



CITY OF PITTSBURG PLANNING COMMISSION MEETING AGENDA

APRIL 28, 2020

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

PUBLIC ADVISORY:

THE CITY COUNCIL CHAMBER WILL NOT BE OPEN TO THE PUBLIC

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the regular meeting of the Planning Commission for April 28, 2020 will be conducted telephonically through Zoom and broadcast live through Granicus on the City's website which can be located on the [Streaming Media](#) page. If you do not have internet access, the meeting will also be available to the public in a listening-only mode via telephone call-in line. To listen to the meeting, dial 1 (669) 900-6833. When prompted, dial in the Webinar ID, 975 5254 7739, and Password, 086252.

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

Comments can be submitted via email to meetingcomments@ci.pittsburg.ca.us. If you wish to have your comments read to the Planning Commissioners during the appropriate Public Comment period, please indicate in the Subject Line "FOR PUBLIC COMMENT" and list the item number you wish to comment on. If your comment is for a non-agenda item, indicate "FOR PUBLIC COMMENT – NON AGENDA." Comments that you want read to the Commission will be subject to the three minute time limitation (approximately 350 words). In the event the Commission receives a high-volume response, read-in comments may be subject to a shortened time limitation of two minutes (approximately 250 words). Written comments that are only to be provided to the Planning Commission and not read at the meeting will be distributed to the Commissioners prior to the meeting if received by 5:00 p.m. the date of the meeting. Comments via text and social media (Facebook, Twitter, etc.) will not be accepted.

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



City of Pittsburg Planning Commission Agenda

April 28, 2020

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

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

Planning Commission Members

**Sarah Foster, Chair
Christopher Moreno, Vice-Chair
Dr. Trinh Nguyen, Commissioner
Wolfgang Croskey, Commissioner
James Coniglio, Commissioner
Punita Bhasin, Commissioner
Elissa Robinson, 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, Pittsburg. 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

CONSENT

1. **Minutes**
Minutes of April 14, 2020
2. **Request to Initiate a Study to Amend Title 18 of the Pittsburgh Municipal Code as it Relates to Recreational and Commercial Vehicle Storage in Residential Districts**
This is a City-initiated proposal to consider potential amendments to Title 18 of the Pittsburgh Municipal Code (PMC) to revise the screening requirements for recreational vehicles (RVs) and clarify regulations for commercial vehicles in association with a home occupation permit.
3. **Request to Initiate a Study to Amend Title 18 of the Pittsburgh Municipal Code as it Relates to Accessory Dwelling Units and Junior Accessory Dwelling Units**
This is a City-initiated proposal to consider potential amendments to Title 18 of the Pittsburgh Municipal Code (PMC) to revise the existing "Accessory Dwelling Units" Standards. There would also be additional amendments to Title 15, Buildings and Construction, to address regulatory changes to impact fees in order to comply with state law.

COMMISSION CONSIDERATIONS

4. **The Atchison Mixed-Use Development, AP-20-1490 (DR)**
This is a public meeting on a request for design review approval to construct a mixed-use, transit-oriented development with 202 mixed-income, affordable apartment units and 13,659 square feet of commercial space on a 3.94-acre site located at 2575 Railroad Avenue in the Community Commercial (CC) District. APN 088-184-006."

PUBLIC HEARINGS

This agenda was posted in City Hall on Friday, April 24, 2020

5. Envent Corporation, AP-19-1474 (UP)

This is a public hearing on a request for approval of a use permit to establish a contractor yard on a 1.95-acre portion of a 26-acre parcel, located at 1101 Loveridge Road, within the IG (General Industrial) District. Assessor's Parcel No. 073-230-031.

6. Dos Cuñados Market Use Permit Modification, AP-20-1500 (UP)

This is a public hearing on a request for approval of modification to Condition No. 5(b) of an approved use permit, Planning Commission Resolution No. 10112, in order to allow the sale of 200ml containers of distilled spirits at an existing convenience store for off-site consumption. The convenience store is located at 3105 Railroad Avenue, Suite A-1, in the CN (Neighborhood Commercial) District. Assessor's Parcel No. 088-065-026.

7. Recommendation on Amendments to Pittsburg Municipal Code Title 18.84, Article VII, "Landscaping, Irrigation and Hydroseeding"

This is a public hearing on a City-initiated proposal to consider a recommendation on amendments to Title 18 of the Pittsburg Municipal Code (PMC) to revise the existing Water Efficient Landscape Standards in order to comply with State law. Pursuant to the State Government Code, all California cities and counties are required to adopt the Model Water Efficient Landscaping Ordinance (MWELO), or local regulation which are at least as effective in conserving water as the MWELO.

STAFF COMMUNICATIONS

COMMITTEE REPORTS / COMMISSIONER COMMENTS

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**

April 14, 2020

A regular meeting of the Pittsburg Planning Commission was called to order by Chair Foster at 7:00 p.m. on Tuesday, April 14, 2020, in the Council Chamber at City Hall, 65 Civic Avenue, Pittsburg, California via Zoom teleconference.

ROLL CALL

Present: Chair Foster, Vice-Chair Moreno, Commissioners Nguyen, Croskey, Coniglio, Bhasin, Robinson

Staff: Community Development Director Jill Hecht, City Engineer Richard Abono, Planning Manager/ Secretary Kristin Pollot, Senior Planner Hector Rojas, Deputy City Clerk Amanda McVey, Administrative Coordinator Shelby Rose

PLEDGE OF ALLEGIANCE

Chair Foster led the Pledge of Allegiance.

DELETIONS / WITHDRAWALS / CONTINUANCES

There were none.

COMMENTS FROM THE AUDIENCE

There were no comments from the audience.

CONSENT

1. Minutes of February 25, 2020.

On motion by Commissioner Coniglio and seconded by Commissioner Moreno to approve the consent calendar and carried by the following vote:

AYES:	Bhasin, Coniglio, Croskey, Moreno, Nguyen, Robinson, Foster
NAYES:	None
ABSTAIN:	None
ABSENT:	None

COMMISSION CONSIDERATION

2. General Plan Annual Progress Report for Calendar Year 2019

A request for Planning Commission to: 1) review the draft General Plan Annual Progress Report (APR) for Calendar Year 2019; and 2) authorize its submittal to the City Council, Governor's Office of Planning and Research (OPR), State Housing and

Community Development Department (HCD), and Contra Costa Transportation Authority (CCTA).

Senior Planner Rojas gave a presentation on the item.

On motion by Commissioner Moreno seconded by Commissioner Robinson to approve and carried by the following vote:

AYES:	Bhasin, Coniglio, Croskey, Moreno, Nguyen, Robinson, Foster
NAYES:	None
ABSTAIN:	None
ABSENT:	None

ZONING ADMINISTRATOR REPORTS

3. The Zoning Administrator submits five notices of intent to exercise delegated design review authority for: 1) the legalization of a building color change for California Burrito at 2175 Railroad Avenue; 2) approval of a mobile office trailer for Concord Iron Works at 1 Leslie Drive; 3) a new restroom and concession building for Ambrose Park at 125 Memorial Way; 4) a façade upgrade for the Ross retail store at 4607 Century Blvd.; and 5) a new roof overhang for the Los Gallos Express Restaurant at 260 Diane Avenue. The Los Gallos Express application also includes a new take-out bakery which requires a notice of intent to conduct a Zoning Administrator public hearing.

The Commissioners voted unanimously to bring the first application, legalization of a building color change for California Burrito at 2175 Railroad Avenue, forward for consideration by the Planning Commission at a future Planning Commission meeting.

The Commissioners acknowledged receipt of the remaining notices of intent.

STAFF COMMUNICATIONS

Planning Manager / Secretary Pollot suggested the Commission convene to next regular meeting of April 28, 2020.

COMMITTEE REPORTS / COMMISSIONER COMMENTS

There were no reports / comments from the commissioners.

ADJOURNMENT

The meeting was adjourned at 7:52 p.m. to April 28, 2020.

Respectfully Submitted,

Kristin Pollot, AICP, Secretary

**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
April 28, 2020**

ITEM: Request to Initiate a Study to Amend Title 18 of the Pittsburg Municipal Code as it Relates to Recreational and Commercial Vehicle Storage in Residential Districts

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

SUBJECT: This is a City-initiated proposal to consider potential amendments to Title 18 of the Pittsburg Municipal Code (PMC) to revise the screening requirements for recreational vehicles (RVs) and clarify regulations for commercial vehicles in association with a home occupation permit.

RECOMMENDATION:

Staff recommends that the Commission move by minute order to initiate a zoning study to amend the PMC as it relates to recreational and commercial vehicle storage requirements in residential districts.

BACKGROUND:

The City's Code Enforcement staff has had some difficulties in the past with enforcement of regulations as currently written, related to required screening for RVs stored at a private residence, and definition of allowable commercial vehicles associated with home occupation permits.

On January 28, 2020, the Land Use Subcommittee met and discussed potential zoning amendments related screening requirements for RVs being stored at private residences. According to PMC 18.78.070, RVs are only allowed to be stored at a private residence if the RV is on a paved surface for no more than 72 hours in any single 30-day period, or if the RV is "not visible" (i.e. stored in a garage or completely screened by a fence, wall or landscaping). Strict interpretation of the code as written, would preempt most homeowners with RV parking space from being able to actually park an RV on their property because such vehicles are often several feet taller than maximum fence heights and would therefore still be visible from the street. During the January 28th meeting, subcommittee members expressed concern regarding strict interpretation of the current code differing from past enforcement practice, along with the lack of commercial RV storage options available in the area. The subcommittee seemed to be mostly in favor of relaxing RV screening requirements to more closely align with regulations in neighboring cities, so staff intends to study these potential changes further and return at a later date with a formal recommendation.

PROJECT DESCRIPTION:

Anticipated changes to the current code include: 1) allowing outdoor RV storage at a private residence if kept behind a minimum six-foot tall fence, wall or landscaping; 2)

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it Relates to Recreational and Commercial Vehicle Storage in Residential Districts
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better alignment of zoning code sections related to allowable commercial vehicle types that may be stored at a private residence in conjunction with a home occupation permit; and 3) clarifying acceptable parking locations for vehicles in association with a home occupation permit stored onsite (to ensure they are only located within an approved driveway space or other paved surface, within the property boundaries of the site).

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.

Environmental: This project is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) under section 15262, "Feasibility and Planning Studies," of the State CEQA Guidelines.

ANALYSIS:

Once the staff level review of zoning amendments is completed, the findings would be brought before the Planning Commission for formal review and consideration. At that time, the Planning Commission would be asked to make a formal recommendation to the City Council for consideration. Once the City Council reviews and approves proposed changes, the ordinance would take effect 30-days after its adoption.

RECOMMENDATION:

Move by Minute Order to initiate a zoning study to amend the PMC as it relates to recreational and commercial vehicle storage requirements in residential districts.

ATTACHMENTS:

1. Land Use Subcommittee Memo, dated January 28, 2020

Prepared by: Celina Palmer, Assistant Planner



PLANNING DIVISION
Memorandum

MEMO: January 28, 2020
TO: Land Use Subcommittee Members
FROM: Celina Palmer, Assistant Planner
RE: Item ** – Miscellaneous Code Enforcement Updates

Staff is considering several updates to the Pittsburg Municipal Code (PMC) in order to help provide more clarity for the public on reoccurring code enforcement issues. Most of the changes that are being considered are relatively minor, but one that staff needs policy direction on is related to the storage of Recreational Vehicles (RVs) on private residentially zoned property. Current regulations are stricter than some neighboring cities and have resulted in a high volume of Code Enforcement requests.

Currently, RVs are only allowed to be stored at a private residence if the RV is on a paved surface for no more than 72 hours in any single 30-day period, or if the RV is “not visible” (i.e. stored in a garage or completely screened by a fence, wall or landscaping). The actual PMC regulation is included below for reference.

For the past several years, code enforcement staff has loosely interpreted the screening requirement and allowed RVs to be stored on private residentially zoned property if the RV is behind a fence; however, many times an RV is much taller than the standard 6-foot fence and is technically still visible from the street. This policy has helped many RV owners by providing more flexibility in where and how they can store their RVs; however, there are other property owners who do not like to see these vehicles in their neighborhood and have requested a stricter interpretation of the code.

In order to ensure a consistent application of the rules for all residents, staff is considering an amendment of the PMC to better codify the city’s current policy related to RV storage on private residentially zoned property. Staff would like feedback from the Subcommittee regarding these regulations before moving forward to the Planning Commission for a formal recommendation to City Council.

Current Regulations:

18.78.070 Parking or storage of vehicles and vessels.

- A. Prohibition. No person may park or store any of the following vehicles, vessels or items on public or private property in a district except as provided in subsection (B) of this section:
- [...] Recreational vehicle;
- B. Exceptions. Notwithstanding the prohibition in subsection (A) of this section, a vehicle or vessel referred to in subsection (A) of this section may be parked or stored if it meets one of the following conditions:
1. It is parked or stored on a paved surface for less than 72 hours total in any 30-day period on a parcel in a permitted location. This exception does not apply to a commercial vehicle;
 2. It is not visible by being maintained in a garage or other building or behind a fence, wall or landscaping; or
 3. For pick-up or delivery, the loading or unloading of a commercial vehicle is permitted for up to five hours subject to PMC 10.16.130.

Code Enforcement complaints received regarding RVs on all private property, per month, in 2019:

January	13	July	21
February	17	August	31
March	10	September	20
April	7	October	24
May	10	November	9
June	9	December	12

Average of 15.25 calls per month in 2019 for all private property RV complaints

Potential Changes:

Zoning Text Amendment. A zoning text amendment could be drafted to allow RV storage on public or private property as follows:

18.78.070 Parking or storage of vehicles and vessels.

- C. Prohibition. No person may park or store any of the following vehicles, vessels or items on public or private property in a district except as provided in subsection (B) of this section:
- [...] Recreational vehicle;
- D. Exceptions. Notwithstanding the prohibition in subsection (A) of this section, a vehicle or vessel referred to in subsection (A) of this section may be parked or stored if it meets one of the following conditions:
1. It is parked or stored on a paved surface for less than 72 hours total in any 30-day period on a parcel in a permitted location. This exception does not apply to a commercial vehicle;
 2. It is ~~not visible by being~~ maintained in a garage or other building or behind a *minimum six-foot tall* fence, wall or landscaping; or
 3. For pick-up or delivery, the loading or unloading of a commercial vehicle is permitted for up to five hours subject to PMC 10.16.130.

Discussion Items:

1. Zoning text amendment? Any modification from the potential changes?
2. Same regulations for commercial as residential; “public or private property”?

Next Steps/Required Approvals:

Amendments to PMC Title 18 (Planning Commission & City Council review)

Attachments:

1. Summary of RV Regulations for Neighboring Cities
2. Existing/Approved RV Storage Locations in Pittsburgh

Attachment 1: Summary of RV Regulations for Neighboring Cities

Nearby cities have various regulations for RV parking as seen summarized below:

1. Antioch

[Antioch Municipal Code section 5-1.201.1. When Storage Of A Recreational Vehicle Is A Public Nuisance.](#)

On Parcel: Permitted if vehicle is parked or stored in a side or rear yard, on an improved surface (concrete, asphalt, pavers or gravel) and behind a legally constructed opaque fence not less than six feet in height

In Front or Side Yard, including Driveway:

- 1) Unloading for 24 hours or less only before or after a trip using the recreational vehicle for an extended use requiring additional preparation time
- 2) Recreational vehicle is the sole means of transportation for occupants of the dwelling

With Permit/Registration: Recreational vehicle owners who have their recreational vehicle parked in the front yard, including the driveway, at the time of the effective date of this section and who meet the following requirements:

- 1) Each owner may register one recreational vehicle with the city within six months of the effective date of this chapter, including submittal of documentation and payment of any applicable application or processing fees.
- 2) The parking of such recreational vehicle shall be on an improved surface of concrete or pavers but not of asphalt or gravel and shall not encroach in the sidewalk or roadway or violate any other requirements of the Municipal Code. The recreational vehicle, if covered, shall be with a tight-fitting, single cover. The recreational vehicle shall not be parked parallel to the front of the house.
- 3) The registration shall pertain to the registrant of the recreational vehicle and not the vehicle itself or the real property. If the vehicle is sold, then the registration is not applicable to that vehicle, but the owner may register a replacement vehicle.
- 4) The owner of the recreational vehicle must be an Antioch resident, and a resident or owner of the property where the vehicle is stored.
- 5) Upon sale of the property, no further recreational vehicle storage shall be allowed in the front yard, including the driveway.
- 6) Upon termination of tenancy, no subsequent tenant shall be allowed to store a recreational vehicle in the front yard, including the driveway.

2. Concord

[Concord Municipal Code section 18.160.160 Parking and Storage of Recreational Vehicles](#)

On Parcel: Permitted in rear yard or side yard if behind a legally constructed opaque fence not less than six feet tall. At the option of the owner or occupant of the property, lattice not exceeding one foot in height may be affixed to the top of the fence.

In Driveway:

- 1) Unloading for 72 hours or less
- 2) for visitors, up to one week in a six month period
- 3) five feet from back of sidewalk; or if there is no sidewalk, no closer than 10 feet from the edge of the pavement
- 4) Not blocking access to garage or carport

Number: No more than two recreational vehicles, including boats and other recreational equipment registered to the owner or occupant of the property, may be stored on a parcel of real property

With Permit/Registration: Only those grandfathered in from 2008 with an annual permit.

3. Brentwood

[Brentwood Municipal Code section 17.620.016 Vehicle Storage](#)

On Parcel: Permitted in rear yard or side yard if stored behind a solid six-foot fence, or other wrought iron or chain link fence with screening material on it, with additional regulations:

- 1) Not exceed twelve feet in height,
- 2) Not be used for living or sleeping,
- 3) If the property has an access driveway for vehicle storage in the side or rear yard, the curb cut to the access driveway requires an encroachment permit and the property owner must maintain the required percentage of landscaped area under Section 8.36.030(B), Residential landscaping requirements—Structures completed after the year 1987. A vehicle may not be parked or stored on the access driveway. An access driveway is a secondary driveway not adjacent to the main driveway, on the opposite side of the front yard (or on the adjacent street of a corner lot). An access driveway may be improved with an impervious surface or with open pavers with green planting material growing through and around the pavers.

In Driveway: Not permitted

Number: Unspecified

With Permit/Registration: None.

Attachment 2: Existing/Approved RV storage locations in Pittsburg:

Storage Facility	Address	Number of RV Spaces	Spaces Available
Sierra RV & Boat Storage	1600 Buchanan Road	457	0
Avila Road RV & Boat Storage	101 Avila Road	Approximately 80	0
Public Storage	1275 California Avenue		0
Pittsburg Mini Storage	1417 Bobo Court		
Auto Inn Car & Truck Storage	2200 Freed Way		
Public Storage	525 California Avenue		
Storemaster Self Storage	2750 California Avenue	*RV spaces on site, but no longer rent out to RVs because of unspecified previous problems	0
Fort Knox Self Storage	3865 Railroad Avenue	*Removed RV parking spaces to build extra storage units	0



**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
April 28, 2020**

ITEM: Request to Initiate a Study to Amend Title 18 of the Pittsburg Municipal Code as it Relates to Accessory Dwelling Units and Junior Accessory Dwelling Units

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

SUBJECT: This is a City-initiated proposal to consider potential amendments to Title 18 of the Pittsburg Municipal Code (PMC) to revise the existing “Accessory Dwelling Units” Standards. There would also be additional amendments to Title 15, Buildings and Construction, to address regulatory changes to impact fees to comply with state law.

RECOMMENDATION:

Staff recommends that the Commission move by minute order to initiate a study to amend the existing Accessory Dwelling Units Standards (PMC Chapter 18.50, Article IV) to be consistent with state law.

BACKGROUND:

The City of Pittsburg Municipal Code has contained standards regarding Accessory Dwelling Units (ADUs) since 1990. Historically, the City processed a small amount of applications for ADUs because of challenges that property owners faced such as the overall cost of construction, utility connection fees, traffic mitigation fees, fire sprinkler installation cost, and off-street parking requirements.

In recent years, the state has recognized the need for more affordable housing options and has recognized that ADUs can provide a moderately affordable housing type within the traditional single-family neighborhood. In 2017, the City adopted the current ADU standards in response to the 2016 State Legislature housing package. The 2016 housing package included Senate Bill 1069, and Assembly Bill’s 2200 and 2406, which promoted the construction of ADUs and introduced Junior ADUs (JADUs) as an optional way to create more housing units.

Additionally, in 2017, the Governor of California signed Senate Bill 2 (SB 2) into law, establishing a grant that encourages local agencies to develop programs that streamline housing approvals and accelerate housing production. The City has been awarded funds from this grant to create a ‘Permit Ready’ ADU prototype plan program available for residents to help reduce costs and expedite permit review. Development of this program will occur following approval of PMC Title 18 ordinance updates.

On October 9, 2019, the Governor of California signed into law three new bills (Assembly Bill 68, Assembly Bill 881, and Senate Bill 13) to further encourage the construction of ADUs and to permit “by right” junior ADUs (JADUs), to be effective on January 1, 2020. The bills require cities to expand the allowable location of ADUs to lots

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zoned for multifamily and mixed use, further reduce minimum side and rear setbacks, clearly define 'public transit' to allow for additional parking waivers, remove the ownership occupancy requirements for ADUs, and allow for delayed enforcement of certain building standards for existing unpermitted units. A more detailed summary of all the required changes is provided in a memo from the State Housing and Community Development Department (HCD), included as Attachment 1.

PROJECT DESCRIPTION:

Anticipated revisions to the current PMC Title 18 ADU standards would include the following text amendments in accordance with California Government Code Sections 65852.2 and 65852.22:

- Single family residential properties would be permitted to have both an ADU and JADU;
- ADUs would now be allowed on multi-family and mixed-use zoned properties, in conjunction with any other existing residential use;
- A minimum square-footage requirement would be eliminated for either an attached or detached ADU;
- Minimum side and rear yard setbacks would be reduced to four-feet, where the proposed detached ADU structure has a building height of no more than 16-feet;
- 'Lot Coverage' zoning limitations would be eliminated for ADUs;
- Additional parking waivers would be provided for ADUs or JADUs located within a half-mile walking distance of bus stops, rapid transit or car share stations;
- Owner occupancy requirements may be eliminated as they are not required through the year 2025; and
- Owners may request delayed enforcement of certain building standards when legalizing existing unpermitted units, through the year 2025.

Impact Fees: Impact fees will no longer apply to ADUs or JADUs that are 750 square feet or less in size. For ADUs that are larger than 750 square feet, impact fees will be charged at a proportional rate, as determined by the agency issuing the impact fee. Connection fees for new or separate utility connections for ADUs will be pro-rated dependent upon the burden of the ADU on the water or sewer system, regardless of the size. Informational guidance summarizing fees is provided as Attachment 3.

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.

Environmental: This project is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) under section 15262, "Feasibility and Planning Studies," of the State CEQA Guidelines.

Planning Commission Staff Report
Request to Initiate a Study to Amend Title 18 of the Pittsburgh Municipal Code as it
Relates to Accessory Dwelling Units and Junior Accessory Dwelling Units
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ANALYSIS:

Upon completion of staff's review of zoning amendments for ADUs and JADUs, the findings would be brought to the Planning Commission for consideration. At that time, the Planning Commission would be asked to make a formal recommendation to the City Council for its consideration. Once the City Council reviews and approves proposed changes, the ordinance would take effect 30 days after its adoption.

RECOMMENDATION:

Move by Minute Order to initiate a study to update the "Accessory Dwelling Units Standards" contained in PMC Chapter 18.50, Article IV.

ATTACHMENTS:

1. Housing and Community Development Memorandum, dated January 10, 2020
2. City of Pittsburgh ADU Frequently Asked Questions, January 1, 2020
3. City of Pittsburgh Revised Impact Fee Sheet, January 1, 2020

Prepared by: Trishia Caguiat, Associate Planner

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

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

**MEMORANDUM**

DATE: January 10, 2020

TO: Planning Directors and Interested Parties



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

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

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

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

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

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

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

ATTACHMENT A

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

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

(Changes noted in strikeout, underline/italics)

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

65852.2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) 850 square feet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) A height limitation of 16 feet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) An efficiency unit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Becomes operative on January 1, 2025)

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

65852.2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) 850 square feet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) A height limitation of 16 feet.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) An efficiency unit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

65852.22.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17980.12.

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

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

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

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

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

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

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

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

ATTACHMENT B

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

AB 587 Accessory Dwelling Units

(Changes noted in underline/italics)

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

65852.26.

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

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

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

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

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

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

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

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

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

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

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

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

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

ATTACHMENT C

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

AB 670 Accessory Dwelling Units

(Changes noted in underline/italics)

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

4751.

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

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

ATTACHMENT D

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

AB 671 Accessory Dwelling Units

(Changes noted in underline/italics)

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

65583(c)(7).

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

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

50504.5.

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

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

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



New Accessory Dwelling Unit Requirements Frequently Asked Questions

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

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

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

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

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

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

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

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

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

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

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



City of Pittsburg

Community Development Department

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

Accessory Dwelling Unit Fees effective January 1, 2020

TYPES OF ACCESSORY DWELLING UNITS:

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

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

PERMITTING FEE TYPES:

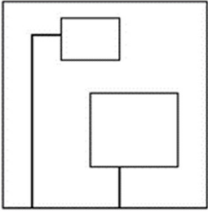
The size and type of the ADU or JADU will determine what fees are applicable. Applicants for an ADU and JADU are subject to the following:

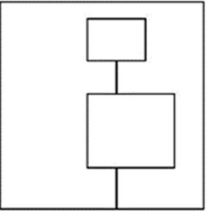
- **Planning Review Fee** – Paid directly to the City; flat fee for all ADUs
- **Building Permit Fees** – Paid directly to the City; amounts based on project valuation
- **Engineering Permit Fees** – Paid directly to the City
- **School Fee** – Paid directly to Pittsburg Unified School District, Mt.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

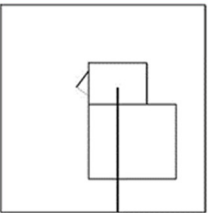
* Applicants to verify and pay ADU fees (as applicable) directly with these agencies.

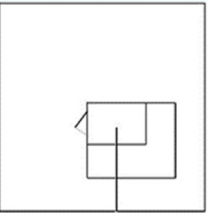
Impact Fees vs. Connection Fees (New Laws!)

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

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

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

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

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

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

**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
April 28, 2020**

ITEM: The Atchison Mixed-Use Development, AP-20-1490 (DR)

ORIGINATED BY: Jake Lingo on behalf of Integrated Community Development, 20750 Ventura Boulevard, Suite 155, Woodland Hills, CA. 91364

SUBJECT: This is a public meeting on a request for design review approval to construct a mixed-use, transit-oriented development with 202 mixed-income, affordable apartment units and 13,659 square feet of commercial space on a 3.94-acre site located at 2575 Railroad Avenue in the Community Commercial (CC) District. APN 088-184-006.”

RECOMMENDATION:

Staff recommends the Commission adopt Resolution No. 10144, approving Design Review Application No. 20-1490, subject to conditions.

BACKGROUND:

The project site was originally developed in 1973 as an auto dealership, last operated by All-Star Ford. The dealership included a one-story, 24,800-square-foot building with a showroom, offices, a parts department, and an auto body shop. All-Star Ford closed and moved to 3800 Century Plaza in 2012. The project site has been vacant since then.

On July 10, 2019, the applicant filed an application for preliminary plan review of the proposed mixed-use development. On August 13, 2019, the Planning Commission held a study session to provide initial comments on the design of the proposed project. Commissioner Coniglio expressed that he would like to see finished commercial spaces to encourage lease-ups. Commissioner Foster encouraged the applicant to focus on pedestrian-friendly amenities to help minimize traffic impacts. Commissioner Fields supported the mix of unit sizes and was interested in learning more about the types of businesses that could go into the commercial spaces. Commissioner Moreno expressed a concern about parking and encouraged the applicant to provide at least one space per unit. Commissioner Nguyen supported incorporating studios and encouraged the applicant to seek a partnership with Los Medanos College benefiting students in need of affordable housing near the college. Commissioner Robinson echoed Commissioner Moreno’s concern about parking and she emphasized providing pedestrian-friendly features, including a direct connection to the Delta de Anza Regional Trail.

Following the study session, the applicant refined the project proposal and filed a formal planning application for design review approval on January 13, 2020.

PROJECT DESCRIPTION:

Existing Conditions: The project site includes just less than four acres of land located along the eastern side of Railroad Avenue, between East Leland Road and the Contra Costa Canal. As stated above, the project site has been vacant since 2012; however, the former dealership facilities, including the 24,800-square-foot building, have remained intact. Aside from the building, the site is almost completely covered in pavement, and there is an existing six-foot-high chain-link fence along the southern and eastern boundaries of the site and a 3.5-foot fence along the northern edge. The site has just over 315 feet of frontage along Railroad Avenue. East of the Railroad Avenue centerline, the public right-of-way consists of a landscaped median; two north-bound vehicle lanes; a 12-foot-wide landscape planter containing seven tall palm trees; and a six-foot-wide sidewalk. Figures 1 through 4 below, show the project location in Pittsburg, an aerial of the site, and two site photos.

Figure 1 – Project Location

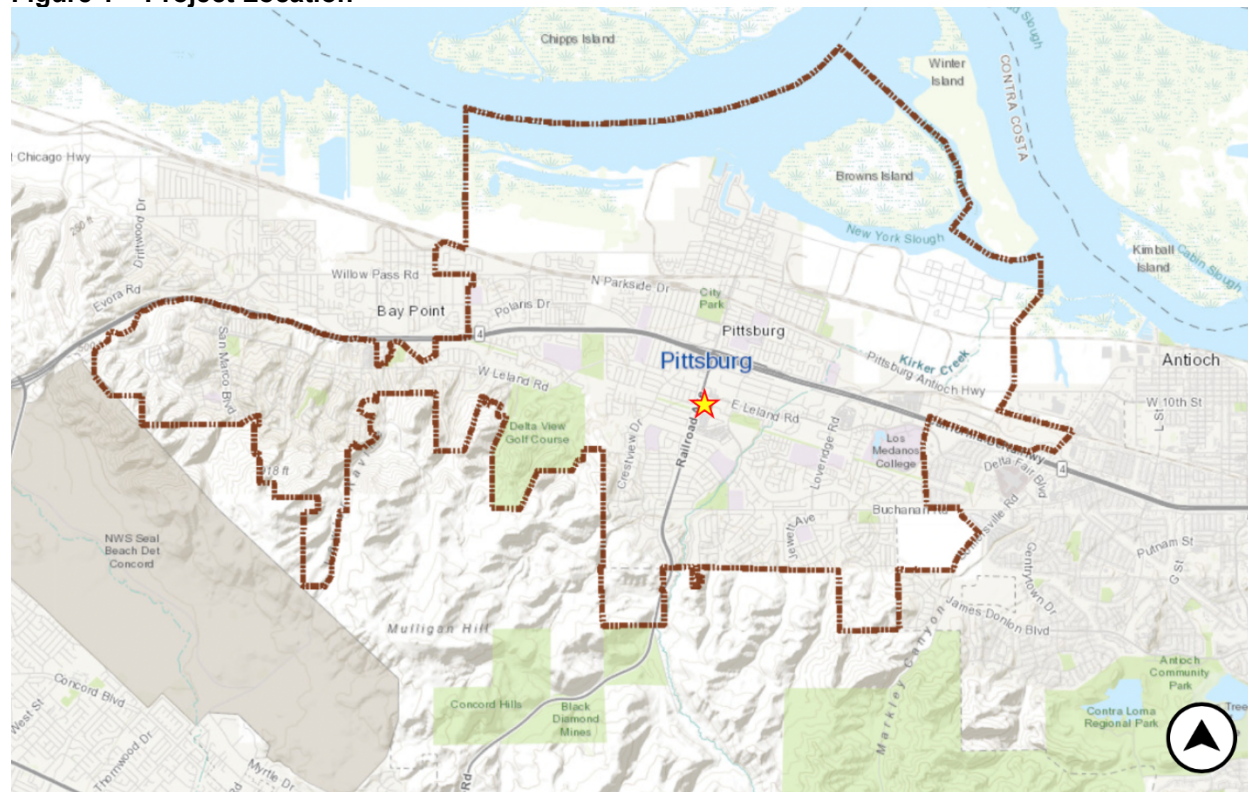


Figure 2 – Aerial of the Site



Figure 3 - Site Photo from Railroad Ave. looking southeast



Figure 4 - Site Photo from Railroad Ave. looking northeast



Surrounding Land Uses: Figure 5 shows a map of the land uses located around the project site (see page 5). The site is bordered to the south by the Delta de Anza Regional Trail. Immediately east of the site is Presidio Village – a three- and four-story development including 104 senior housing units; the Pittsburg Senior Center; and Stoneman Village – another three- and four-story development including 205 senior housing units. To the north there are several single-story office buildings and businesses including Oranje Chiropractic, KinderCare, Bank of America, and Pho Lee Vietnamese Restaurant. The Westwood Garden single-family subdivision is located immediately west of the site, across Railroad Avenue.

