane. Slope planting required by this condition shall include a permanent irrigation system to be installed by the developer prior to occupancy.

5. All planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning of debris and trash, fertilizing and regular watering. Whenever necessary, planting shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements. Required

irrigation systems shall be fully maintained in sound operating condition with heads periodically cleaned and replaced when missing to insure continued regular watering of landscape areas, and health and vitality of landscape materials.

D. General Requirements

1. Final inspection for occupancy permits will not be granted until all construction and landscaping is complete in accordance with approved plans.
2. The applicant shall defend, indemnify and hold harmless the City of Pittsburg, its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval, or any aspect of the City's consideration of applicant's project. The applicant recognizes and agrees that applicant's voluntary commitment to meet the obligations described in this condition is an integral factor in the City's approval of this project. The intent of this condition is to require the applicant to bear the cost of any and all litigation instituted to overturn or in any way modify the City's approval of this project. Such costs include without limitation, any award of attorney's fees and costs to a prevailing plaintiff or petitioner. In the event the city becomes aware of any such claim, action, or proceeding, the City shall promptly notify the applicant and shall cooperate fully in the defense. If the City fails to promptly notify the applicant, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City. Nothing contained in this condition prohibits the City from participating in the defense of any claim, action, or proceeding, if both the following occur:
(a) the City bears its own attorneys' fees

and costs; and (b) the City defends the action in good faith. The applicant shall not be required to pay or perform any settlement unless the applicant approves the settlement.

3. It is required by State Law (Business and Professional Code Section No. 5537 & 5538 and Section 302(b) of the Uniform Building Code) that all commercial buildings, new or existing must have a licensed professional designer (Architect, Civil or Structural Engineer) to design all changes of use or occupancy as well as new construction.
4. The applicant shall submit a complete area water pressure availability study for all phases of the Project prior to issuance of any development permits. If the study indicates that the present system is inadequate, the Applicant must provide plans, which will demonstrate any remedial action necessary to abate the deficiency and shall take all necessary actions at the applicant's expense.
5. This use permit may be recalled to the Planning Commission for review at any time due to complaints regarding lack of compliance with conditions of approval, traffic congestion, noise generation, or other adverse operating characteristics. At such time, the Commission may revoke the use permit or add/modify conditions approval.
6. It is the responsibility of the applicant or developer to check with each agency for requirements that may pertain to their project.
7. All signs shall be submitted to the Planning Division for design review per Title 19 of the Pittsburg Municipal Code.
8. All landscape areas shall be maintained in a healthy, thriving and weed free condition.

9. The site shall be maintained in a neat and clean manner free of trash and debris.

10. All outdoor mechanical equipment, satellite dishes, fire main and all rooftop equipment shall be fully visually screened upon installation subject to the approval of the Planning Division. Screening devices shall be shown on construction and/or landscape plans.

11. All exterior light fixtures shall be shown on plans subject to staff review and approval. All lights attached to buildings shall provide a soft "wash" of light against the wall. All building and parking or yard lights shall conform to City Parking Standards 18.78.050 (F) and Performance Standards 18.82.030 (B) and shall compliment the site and building architecture.

12. Prior to occupancy, the developer shall supply the City with an ACAD computer disk file showing plans that reflect the project as it was build (As-Built) at the discretion of the Planning and Building Director.

E. Standard Conditions of Approval
Requiring Minimum Construction Site
Management Practices

1. (Projects involving land disturbances of less than five (5) acres) – During construction activities, the project sponsor shall reduce or prevent to the maximum extent practicable the direct or indirect discharge of any pollutant into the storm drain system utilizing best management practices contained in the California Storm Water Best Management Practices Handbook for Construction Activities. Construction activities include, but are not limited to: watering operations; roadwork and paving operations; concrete and painting; structure construction and painting; construction material storage and

handling; construction waste/debris storage and disposal; and, construction equipment/vehicle cleaning, maintenance and fueling operations. The project sponsor is also responsible for training all contractors and subcontractors on the best management practices which are identified in the California Storm Water Best Management Practices Handbook for Construction Activities which will be available at the pre-construct meeting of the project.

or

2. (Projects involving land disturbances of five (5) acres or more) – Prior to commencement of any site work that will result in a land disturbance of five acres or more, the project sponsor shall submit to the City a copy of the Notice of Intent (NOI) sent the State Water Resources Control Board and the Stormwater Pollution Prevention Plan (SWPPP) prepared for the project, as required by the State's General Construction Activity Permit.

3. All storm drains, which serve the site, shall be protected from spills and soil runoff (from unpaved parking areas). The applicant may use "Any Source Control" BMP (Best Management Practice) as listed in the California Storm Water Best Management Practice Handbook for storm water run-off for commercial and industrial sites. Storm drains will be inspected periodically. Questions may be referred to City NPDES Coordinator, at 252-4920.