The site is within a half-mile distance of the Pittsburg Center BART Station and is adjacent to Tri Delta Transit Bus Stop No. 812676 which serves Routes Nos. 381, 387, 388, 392, and 396. Shopping centers within a half-mile distance of the site include the Pittsburg Town Center, Atlantic Plaza, Pittsburg City Plaza, and the unnamed center immediately west of the Railroad Avenue/Bliss Avenue intersection, which includes Cardenas Market. Heights Elementary School, Hillview Junior High School, and Small World Park are also within half-a-mile of the site.

Figure 5 – Map of Surrounding Land Uses



Proposed Project: The proposed project would demolish the former dealership facility to construct a new mixed-use, transit-oriented development with 202 affordable apartment units, and 13,659 square feet of commercial space. At this time, the applicant intends to set aside 100 apartment units for very low-income households earning 50% of area median income (AMI) and 100 units for low-income households earning 70% of AMI. The remaining two units would be occupied by property managers. Apartment rents could range from \$1,085 to \$1,519 for a studio; \$1,162 to \$1,627 for a one-bedroom unit; and \$1,395 to \$1,953 for a two-bedroom unit.

The applicant proposes two five-story, modern-looking buildings that would bring an urban feel to the segment of Railroad Avenue. The buildings are designed with rectangular footprints, staggered walls, and flat roofs. The building roofs and carports would be equipped with solar panel systems capable of generating as much energy as the buildings would consume. Exterior building materials would include board-formed concrete, brick veneer, stucco, and fiber cement siding. A neutral, earth-toned palette of grey, off-white, and brown colors would be used on the exteriors. Figures 6 and 7 show visual simulations of the project architecture from Railroad Avenue. Separate planning approvals would be required for building signage. Full project plans are provided in Attachment 5 of this report.

Figure 6 - Project Simulation showing Buildings #1 and #2 from Railroad Ave. looking southeast



Figure 7 - Project Simulation showing Buildings #1 and #2 from Railroad Ave. looking northeast



Building #1 would be located at the front of the site, 15 feet from the back of sidewalk along Railroad Avenue. The building would have a total floor area of 56,660 square feet. The 1st floor would provide 13,659 square feet of unfinished commercial space for up to seven tenants. Each commercial tenant would have an entry along Railroad Avenue and service doors at the back of the building. Racks for eight bicycles would be installed at the northwest and southwest corners of the building along Railroad Avenue. A

shower and changing room with lockers would be available for employees who bike to work. The residential lobby for Building #1 would be located at the southeast corner of the structure and it would include a mailroom and elevator. Staircases would be located next to the lobby and at the northeast corner of the building. The upper floors would contain 47, 625-square-foot 1BR/1BA apartment units with 60-square-foot balconies or patios. A fitness center and large patio area with barbeque and seating equipment would be located on the 2nd floor overlooking Railroad Avenue. Another smaller patio looking over the street would be on the 3rd floor just above the fitness center.

Building #2 would be located about 80 feet behind Building #1 and over 150 feet from the nearest residential structure at Presidio Village. It would have a total floor area of 166,850 square feet and contain 20, 575-square-foot studios; 75, 625-square-foot 1BR/1BA units; and 60, 925-square-foot 2BR/2BA units. Each of the units in Building #2 would also have a 60-square-foot balcony or patio. The lobby and mailroom would be located at the southwest corner of the building. Staircases would be next to the lobby and near the northeast and southeast corners. Elevators would be located near the northwest and southeast quarters. The 1st floor would contain several amenities north of the lobby, including a multi-purpose room, tech room, community business center, and a bike storage and repair room for 12 bicycles. Both buildings would provide garbage chutes on each of the upper floors to collect trash and recyclables at a central location on the first floors of each building. Building #2 would wrap around a large landscaped courtyard containing a hot tub, swimming pool, tot lot, and several trellised areas with barbeque and seating equipment. East of the swimming pool would be a two-level clubhouse with a patio on the 2nd floor overlooking the courtyard. Figures 8 and 9 provide visual simulations of these areas (see page 8).

Parking areas for 263 automobiles would wrap around Building #2 and the northern, eastern, and southern faces of Building #1. Carports equipped with solar panels would be provided for 108 parking spaces located along the northern and eastern edges of the property. The parking areas would be divided into two zones separated by a six-foot, wrought-iron sliding security gate placed between Buildings #1 and #2. The zone around Building #1 would be accessible to the public and it would provide 58 commercial and 13 apartment parking spaces. The zone around Building #2 would only be accessible to the building's residents and it would provide 189 parking spaces.

Two separate driveways are proposed at the northern and southern ends of Building #1 to provide vehicular access between the project site and Railroad Avenue. A pedestrian electronic access gate would be installed at the northeast corner of the site for residents walking between the project, Presidio Lane, and Harbor Street. Another gate would be provided along the southern property line for pedestrian access between the project and the Delta de Anza Regional Trail. A new wrought-iron fence would be erected along the northern, eastern, and southern property lines. The fence segments in front of the sliding security gates would have a four-foot height and the segments behind the security gates would have a six-foot height.

Figure 8 – Project Simulation showing the hot tub, swimming pool, and clubhouse from the parking area located south of Building #2



Figure 9 - Project Simulation showing the trellised areas behind the clubhouse



Approximately 12 percent of the site would be landscaped. The landscape areas would include 60 trees and several bioretention areas to handle stormwater from roofs, sidewalks, and other impervious surfaces. Along the Railroad Avenue frontage, the existing six-foot-wide sidewalk would be replaced with a new 10-foot-wide facility. The existing palm trees along Railroad Avenue would be replaced with five similar palm trees to make room for the expanded sidewalk. The applicant has also agreed to pay a lump sum of \$8,688 for the City to install trail enhancing landscaping, consisting of 22 new trees, along the Delta de Anza Regional Trail, between the western and eastern boundaries of the project site.

GENERAL PLAN/CODE COMPLIANCE:

General Plan: The project site is in the Railroad Avenue Subarea of the General Plan and is designated *Community Commercial*. This designation is intended primarily for retail shopping areas. The General Plan establishes several goals and policies for the Railroad Avenue Subarea including Policy 2-P-58. This policy allows mixed-use development at an intensity of up to 1.0 FAR for non-residential uses with residential development at a maximum density of 25 dwelling units per acre (du/ac). At a density of 25 du/ac, the General Plan allows up to 99 apartment units on the site.

Zoning: The project site is in the CC (Community Commercial) zoning district. Like the General Plan *Community Commercial* designation, the CC District also allows residential uses at a density of up to 25 du/ac. However, the district allows a higher density of 40 du/ac for residential projects that exceed the minimum affordability requirements specified in the city's inclusionary housing ordinance (PMC schedule 18.50.105 and PMC chapter 18.86). The following combinations of affordable rental units would qualify for a maximum density of 40 du/ac in the CC District: i) 6% very low-income + 23% low-income; or ii) 10% very low-income + 14% low-income; or iii) 6% extremely low-income + 14% low-income. At a density of 40 du/ac, the CC District allows up to 158 apartment units on the site.

Density Bonus: State density bonus law (California Government Code sections 65915-65918) provides developers with tools to encourage the development of more affordable housing, including up to an 80% increase over the maximum allowable density in a zoning district, depending on the number of affordable units provided by the developer. With 100% of total units affordable to lower income households, the project is eligible for an 80% density bonus allowing up to 72 du/ac on the site. At this density, the site could accommodate up to 284 units; however, only 202 are proposed at a density of approximately 51.3 du/ac. It should be noted that a project meeting the requirements of state law is entitled to receive the density bonus as a matter of right, without discretionary approval. The Planning Commission's purview on this item is therefore limited to the design of the project.

Incentives or Concessions: In addition to the density bonus, state law also requires the granting of concessions or incentives upon request by the developer, provided that the concessions or incentives would not have a specific adverse impact upon public health

and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources (Government Code section 65915 (d)(1)(A & B)). An incentive or concession is defined as the following: i) a reduction in site development standards or modification of zoning code or architectural design requirements; ii) approval of mixed-use zoning; or iii) other regulatory incentives or concessions which result in cost reductions. The number of incentives or concessions that can be requested is based on the percentage of affordable units to be provided by the developer. Based on the proposed combination of affordable units, the project would be eligible for up to four incentives or concessions as a matter of right, without discretionary approval.

Only three incentives or concessions have been requested for the project. The first is a reduction in the minimum private storage area for the project (from 200 cu. ft./unit to zero cu. ft./unit); the second is a reduction in minimum laundry facilities (from one washer-dryer set per five units to one set per ten units); and the third is a reduction in the minimum transparency (amount of windows required) for ground level retail uses (from 70% to 57%). As shown in Attachment 2 of this report, the project would comply with all the other CC District property development regulations related to height, FAR, lot coverage, setbacks, landscaping, and private open space.

Maximum Parking Requirements: Affordable housing projects are also eligible to receive other forms of assistance under state density bonus law as a matter of right. For projects that are 100% affordable to lower income households and within a half-mile distance of a major transit stop, the City cannot require more than 0.5 parking spaces per unit. Based on the site's proximity to the Pittsburg Center BART Station and the combination of affordable units proposed, a maximum of 101 off-street parking spaces would be required for the residential portion of the project. As proposed, the project would provide 202 apartment parking spaces.

Architectural and Site Design Criteria: Projects within the Railroad Avenue Specific Plan (RASP) must comply with the RASP's Architectural and Site Design Criteria (ASDCs). As shown in Attachment 3 of this report, the project would comply with all the ASDCs, except for ASDC #3, which requires there be at least 70% transparency for ground level retail uses. However, the applicant has requested this requirement be reduced to 57% as one of the density bonus related incentives or concessions allowed under state law.

Development Review Design Guidelines: The City's Development Review Design Guidelines (DRDGs) provide additional framework for the design review of development projects on a citywide level. As shown in Attachment 4 of this report, the project would comply with all the DRDGs with the exception of DRDG IV.d, VI.D.2, VI.D.3, and VI.D.4, which encourage: i) screening for all utility box transformers, backflow preventers, meters, and junction boxes; ii) minimizing heat islands; iii) maximizing hardscapes with permeable surfaces; and iv) providing electric vehicle (EV) parking spaces with fully-operational electric vehicle supply equipment (EVSE). Additional discussion about these guidelines is included in the staff analysis section below.

Required Findings – Design Review: In accordance with PMC section 18.36.220(B), design review approval may be granted only if the Planning Commission can make findings that:

- A. The structure conforms with good taste, good design and in general contributes to the character and image of the City as a place of beauty, spaciousness, balance, taste, fitness, broad vistas, and high quality;
- B. The structure will be protected against exterior and interior noise, vibrations and other factors that may tend to make the environment less desirable;
- C. The exterior design and appearance of the structure is not of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value;
- D. The structure is in harmony with proposed developments on land in the general area; and
- E. The application conforms with the criteria set forth in any applicable City adopted Development Review Design Guidelines.

Environmental Review: The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 32, 'Infill-Development Projects' of the state CEQA Guidelines, section 15332. It qualifies for this CEQA exemption because it would: a) be consistent with the City's general plan and zoning; b) occur within city limits on a project site of no more than five acres substantially surrounded by urban uses; c) be built on a site having no value as habitat for endangered, rare or threatened species; d) result in no significant impacts to traffic, noise, air quality, or water quality; and e) built on a site that is adequately served by utilities and public services.

Public Notice: Although not required, on or prior to April 17, 2020, notice of the April 28, 2020, public hearing was posted at City Hall, near the project site, and on the 'Public Notices' section 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 project site, to local service agencies expected to provide services to the building, and to individuals who had previously filed written request for such notice, in accordance with PMC section 18.14.010.

ANALYSIS:

Although not located within the core of the RASP, the Atchison Mixed-Use Development could be considered a catalyst project to begin realizing the RASP's vision for development around the Pittsburg Center BART Station. It would provide a walkable, mixed-use, transit-oriented development with well-designed housing, affordable to lower income households. The table below shows the City's progress in reaching its Regional

Housing Needs Allocation (RHNA) targets for the 2015-2023 housing cycle as of December 31, 2019. The data indicates that Pittsburg's area of greatest need is the very low-income housing category. Construction of the proposed project would reduce Pittsburg's need for "very low-income" housing by 100 units, which fulfills approximately a 1/3 of the requirement for that income category. The project would also completely fulfill the current housing cycle's requirement for "low-income" housing.

Table 1 - City of Pittsburg's RHNA Status for 2015-2023 Housing Cycle

Income Category		RHNA Target	Units Approved by Year			Total Approved Units to Date	Total Units Remaining
			2015-2016	2017-2018	2019		
VL	Deed Restricted	392	2	23	-	25	367
	Unrestricted		-	-	-		
L	Deed Restricted	254	4	211	3	227	27
	Unrestricted		-	3	6		
M	Deed Restricted	316	-	-	-	216	100
	Unrestricted		150	48	18		
AM		1,063	423	215	89	727	336
Total Units			579	500	116	1,195	830
Notes: VL = Very low-income (households earning 0-50% of AMI) L = Low-income (households earning 50-80% of AMI) M = Moderate income (households earning 80-120% of AMI) AM = Above-moderate income (households earning above 120% of AMI)							

Staff believes the Commission can make the design review findings required to approve the project, as proposed. The project would 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 it would provide attractive, modern-looking buildings within a highly-landscaped environment; include a variety of resident amenities – a fitness center, business center, technology room, multi-purpose room, clubhouse, open grass area, tot lot, pool and spa, and patios with seating and barbeque equipment; and encourage the use of alternative transportation by limiting the amount of parking available to residents and by providing short and long-term bike parking, a connection to the Delta de Anza Regional Trail, high-visibility crosswalks throughout the parking area, and a new ten-foot-wide sidewalk along Railroad Avenue with a bus shelter.

The project would be protected against exterior and interior noise, vibrations and other factors that may tend to make the environment less desirable, if a condition of approval

is added requiring apartment unit windows and sliding glass doors have minimum STC ratings to achieve an interior noise standard of 45 dBA CNEL.

The project would not be of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value; rather, construction of the project should heighten the appearance of the neighborhood, improve property values, and attract additional investment in the area.

The project would be in harmony with adjacent development proposed in the area, in that there are no projects proposed on adjacent properties. However, it should be noted that the project would be compatible with existing surrounding development. The project's five-story height would be consistent with Presidio Village Senior Housing and Stoneman Village Apartments, as both those developments include comparable, three- and four-story structures. The project would also be set back more than 170 feet from the single-family homes located along Railroad Avenue in the Westwood Gardens Subdivision and more than 150 feet from the apartments at Presidio Village Housing to maintain adequate light and air between residential structures.

Lastly, the project would conform to the RASP Architectural and ADSCs and the City's DRDGs, if conditions of approval are added requiring the project to: i) underground electrical transformers and screen all backflow preventers, meters, junction boxes, and roof-mounted equipment from public view; ii) implement several CALGreen Residential and Nonresidential Voluntary Measures, which among other things, require minimization of heat islands and maximization of hardscapes with permeable surfaces; and iii) provide at least 15 electric vehicle spaces with fully operational electric vehicle supply equipment throughout the project's parking areas.

ACTION REQUIRED:

Move to adopt Resolution No. 10144, approving Design Review Application No. 20-1490, subject to conditions.

ATTACHMENTS:

1. Proposed Resolution No. 10144
2. Property Development Regulations
3. Railroad Avenue Specific Plan Architectural and Site Development Criteria
4. Development Review Design Guidelines
5. Project Plans
6. Public Meeting Notice
7. Presentation Slides

Prepared by: Hector J. Rojas, AICP, Senior Planner

Attachment 1

Proposed Resolution

BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Granting Design Review)
Approval for “The Atchison Mixed-Use) Resolution No. 10144
Development, AP-19-1417 (DR).”)

The Planning Commission of the City of Pittsburgh DOES RESOLVE as follows:

Section 1. Background

- A. On January 13, 2020, the applicant, Integrated Community Development, filed Design Review Application No. 20-1480, requesting design review approval to construct a mixed-use development with 202 apartment units and 13,659 square feet of commercial space on a 3.94-acre site located at 2575 Railroad Avenue in the Community Commercial (CC) District. APN 088-184-006.
- B. In addition to design review approval, the applicant requested a 28% density bonus and three incentives/concessions that would result in cost reductions for affordable housing. The incentives/concessions sought by the applicant include: 1) a reduction in the minimum private storage area for the project (from 200 cu. ft./unit to zero cu. ft./unit); 2) a reduction in minimum laundry facilities (from one washer-dryer set per five units to one set per ten units); and 3) a reduction in the minimum transparency for ground level retail uses (from 70% to 57%).
- C. The project is eligible to receive the requested density bonus and incentives or concessions as a matter of right without discretionary approval under State Government Code sections 65915 – 65918, as it would set aside 100% of total units (other than the manager's units) for lower income households.
- D. The project is governed by the Pittsburg General Plan, Pittsburg Municipal Code (PMC) Title 18 (Zoning), Railroad Avenue Specific Plan Architectural and Site Design Criteria (ASDCs), Pittsburg Development Review Design Guidelines (DRDGs), and State Density Bonus Law (Government Code sections 65914-65918).
- E. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 32, 'Infill-Development Projects' of the state CEQA Guidelines, section 15332. It qualifies for this CEQA exemption because, as described in the staff report, it would: a) be consistent with the City's general plan and zoning; b) occur within city limits on a project site of no more than five acres substantially surrounded by urban uses; c) be built on a site having no value as habitat for endangered, rare or threatened species; d) result in no significant impacts to traffic, noise, air quality, or water quality; and e) built on a site that is adequately served by utilities and public services.

- F. Although not required, on or prior to April 17, 2020, notice of the April 28, 2020, public hearing was posted at City Hall, near the project site, and on the 'Public Notices' section 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 project site, to local service agencies expected to provide services to the building, and to individuals who had previously filed written request for such notice, in accordance with PMC section 18.14.010.
- G. On April 28, 2020, the Planning Commission held a public meeting on Design Review Application No. 20-1490, at which time oral and/or written testimony was considered.

Section 2. Findings

- A. Based on the Planning Commission Staff Report entitled, "The Atchison Mixed-Use Development, AP-20-1490 (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.

Design Review:

2. The project will:
 - a) conform with good taste, good design and in general will 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 it will provide attractive, modern-looking buildings within a highly-landscaped environment; include a variety of resident amenities – a fitness center, business center, technology room, multi-purpose room, clubhouse, open grass area, tot lot, pool and spa, and patios with seating and barbeque equipment; and encourage the use of alternative transportation by limiting the amount of parking available to residents and by providing short and long-term bike parking, a connection to the Delta de Anza Regional Trail, high-visibility crosswalks throughout the parking area, and a ten-foot-wide sidewalk along Railroad Avenue with a bus shelter.
 - b) be protected against exterior and interior noise, vibrations and other factors that may tend to make the environment less desirable, if apartment unit windows and sliding glass doors have minimum STC ratings to achieve an interior noise standard of 45 dBA CNEL.
 - c) not be of inferior quality as to cause the nature of the neighborhood to materially depreciate in appearance and value; rather, construction of the project will heighten the appearance of neighborhood, improve property values, and attract additional investment in the area.

- d) be in harmony with proposed development on land in the general area, in that there are no projects proposed on adjacent properties. The project will also be compatible with existing surrounding development. The project's five-story height will be consistent with Presidio Village Senior Housing and Stoneman Village Apartments, as both those developments include comparable, three and four-story structures. The project will be set back over 170 feet from the single-family homes located along Railroad Avenue in the Westwood Gardens Subdivision and over 150 feet from the apartments at Presidio Village Housing to maintain adequate light and air between residential structures.
- e) conform to the RASP Architectural and Site Design Criteria (ADSCs) and the City's Development Review Design Guidelines (DRDGs), if conditions of approval are added requiring the project to: underground electrical transformers and screen all backflow preventers, meters, junction boxes, and roof-mounted equipment from public view; implement several CALGreen Residential and Nonresidential Voluntary Measures, which among other things, require minimization of heat islands and maximization of hardscapes with permeable surfaces; and provide at least 15 electric vehicle spaces with fully operational electric vehicle supply equipment.

B. The staff report entitled "The Atchison Mixed-Use Development, AP-20-1490 (DR)," dated April 28, 2020, is referenced hereto as additional support for the findings.

Section 3. Decision

Based on the findings set forth above, the Planning Commission hereby grants design review approval for "The Atchison Mixed-Use Development, AP-20-1490 (DR)," subject to the following conditions listed below.

Planning Conditions

1. Conformity with Project Plans: The project shall be constructed in substantial conformity with the project plans dated March 9, 2020, except as may be hereinafter modified. Any major changes to the project plans shall be subject to review and approval by the Planning Commission at the City Planner's discretion. It should be noted that any signage shown on the project plans is not part of this approval and will therefore require separate sign permits.
2. Affordable Housing Regulatory Agreement: The applicant shall enter into an Affordable Housing Regulatory Agreement with the City of Pittsburg prior to issuance of a certificate of occupancy for the project. As part of the agreement, the applicant shall deed restrict a percentage of apartment units to very low, low, or moderate-income households for a period of at least 55 years. To retain the 28% density bonus approved by the Planning Commission in accordance with State law (California Government Code sections 65915 – 65918), the project shall provide at least 11% very low income, 20% low income, or 40% moderate income apartment units. The Affordable Housing Regulatory Agreement shall be subject to approval by the City Council.

3. Crime Free Multi-Housing Program: The applicant shall participate in the Crime Free Multi-Housing Program ("Program") offered by the Pittsburgh Police Department. The Program consists of four main elements:
 - a. Applicant directly or through its property manager, and such other individuals as the applicant may designate, must attend the entire Program training provided by the Pittsburgh Police Department or its designee.
 - b. Applicant shall allow one or more representatives from the Pittsburgh Police Department to inspect the common areas of the Property to evaluate whether or not the Property meets the minimum security requirements adopted by the Program.
 - c. Applicant directly or through its property manager shall conduct an annual meeting at the Property for Property residents. At the meeting, one or more representatives of the Pittsburgh Police Department will provide information about the Program and general crime prevention information.
 - d. Pittsburgh's Chief of Police shall annually verify whether the applicant has completed all required elements of the Program. If the Pittsburgh Police Department does not offer the Program, the City and applicant may mutually agree on other crime prevention measures the applicant shall take.
4. Modifications to Northern Project Driveway: The project plans shall be modified to incorporate the changes described in subparagraph 'a'. If those changes are determined infeasible, the project plans shall be modified to incorporate the changes described in subparagraph 'b'. The modifications shall be subject to review and approval by the Community Development Department.
 - a. The northern project driveway and the adjacent, off-site driveway immediately north shall be combined into a single driveway to serve both properties.
 - b. The northern project driveway shall be converted to inbound only. The width of the northern project driveway shall be reduced to 20 feet. The existing Railroad Avenue median located between the two project driveways shall be reconfigured to provide a left turn lane in the northbound direction to allow for U-turns.
5. Interior Noise: Residential unit windows and sliding glass doors shall have the following STC ratings in order to achieve an interior noise standard of 45 dBA CNEL:
 - a. STC 32 or higher for windows and sliding glass doors on Building #1 facing Railroad Avenue; and
 - b. STC 28 or higher for windows and sliding glass doors on Building #1 and #2 facing away from Railroad Avenue.

Compliance with this condition shall be shown on the construction drawings submitted for building permits.

6. Lump Sum for Roadway Improvements: Prior to issuance of building permits, the applicant shall provide the Community Development Department with a lump sum payment of \$10,000 for a fair share contribution towards roadway improvements at the Railroad Avenue/State Route 4 eastbound ramps. The improvements are part of the City's BART Pedestrian/Bicycle Connectivity Project (CIP ST-2).
7. Lump Sum for Tree Installation: Prior to issuance of building permits, the applicant shall provide the Community Development Department with a lump sum payment of \$8,688 for the City of Pittsburg to install trail enhancing landscaping, consisting of 22 new trees, along the Delta de Anza Trail with permission from East Bay Regional Parks District and East Bay Municipal Utility District.
8. Green Building Features: The project shall meet the Residential and Nonresidential Mandatory Measures specified under the 2016 California Green Building Standards Code, Part II. In addition to those measures, the project shall implement the following Residential and Nonresidential Voluntary Measures:

Residential Voluntary Measures:

- A4.106.4 Water permeable surfaces. (Tier 1)
- A4.106.5 Cool roof for reduction of heat island effect (Tier 1 – High Rise Residential Buildings, Hotels and Motels)
- A4.106.10 Light pollution reduction
- A4.303.1 Kitchen faucets
- A4.405.4 Use of building materials from rapidly renewable sources
- A4.506.1 Filters

Nonresidential Voluntary Measures:

- A5.106.11.1 Hardscape alternatives.
- A5.203.1 Energy efficiency. (Tier 1)
- A5.303.2.3.1 Indoor water use – Tier 1 – 12-percent savings.
- A5.303.4.1 Non-water supplied urinals.
- A5.405.5 Cement and concrete.
- A5.507.1 Lighting and thermal comfort controls.
- A5.508.1.3 Hydrochlorofluorocarbons (HCFCs), or
- A5.508.1.4 Hydrochlorofluorocarbons (HCFCs).

Compliance with this condition shall be shown on the construction drawings submitted for building permits.

9. Photovoltaic Panels: Photovoltaic Panels shall be incorporated onto Buildings #1 and #2. They shall also be incorporated onto all carports in the parking area. Panel coverage shall be consistent with the project plans.
10. EV Spaces and EVSE: At least fifteen (15) Electric Vehicle (EV) spaces with Electric Vehicle Supply Equipment (EVSE) shall be installed, consistent with Guideline IV.D.4 of the City of Pittsburg Development Review Design Guidelines. The installed EVSE

shall be 'Level 2', capable of charging at 30 amperes or higher at 208 or 240 volts. The appropriate permissive and regulatory signage shall be provided immediately adjacent to each EV space in accordance with California Manual on Uniform Traffic Control Devices and Title 24 of the California Building Code. Compliance with this condition shall be shown on the construction drawings and improvement plans submitted for building and engineering permits.

11. Utility Screening: All air conditioning units, utility boxes, transformers, backflow preventers, meters, and junction boxes shall be substantially screened from public view using a block or retaining wall screen, wood/architectural screen, or dense landscaping screen consistent with Appendix 1 of the City of Pittsburg Development Review Design Guidelines (Planning Commission Resolution No. 9864). Compliance with this condition shall be shown on the construction drawings and improvement plans submitted for building and engineering permits.

Engineering Conditions – Fees

12. Grading and Improvement Plan Fees: The applicant shall provide an initial payment for review of the grading and improvement plans with the first submittal. The grading and improvement plan review fees are based on the engineer's estimated costs for grading and site improvements, which shall be submitted with the plans. The grading plan check fee is 2.5% of the cost for grading, or it may be based upon cubic yards of earth disturbance as set forth in the City's Master Fee Schedule. The improvement plan check fee is 6% of the cost of the improvements. Fifty percent (50%) of these total fees are to be paid with the initial submittal of plans and engineer's cost estimate. These initial payments will be credited towards the final fees as determined at engineering permit. The remainder of the fees shall be due payable prior to issuance of an engineering permit.
13. Grading and Improvement Inspection Fees: The applicant shall pay the grading and/or improvement inspection fee(s) to the Engineering Division prior to the issuance of a single parcel development permit. The current grading inspection fee is 3% of the engineer's estimated 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 as set forth in the City's Master Fee Schedule. The improvement inspection fee is 5.75% of the engineer's estimated cost for improvements.
14. Facility Reserve Charge: Prior to the issuance of a building permit, the applicant shall pay the City of Pittsburg Facilities Reserve Charge (PMC Chapters 13.08, 13.12 and 13.24) (the "FRC") to the Engineering Division for water and sewer service in the amounts in effect at the time of building permit issuance. The applicant understands that the current FRC on file, effective August 20, 2005, shall be paid in accordance with the fee schedule approved by Resolution No. 05-10290, and amended by Resolution No. 12-11778, on February 21, 2012, a copy of which is available at the City.
15. Local Traffic Mitigation Fee: Prior to issuance of a building permit, the applicant shall pay the Local Transportation Mitigation Fee (PMC Chapter 15.90) (the "LTMF") amount in effect at the time of building permit issuance. The applicant 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 Pittsburgh Local Transportation Mitigation Fee Program Update, copies of which are available from the City.

16. Regional Transportation-Development Impact Mitigation Fee: Prior to issuance of a building permit, the applicant shall pay the Regional Transportation-Development Impact Mitigation Fee (PMC Chapter 15.103) (the "RTDIM") amount in effect at the time of building permit issuance. 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.
17. GIS Fee: Prior to the issuance of an engineering permit, the applicant shall pay the Geographic Information System (GIS) fee as set forth in the City's Master Fee Schedule. The current fee is \$0.05/sf of parcel for non-residential uses.
18. NPDES Plan Review Fee: The applicant shall pay a National Pollutant Discharge Elimination System ("NPDES") plan review fee for review of stormwater control plans and processing of closeout agreements and/or review of Storm Water Pollution Prevention Plans ("SWPPP"). The current fee is:
 - \$3,111 for the first 10,000 sq. ft. up to the 1st acre
 - Add additional \$136/acre for projects greater than 1 acre, up to the first 5 acres
 - Add additional \$31/acre for projects greater than 5 acres

This fee shall be due payable prior to issuance of an engineering permit.

19. NPDES Site Inspection Deposit: The applicant shall pay an NPDES inspection deposit for city staff's inspection of C.3 compliant facilities constructed, and/or inspection of construction site for compliance with Best Management Practices in accordance with the City's Municipal Regional Stormwater NPDES Permit. The current rate is:
 - \$12,000 for the first 10,000 sq. ft. up to 1st acre
 - \$24,000 for projects greater than 1 acre

This deposit shall remain in place for the duration of the first year of the project. If the project is completed prior to the project's one-year anniversary, the remaining balance of the deposit will be returned to the applicant.

20. Supplemental Studies: If additional engineering studies are deemed necessary by the City Engineer, i.e. geotechnical, structural, hydraulic, etc., or expedited reviews are requested by the applicant, the applicant shall pay for all costs related to the extra work. The costs shall be paid at the time of first plan check submittal, and they may include all costs associated with the preparation of special studies, additional staff time,

and/or reviews of the special studies if studies are prepared by the applicant's engineer.

Engineering Conditions – Submittals

21. Grading and Improvement Plans: The applicant shall submit five (5) copies of the grading improvement plans to the Engineering Division for review and approval. The plans shall be prepared by a registered civil engineer, to include but not be limited to the following:

- Site Plan
- Grading and Drainage Plan
- Utilities Plan
- Landscaping and Irrigation Plan
- Erosion and Sedimentation Control Plan
- Offsite Improvements due to Project Impacts
- Wayfinding and Parking Signage Plan
- Curb and Pavement Marking Details

22. Geotechnical Report: The applicant shall submit a current geotechnical report that supports 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/or the issuance of a site development permit.

Engineering Conditions - NPDES

23. Consistency with Stormwater Control Plan: The applicant shall submit a complete Stormwater Control Plan and Report compliant with the requirements set forth in the City's most current NPDES permit. The C.3 treatment facilities shall be adequately sized to treat the stormwater runoff from the associated drainage management areas. The grading and/or building plans shall include drawings and specifications necessary to implement all measures in the approved Stormwater Control Plan. Design features should incorporate low impact development design standards as outlined in the most current edition of the Contra Costa Clean Water Program's C.3 Guidebook. These features include limiting directly connected impervious area, and incorporating pervious pavements, self-retaining areas, treatment BMPs, permanent stormwater control BMPs, and other features that control stormwater flow and potential for stormwater pollutants. Grading and/ or building permits shall not be issued until this condition is met to the satisfaction of the Community Development Department.

24. Operations and Maintenance Plan: The applicant shall submit a Stormwater BMP Operation and Maintenance Plan for the continuous maintenance of all C.3 facilities constructed to meet the C.3 requirements of the project. The final plan shall be submitted to the Engineering Division prior to the certificate of occupancy.

25. Operations and Maintenance Agreement and Right of Entry: The applicant shall execute the Operations and Maintenance Agreement and Right of Entry, which pertain to the

transfer of ownership and / or long-term maintenance of stormwater treatment BMPs or hydrograph modification BMPs prior to the issuance of a certificate of occupancy. The Guidelines for the preparation of Stormwater BMP Operation and Maintenance Plans are found on the Contra Costa County Clean Water Program website (www.cccleanwater.org) or the Stormwater C.3 Guidebook, most current edition.

26. Stormwater Pollutants: The applicant shall incorporate long-term best management practices (BMP's) for the reduction or elimination of storm water pollutants. The project design shall incorporate wherever feasible, the following long term BMPs to limit pollutant generation, discharge, and runoff. Such source control design measures may include:

- 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.
- Providing covered trash, food waste, and compactor enclosures;
- Using pavers for walkways and other appropriate hardscape surfaces to minimize impervious areas;
- Minimizing the amount of directly connected impervious surface area;
- Marking all storm drains with "No Dumping, Drains to Delta" messages;
- Constructing concrete driveway weakened plane joins at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter;
- Plumbing of the following discharges to the sanitary sewer, subject to Delta Diablo's authority and standards: discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurant; dumpster drips from covered trash and food compactor enclosures; discharges from outdoor covered wash areas for vehicles, equipment, accessories; fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option.

27. Stormwater Pollution Protection During Construction: Prior to the issuance of a grading permit, the applicant shall submit an Erosion and Sedimentation Control Plan or Stormwater Pollution Prevention Plan (if the project requires a permit from the State Water Resources Control Board under the provisions of the General Construction Permit) to the Engineering Division for review. The Stormwater Pollution Prevention Plan measures shall also include measures to prevent soil, dirt, and debris from entering the storm drain system, in accordance with California Stormwater Quality Association's (CASQA's) construction handbook.

Engineering Conditions - Utilities

28. Capacity Evaluation: The applicant shall evaluate the existing and 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 required to be constructed to accommodate the project shall be borne by the applicant.

29. Right of Way Irrigation System: The applicant shall provide a central irrigation system that is compatible with Rainmaster DX 2 Evolution, with a remote controller included

with the package. The installation of this system shall be certified by a John Deere Landscapes United Greentech representative prior to the City's acceptance of the installation. The Landscaping and Irrigation Plan shall incorporate specifications for the central irrigation system.

30. Right of Way Landscape Design: The applicant 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 City standard details.

Community Facilities Districts (CFDs)

31. Public Safety Services CFD: Prior to issuance of any building or engineering permits, the applicant shall deliver written confirmation in a manner acceptable to the Community Development Director, that the owner of the parcel is electing to annex the subject property into the 2005-1 Public Safety Services Community Facilities District (CFD 2005-1). CFD 2005-1 provides funding for an increase of police coverage in the area. The rate of the CFD 2005-1 fee is subject to City Council Resolution No. 05-10342.
32. Park Maintenance CFD: Prior to issuance of any building or engineering permits, the applicant shall deliver written confirmation in a manner acceptable to the Community Development Director, that the owner of the parcel is electing to annex the subject property into the 2007-1 Park Maintenance Community Facilities District (CFD 2007-1). CFD 2007-1 provides funding for additional maintenance of parks in the area. The rate of the CFD 2007-1 is subject to City Council Resolution No. 07-10698.
33. Railroad Avenue Specific Plan CFD: Prior to issuance of any building or engineering permits, the applicant shall pay the one-time special tax for the Railroad Avenue Specific Plan Community Facilities District (CFD 2014-1) in accordance with the rate and method of apportionment set forth in City Council Resolution No. 14-12094.
34. Fire Facilities and Fire Safety and Emergency Services CFD: Prior to issuance of any building or engineering permits, the applicant shall deliver written confirmation in a manner acceptable to the Community Development Director, that the owner of the parcel is electing to annex the subject property into the 2017-1 Fire Facilities and Fire Safety and Emergency Services Community Facilities District (CFD 2017-1). CFD 2017-1 provides funding for an increase in fire facilities and fire safety and emergency services in the area. The rate of the CFD 2017-1 fee is subject to City Council Resolution No. 17-13311.

Standard Conditions

35. Standard Conditions of Development: The Standard Conditions of Development as adopted by the Pittsburg Planning Commission by Resolution No. 8931 shall apply as conditions of approval for this project as applicable. Where there is a conflict between the Standard Conditions of Development and the project-specific conditions identified in this resolution, the specific conditions of this resolution shall govern.
36. Other Agency Requirements: The applicant shall comply with all the requirements of the City's Community Development Department, Contra Costa County Fire Protection

District, and all other applicable local, state and federal agencies. It is the responsibility of the applicant to contact each local, state, or federal agency for requirements that may pertain to this project.

37. Indemnification: The applicant 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. The applicant may select its own legal counsel to represent the applicant's interests at the applicant's sole cost and expense. The 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 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.
38. Expiration of Approval: Design review approval for the project shall expire on April 28, 2022, unless a building permit or grading permit has been issued or a written request for extension is filed with the Planning Division prior to the expiration date and subsequently approved by the Planning Commission. The approval shall be valid for no more than six months from the date of building or grading permit issuance, unless work is commenced and diligently pursued prior to the expiration of the building or grading permit.

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner _____, seconded by Commissioner _____, the foregoing resolution was passed and adopted the 28th day of April 2020, 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. 10144 was adopted by the Planning Commission of the City of Pittsburg on April 28, 2020.

KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

Attachment 2
Property Development Regulations
The Atchison, AP-20-1490 (DR)

Development Regulations for Zoning District:	Requirement:	Project:	Project Complies?
Max. Height	60 ft.	60 ft.	☒ Yes ☐ No
Max. Residential Density (including a 80% density bonus under Government Code sections 65915 – 65918)	284 units (72 du/ac)	202 units (51.3 du/ac)	☒ Yes ☐ No
Max. Lot Coverage	50%	27.5%	☒ Yes ☐ No
Min. Front Yard Setback	15 ft.	15 ft.	☒ Yes ☐ No
Min. Side Setback	None	Varies	☒ Yes ☐ No
Min. Rear Setback	10 ft.	84 ft.	☒ Yes ☐ No
Min. Site Landscaping	10%	12%	☒ Yes ☐ No
Min. Private Storage Area*	200 cu. ft./unit	0 cu. ft./unit	☐ Yes ☒ No
Min. Private Open Space	60 sq. ft./unit	60 sq. ft./unit	☒ Yes ☐ No
Min. Laundry Facilities*	1 washer-dryer set per 5 units	1 washer-dryer set per 10 units	☐ Yes ☒ No
Min. Automobile Parking for Commercial Uses 1 space/250 sq. ft.	55 spaces (13,659 sq. ft. / 250 sq. ft.)	58	☒ Yes ☐ No
Min. Automobile Parking for Residential Uses 0.5 space/unit (per State Assembly Bill 744)	101 spaces (0.5 spaces x 202 units)	202	☒ Yes ☐ No
Total Min. Automobile Parking	156 spaces	260 spaces	☒ Yes ☐ No
Min. Parking Lot Trees 1 tree per 6 parking spaces	44 trees (263 spaces / 6)	44 trees	☒ Yes ☐ No
Min. Bike Parking 10 spaces per 101-200 automobile parking spaces	10 spaces	18 spaces (8 short term spaces + 12 long-term spaces)	☒ Yes ☐ No

* Note that the applicant has requested these development regulations be waived or reduced as a density bonus incentive/concession.

Attachment 3
RASP Architectural and Site Design Criteria (ASDC)
The Atchison, AP-20-1490 (DR)

ASDC No.:	Project Complies?	Staff Comment:
1: Maximize the number of units and building entries fronting the street.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed project provides four apartment floors and 13,659 square feet of commercial space along Railroad Avenue.
2: Orient building and store entrances to the street with maximized storefront transparency through inclusion of windows, doors, or outdoor areas incorporated into the structure.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed project includes seven commercial entries along Railroad Avenue with a generous amount of fenestration.
3: There shall be at least 70% transparency for ground level retail uses and a minimum of 60% transparency for ground level office uses.	☐ Yes ☐ No ☐ COA ☒ N/A	The proposed project only provides 57% transparency for ground level retail uses. However, the applicant has requested a non-discretionary incentive or concession to reduce this requirement under density bonus law.
4: Emphasize the primary entry of buildings (e.g. entrance lobby) with special architectural elements.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed commercial and residential entries use different materials and massing elements to create emphasis over those areas.
5: All building facades, including parking garages, facing public rights-of-way shall engage the pedestrian through well-articulated building facades by incorporating elements such as cornices, lintels, sills, awnings, fenestration, varied materials and colors, columns and other architectural elements and features.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed project uses staggered walls, balconies, patios, and a variety of quality materials to provide relief and articulation across each elevation.
6: Residential buildings shall incorporate porches, stoops, and balconies to provide variation on all elevations.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed project includes 60-square-foot private balconies or patios for each apartment unit.
7: Prohibit expanses of blank wall in excess of 10-feet along any portion of a building visible from public right-of-way or a parking facility.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed project minimizes the number of blank walls on buildings.

8: Use varied materials, forms and colors on buildings to provide visual interest to break up the massing of the structures and to provide visual interest to pedestrians.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed project would include a variety of exterior materials such as board-formed concrete, brick veneer, stucco, and fiber cement siding. An attractive, neutral, and earth-toned palette of grey, off-white, and brown colors would be used on the exteriors.
9: Step back upper stories of buildings over three stories in height to mask building height and reduce massing on the street level.	☒ Yes ☐ No ☐ COA ☐ N/A	The 2 nd -5 th floors in Building #1 would be stepped back to reduce massing along Railroad Avenue.
10: Articulate front facades with windows, both along the ground floor and upper residential floors. Carry all exterior materials including veneer, finishes or materials utilized on the front of the structure around to all sides of the buildings.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed project includes windows on all apartments and commercial tenant spaces facing Railroad Avenue. The exterior materials used on the façade also wrap around each building.
11: Incorporate outdoor stairs, railings, fences, gates, and other outdoor utilitarian elements that are decorative, painted or stained, composed of high-quality materials, and architecturally compatible with the structure to which they are accessory.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed project includes fences and gates that are painted bronze to match the metal finishes on the buildings.
12: Incorporate variations in building elements including roof silhouettes, fenestration patterns and colors in adjoining residential units.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed building design includes several staggered walls to create breaks in the rooflines.
13: In areas classified Business Commercial, encourage the use of steel and corrugated metal as an accent material to define lintels, create awnings and enhance roof form. Wood and stucco should be used sparingly within industrial areas.	☐ Yes ☐ No ☐ COA ☒ N/A	The project site is outside the Business Commercial zoning district.
14: All developments must provide a trash enclosure in accordance with Title 18 of the PMC. Shared trash enclosures are encouraged among adjacent uses provided that the enclosure is sized appropriately to handle the refuse and recycling needs of all uses.	☒ Yes ☐ No ☐ N/A	Both buildings would provide garbage chutes on each of the upper floors to collect trash and recyclables at a central location on the first floors of each building.

15: Locate all utilities, utility boxes or equipment underground or on the roof and screened from view.	☐ Yes ☐ No ☒ COA ☐ N/A	Staff recommends the Commission adopt a condition of approval requiring compliance with this ASDC.
16: Parking garages shall be developed as mixed-use structures with ground floor frontage along heavily utilized pedestrian pathways devoted to commercial uses.	☐ Yes ☐ No ☐ COA ☒ N/A	The proposed project does not include a parking garage.
17: Private developments in the Transit Village and Civic Center sub-areas shall include publicly accessible greenways, trails and paths for pedestrians and bicyclists in accordance with the land use and circulation plans set forth in the Specific Plan.	☐ Yes ☐ No ☐ COA ☒ N/A	The project site is outside the Transit Village and Civic Center sub-areas, but the project does include a connection between the site and Delta de Anza Regional Trail.
18: Public bicycle parking lockers shall be installed on the ground floor of parking garages at a ratio of one bicycle parking locker per 50 parking spaces.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed project provides a bike storage room for up to 12 bicycles (at ratio of one bicycle locker per 22 parking spaces).
19: Utilize ecologically conscious designs that include natural light, shade, and energy efficient materials.	☒ Yes ☐ No ☐ COA ☐ N/A	The building roofs and carports would be equipped with solar panel systems capable of generating as much energy as the buildings would consume.
20: Projects should include sustainable site and building design elements such as improved insulation, operable windows, energy efficient lighting and appliances, solar energy sources built into the development, natural ventilation and permeable paving materials.	☒ Yes ☐ No ☐ COA ☐ N/A	
21: The ground floor of live-work lofts shall not be used exclusively for storage of materials.	☐ Yes ☐ No ☒ N/A	The proposed project does not include live-work units.
22: Residential developments located within 500 feet of a travel lane on State Route 4 shall have central heating, ventilation, and air conditioning (HVAC) systems with high efficiency filters. Air intake systems for the HVAC systems shall be located as far away from the roadway as possible and shall include an ongoing HVAC maintenance plan.	☐ Yes ☐ No ☐ COA ☒ N/A	The project site is not within 500 feet of State Route 4.

23: All residential projects must comply with development standards and amenities applicable to all multi-family residential and senior projects set forth in Chapter 18.52, Residential Districts, of the PMC unless otherwise specified within the Specific Plan.	☒ Yes ☐ No ☐ COA ☐ N/A	See Attachment 2, Property Development Regulations. The applicant has requested non-discretionary incentives or concessions to reduce requirement for minimum private storage area and laundry facilities under density bonus law.
24: All fences in the Transit Village, Civic Center, High School Village, Industrial/Mixed Use and Railroad Avenue Retail Corridor shall comply with the height standards for commercial and residential uses (where applicable) set forth in Chapter 18.84, Special Land Use Regulations Applicable to Specific Uses, in the PMC. Wrought iron and wood fencing is encouraged in these sub-areas. Chain-link fencing is permitted at the discretion of the City Planner, and must be vinyl clad in a dark color material with winged slats. Razor wire and barbed wire are not permitted within any of these sub-areas.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed project includes fences that comply with the height standards in Title 18 of the PMC.
25: All accessory structures and accessory dwelling units must comply with applicable standards set forth in Title 18 of the PMC.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed project includes carports that comply with the standards in Title 18 of the PMC.
26: Greenways, trails, and paths for pedestrians and bicyclists that are incorporated into site design and development shall not be fenced, gated or hidden by the wall of a building in such a manner to eliminate the visual connection from the street, public right-of-way, and/or buildings and the greenway, trail and/or path. Structures adjacent to greenways, trails and/or paths shall incorporate balconies and windows to overlook the paths, and all effort shall be made to allow visual connections through and along the paths.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed project provides a pedestrian connection to the Delta de Anza Regional Trail. Both buildings in the project include windows, balconies, and patios overlooking the trail.

Attachment 4
Development Review Design Guidelines
The Atchison, AP-20-1490 (DR)

Multifamily Residential Design Guideline No.:	Project Complies?	Staff Comment:
II.a: A/C units should be substantially screened from view by way of a permanent screen or appropriately sized plant material.	☒ Yes ☐ No ☐ COA ☐ N/A	A/C units would be located behind roof parapets near the center of each rooftop.
III.b: Detached carports and/or garages should have the same roof material and roof pitch as the main dwelling units.	☐ Yes ☐ No ☐ COA ☒ N/A	The carports are angled, but they would be compatible with the flat roof building designs.
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.	☐ Yes ☐ No ☐ COA ☒ N/A	The proposed project includes only two buildings.
III.d: Bus stops should share the same architectural theme as that of the dwelling units.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed bus stop along Railroad Avenue incorporates materials and colors that are consistent with the building designs.
III.e: Parking lots should not dominate areas adjacent to public streets. Structures and parking should be interspersed creating pockets of parking and variety from a streetscape point of view.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed parking areas are located along the sides and rear of buildings. Building #1 would dominate the property frontage.
III.f: Trash enclosures should include area for collection of recyclables (example: space for two 90-gallon containers minimum, See Appendix #2 Trash Enclosure Design Standards).	☒ Yes ☐ No ☐ COA ☐ N/A	Both buildings would provide garbage chutes on each of the upper floors to collect trash and recyclables at a central location on the first floors of each building.
III.g: Locate covered walkways in areas near dwelling unit entries and in areas where large expanses of walkways exist.	☒ Yes ☐ No ☐ COA ☐ N/A	Walkways would be located near unit entries per this guideline.

Commercial Design Guideline No.:	Project Complies?	If Not, Why?
IV.a: Parking areas should be screened from view from any public right-of-way. Parking areas should be broken up to eliminate vast areas of parking especially along street frontages.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed parking areas are located along the sides and rear of buildings. Building #1 would dominate the property frontage.
IV.b: Provisions should be made for permanent shopping cart corrals in retail shopping centers.	☐ Yes ☐ No ☐ COA ☒ N/A	The proposed project does not include a commercial use that requires shopping carts.
IV.c: Existing trees on site should be incorporated into the project site design, unless waived by the City Planner or Planning Commission.	☐ Yes ☐ No ☐ COA ☒ N/A	The existing palm trees along Railroad Avenue are not protected trees. They would be removed to accommodate a new 10-foot-wide sidewalk for pedestrian safety. New palm trees would be planted in similar locations along the street.
IV.d: Developer should screen all utility box transformers, backflow preventers, meters, and junction boxes.	☐ Yes ☐ No ☒ COA ☐ N/A	Staff recommends the Commission adopt a condition of approval requiring compliance with this guideline.
IV.e: Projects with many buildings (greater than three) should have a variety of building sizes and masses.	☐ Yes ☐ No ☐ COA ☒ N/A	The proposed project includes only two buildings.
IV.f: Continuous horizontal roof lines should be broken up whenever possible.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed building design includes several staggered walls to create breaks in the rooflines.
IV.g: Building entries should be designed as a focal point. They should be designed to set the theme or be the primary feature of the building or commercial center.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed commercial and residential entries use different materials and massing elements to create emphasis over those areas.
IV.h: Building elevations visible from public right-of-ways should be addressed in design review and treated appropriately.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed project includes an attractive, modern-looking building design along the street.

IV.i: A free-standing structure within an existing commercial or industrial center should be architecturally compatible with the center, including but not limited to materials, colors, and architectural elements.	☐ Yes ☐ No ☐ COA ☒ N/A	The proposed project does not involve a new free-standing structure in an existing center.
IV.j: All roof mounted equipment should be screened completely from view from all public right-of-ways. A site-line study may be necessary to determine appropriate screening method.	☒ Yes ☐ No ☒ COA ☐ N/A	A/C units would be located behind roof parapets near the center of each rooftop.
IV.k: All structures including, but not limited to, 'tilt-up' type structures, should have structural reliefs and articulated entries.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed project uses staggered walls, balconies, patios, and a variety of quality materials to provide relief and articulation across each elevation.
IV.l: Exterior fire escapes, stairs and other appurtenances should be designed or treated as integral parts of the building façade.	☐ Yes ☐ No ☐ COA ☒ N/A	The proposed project is not designed with exterior fire escapes or staircases.
IV.m: Downspouts should be designed into the façade of the building unless architecturally treated.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed project integrates all downspouts and gutters behind building walls.
IV.n: Add murals, lattice or some other space-frame type treatment to blank walls visible from public view.	☐ Yes ☐ No ☐ COA ☒ N/A	The proposed project minimizes the number of blank walls on buildings.
IV.o: Prototype or 'theme' architecture is discouraged.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed project does not incorporate theme architecture.
IV.p: New or remodeled buildings should be designed to be compatible in design, color and materials with adjacent development.	☒ Yes ☐ No ☐ COA ☐ N/A	A neutral, earth-toned palette of grey, off-white, and brown colors would be used on the exteriors to help the project blend with surrounding development.
IV.q: The street-oriented elevations shall be designed so as not to present the appearance of a rear elevation.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed project includes an attractive, modern-looking building design along Railroad Avenue and the Delta de Anza

		Regional Trail.
IV.r: Trash enclosures should include area for collection of recyclables (i.e. space for two 90-gallon containers minimum).	☒ Yes ☐ No ☐ COA ☐ N/A	Both buildings would provide garbage chutes on each of the upper floors to collect trash and recyclables at a central location on the first floors of each building.

Green Building Guideline No.:	Project Complies?	If Not, Why?
VI.D.1: Roofs should be designed to integrate renewable energy systems and provide a cool urban environment.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed project includes photovoltaic panels and cool roofs on each building.
VI.D.2: Urban heat island impacts should be minimized.	☒ Yes ☐ No ☒ COA ☐ N/A	Staff recommends the Commission adopt a condition of approval requiring compliance with these guidelines.
VI.D.3: Hardscapes should be constructed with permeable surfaces. Impermeable surfaces may be used if they direct all runoff toward an appropriate permanent infiltration feature.	☐ Yes ☐ No ☒ COA ☐ N/A	
VI.D.4: Design choices should incorporate or prepare for electric vehicle charging or used vegetable oil fueling infrastructure.	☐ Yes ☐ No ☒ COA ☐ N/A	
VI.D.5: Fuel cell technology should be considered where other renewables are infeasible.	☐ Yes ☐ No ☐ COA ☒ N/A	The proposed project includes photovoltaic panels on carports and building rooftops.
VI.D.6: Reclaimed water should be used for as much non-potable water uses as feasible and practical.	☐ Yes ☐ No ☐ COA ☒ N/A	Reclaimed water infrastructure is not present near the project site.
VI.D.7: Large commercial and institutional facilities that are anticipated to employ more than 50 employees should consider providing on-site shops and services for those employees.	☐ Yes ☐ No ☐ COA ☒ N/A	The proposed project is primarily residential, but it provides over 13,000 square feet of commercial space.

VI.D.8: Street side building faces should encourage walking.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed project provides commercial entries and a 10-foot-wide sidewalk along Railroad Avenue.
VI.D.9: Secure bicycle parking facilities should be provided for at least 10 percent of expected peak hour trips.	☒ Yes ☐ No ☐ COA ☐ N/A	The proposed project includes a bike storage and repair room for 12 bicycles.

Attachment 5 - Project Plans

THE ATCHISON

- 202 RESIDENTIAL UNITS TOTAL AND 13,659 SF COMMERCIAL AREA - 2575 RAILROAD AVENUE PITTSBURG, CA 94565

PROJECT DESIGN TEAM:

OWNER REPRESENTATIVE

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RYAN YANAGITA, AIA
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CIVIL ENGINEER

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SAN LUIS OBISPO, CALIFORNIA 93401
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LANDSCAPE ARCHITECT

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CONTACT: SUSAN E. MEOUEN
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WEB SITE:

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PROJECT DESCRIPTION: 4 STORY TYPE V-A OVER 1 STORY TYPE 1 COMMERCIAL MIXED USE BUILDING AND 5 STORY TYPE III-A APARTMENT BUILDING WITH 20 - STUDIOS @ 575 SF 122 - 1 BR @ 625 SF 60 - 2 BR @ 925 SF 202 RESIDENTIAL UNITS TOTAL AND 13,659 SF COMMERCIAL AREA
TOTAL NUMBER OF BEDROOMS: 242 +20 STUDIOS (262 TOTAL)

APN: 088-184-006

SITE AREA: 171,628 SF OR 3.94 ACRES

ZONING: COMMUNITY COMMERCIAL - CC

SITE LANDSCAPING 10% REQUIRED: 17,163 SF 12% PROPOSED: 20,886 SF

FLOOR AREA RATIO: ALLOWED - 0.75 : 1 PROVIDED - 223,510 / 171,628 OR 1.30 : 1

DENSITY: ALLOWABLE: 40 DU/AC TOTAL ALLOWABLE: 54 DU/AC (WITH 35% INCREASE PER DENSITY BONUS LAW) PROVIDED: 51.2 DU/AC (200 UNITS/ 3.94 AC)

LOT AREA COVERAGE: REQUIRED: 50% MAX. PROVIDED: BUILDINGS FOOTPRINT = 47,000 SF OR 27.5%

ZONING SETBACKS: PROPOSED REQUIRED FRONT YARD: 15'-0" 15'-0" SIDE YARD: 0'-0" VARIES REAR YARD: 10'-0" 10'-0"

HEIGHT: MAX HEIGHT: 60'-0" PROPOSED HEIGHT: 60'-0"

BUILDING NO. 1: BUILDING DATA:

BUILDING # 1 - 5 STORY: 4 STORIES TYPE V - A RESIDENTIAL APARTMENT UNITS OVER 1 STORY COMMERCIAL
BUILDING #1 UNIT SUMMARY: 47 - 1 BR UNITS @ 625SF 47 UNITS TOTAL
BUILDING #1 AREA: COMMERCIAL AREA 1ST FLOOR = 13,659 SF RESIDENTIAL AREA 1ST FLOOR = 1,000 SF RESIDENTIAL AREA: 2ND FL - 5TH FL = 10,500 SF EACH FL TOTAL RESIDENTIAL AREA = 43,000 SF
TOTAL BUILDING # 1 AREA = 56,660 SF

BUILDING NO. 2: BUILDING DATA:

BUILDING # 2 - 5 STORY: 5 STORIES TYPE III - A RESIDENTIAL APARTMENT BUILDING
BUILDING #2 UNIT SUMMARY: 20 - STUDIOS @ 575 SF 75 - 1 BR @ 625 SF 60 - 2 BR @ 925 SF 155 UNITS TOTAL
RESIDENTIAL AREA - BUILDING #2: 1ST FL COMMON AREA = 8,850 SF 1ST FL RESIDENTIAL AREA = 25,320 SF 2ND FL COMMON AREA = 440 SF 2ND FL - 5TH FL RES. AREA = 33,060 SF EACH FL TOTAL RES + COMMON AREA = 166,850 SF

COMBINED BUILDING DATA: (BUILDING NO. 1 + BUILDING NO.2)

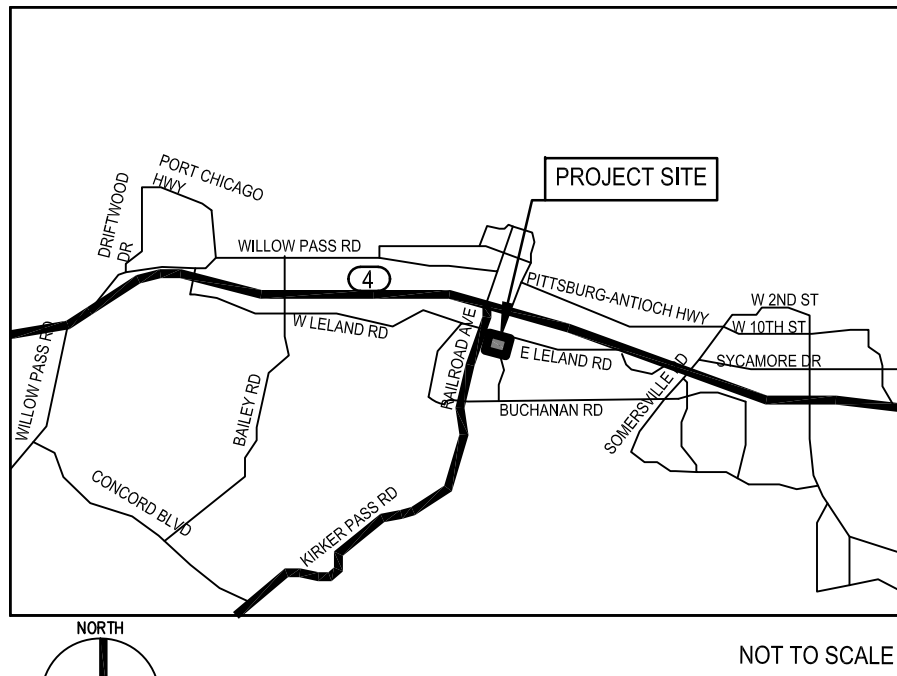
TOTAL COMBINED BUILDING #1 AND #2 AREA = 223,510 SF

DESIGN SUMMARY:

PRIVATE OPEN SPACE REQUIRED: 60 SF / UNIT PRIVATE OPEN SPACE PROVIDED: 60 SF / UNIT 6' X 10' BALCONY OR PATIO MIN. PER EACH UNIT
PARKING SUMMARY: RETAIL PARKING: 1 SPACE / 250 SF = 27.5% 13,659 SF / 250 SF = 55 SPACES 0.5 SPACES / UNIT REQUIRED (AB74) = 202 UNITS X 0.5 SPACES = 101 SPACES TOTAL SPACES REQUIRED = 156 SPACES
PARKING PROVIDED: COMMERCIAL SPACES = 74 SPACES (20 COVERED) RESIDENTIAL SPACES = 189 SPACES (109 COVERED) TOTAL SPACES PROVIDED = 263 SPACES
BICYCLE PARKING = 12 COVERED SPACES PROVIDED 10 REQUIRED

LAUNDRY SUMMARY: RATIO PROVIDED: TCAC 1:10 TOTAL WASHERS: 11 TOTAL DRYERS: 11 ALL LAUNDRY UNITS TO BE PROVIDED ON SAME FLOOR LEVEL AS THE RESIDENTIAL UNITS THEY SERVE.

VICINITY MAP



GENERAL NOTES:

THIS PROJECT IS REQUIRED TO MEET THE RESIDENTIAL AND NONRESIDENTIAL MANDATORY MEASURES SPECIFIED UNDER THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE, PART 11. IN ADDITION TO THESE MEASURES, THE PROJECT SHALL IMPLEMENT THE FOLLOWING RESIDENTIAL AND NONRESIDENTIAL VOLUNTARY MEASURES: RESIDENTIAL VOLUNTARY MEASURES: A4.106.4 WATER PERMEABLE SURFACES (TIER 1) A4.106.5 COOL ROOF FOR REDUCTION OF HEAT ISLAND EFFECT (TIER 1 - HIGH-RISE RESIDENTIAL BUILDINGS, HOTELS AND MOTELS) A4.106.10 LIGHT POLLUTION REDUCTION A4.303.1 KITCHEN FAUCETS A4.405.4 USE OF BUILDING MATERIALS FROM RAPIDLY RENEWABLE SOURCES A4.506.1 FILTERS NON-RESIDENTIAL VOLUNTARY MEASURES: A5.106.5.1 DESIGNATED PARKING FOR CLEAN AIR VEHICLES. A5.106.7 EXTERIOR WALL SHADING. A5.203.1 ENERGY EFFICIENCY (TIER 1) A5.212.1 ELEVATORS AND ESCALATORS. A5.303.2.3.1 INDOOR WATER USE - TIER 1 - 12-PERCENT SAVINGS. A5.303.4.1 NON-WATER SUPPLIED URINALS. A5.405.5 CEMENT AND CONCRETE. A5.507.1 LIGHTING AND THERMAL COMFORT CONTROLS. A5.507.2 DAYLIGHT. A5.508.1.3 HYDROCHLOROFUOROCARBONS (HCFCs). PER THE CITY OF PITTSBURG DESIGN AND DEVELOPMENT POLICY 4-4-7: REQUIRE ALL NEW DEVELOPMENT LOCATED NEAR A ROADWAY THAT PRODUCES NOISE LEVELS GREATER THAN 65 DBA TO HAVE AN ACOUSTICAL ANALYSIS PREPARED BY A QUALIFIED ACOUSTICAL ENGINEER TO ENSURE ALL FEASIBLE SITE PLANNING AND ARCHITECTURAL DESIGN MEASURES ARE INCORPORATED TO REDUCE INTERIOR NOISE LEVELS TO A MAXIMUM OF 45 DBA. THE PROJECT BUILDINGS SHALL BE PRE-WIRED TO CREATE 'SOLAR-READY' ROOF SURFACES. WIRING DETAILS SHALL BE INCLUDED ON THE CONSTRUCTION DRAWINGS AND SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE COMMUNITY DEVELOPMENT DEPARTMENT PRIOR TO ISSUANCE OF A BUILDING PERMIT.