APPROVED BY THE CITY OF PITTSBURG

Planning Department
☒ Zoning Administrator
☐ Planning Commission
☐ City Council

App. No. AP-16-1212
 Reso. No. 297
 Date Approved: 4/11/17
 Signature: _____

LEGEND

- X EXISTING TREE TO BE REMOVED. SEE NOTE 1.
- TREE TO BE REMOVED. SEE NOTE 4.
- LIMITS OF UTILITY CORO

NOTES:

- ① HURRICANE TO BE DEMOLISHED
- ② LIMITS OF DEMOLITION
- ③ EXISTING TREES TO BE REMOVED INCLUDING ROOT BALLS TO THE CROWN OF 2" DIAMETER AND LARGER BRANCHES. UNDEVELOPED AREAS SHALL BE REVEALED AND EXISTING GRASS SHALL BE MAINTAINED. EXISTING TREES TO BE REMOVED SHALL BE RECORDED FOR THE CITY ENGINEER.
- ④ DRY AND WET UTILITIES TO BE DISCONNECTED AND CAPTURED. EXISTING UTILITIES SHALL BE RECORDED FOR THE CITY ENGINEER. EXISTING UTILITIES SHALL BE RECORDED FOR THE CITY ENGINEER.
- ⑤ EXISTING CURB AND GUTTER TO REMAIN IN PLACE

EXHIBIT A

DERIVI
 CASTELLAN
 ARCHITECTS



PITTSBURG UNIFIED SCHOOL DISTRICT
 NEW CLASSROOMS - INCREMENT #2
 250 SCHOOL ST.
 PITTSBURG, CA 94565

CONSTRUCTION PERMIT
 OFFICE OF REGULATION SERVICES
 #01-12373

DATE: 11-15-16

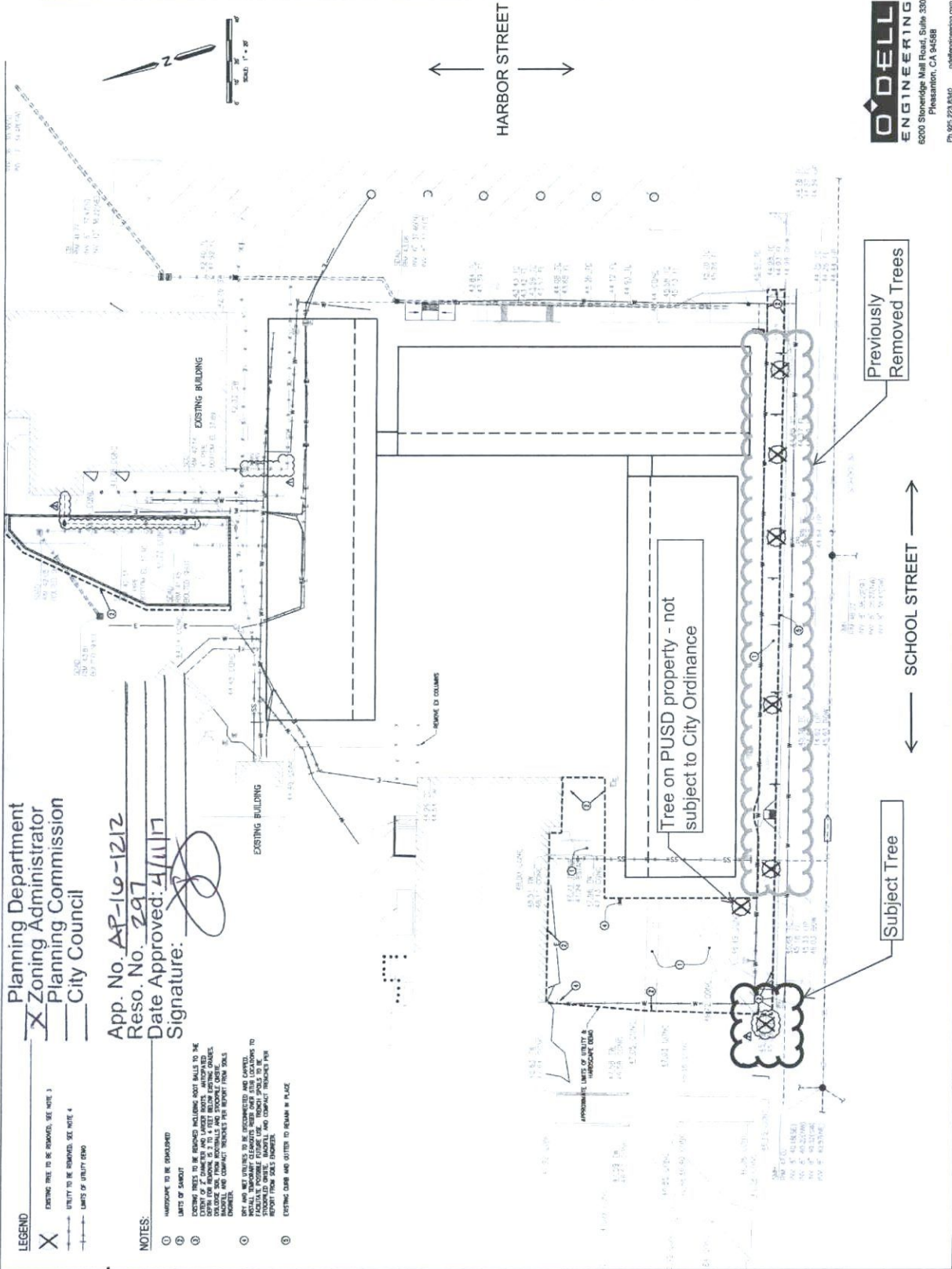
DEMOLITION PLAN

SCALE: 1" = 20'

NO.	REVISIONS	DATE
1	ISSUED FOR PERMIT	11/15/16
2	REVISED PER CITY ENGINEER	11/15/16
3	REVISED PER CITY ENGINEER	11/15/16

Drawn By: CDM
 Checked By: PRC

C-6
 10-14-2016



O'DELL
 ENGINEERING
 6200 Stoneridge Mall Road, Suite 330
 Pleasanton, CA 94588
 Ph: 925.223.8340
 odelengineering.com

App. No. AP-16-1212
Reso. No. 297
Date Approved: 4/11/17
Signature: 