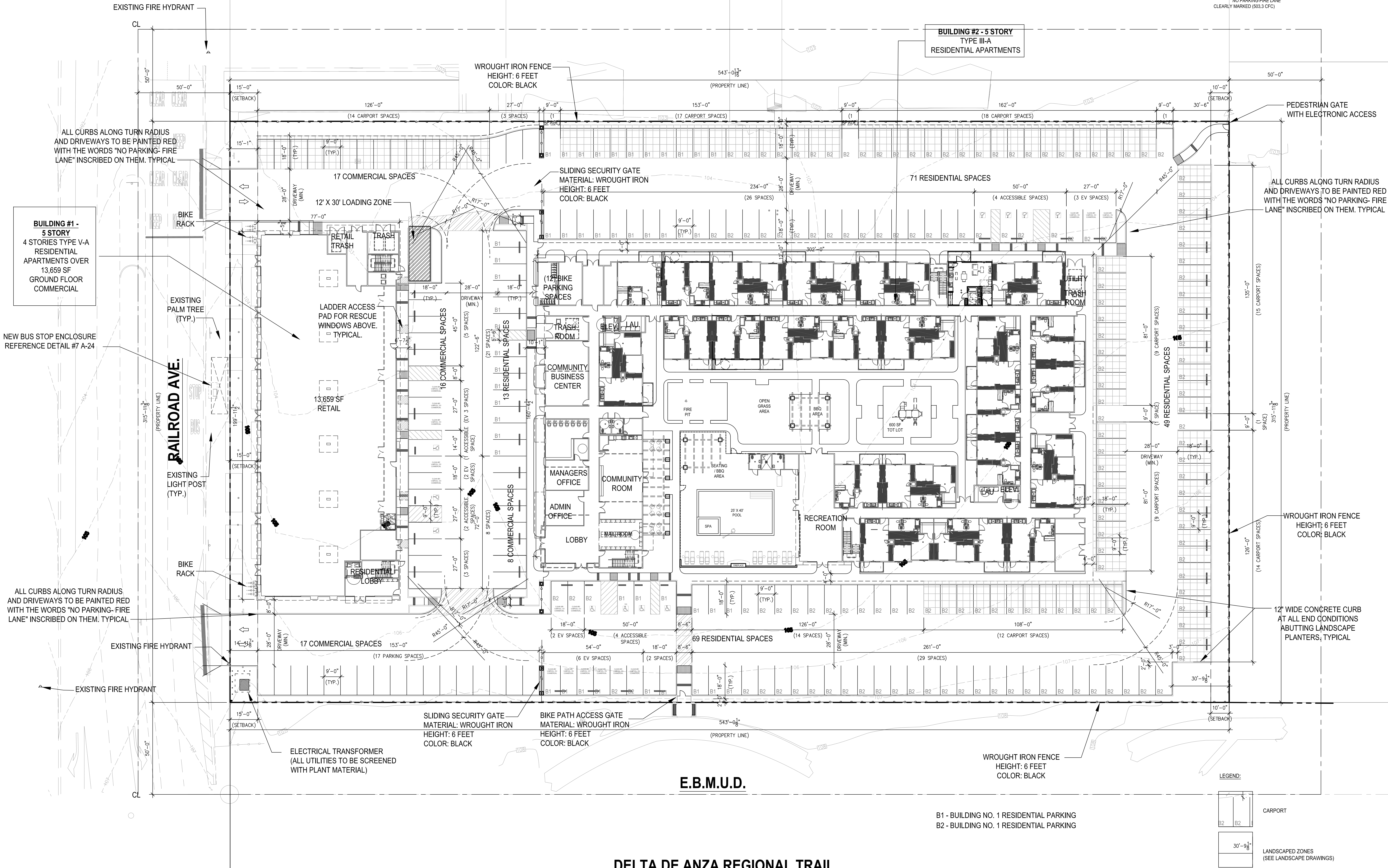
THE PROJECT SHALL INCORPORATE COOL ROOFS FOR REDUCTION OF HEAT ISLAND EFFECT, CONSISTENT WITH GUIDELINE IV.D.1.C OF THE CITY OF PITTSBURG DEVELOPMENT REVIEW DESIGN GUIDELINES. COOL ROOFS SHALL MEET THE MINIMUM SOLAR REFLECTANCE REQUIREMENTS DISCUSSED UNDER CALIFORNIA GREEN BUILDING VOLUNTARY MEASURE A5.106.11 (SEE CALIFORNIA GREEN BUILDING STANDARDS CODE). AT LEAST FIFTY-PERCENT OF ALL OUTDOOR HARDSCAPES WITHIN THE SITE SHALL USE LIGHT COLORED MATERIALS WITH AN INITIAL SOLAR REFLECTANCE VALUE OF AT LEAST 30 AS DETERMINED IN ACCORDANCE WITH AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) STANDARDS E1918 OR C1549. COMPLIANCE SHALL BE SHOWN ON THE CONSTRUCTION DRAWINGS SUBMITTED FOR BUILDING PERMITS.

ALL NEW BUILDINGS SHALL HAVE APPROVED RADIO COVERAGE FOR EMERGENCY RESPONDERS WITH IN THE BUILDING BASED UPON THE EXISTING COVERAGE LEVELS OF THE PUBLIC SAFETY COMMUNICATION SYSTEMS OF THE JURISDICTION AT THE INTERIOR OF THE BUILDING. THE BUILDING OWNER SHALL HAVE THE TESTING CONDUCTED AND THE RESULTS SUBMITTED TO THE FIRE DISTRICT PRIOR TO THE BUILDING FINAL (510.11) CPFS.

The above drawings, specifications, ideas, designs and arrangements represented thereby are and shall remain property of the Architect. (YM Architects), and no part thereof shall be copied, disclosed to others or used in connection with any other project other than the specific project for which they have been prepared and developed, without the written consent of the Architect. (YM Architects). Visual contact with these drawings or specifications shall constitute conclusive evidence of acceptance of these restrictions. Written dimensions on these drawings shall have pre-over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job, and this office must be notified of any variations from the dimensions and conditions shown by these drawings. Shop details must be submitted to this office for approval before proceeding with fabrication. 2019 ©

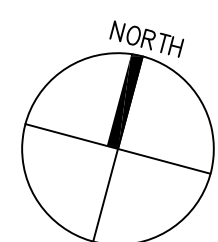
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- NOTES:
1. ACCESS ROADWAYS
 - 1.1. ACCESS ROADWAY TO BE CAPABLE OF SUPPORTING IMPOSED FIRE APPARATUS LOADING OF 37 TONS.
 - 1.2. ACCESS ROADWAYS SHALL NOT EXCEED 20% GRADE
 - 1.3. GRADES EXCEEDING 10% TO BE CONSTRUCTED OF GROOVED CONCRETE PER FIRE DISTRICT STANDARD (SDS CPC)
 - 1.4. ACCESS ROADWAYS OF LESS THAN 26-FOOT UNOBSTRUCTED WIDTH SHALL HAVE SIGNS POSTED OR CURBS PAINTED RED WITH THE WORDS "NO PARKING-FIRE LANE" CLEARLY MARKED (SDS CPC)



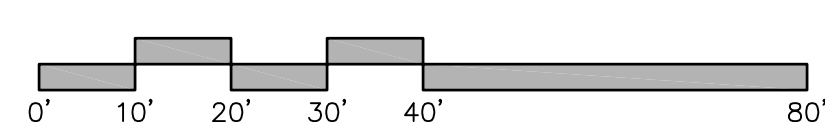
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2019



SITE PLAN

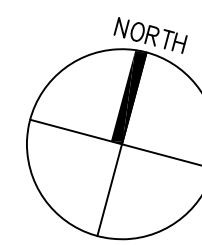
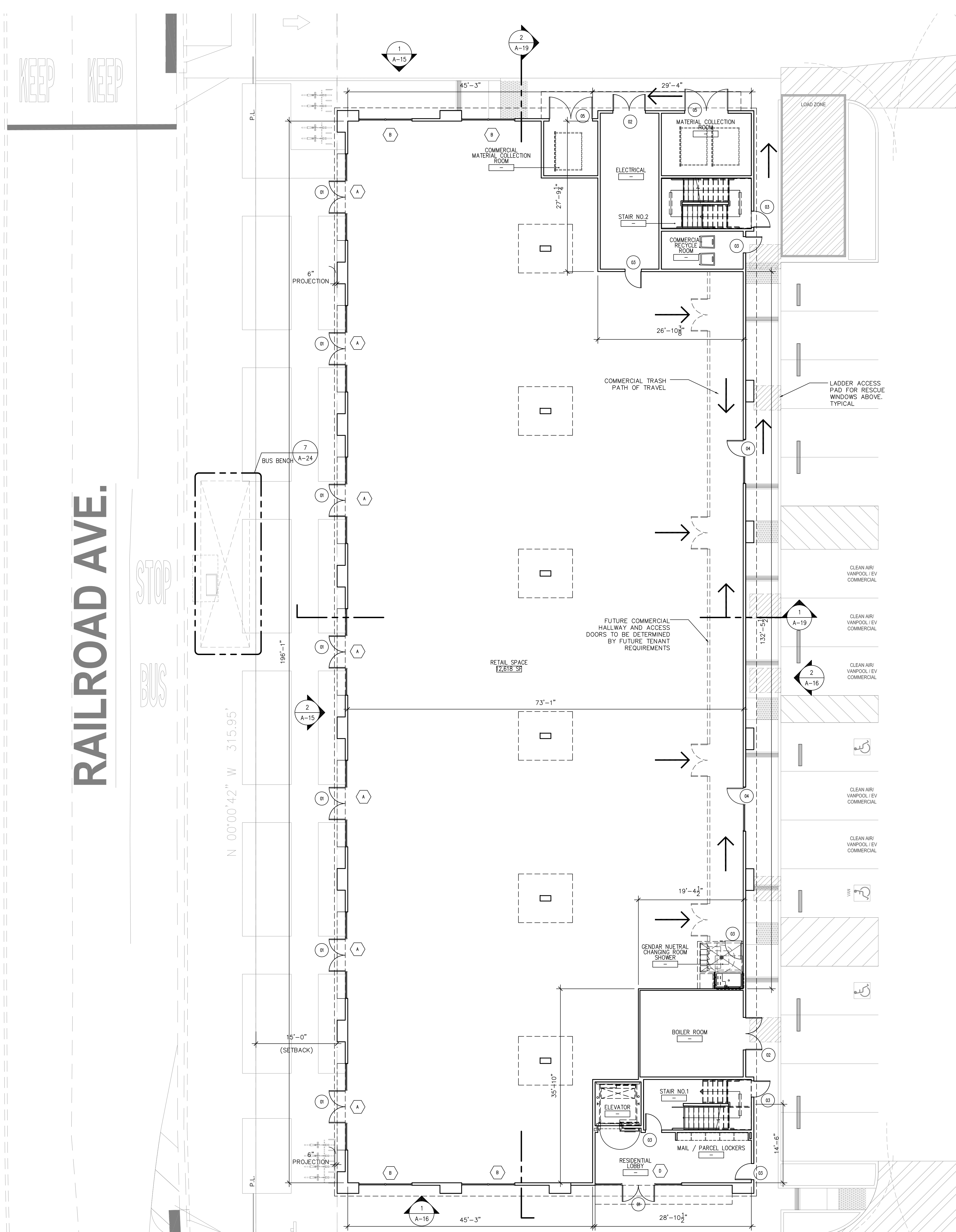
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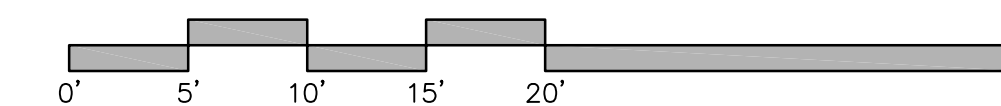


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**BUILDING NO. 1
1ST FLOOR PLAN**

SCALE: 1/8" = 1'-0"



The above drawings, specifications, ideas, designs and arrangements represented hereby are and shall remain property of the Architect (Y&M Architects), and no part thereof shall be copied, disclosed to others or used in connection with any other project other than the specific project for which they have been prepared and developed, without the written consent of the Architect (Y&M Architects). Visual contact with these drawings or specifications shall constitute conclusive evidence of acceptance of these restrictions. Written dimensions on these drawings shall have pre-over sized dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job, and this office must be notified of any variations from the dimensions and conditions shown by these drawings. Shop details must be submitted to this office for approval before proceeding with fabrication.

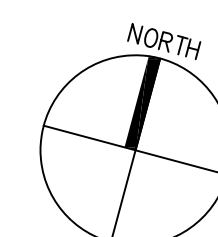
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THE ATCHISON

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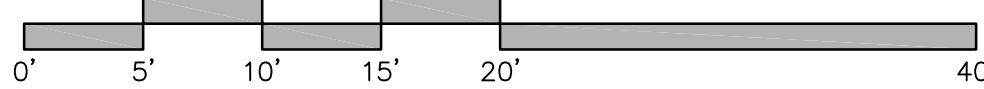
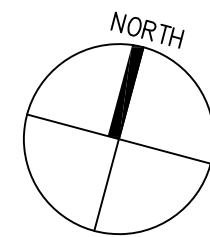


Integrated
Community Development

Date _____

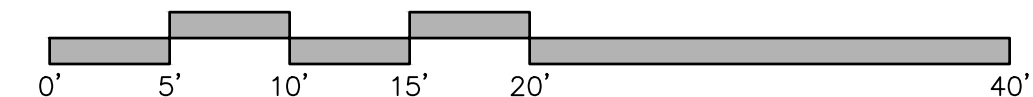
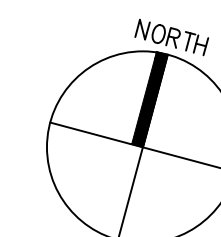
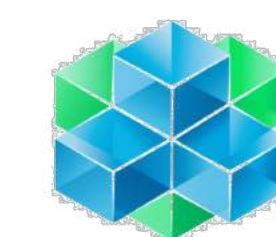
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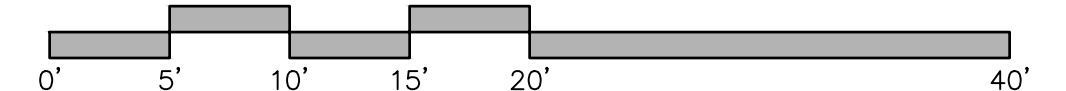
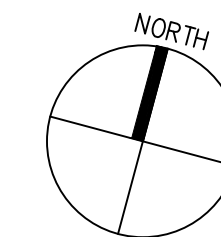
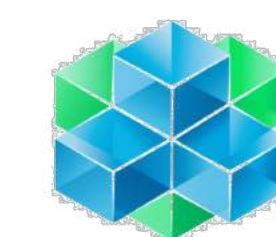
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P:\2019\PITTSBURG - CBH01_CAD000_SHEETS\SCHEMATICS\A-05 BUILDING-01_FLOOR PLAN 04.DWG
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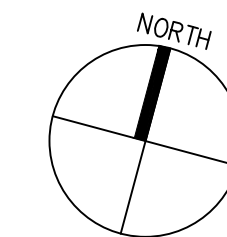


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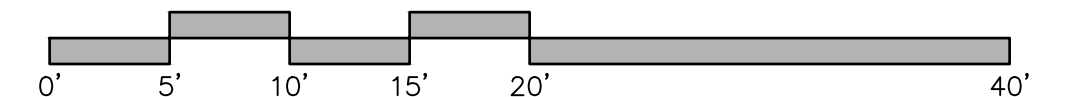
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P:\2019\PITTSBURG - CBH01_CAD000_SHEETS\SCHEMATICS\07 BUILDING-01 ROOF PLAN.DWG
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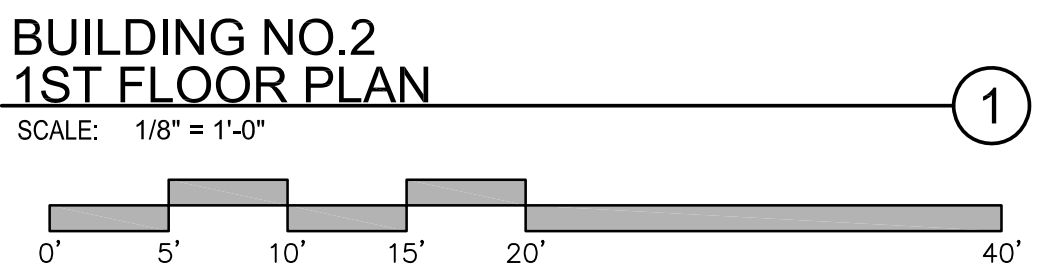


BUILDING NO. 1
ROOF PLAN
SCALE: 1/8" = 1'-0"



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03.05.20 A-07



©

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3/24/2015 11:54 AM

Y&M Architects

Y&M Architects
724 South Spring Street, Suite 304
Los Angeles, CA 90014
Tel. 213 623 2107 Fax. 213 623 2108
www.ymarch.com

THE ATCHISON

Project: 2575 RAILROAD AVENUE
Pittsburg, CA 94565



Integrated
Community Development

Developer: 21031 Ventura Boulevard, Suite 200
Woodland Hills, CA 91364

Date

Page

**BUILDING NO.2
2ND FLOOR PLAN**

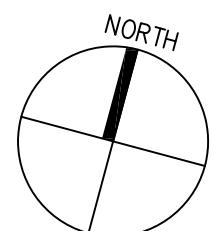
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0' 5' 10' 15' 20' 40'

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03.05.20

A-09



SCALE: 1/8" = 1'-0"

①



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3/20/2020 5:19 AM

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THE ATCHISON

Project: 2575 RAILROAD AVENUE
Pittsburg, CA 94565



Developer: 21031 Ventura Boulevard, Suite 200
Woodland Hills, CA 91364

Date

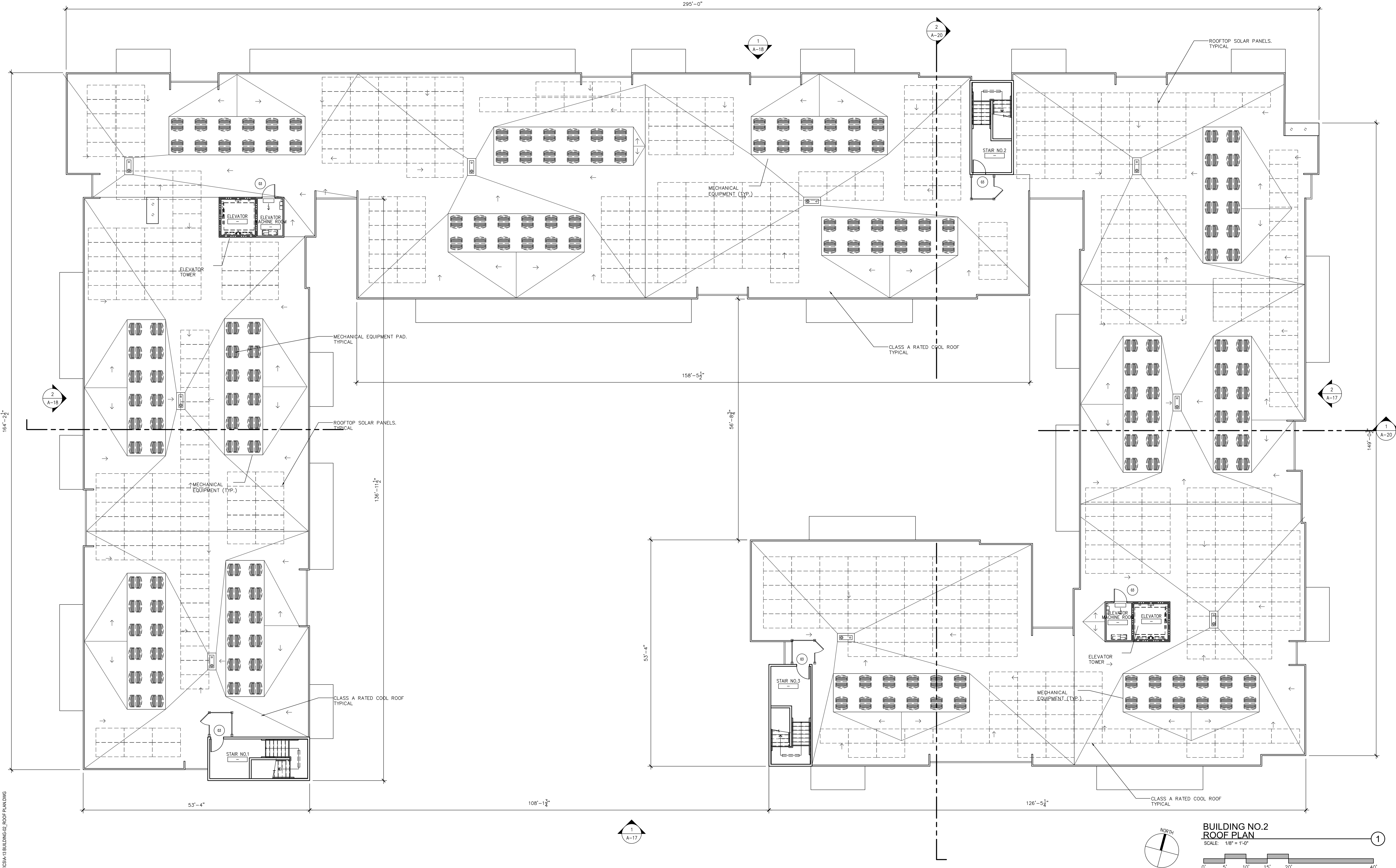
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03.05.20

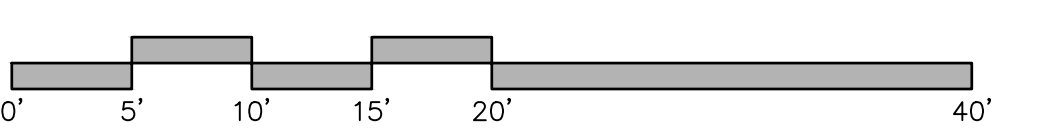
A-11

P:\2019\PITTSBURG - CBH01_CAD\00_SHEETS\SCHEMATICS\A-12 BUILDING 02_FLOOR PLAN.DWG
3/26/2020 2:15 PM





**BUILDING NO.2
ROOF PLAN**
SCALE: 1/8" = 1'-0"

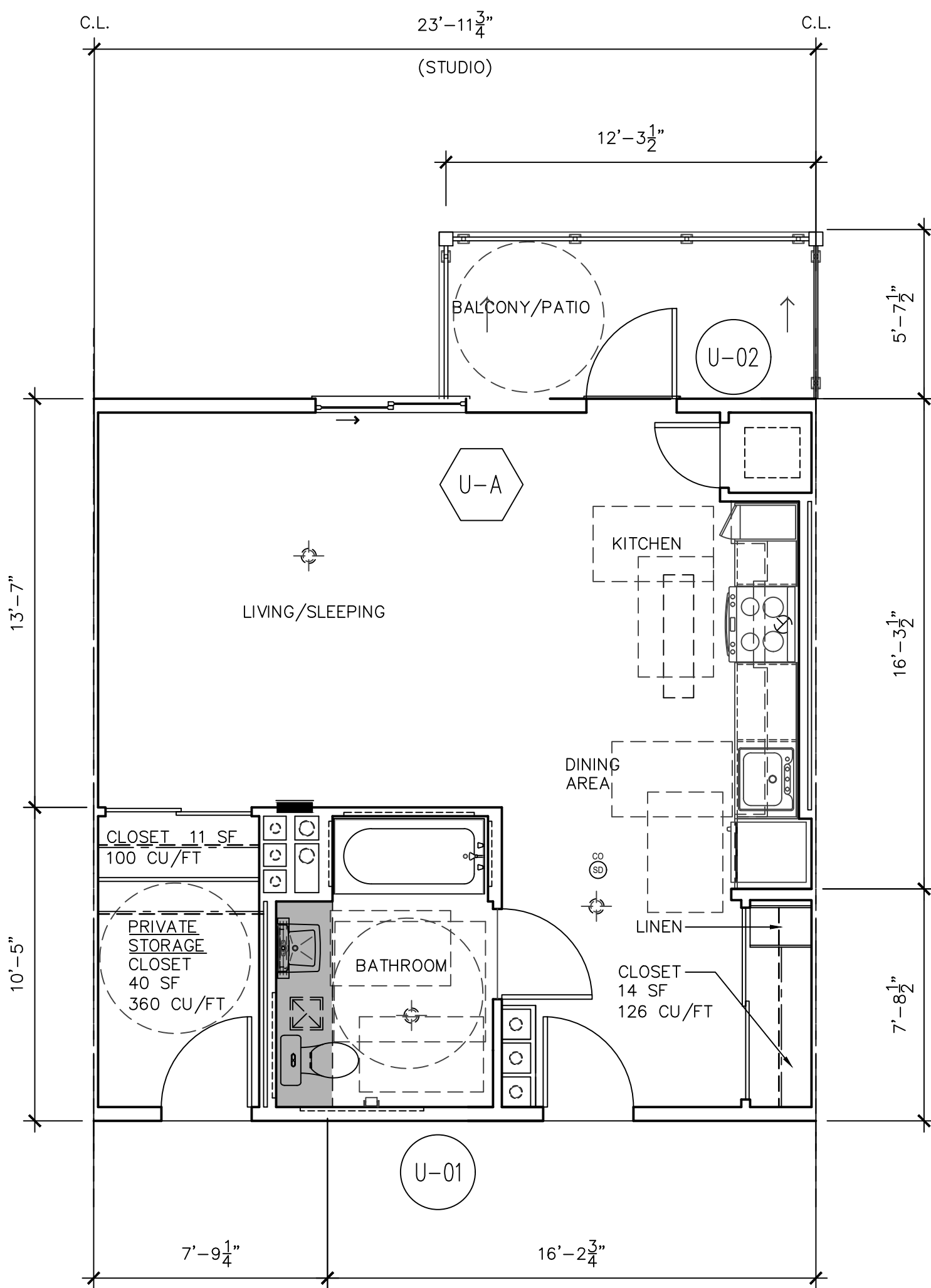


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2019 ©

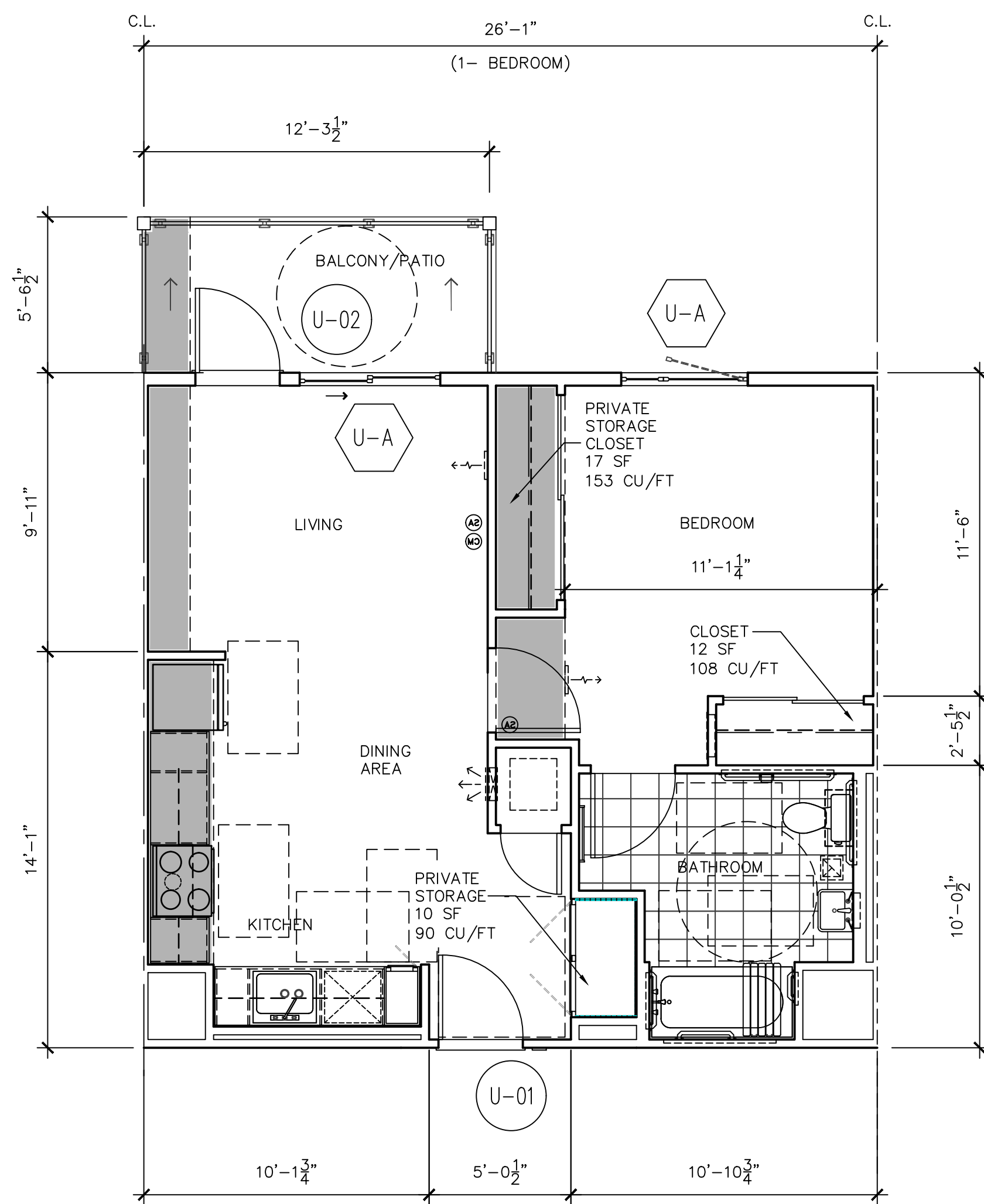


Developer: 21031 Ventura Boulevard, Suite 200
Woodland Hills, CA 91364



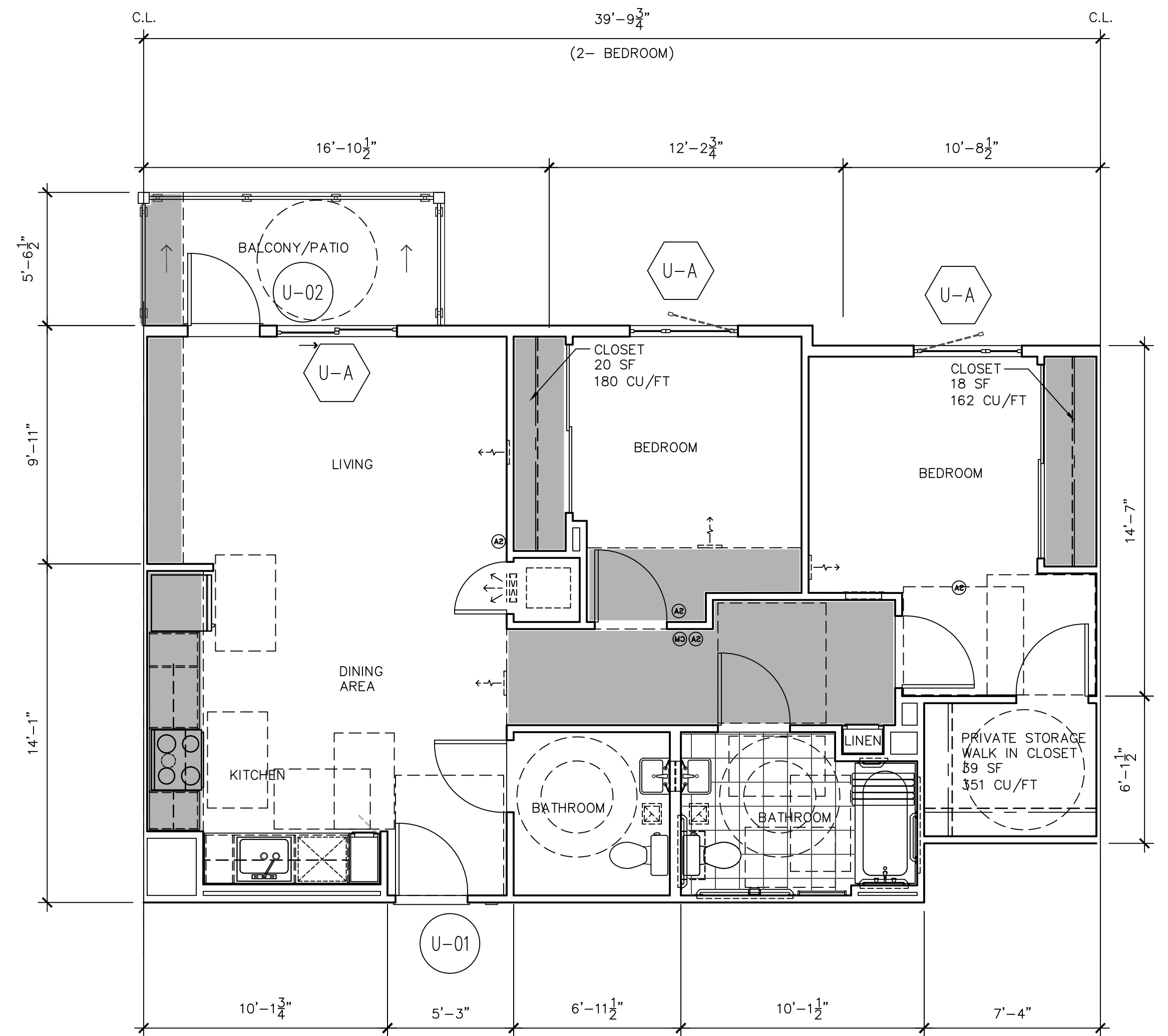
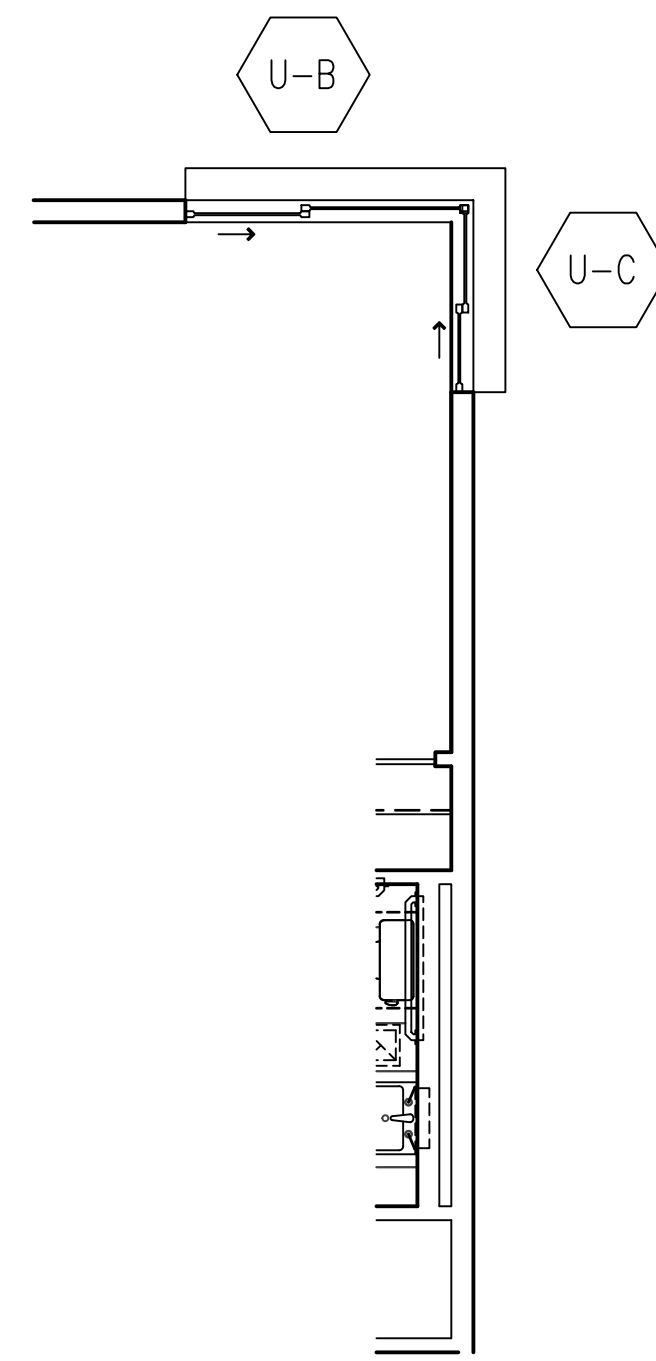
BUILDING NO.2
STUDIO PLAN (576 SF)
SCALE: 1/4" = 1'-0"

①



BUILDING NO.1 &
BUILDING NO.2
1-BEDROOM UNIT (625 SF)
SCALE: 1/4" = 1'-0"

②



BUILDING NO.2
2-BEDROOM UNIT (925 SF)
SCALE: 1/4" = 1'-0"

③

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03.05.20 A-14

Date Page



1 FACE BRICK



2 FACE BRICK



3 STUCCO PAINT COLOR



4 BOARD FORM CONCRETE



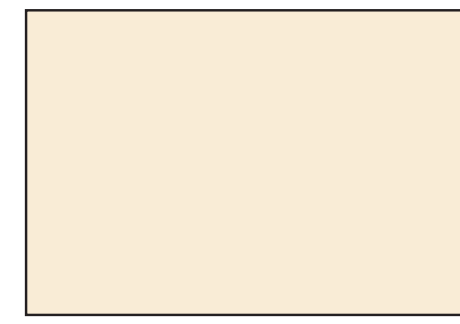
5 STUCCO PAINT COLOR



6 FIBER CEMENT SIDING



7 PAINT COLOR



8 STUCCO PAINT COLOR



BUILDING NO.1
WEST EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"



BUILDING NO.1
NORTH EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"

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03.05.20 A-15



1 FACE BRICK



2 FACE BRICK



3 STUCCO PAINT COLOR



4 BOARD FORM CONCRETE



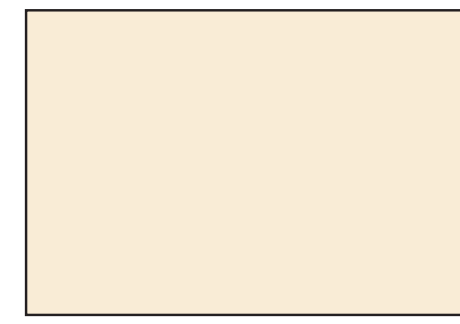
5 STUCCO PAINT COLOR



6 FIBER CEMENT SIDING



7 PAINT COLOR



8 STUCCO PAINT COLOR



BUILDING NO.1
EAST EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"



BUILDING NO.1
(SOUTH) EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"

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03.05.20 A-16

Date Page



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THE ATCHISON

Project: 2575 RAILROAD AVENUE
Pittsburg, CA 94565

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Los Angeles, CA 90014
Tel: 213 623 2107 Fax: 213 623 2108
www.ymarch.com

Y&M Architects



1 FACE BRICK



2 FACE BRICK



3 STUCCO PAINT COLOR



4 BOARD FORM CONCRETE



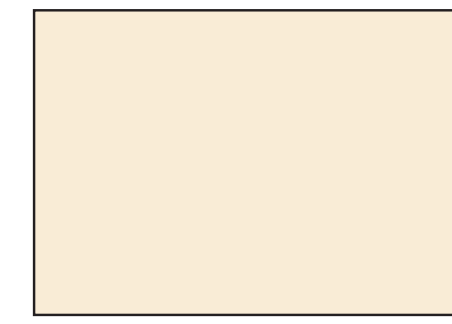
5 STUCCO PAINT COLOR



6 FIBER CEMENT SIDING



7 PAINT COLOR



8 STUCCO PAINT COLOR



BUILDING NO.2
EAST EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"



BUILDING NO.2
(SOUTH) EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"

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03.05.20 A-17



1 FACE BRICK



2 FACE BRICK



3 STUCCO PAINT COLOR



4 BOARD FORM CONCRETE



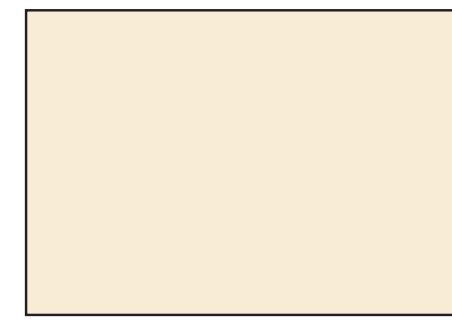
5 STUCCO PAINT COLOR



6 FIBER CEMENT SIDING



7 PAINT COLOR



8 STUCCO PAINT COLOR



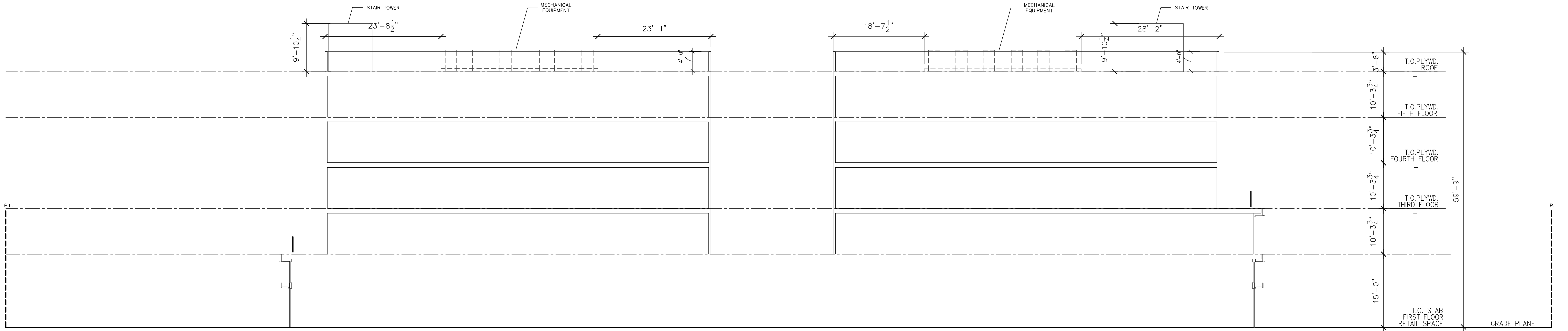
BUILDING NO.2
WEST EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"



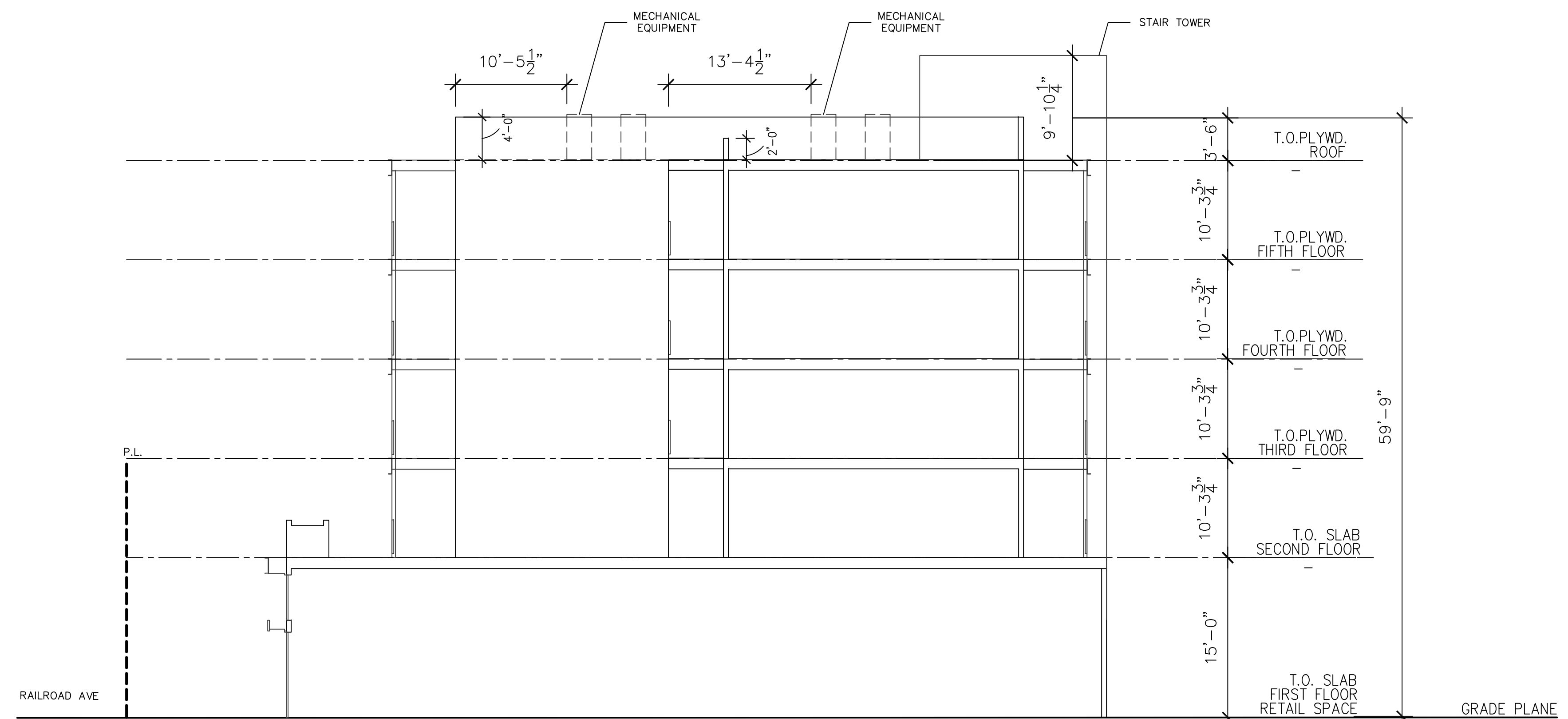
BUILDING NO.2
NORTH EXTERIOR ELEVATION
SCALE: 1/8" = 1'-0"

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2019©



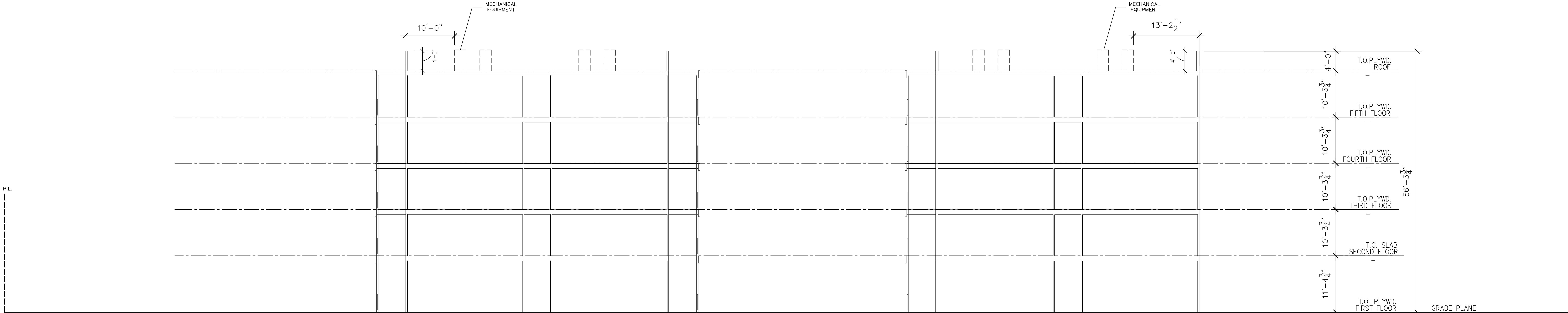
SECTION 2
SCALE: 1/8" = 1'-0"



SECTION 1
SCALE: 1/8" = 1'-0"

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03.05.20 A-21



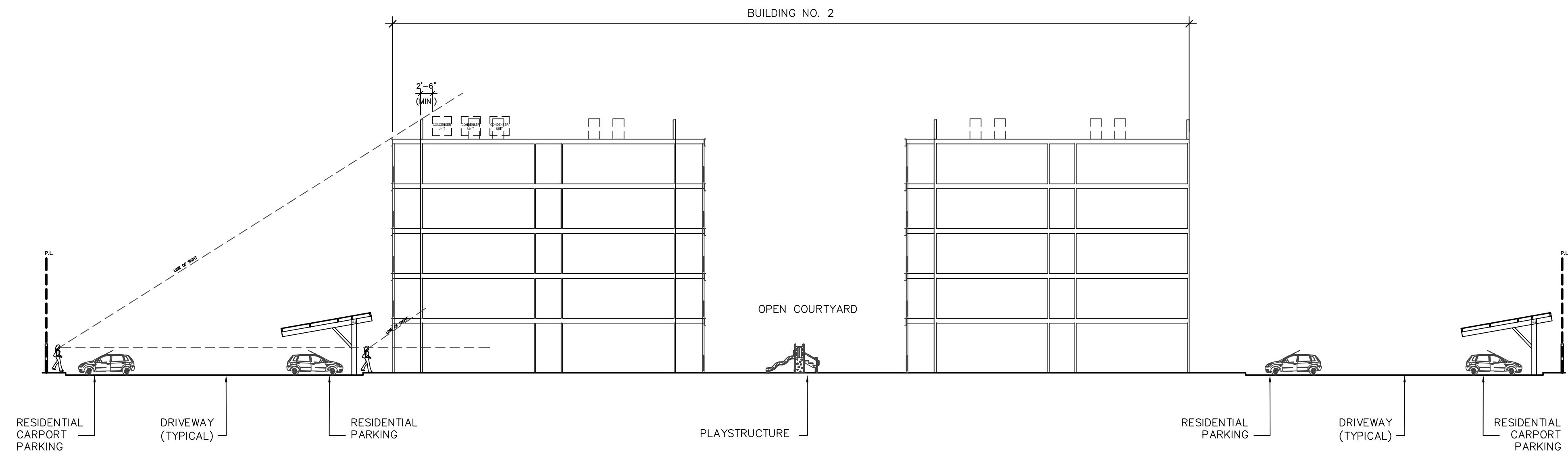
SECTION 2
SCALE: 1/8" = 1'-0"



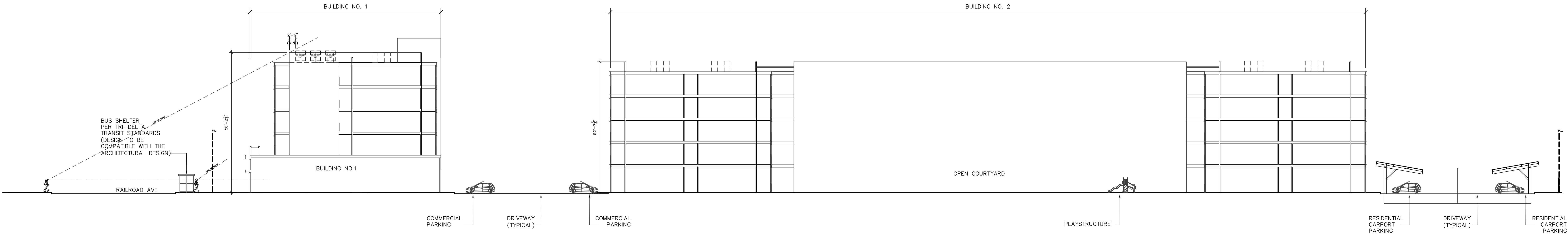
SECTION 1
SCALE: 1/8" = 1'-0"

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03.05.20 A-20



SITE CROSS SECTION
SCALE: 1/8" = 1'-0" ②



SITE CROSS SECTION
SCALE: 1/8" = 1'-0" ①

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3/25/2023 1:13 PM

BUILDING NO. 1

DOOR SCHEDULE

NOTE: SEE INTERIOR DESIGN DRAWINGS FOR DOOR FINISHES.

DOOR NUMBER	SIZE WIDTH x HEIGHT	FIRE RATING	CORE	MATERIAL	THICKNESS	DOOR TYPE	FRAME MATERIAL	DETAILS			HARDWARE GROUP	PANIC HARDWARE REQUIRED	DOOR/FRAME FINISH	REMARKS
								HEAD	JAMB	SILL				
01	6'-0" X 7'-0" (PAIR)	N/R	–	ALUM. GLASS	VERIFY W/MFR.	–	ANOD. ALUM.	–	–	–	–	–	BRONZE	STOREFRONT ASSEMBLY MANUFACTURER: ARCADIA
02	6'-0" X 7'-0" (PAIR)	N/R	–	METAL	1 3/4"	–	METAL	–	–	–	–	–	PAINT	WEATHERSTRIPPING MANUFACTURER: TRUDDOR
03	3'-0" X 7'-0"	N/R	–	METAL	1 3/4"	–	METAL	–	–	–	–	–	PAINT	SELF-CLOSER, WEATHERSTRIPPING MANUFACTURER: TRUDDOR
04	3'-0" X 7'-0"	N/R	–	ALUM. GLASS	VERIFY W/MFR.	–	ANOD. ALUM.	–	–	–	–	–	BRONZE	STOREFRONT ASSEMBLY MANUFACTURER: ARCADIA
05	6'-0" X 7'-0" (PAIR)	N/R	–	METAL	1 3/4"	–	METAL	–	–	–	–	–	PAINT	TRASH ROOM: WEATHERSTRIPPING MANUFACTURER: TRUDDOR

WINDOW SCHEDULE

WINDOW SYMBOL	FRAME SIZE WIDTH x HEIGHT	TYPE	DETAILS			MATERIAL	GLAZING TYPE	REMARKS
			HEAD	JAMB	SILL			
A	16'-0" X 13'-6"	STOREFRONT	–	–	–	ALUM.	DOUBLE	STOREFRONT FINISH: BRONZE MANUFACTURER: ARCADIA
B	9'-10" X 13'-6"	STOREFRONT	–	–	–	ALUM.	DOUBLE	STOREFRONT FINISH: BRONZE MANUFACTURER: ARCADIA
C	8'-2" X 13'-6"	STOREFRONT	–	–	–	ALUM.	DOUBLE	STOREFRONT FINISH: BRONZE MANUFACTURER: ARCADIA
D	20'-10" X 13'-6"	STOREFRONT	–	–	–	ALUM.	DOUBLE	STOREFRONT FINISH: BRONZE MANUFACTURER: ARCADIA
E	5'-0" X 6'-10"	VINYL	–	–	–	VNYL	DOUBLE	FINISH: BRONZE MANUFACTURER: MILGARD
F	20'-1" X 8'-4"	STOREFRONT	–	–	–	ALUM.	DOUBLE	STOREFRONT FINISH: BRONZE MANUFACTURER: ARCADIA
G	1'-6" X 6'-10"	VINYL	–	–	–	VNYL	DOUBLE	FINISH: BRONZE MANUFACTURER: MILGARD
H	4'-0" X 6'-10"	VINYL	–	–	–	VNYL	DOUBLE	FINISH: BRONZE MANUFACTURER: MILGARD

BUILDING NO. 2

DOOR SCHEDULE

NOTE: SEE INTERIOR DESIGN DRAWINGS FOR DOOR FINISHES.

DOOR NUMBER	SIZE WIDTH x HEIGHT	FIRE RATING	CORE	MATERIAL	THICKNESS	DOOR TYPE	FRAME MATERIAL	DETAILS			HARDWARE GROUP	PANIC HARDWARE REQUIRED	DOOR/FRAME FINISH	REMARKS
								HEAD	JAMB	SILL				
01	6'-0" X 7'-0" (PAIR)	N/R	–	ALUM. GLASS	VERIFY W/MFR.	–	ANOD. ALUM.	–	–	–	–	–	BRONZE	STOREFRONT ASSEMBLY MANUFACTURER: ARCADIA
02	6'-0" X 7'-0" (PAIR)	N/R	–	METAL	1 3/4"	–	METAL	–	–	–	–	–	PAINT	WEATHERSTRIPPING MANUFACTURER: TRUDDOR
03	3'-0" X 7'-0"	N/R	–	METAL	1 3/4"	–	METAL	–	–	–	–	–	PAINT	SELF-CLOSER, WEATHERSTRIPPING MANUFACTURER: TRUDDOR
04	3'-0" X 7'-0"	N/R	–	ALUM. GLASS	VERIFY W/MFR.	–	ANOD. ALUM.	–	–	–	–	–	BRONZE	STOREFRONT ASSEMBLY MANUFACTURER: ARCADIA
05	6'-0" X 7'-0" (PAIR)	N/R	–	METAL	1 3/4"	–	METAL	–	–	–	–	–	PAINT	TRASH ROOM: WEATHERSTRIPPING MANUFACTURER: TRUDDOR

WINDOW SCHEDULE

WINDOW SYMBOL	FRAME SIZE WIDTH x HEIGHT	TYPE	DETAILS			MATERIAL	GLAZING TYPE	REMARKS
			HEAD	JAMB	SILL			
A	26'-5" X 9'-10"	STOREFRONT	–	–	–	ALUM.	DOUBLE	STOREFRONT FINISH: BRONZE MANUFACTURER: ARCADIA
B	16'-9" X 9'-10"	STOREFRONT	–	–	–	ALUM.	DOUBLE	STOREFRONT FINISH: BRONZE MANUFACTURER: ARCADIA
C	8'-2" X 9'-10"	STOREFRONT	–	–	–	ALUM.	DOUBLE	STOREFRONT FINISH: BRONZE MANUFACTURER: ARCADIA
D	20'-10" X 9'-10"	STOREFRONT	–	–	–	ALUM.	DOUBLE	STOREFRONT FINISH: BRONZE MANUFACTURER: ARCADIA
E	5'-0" X 6'-10"	VINYL	–	–	–	VNYL	DOUBLE	FINISH: BRONZE MANUFACTURER: MILGARD
F	10'-0" X 9'-10"	STOREFRONT	–	–	–	ALUM.	DOUBLE	STOREFRONT FINISH: BRONZE MANUFACTURER: ARCADIA
G	1'-6" X 6'-10"	VINYL	–	–	–	VNYL	DOUBLE	FINISH: BRONZE MANUFACTURER: MILGARD
H	4'-0" X 6'-10"	VINYL	–	–	–	VNYL	DOUBLE	FINISH: BRONZE MANUFACTURER: MILGARD
J	17'-1" X 8'-0"	WINDOW WALL	–	–	–	ALUM.	DOUBLE	STOREFRONT FINISH: BRONZE OPERABLE WINDOW WALL, MAN: MILGARD
K	8'-0" X 8'-0"	WINDOW WALL	–	–	–	ALUM.	DOUBLE	STOREFRONT FINISH: BRONZE OPERABLE WINDOW WALL, MAN: MILGARD
L	25'-8" X 9'-10"	STOREFRONT	–	–	–	ALUM.	DOUBLE	STOREFRONT FINISH: BRONZE MANUFACTURER: ARCADIA
M	17'-1" X 9'-10"	WINDOW WALL	–	–	–	ALUM.	DOUBLE	STOREFRONT FINISH: BRONZE OPERABLE WINDOW WALL, MAN: MILGARD
N	3'-10" X 6'-10"	VINYL	–	–	–	VNYL	DOUBLE	FINISH: BRONZE MANUFACTURER: MILGARD
O	5'-10" X 6'-10"	VINYL	–	–	–	VNYL	DOUBLE	FINISH: BRONZE MANUFACTURER: MILGARD

UNITS

DOOR SCHEDULE

DOOR NUMBER	SIZE	FIRE RATING	CORE	MATERIAL	THICKNESS	DOOR TYPE	FRAME MATERIAL	DETAILS			HARDWARE GROUP	PANIC HARDWARE REQUIRED	DOOR/FRAME FINISH	REMARKS
	WIDTH x HEIGHT							HEAD	JAMB	SILL				
UNIT DOORS														
U-01	3'-0" x 7'-0"	20 MIN.	SC	METAL	1 3/4"	A	METAL	-	-	-	-	-	PAINT	FINISH: MATCH HALLWAY/CORRIDOR MANUFACTURER: TRUDDOR
U-02	3'-0" x 7'-0"	N/R	-	METAL	1 3/4"	C	METAL	-	-	-	-	-	PAINT	FINISH: BRONZE MANUFACTURER: TRUDDOR

WINDOW SCHEDULE

WINDOW SYMBOL	FRAME SIZE WIDTH x HEIGHT	TYPE	DETAILS			MATERIAL	GLAZING TYPE	REMARKS
			HEAD	JAMB	SILL			
U-A	5'-0" X 6'-10"	–	–	–	–	VNYL	DOUBLE	FINISH: BRONZE MANUFACTURER: MILGARD
U-B	5'-10" X 6'-10"	–	–	–	–	VNYL	DOUBLE	FINISH: BRONZE MANUFACTURER: MILGARD
U-C	3'-6" X 6'-10"	–	–	–	–	VNYL	DOUBLE	FINISH: BRONZE MANUFACTURER: MILGARD

Residential unit windows and sliding glass doors shall have the following STC ratings in order to achieve an interior noise standard of 45 dBA CNEL: a) STC 32 or higher for windows and sliding glass doors on Building #1 facing Railroad Avenue; and b) STC 28 or higher for windows and sliding glass doors on Building #1 and #2 facing away from Railroad Avenue.

FACE BRICK
MANUFACTURE: EL DORADO
STONE
PRODUCT: TUNDRA BRICK
FINISH: RAW



1



PRODUCT: IRONSIDE

2



PRODUCT: LATIGO

4

BOARD FORM CONCRETE
MANUFACTURE: SPEC
FORMLINERS, INC
PRODUCT: 4" CEDAR PLANK
FINISH: WOOD GRAIN
COLOR: NATURAL STAIN



5

PORTLAND CEMENT
STUCCO
MANUFACTURE: OMEGA
PRODUCT: INTEGRAL COLOR 10



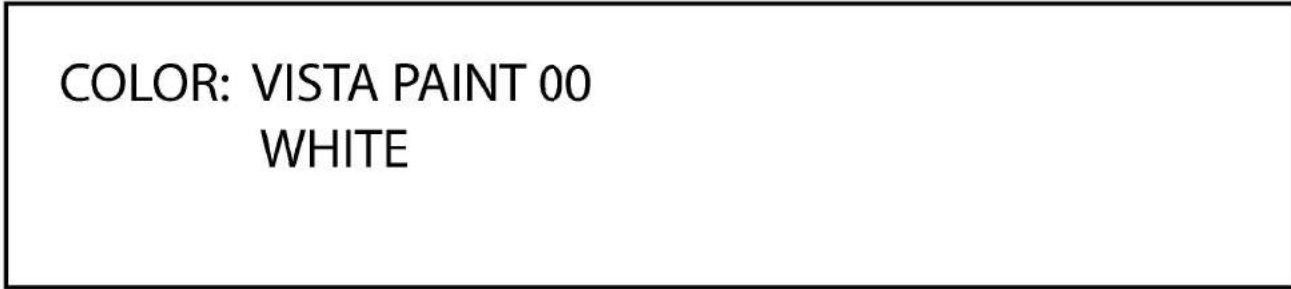
3

COLOR: DUN EDWARDS DE6362
STORM CLOUD



5

COLOR: VISTA PAINT 00
WHITE



8

COLOR: VISTA PAINT 72
TOGA



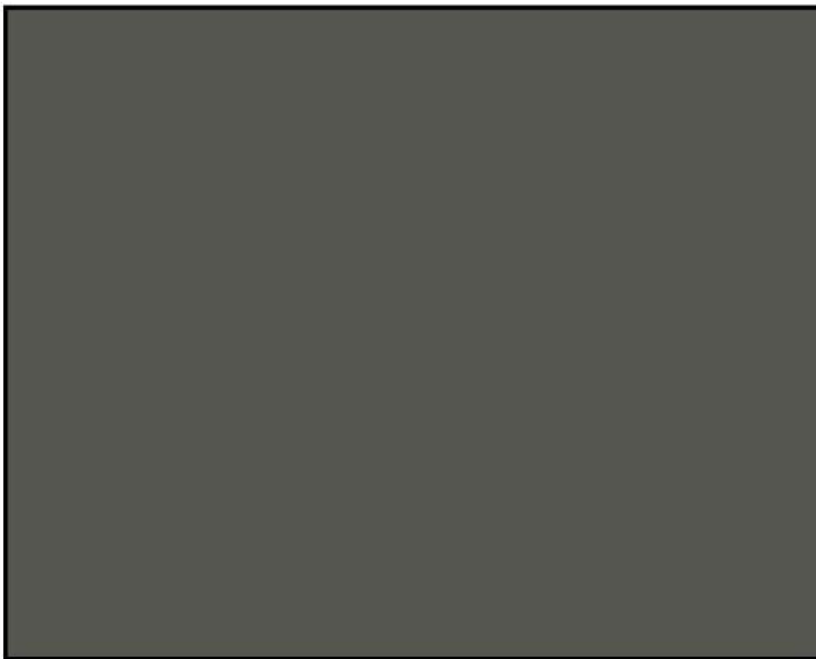
6

FIBER CEMENT SIDING
MANUFACTURE:
CERACLAD
PRODUCT: RAIN SCREEN
FINISH: RUSTIC WOOD
COLOR: CARAMEL

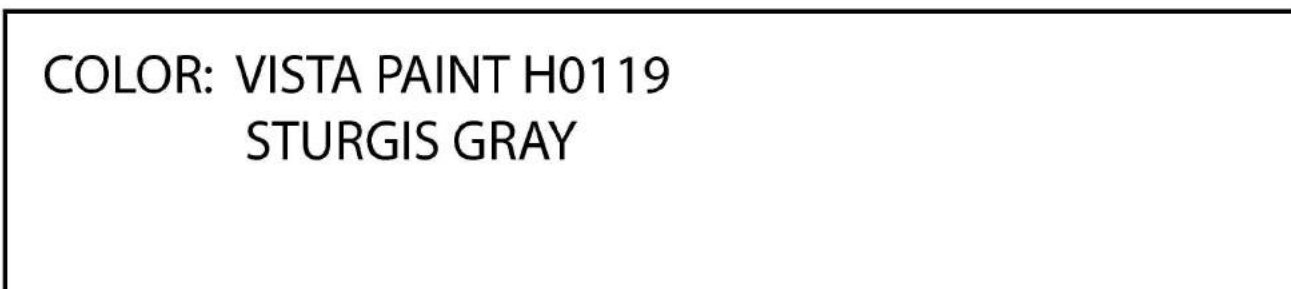


7

PAINT COLOR
MANUFACTURE:
VISTA PAINT
PRODUCT: -
FINISH: -



COLOR: VISTA PAINT H0119
STURGIS GRAY



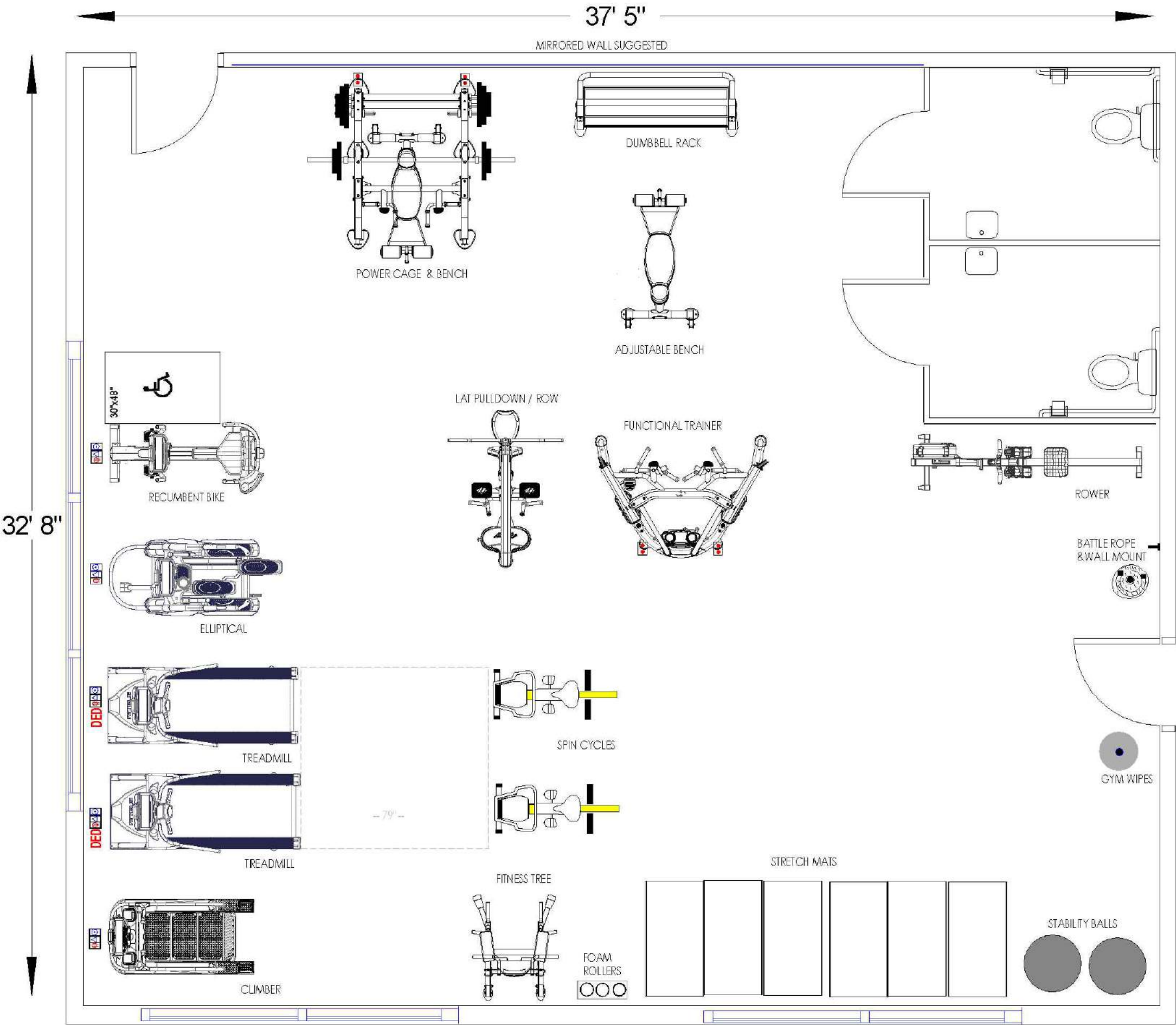
MATERIAL BOARD
THE ATCHISON



Y&M Architects 724 S. Spring Street #304, Los Angeles, CA 90014 Tel. 213 623 2108 Fax. 213 623 2108 www.ymarch.com

37' 5"

32' 8"



1. RELEVANT LAYOUT AND DESIGNATED CIRCLES REQUIRED WITHIN AREA

2. MINIMUM 10' WALKWAY

3. EQUIPMENT CANNOT BE PLACED WITHIN 10' OF WALL

4. EQUIPMENT CANNOT BE PLACED WITHIN 10' OF OTHER EQUIPMENT

5. EQUIPMENT CANNOT BE PLACED WITHIN 10' OF OTHER EQUIPMENT

6. EQUIPMENT CANNOT BE PLACED WITHIN 10' OF OTHER EQUIPMENT

7. EQUIPMENT CANNOT BE PLACED WITHIN 10' OF OTHER EQUIPMENT

8. EQUIPMENT CANNOT BE PLACED WITHIN 10' OF OTHER EQUIPMENT

9. EQUIPMENT CANNOT BE PLACED WITHIN 10' OF OTHER EQUIPMENT

10. EQUIPMENT CANNOT BE PLACED WITHIN 10' OF OTHER EQUIPMENT

THE DUMBELL MAN
FITNESS EQUIPMENT

LOS ANGELES | LAS VEGAS | SAN DIEGO | SAN FRANCISCO

02/18/20
Drawing No. 1
Scale: 3/16" = 1'

THE Atchison
Fitness Center-#2

LAYOUT APPROVAL:

PRINT NAME: SIGN NAME: DATE: 00-00-00

The above drawings, specifications, ideas, designs and arrangements represented thereby are and shall remain property of the Architect. (Y&M Architects), and no part thereof shall be copied, disclosed to others or used in connection with any other project other than the specific project for which they have been prepared and developed, without the written consent of the Architect (Y&M Architects). Visual contact with these drawings or specifications shall constitute conclusive evidence of acceptance of these restrictions. Written dimensions on these drawings shall have pre-over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job, and this office must be notified of any variations from the dimensions and conditions shown by these drawings. Shop details must be submitted to this office for approval before proceeding with fabrication.

Y&M Architects

Y&M Architects
724 South Spring Street, Suite 304
Los Angeles, CA 90014
Tel. 213 623 2107 Fax. 213 623 2108
www.ymarch.com

THE ATCHISON

Project. 2575 RAILROAD AVENUE
Pittsburg, CA 94565

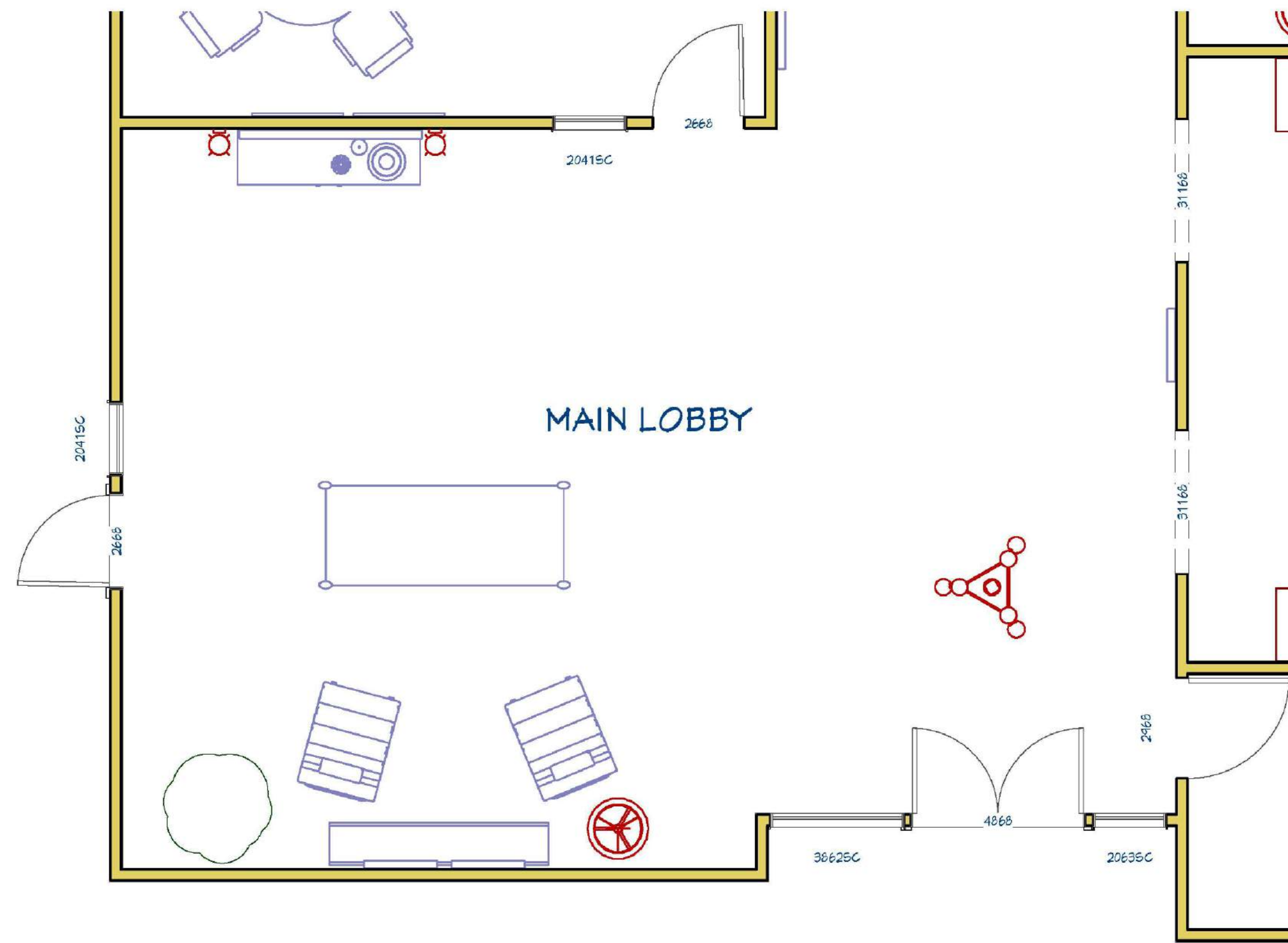
Integrated
Community Development

Developer. 21031 Ventura Boulevard, Suite 200
Woodland Hills, CA 91364

03.05.20 A-27

Date Page

106



1st Floor



KEY

FURNITURE:

CHAIRS
COFFEE TABLE
CONSOLE(S)
FLOOR & TABLE LAMPS
SCONCES (TBD)
CEILING HUGGER CHANDELIER
(TBD)
ACCESSORIES
FLOOR PLANT(S)

OK

NO.	DESCRIPTION	BY	DATE

MAIN
RESIDENTIAL
LOBBY

PROJECT DESCRIPTION:
THE ATCHISON
Pittsburg, CA

DRAWINGS PROVIDED BY:
OK INTERIOR DESIGNS

DATE:

3/2/2020

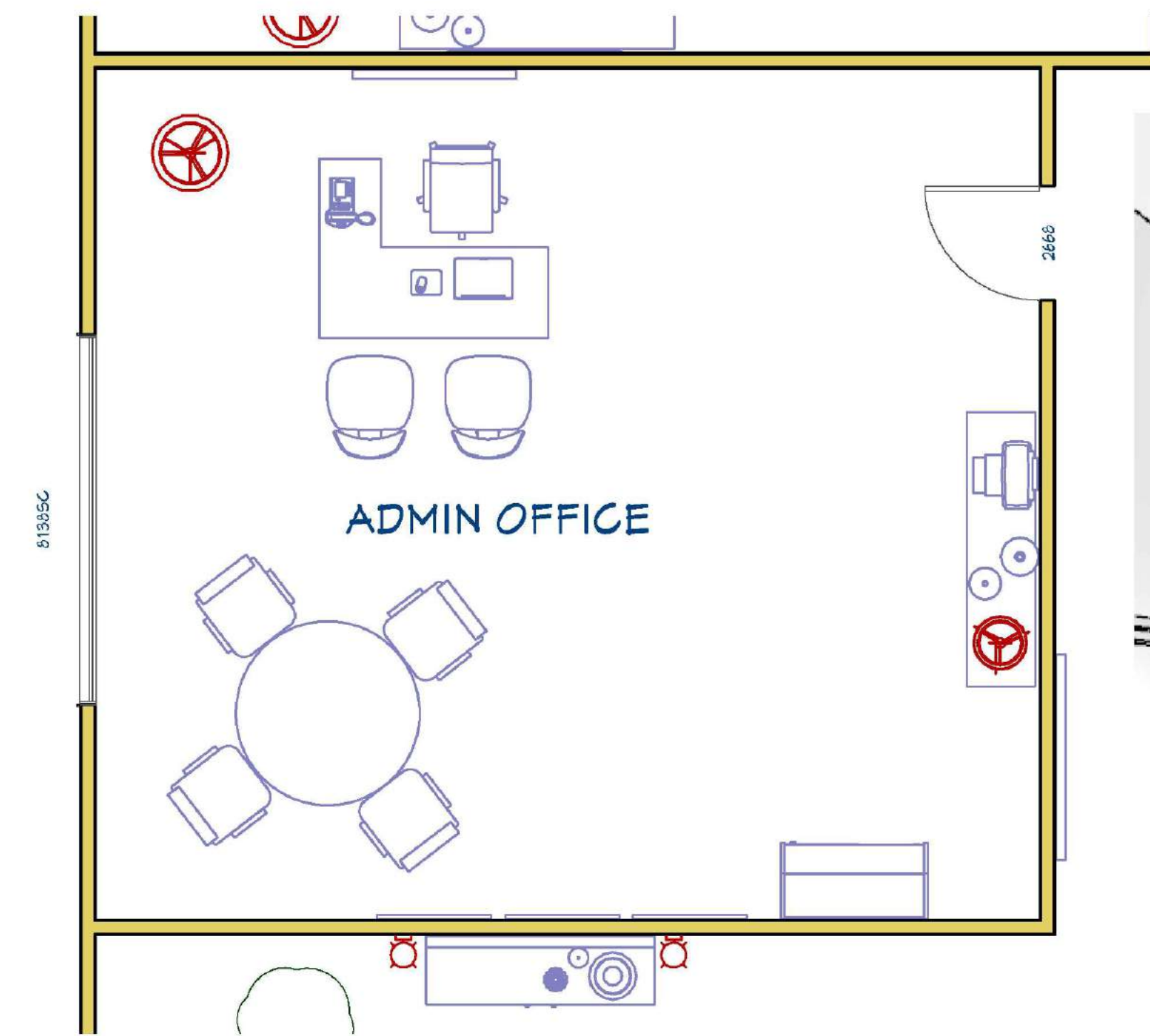
SCALE:

NOT TO
SCALE

SHEET:

A-1

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1st Floor



KEY

FURNITURE
 ROUND OFFICE DESK W/CHAIRS
 DESK
 PLANTS
 FLOOR & TABLE LAMPS
 ART
 DESK CHAIR
 CHAIRS
 STORAGE CREDENZAS

OK

NO. DESCRIPTION BY DATE

PROJECT DESCRIPTION:
 THE ATCHISON
 Pittsburg, CA

DRAWINGS PROVIDED BY:
 OK INTERIOR DESIGNS

DATE:

3/3/2020

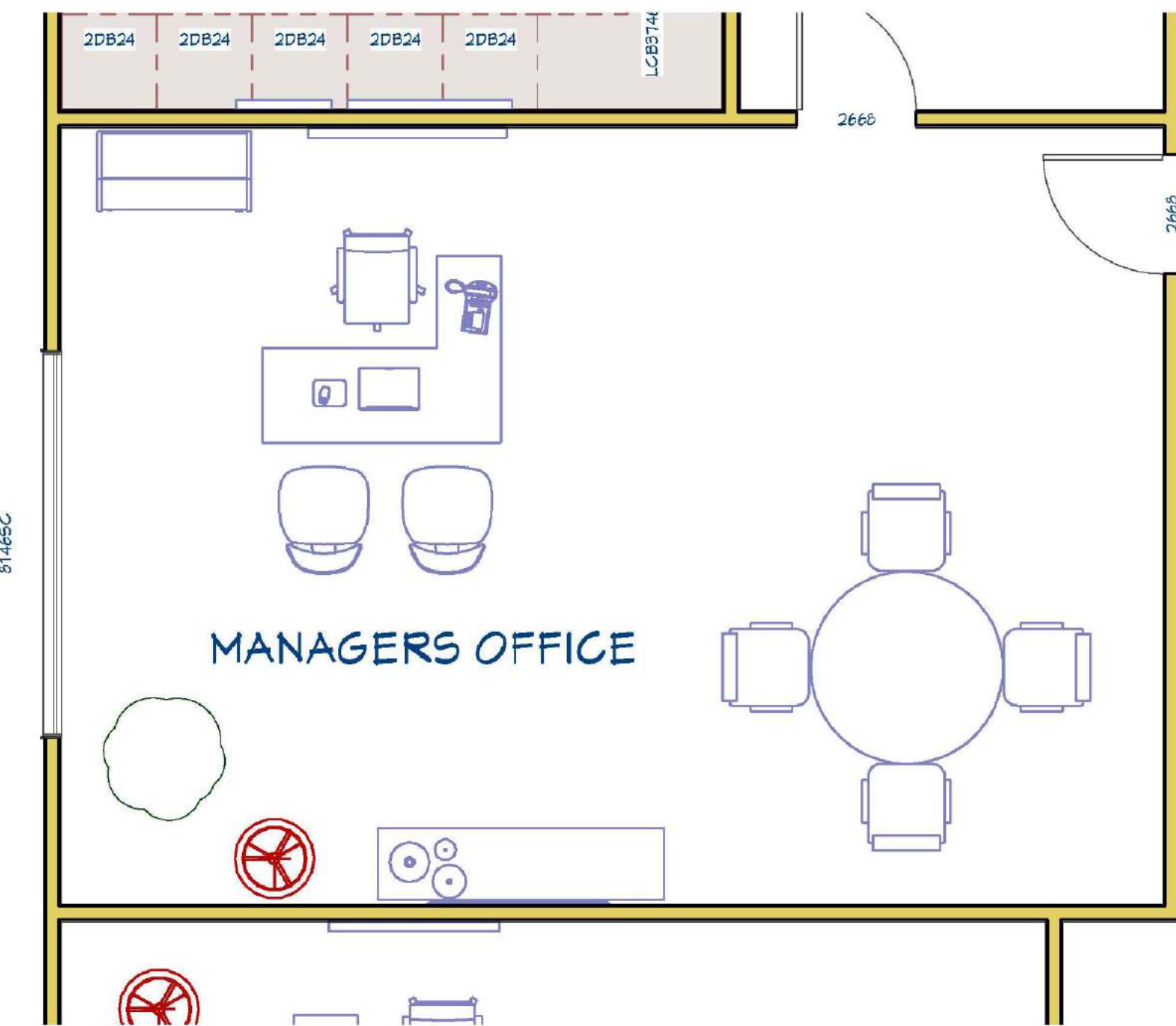
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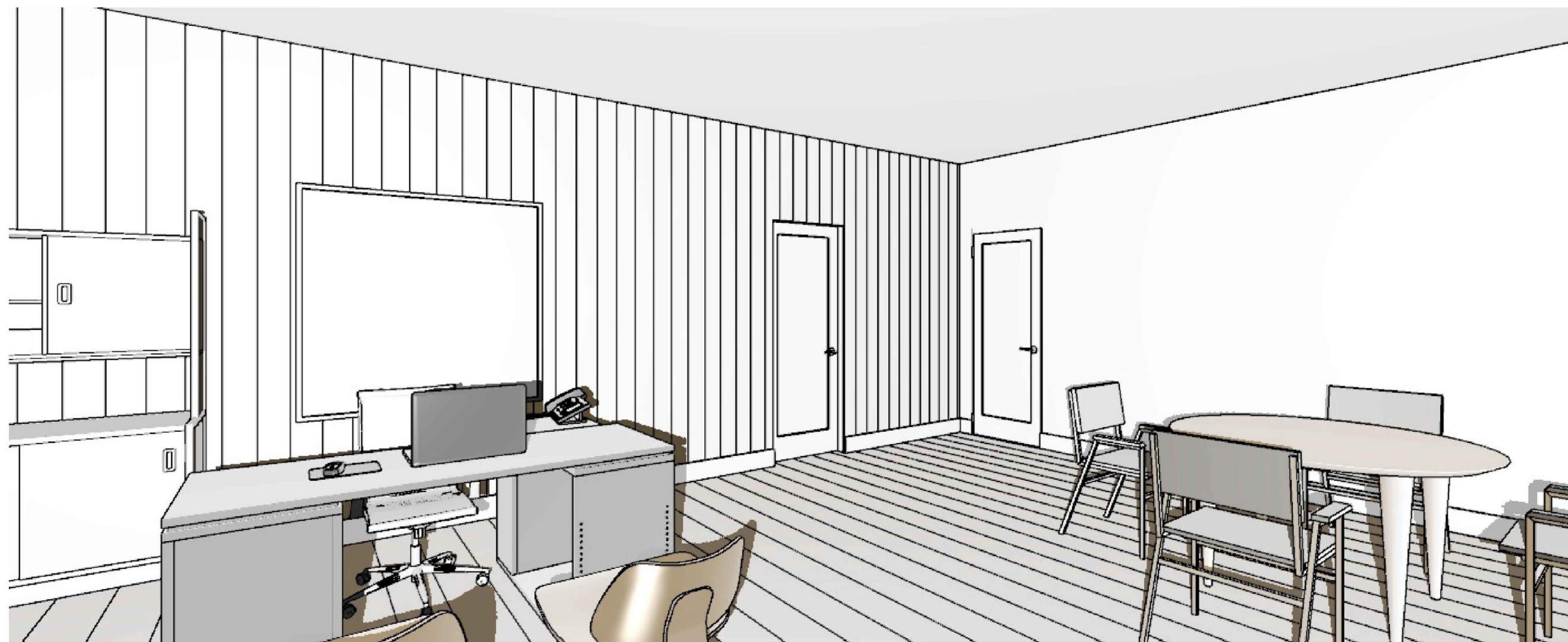
SHEET:

A-1

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1st Floor



KEY

FURNITURE
ROUND OFFICE DESK W/CHAIRS
DESK
PLANTS
FLOOR & TABLE LAMPS
ART
DESK CHAIR
CHAIRS
STORAGE CREDENZAS

OK

NO. DESCRIPTION BY DATE

PROJECT DESCRIPTION:
THE ATCHISON
Pittsburg, CA

DRAWINGS PROVIDED BY:
OK INTERIOR DESIGNS

DATE:

3/3/2020

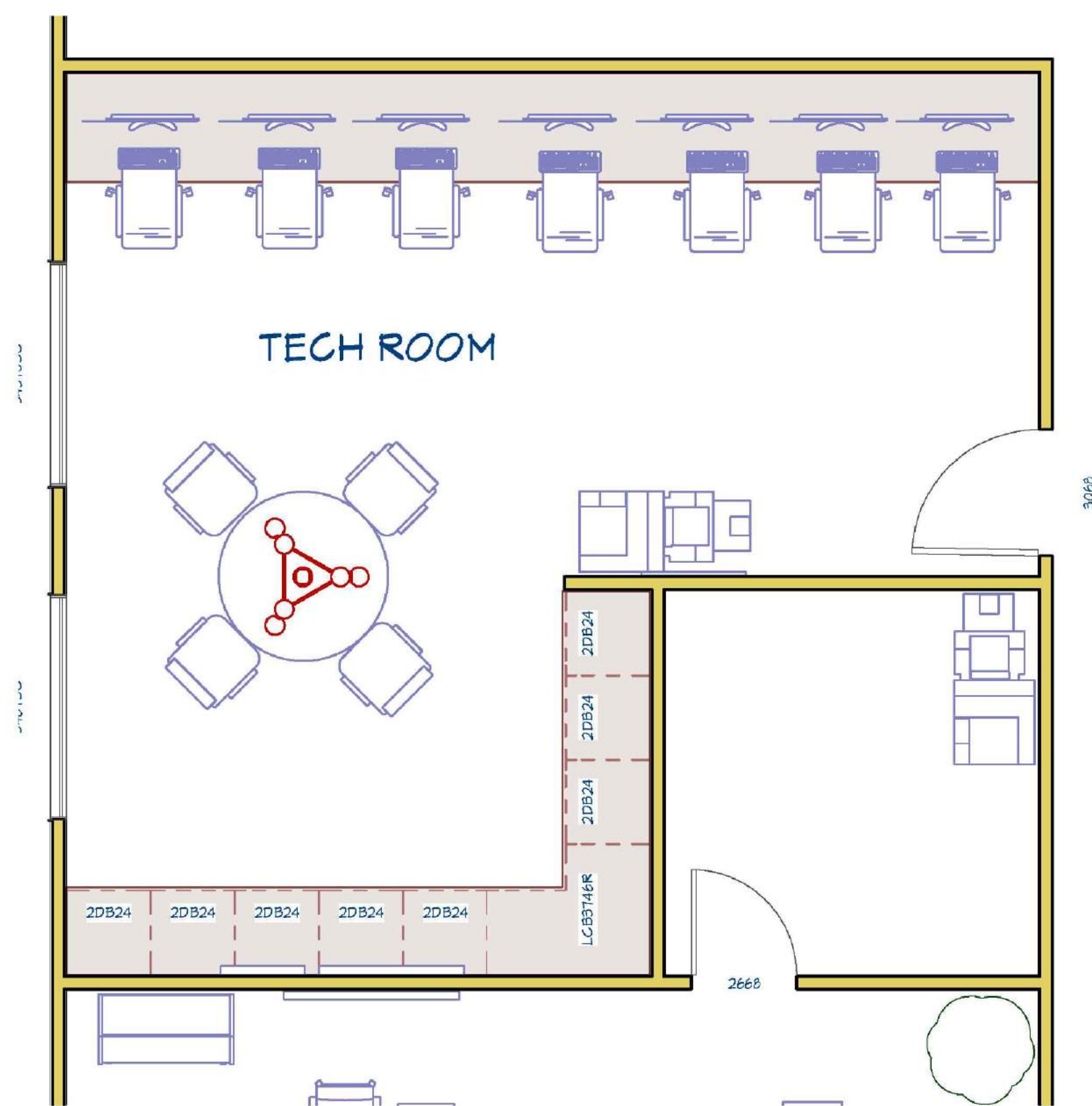
SCALE:

NOT TO
SCALE

SHEET:

A-1

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1st Floor



KEY

FURNITURE
 ROUND TABLE W/CHAIRS
 DESK CHAIRS
 ART
 ACCESSORIES
 CHANDELIER (TBD)
 COMPUTERS

OK

NO.	DESCRIPTION	BY	DATE

TECH ROOM

PROJECT DESCRIPTION:
 THE ATCHISON
 Pittsburg, CA

DRAWINGS PROVIDED BY:
 OK INTERIOR DESIGNS

DATE:

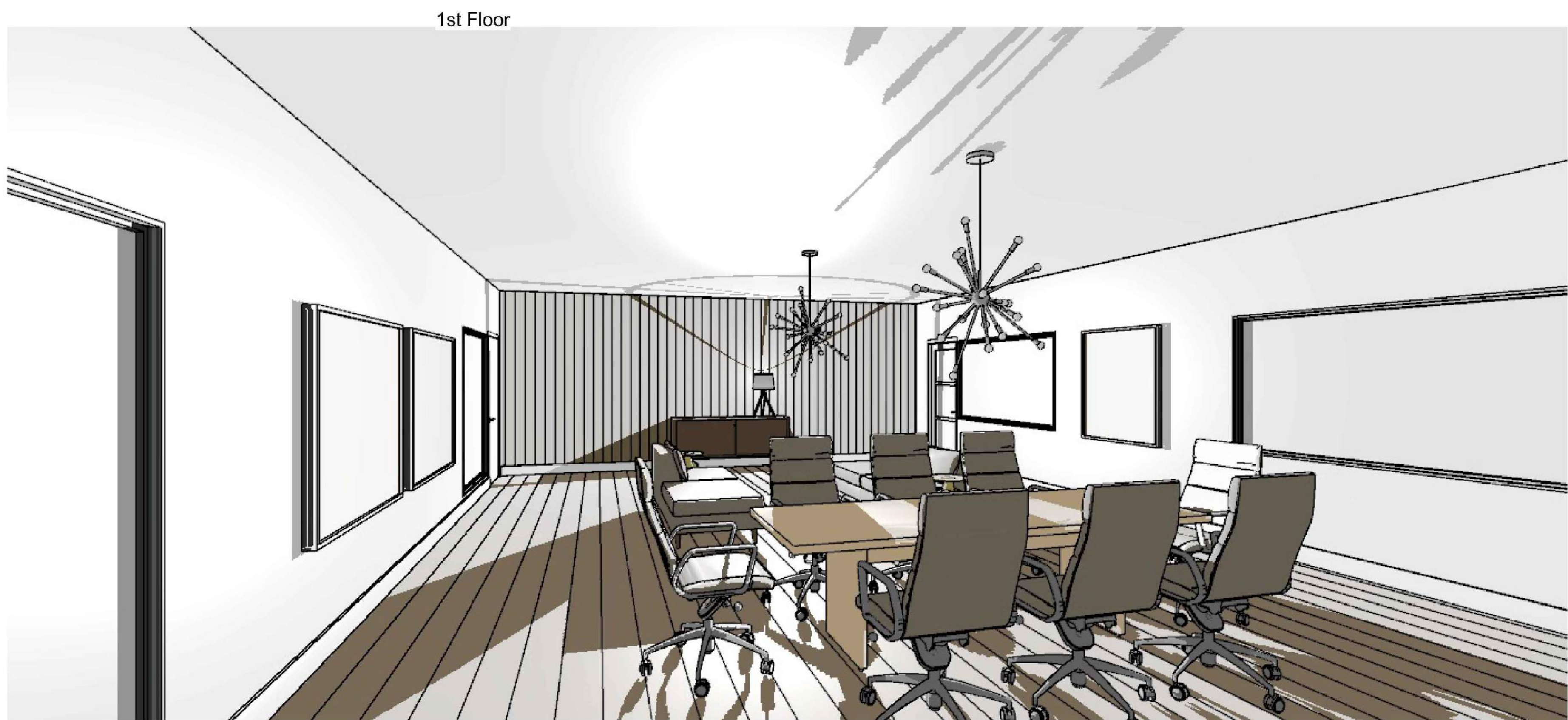
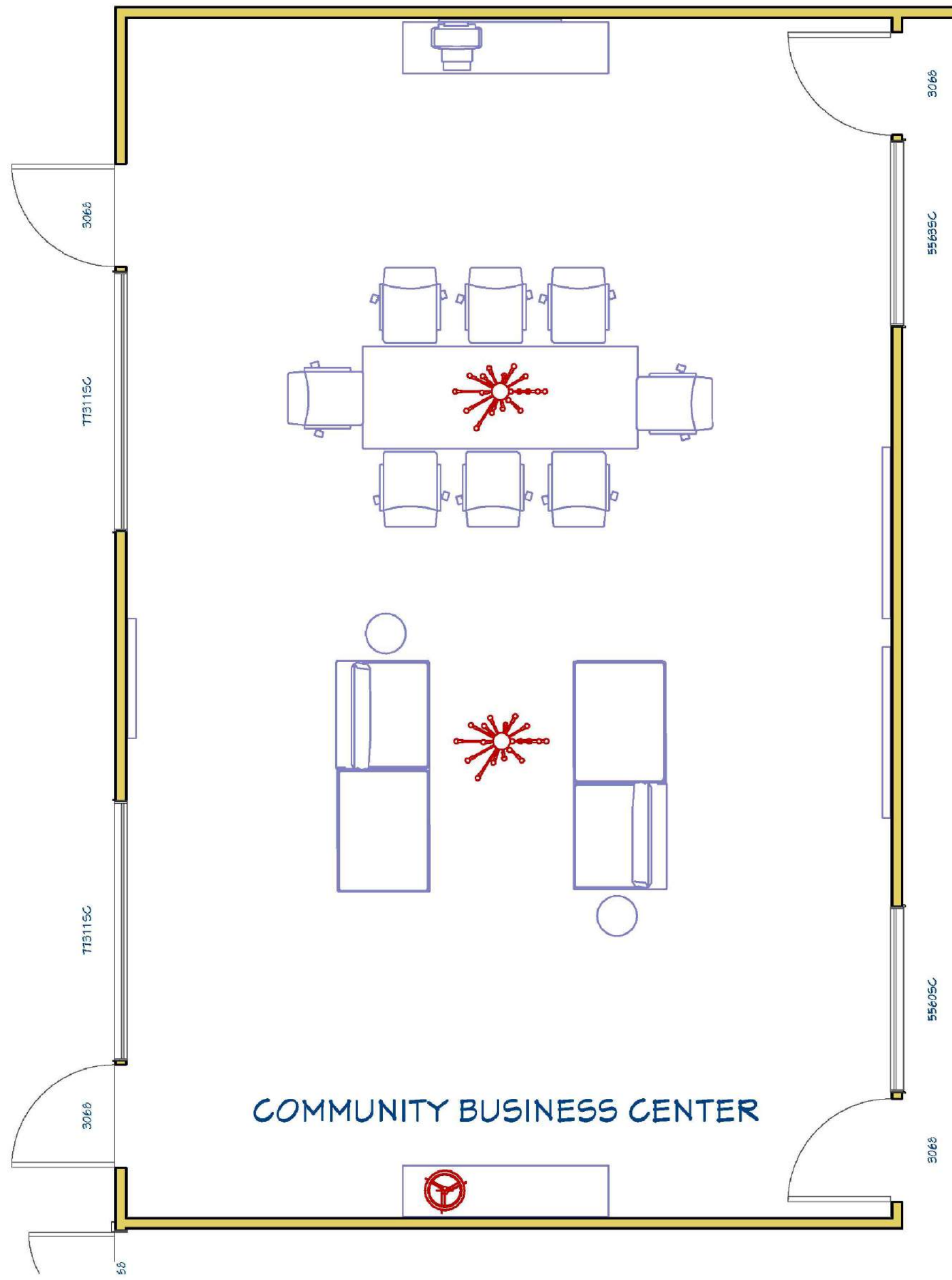
3/2/2020

SCALE:

NOT TO
 SCALE

SHEET:

A-1



KEY

TABLE
ART
MIRROR
ACCESSORIES
DESK CHAIRS
CHANDLIERS (TBD)
PLANTS
END TABLES
CHAISE SOFAS

OK

COMMUNITY
BUSINESS CENTER

THE ATCHISON
Pittsburg, CA

OK INTERIOR DESIGNS

DATE:

3/2/2020

SCALE:

NOT TO
SCALE

SHEET:

A-1

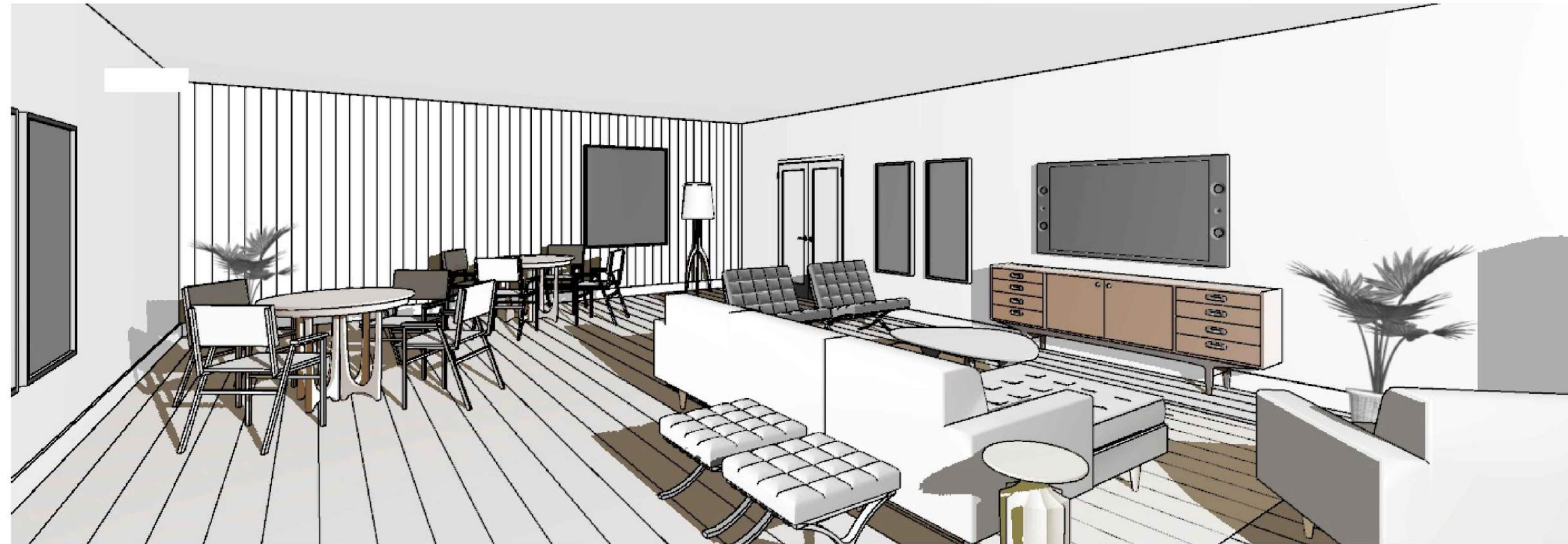
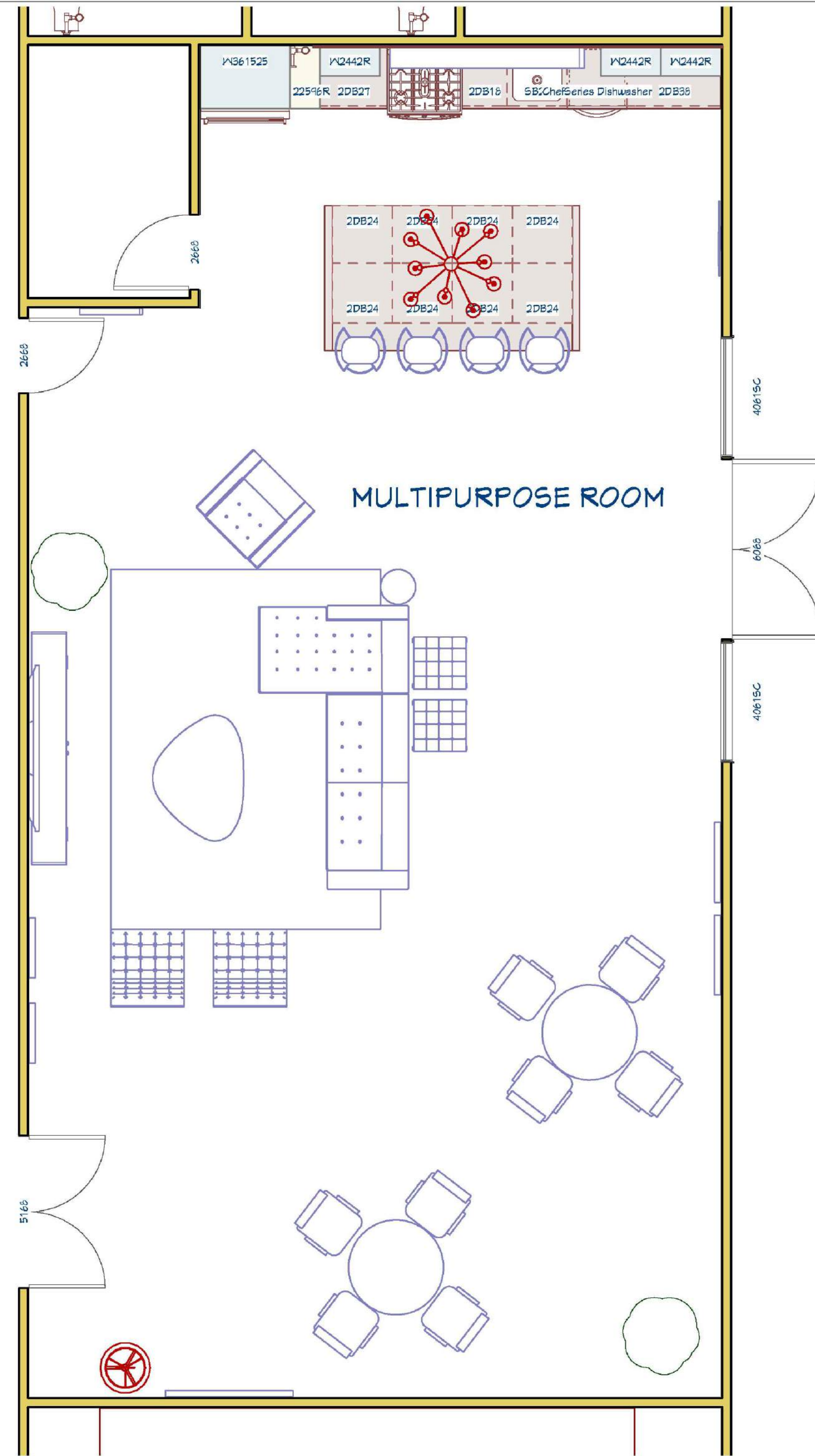
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03.05.20

A-32

Date

Page



KEY

FURNITURE

CREDENZA
 TV
 ART
 FLOOR LAMPS
 ROUND DESK TABLES W/CHAIRS
 LOUNGE CHAIRS
 COFFEE TABLE
 SECTIONAL
 OTTOMANS
 END TABLES
 ISLAND (REMOVEABLE)
 CHANDELIER (TBD)
 ACCESSORIES

OK

DATE

BY

DESCRIPTION

NO.

MULTI-PURPOSE ROOM

PROJECT DESCRIPTION:
THE ATCHISON
Pittsburg, CA

DRAWINGS PROVIDED BY:
OK INTERIOR DESIGNS

DATE:

3/2/2020

SCALE:

NOT TO SCALE

SHEET:

A-1

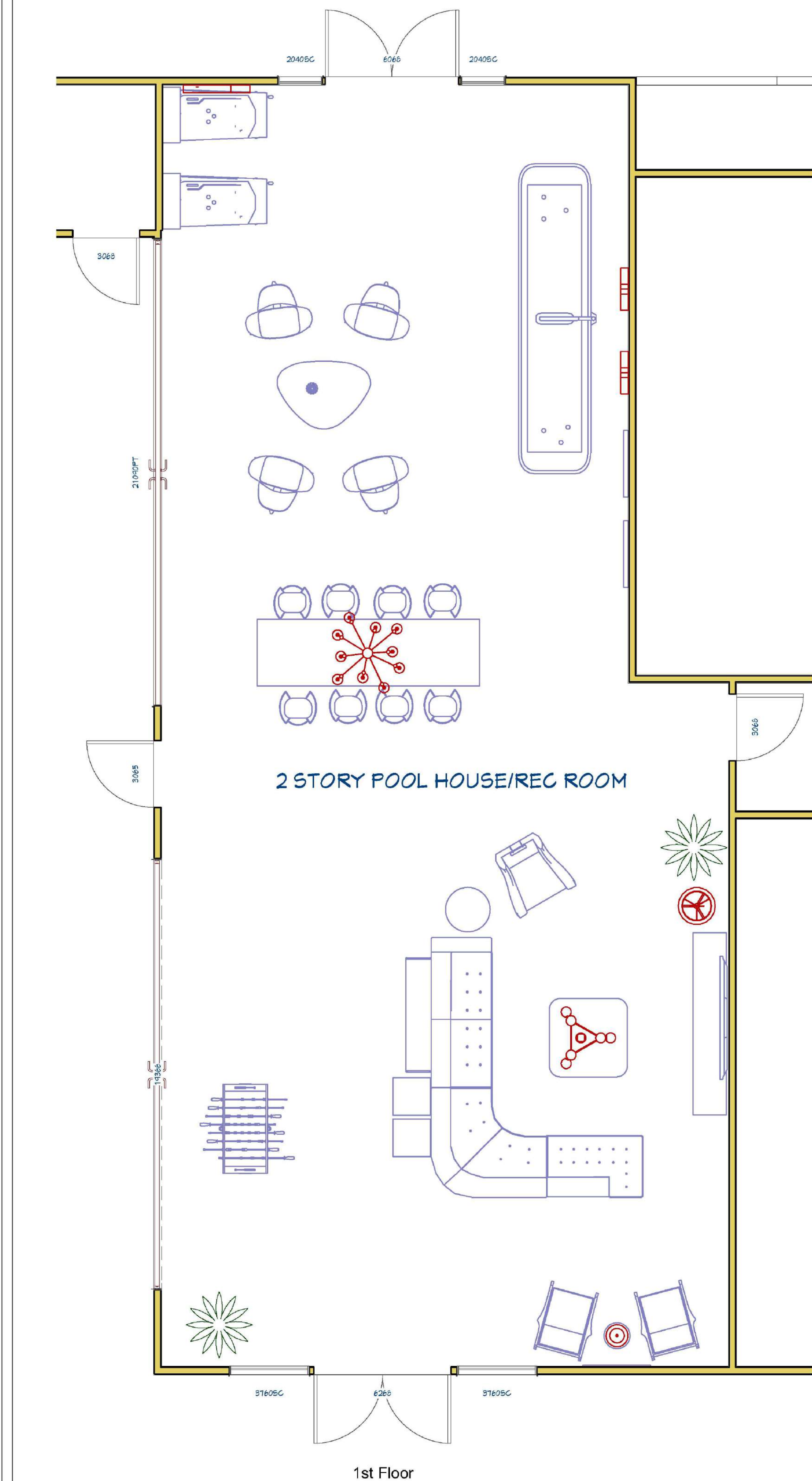
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03.05.20

A-33

Date

Page



KEY

FURNITURE
 SECTIONAL
 COFFEE TABLE(S)
 FLOOR LAMP
 SHUFFLEBOARD/ARCADE GAMES/
 FOOSBALL
 CHAIRS
 ACCESSORIES
 ART
 PLANTS
 OTTOMANS
 HIGH-TOP TABLES
 COUNTERSTOOL
 CHANDELIER (POSSIBLY)

OK

DATE

BY

DESCRIPTION

NO.

PROJECT DESCRIPTION:
 THE ATCHISON
 Pittsburg, CA

DRAWINGS PROVIDED BY:
 OK INTERIOR DESIGNS

DATE:

3/3/2020

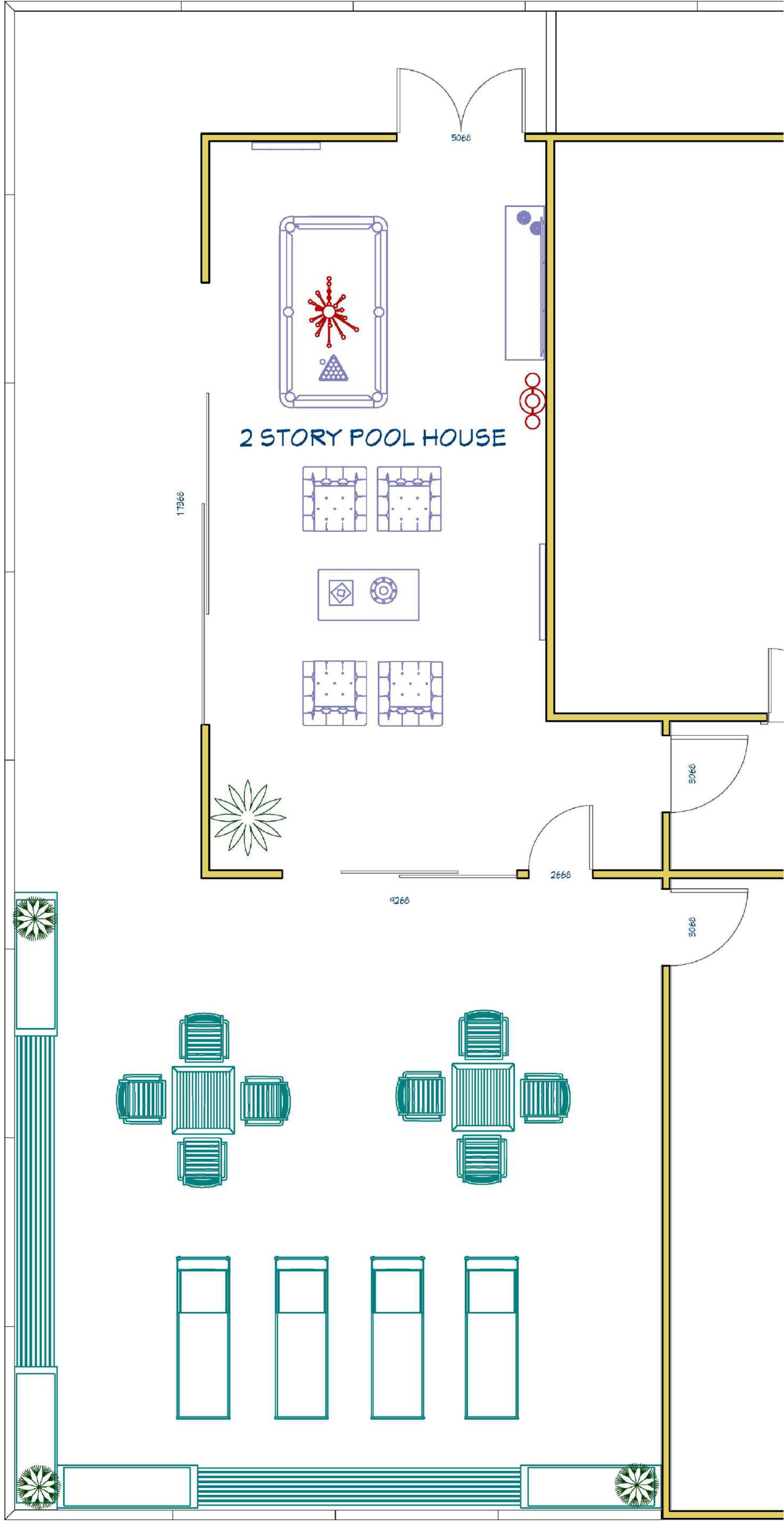
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SHEET:

A-1

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2nd Floor



KEY

FURNITURE
POOL TABLE
LOUNGE CHAIRS
COFFEE TABLE
FLOOR LAMP
PLANT
CHANDELIER (POSSIBLY)
ACCESSORIES
ART

OUTSIDE FURNITURE
CHAISE LOUNGE CHAIRS
TABLES WITH CHAIRS

OK

DATE

BY

DESCRIPTION

NO.

PROJECT DESCRIPTION:
THE ATCHISON
Pittsburg, CA

DRAWINGS PROVIDED BY:
OK INTERIOR DESIGNS

DATE:

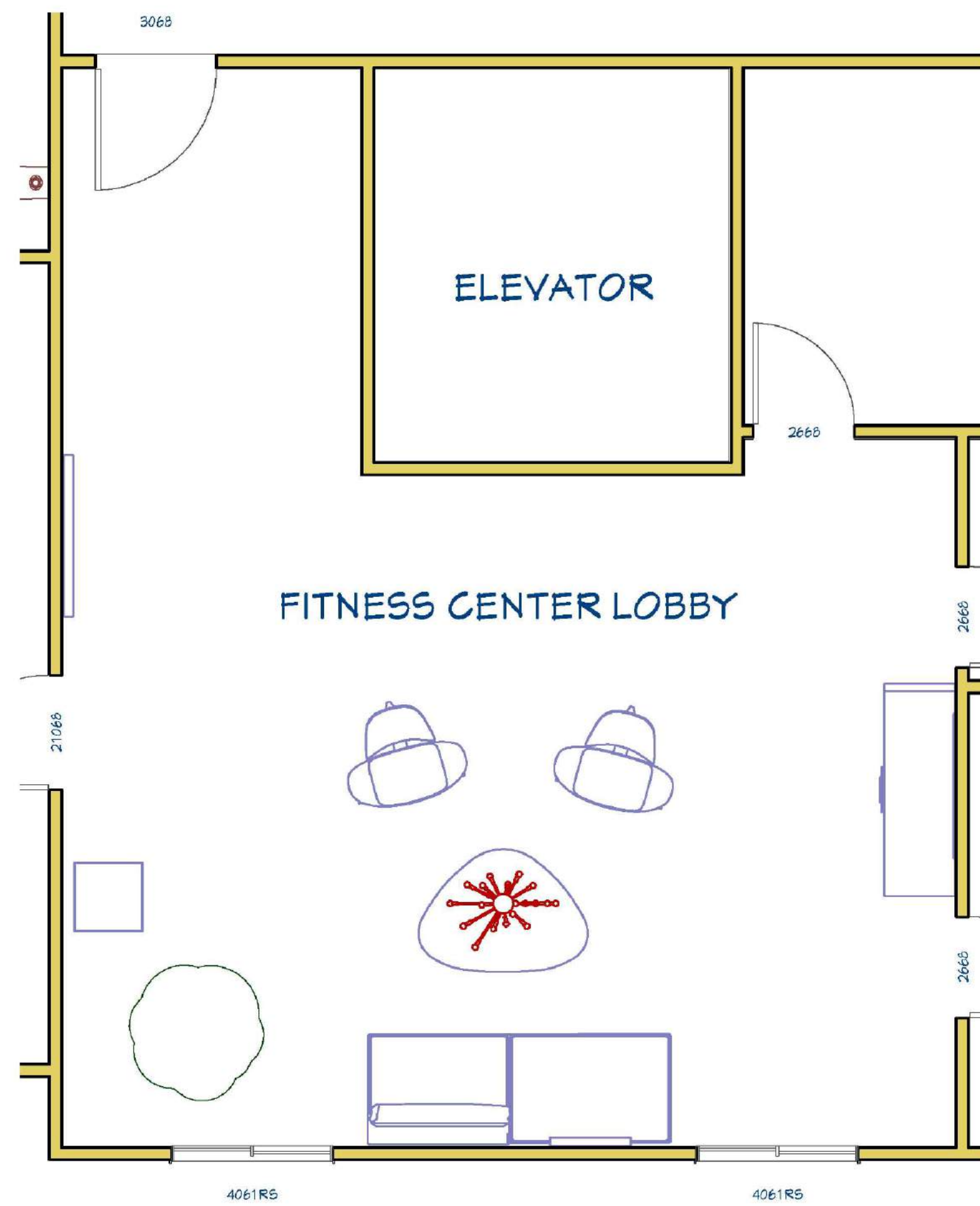
3/3/2020

SCALE:

NOT TO
SCALE

SHEET:

A-1



1st Floor



KEY

FURNITURE
 SOFA
 CHAIRS
 COFFEE TABLE
 OTTOMAN
 PLANTS
 CHANDELIER (TBD)
 TABLE
 ART
 MIRROR
 ACCESSORIES

OK

NO.	DESCRIPTION	BY	DATE

FITNESS CENTER LOBBY

PROJECT DESCRIPTION:
 THE ATCHISON
 Pittsburg, CA

DRAWINGS PROVIDED BY:
 OK INTERIOR DESIGNS

DATE:

3/2/2020

SCALE:

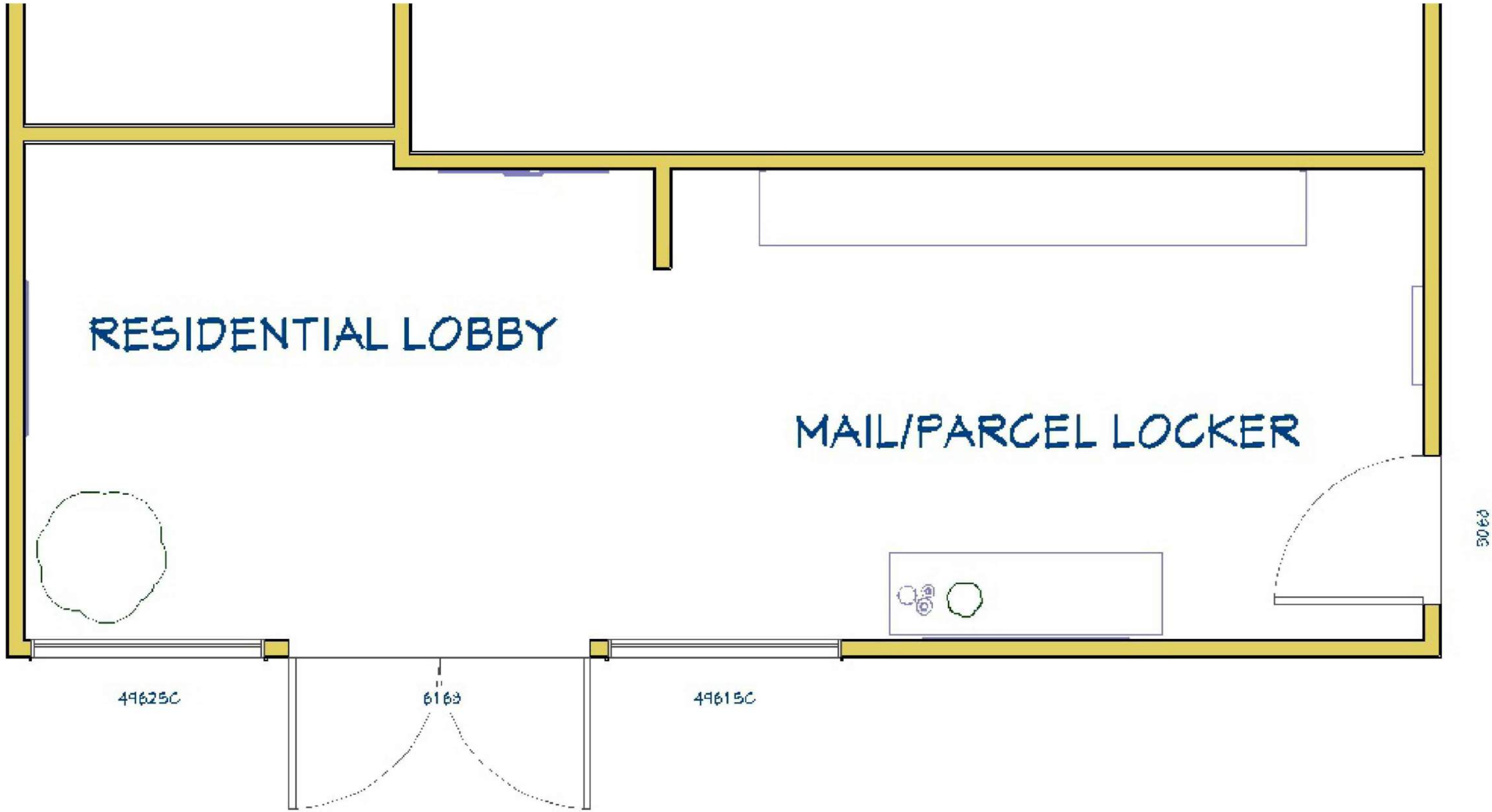
NOT TO
 SCALE

SHEET:

A-1

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3/2/2020 3:53 PM



KEY

FURNITURE
CONSOLE TABLE
ART
MIRROR
ACCESSORIES
PLANT

OK

RESIDENTIAL LOBBY/
MAIL LOCKER

PROJECT DESCRIPTION:
THE ATCHISON
Pittsburg, CA

DRAWINGS PROVIDED BY:
OK INTERIOR DESIGNS

DATE:

3/2/2020

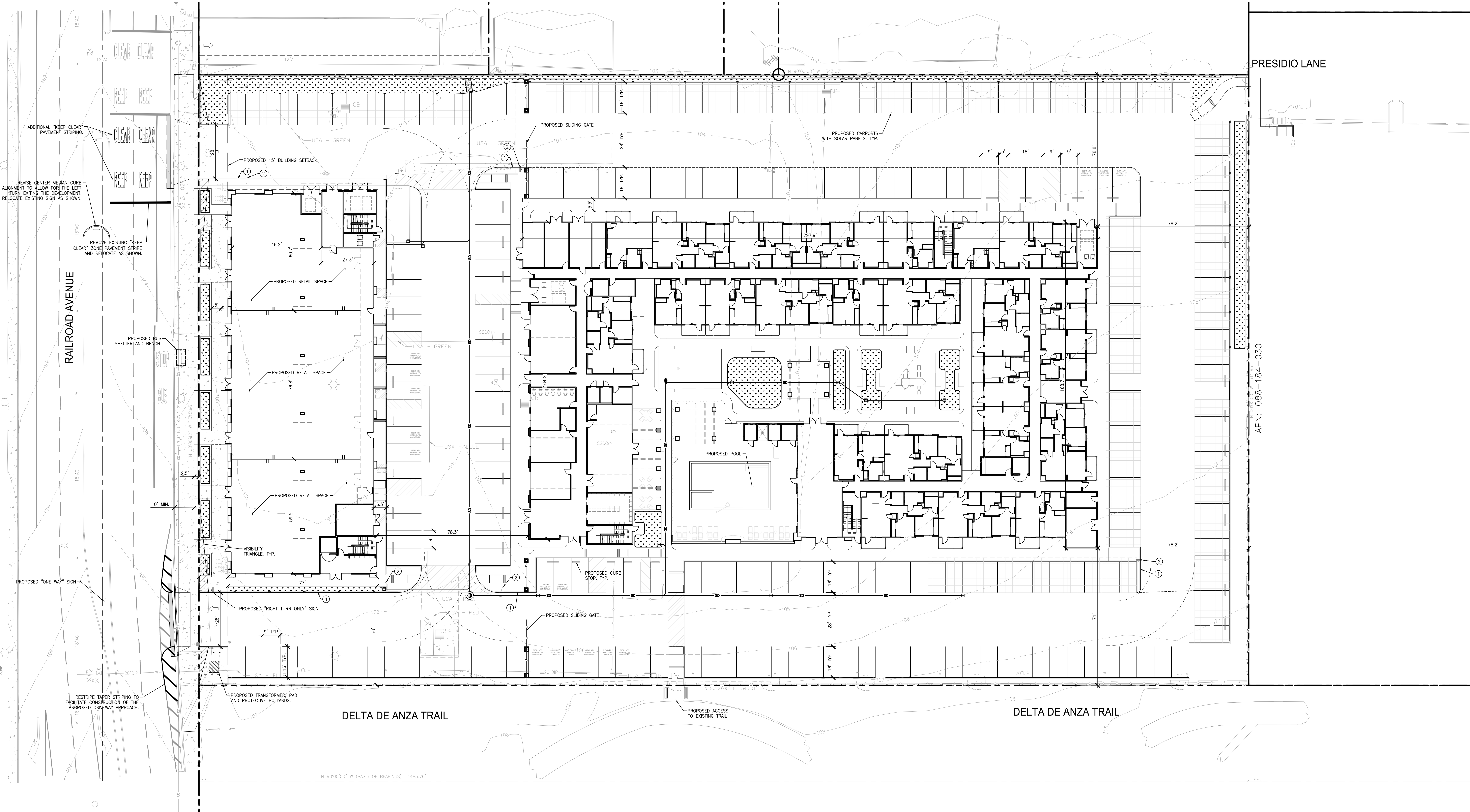
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SCALE

SHEET:

A-1

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3/4/2020 9:58 AM



- GENERAL LEGEND**
- EXISTING/PROPOSED CENTERLINE (C)
 - EXISTING PROPERTY LINE (EX. R)
 - PROPOSED PROPERTY LINE (R)
 - PROPOSED SETBACK LINE
 - EXISTING/PROPOSED EASEMENT
 - PROPOSED SAWCUT
 - GUTTER FLOWLINE
 - PROPOSED CURB AND GUTTER
 - PROPOSED SLOTTED CURB
 - PROPOSED RETAINING WALL, HEIGHT PER PLAN.
 - PROPOSED CONCRETE PAVEMENT/HARDSCAPE
 - PROPOSED ASPHALT CONCRETE PAVEMENT
 - PROPOSED GRAVEL
 - PROPOSED PERVIOUS PAVEMENT
 - DEEPENED FOUNDATION WALL, RETAINED HEIGHT PER PLAN. SEE STRUCTURAL PLANS BY OTHERS FOR CONSTRUCTION DETAILS.
 - RAISED FOUNDATION WALL, RETAINED HEIGHT PER PLAN. SEE STRUCTURAL PLANS BY OTHERS FOR CONSTRUCTION DETAILS.

- SITE PLAN KEY NOTES:**
- PROPOSED RED CURB WITH THE WORDS "NO PARKING - FIRE LANE" PAINTED IN WHITE PAINT PER CFC 503.3.
 - PROPOSED "NO PARKING - FIRE LANE" SIGNAGE PER CFC 503.3.

Y&M Architects

Y&M Architects
724 South Spring Street, Suite 304
Los Angeles, CA 90014
Tel. 213 623 2107 Fax. 213 623 2108
www.ymarch.com

THE ATCHISON

Project. 2575 RAILROAD AVENUE
Pittsburg, CA 94565

WALSH ENGINEERING
WALSHENGINEERING.NET (805) 319-4948
1108 GARDEN STREET, SUITE 202-204 SAN LUIS OBISPO, CA 93401



Engineer.

Integrated
Community Development

Developer. 21031 Ventura Boulevard, Suite 200
Woodland Hills, CA 91364

OVERALL SITE
PLAN



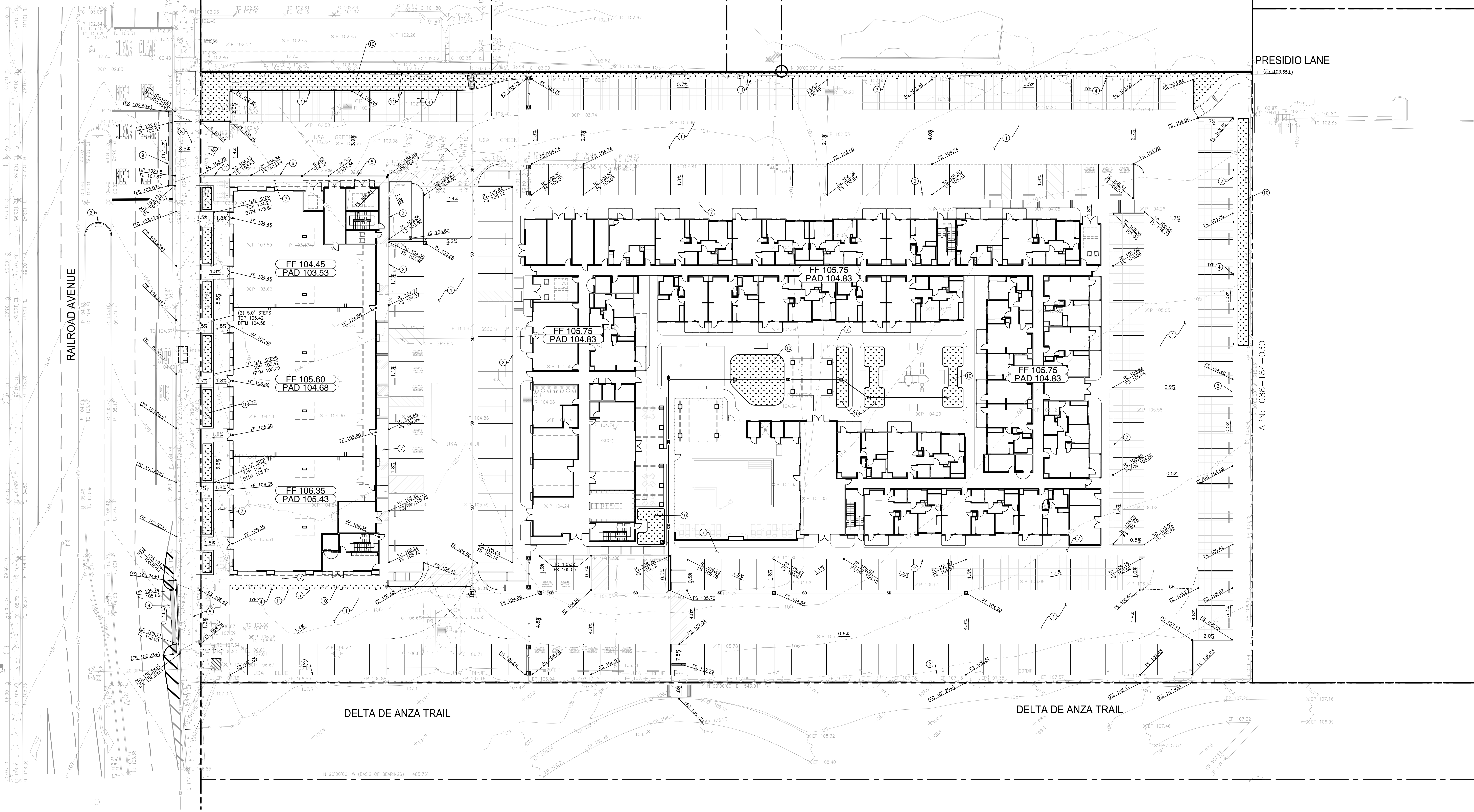
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Date

Page

03/04/2020 C1.0

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3/4/2020 9:59 AM



- GENERAL LEGEND**
- EXISTING/PROPOSED CENTERLINE (C)
 - EXISTING PROPERTY LINE (EX. P)
 - PROPOSED PROPERTY LINE (P)
 - PROPOSED SETBACK LINE
 - EXISTING/PROPOSED EASEMENT
 - PROPOSED SAWCUT
 - GUTTER FLOWLINE
 - PROPOSED CURB AND GUTTER
 - PROPOSED SLOTTED CURB
 - PROPOSED RETAINING WALL, HEIGHT PER PLAN
 - PROPOSED CONCRETE PAVEMENT/HARDSCAPE
 - PROPOSED ASPHALT CONCRETE PAVEMENT
 - PROPOSED GRAVEL
 - PROPOSED PERVIOUS PAVEMENT
 - DEEPENED FOUNDATION WALL, RETAINED HEIGHT PER PLAN, SEE STRUCTURAL PLANS BY OTHERS FOR CONSTRUCTION DETAILS
 - RAISED FOUNDATION WALL, RETAINED HEIGHT PER PLAN, SEE STRUCTURAL PLANS BY OTHERS FOR CONSTRUCTION DETAILS

- GRADING LEGEND**
- BRIDGE, HINGE, GRADE BREAK
 - CUT
 - FILL
 - DAYLIGHT OF GRADING LIMITS (CUT/FILL LINE)
 - LIMIT OF DISTURBANCE
 - SWALE
 - 100' CONTOUR MAJOR
 - 99' CONTOUR MINOR
 - TOP OF SLOPE
 - TOE OF SLOPE
 - OVERLAND RELEASE PATH

- STORM DRAIN LEGEND:**
- STORM DRAIN PIPE LENGTH, SIZE AND SLOPE (SD)
 - PROPOSED SLOT/TRENCH DRAIN
 - BIO RETENTION BASIN
 - ENERGY DISSIPATOR
 - HEADWALL/ENDWALL
 - FLARED END SECTION
 - DROP INLET
 - MANHOLE
 - CLEANOUT

- SANITARY SEWER LEGEND:**
- SANITARY SEWER PIPE LENGTH, SIZE AND SLOPE (SS)
 - SANITARY SEWER MANHOLE (SSMH)
 - SANITARY SEWER CLEANOUT TO GRADE (SSCO)
 - SANITARY SEWER BACKWATER VALVE

- GRADING KEY NOTES:**
- PROPOSED CONCRETE PAVEMENT.
 - PROPOSED M1-6 6" VERTICAL CURB PER COUNTY STANDARD CA71.
 - PROPOSED S1-6 6" CURB AND GUTTER PER COUNTY STANDARD CA71.
 - PROPOSED SLOTTED CURB.
 - PROPOSED FLUSH CURB.
 - PROPOSED TRANSITION FROM FLUSH TO FULL SIZED CURB.
 - PROPOSED SIDEWALK PER COUNTY STANDARD CA70.
 - PROPOSED 28' WIDE DRIVEWAY APPROACH PER CITY STANDARD R-3.
 - SAWCUT AND PAVEOUT, SAWCUT A MINIMUM OF 2' INTO PAVEMENT OR AS NECESSARY TO FORM COMPETENT EDGE.
 - PROPOSED BIORETENTION BASIN, MINIMUM PONDING DEPTH TO BE 8".
 - PROPOSED RETAINING CURB ALONG BIORETENTION BASIN.

- GRADING GENERAL NOTES:**
- SEE STORM DRAIN AND UTILITY INFORMATION ON SHEET C3.0.
 - ALL CLEARING, GRUBBING, SITE PREPARATION, OVER-EXCAVATION, EARTHWORK, ENGINEERED FILL, GEOTEXTILE MATERIAL, AND MATERIAL TESTING SHALL BE IN COMPLIANCE WITH THE GEOTECHNICAL ENGINEERING REPORT.
 - ESTIMATED EARTHWORK QUANTITIES:
CUT: 2,110 CY
FILL: 2,010 CY
NET: 100 CY CUT
 - NOTE: THE CUT AND FILL QUANTITIES SHOWN ABOVE ARE FOR PERMIT PURPOSES ONLY. THE CONTRACTOR SHALL, AFTER EXAMINING THE GRADING PLAN, SOILS REPORT AND TERRAIN, PREPARE HIS/HER ESTIMATE INDEPENDENTLY OF THE ENGINEER'S ESTIMATE.
 - GRADING TO COMPLY WITH CBC 1804.4, SLOPE PERVIOUS GROUND AWAY FROM FOUNDATION AT A MINIMUM SLOPE OF 5% FOR A MINIMUM DISTANCE OF 10 FEET. SLOPE IMPERVIOUS GROUND AT A MINIMUM SLOPE OF 2% FOR A MINIMUM DISTANCE OF 10 FEET. IF PHYSICAL OBSTRUCTIONS OR LOT LINES PROHIBIT 10 FEET OF HORIZONTAL DISTANCE, PROVIDE A 5% SLOPE TO AN APPROVED ALTERNATIVE METHOD OF DIVERTING DRAINAGE AWAY FROM FOUNDATIONS WITH THE USE OF SWALES SLOPED AT 2% LONGITUDINALLY ALONG FLOW LINE, OR DRAINAGE INLETS WITH STORM DRAIN PIPE DIRECTED TO DISCHARGE AWAY FROM FOUNDATIONS IN A NON-EROSIVE MANNER.

Y&M Architects

Y&M Architects
724 South Spring Street, Suite 304
Los Angeles, CA 90014
Tel. 213 623 2107 Fax. 213 623 2108
www.ymarch.com

THE ATCHISON

Project. 2575 RAILROAD AVENUE
Pittsburg, CA 94565

WALSH ENGINEERING
WALSHENGINEERING.NET (805) 319-4948
1108 GARDEN STREET, SUITE 202-204 SAN LUIS OBISPO, CA 93401

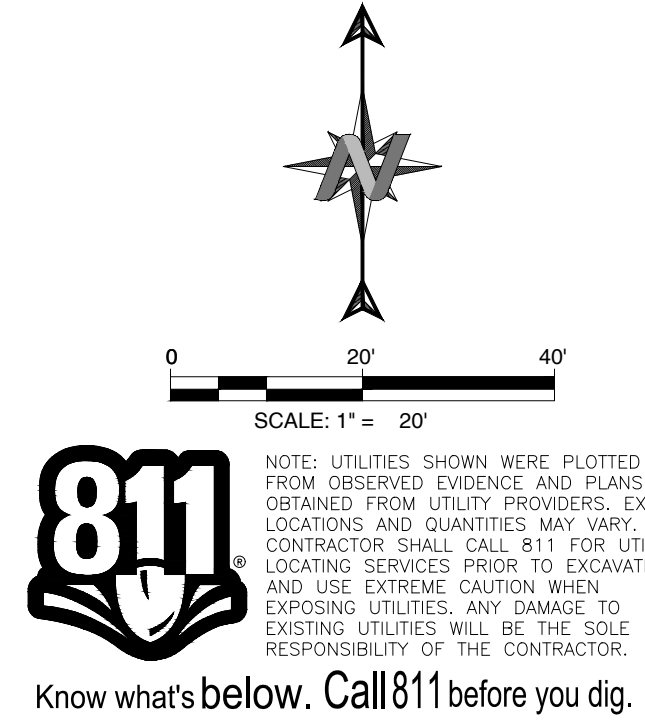
REGISTERED PROFESSIONAL ENGINEER
MATTHEW R. WALSH
C79029
NOT FOR CONSTRUCTION
STATE OF CALIFORNIA

Integrated
Community Development

PRELIMINARY GRADING
AND DRAINAGE PLAN

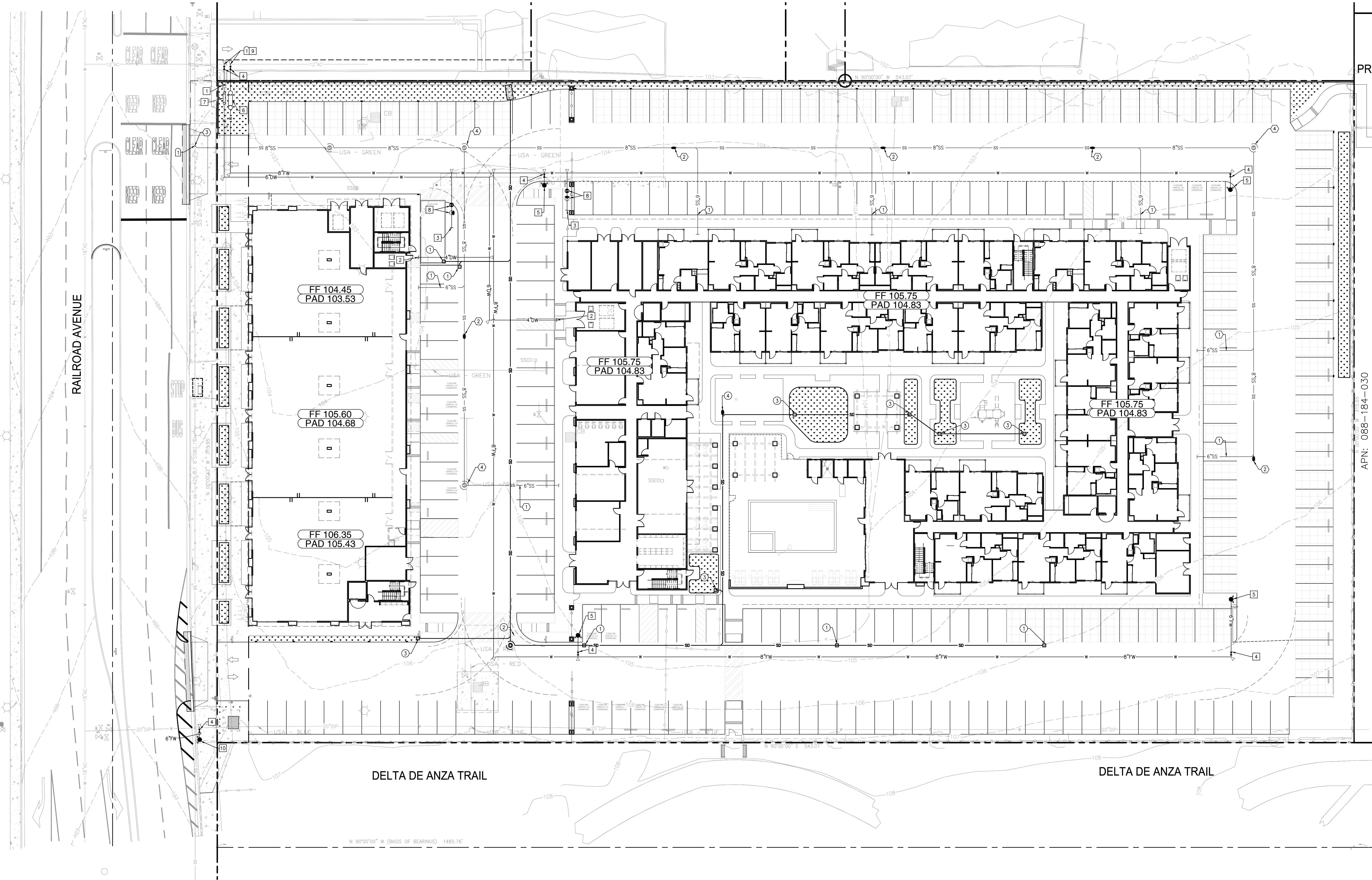
03/04/2020 C2.0

Date Page



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3/4/2020 9:59 AM



GENERAL LEGEND

- EXISTING/PROPOSED CENTERLINE (CL)
- EXISTING PROPERTY LINE (EX. PL)
- PROPOSED PROPERTY LINE (PL)
- PROPOSED SETBACK LINE
- EXISTING/PROPOSED EASEMENT
- PROPOSED SAWCUT
- GUTTER FLOWLINE
- PROPOSED CURB AND GUTTER
- PROPOSED SLOTTED CURB
- PROPOSED RETAINING WALL, HEIGHT PER PLAN.
- PROPOSED CONCRETE PAVEMENT/HARDSCAPE
- PROPOSED ASPHALT CONCRETE PAVEMENT
- PROPOSED GRAVEL
- PROPOSED PERVIOUS PAVEMENT
- DEEPEND FOUNDATION WALL, RETAINED HEIGHT PER PLAN. SEE STRUCTURAL PLANS BY OTHERS FOR CONSTRUCTION DETAILS.
- RAISED FOUNDATION WALL, RETAINED HEIGHT PER PLAN. SEE STRUCTURAL PLANS BY OTHERS FOR CONSTRUCTION DETAILS.

GRADING LEGEND

- SB - BRIDGE, HINGE, GRADE BREAK
- CUT/FILL DAYLIGHT OF GRADING LIMITS (CUT/FILL LINE)
- LIMIT OF DISTURBANCE
- SWALE
- CONTOUR MAJOR
- CONTOUR MINOR
- TOP OF SLOPE
- TOE OF SLOPE
- OVERLAND RELEASE PATH

STORM DRAIN LEGEND:

- STORM DRAIN PIPE LENGTH, SIZE AND SLOPE (SD)
- PROPOSED SLOT/TRENCH DRAIN
- PROPOSED BIG RETENTION BASIN
- ENERGY DISSIPATOR
- HEADWALL/ENDWALL
- FLARED END SECTION
- DROP INLET
- MANHOLE
- CLEANOUT

SANITARY SEWER LEGEND:

- SANITARY SEWER PIPE LENGTH, SIZE AND SLOPE (SS)
- SANITARY SEWER MANHOLE (SSMH)
- SANITARY SEWER CLEANOUT TO GRADE (SSCO)
- SANITARY SEWER BACKWATER VALVE

WATER LEGEND:

- DOMESTIC WATER SERVICE AND SIZE (DW)
- FIRE WATER SERVICE AND SIZE (FW)
- GATE VALVE
- FIRE HYDRANT (FH)
- POST INDICATOR VALVE (PIV)
- FIRE DEPARTMENT CONNECTION (FDC)
- BACKFLOW DEVICE FOR FIRE SERVICE (RPZ OR DDC)
- BACKFLOW DEVICE FOR DOMESTIC SERVICE (RPZ)
- DOMESTIC WATER METER
- IRRIGATION METER (DESIGN BY OTHERS)
- THRUST BLOCK PER COUNTY STANDARD W-10.

DRY UTILITY LEGEND:

- DRY UTILITY SERVICE
- PROPOSED PULL BOX
- PROPOSED STREET LIGHT
- PROPOSED SITE LIGHT

CAUTIONARY KEY NOTES

- THE EXACT UTILITY INVERT AND LOCATION IS UNKNOWN DURING PREPARATION OF THIS PLAN. THE CONTRACTOR SHALL POT-HOLE AND VERIFY EXISTING UTILITY INVERT AND LOCATION PRIOR TO CONSTRUCTION AND PRIOR TO ORDERING MATERIALS. PROVIDE ENGINEER WITH POT-HOLE INFORMATION 30 DAYS PRIOR TO CONSTRUCTION OR ORDERING OF MATERIALS TO ALLOW ADEQUATE TIME FOR REVISIONS TO PLANS.

SANITARY SEWER KEY NOTES

- PROPOSED 6" SANITARY SEWER LATERAL PER CCCSD STANDARD DWG-24. MAINTAIN A MINIMUM SLOPE OF 2% IN LATERAL. SEE PLUMBING PLANS BY OTHERS FOR CONTINUATION WITHIN 5' OF BUILDING, INCLUDING CLEANOUT AT FACE OF BUILDING.
- PROPOSED SANITARY SEWER CLEANOUT PER CITY STANDARD S-2.
- PROPOSED POINT OF CONNECTION TO EXISTING MAIN. CONNECT PER CCCSD STANDARD DWG-42.
- PROPOSED SEWER MANHOLE PER CCCSD STANDARDS DWG-1 AND DWG-8.

STORM DRAIN KEY NOTES

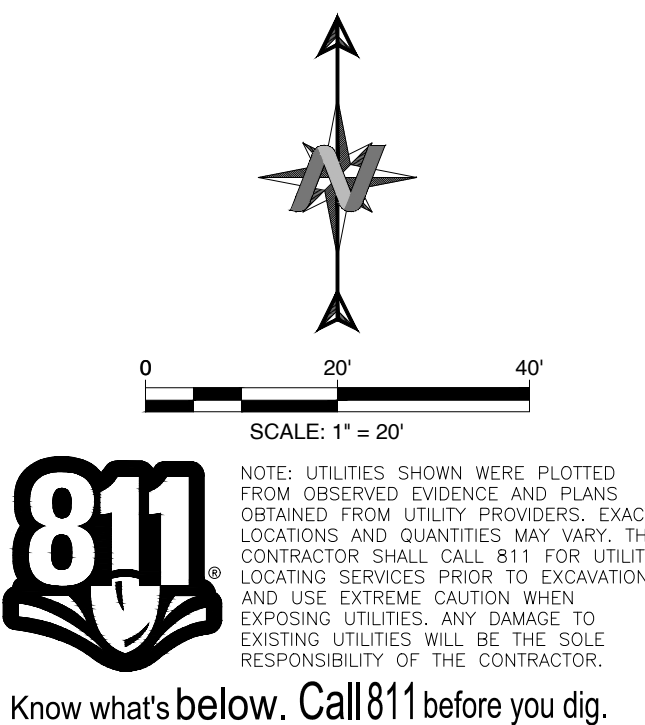
- PROPOSED 18" DROP INLET WITH TRAFFIC-RATED GRATE.
- PROPOSED 48" DIAMETER MANHOLE PER CITY STANDARD CD 38.
- PROPOSED OVERFLOW CATCH BASIN WITH PEDESTRIAN RATED GRATE.
- PROPOSED CLEANOUT WITH COVER TO GRADE.

WATER KEY NOTES

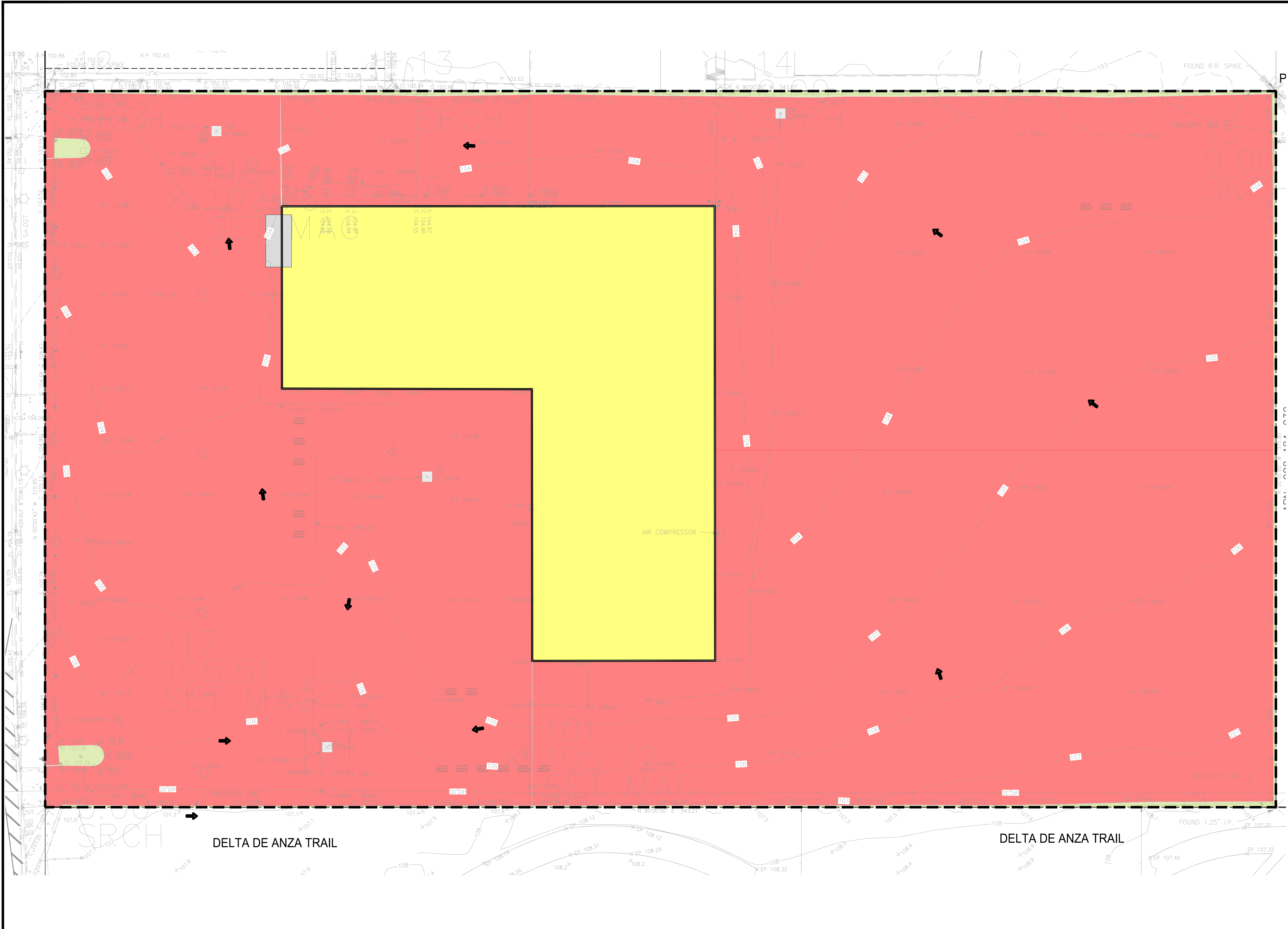
- PROPOSED 4" DOMESTIC WATER METER PER CITY STANDARD W-5. PROVIDE 4" TO 6" REDUCER FITTING ON PRIVATE SIDE OF METER TO TRANSITION TO A 6" LINE.
- PROPOSED 4" DOMESTIC WATER SERVICE. SEE PLUMBING PLANS BY OTHERS FOR CONTINUATION WITHIN 5' OF BUILDING. FIRE SPRINKLER AND PLUMBING DESIGNERS TO VERIFY SIZING. NOTIFY ENGINEER OF ANY DISCREPANCIES.
- PROPOSED 8" FIRE LINE TO SERVE THE IN BUILDING FIRE RISER. SEE PLANS BY OTHERS FOR CONTINUATION WITHIN 5' OF BUILDING. FIRE SPRINKLER AND PLUMBING DESIGNERS TO VERIFY SIZING. NOTIFY ENGINEER OF ANY DISCREPANCIES.
- PROPOSED GATE VALVE PER CITY STANDARD W-16.
- PROPOSED FIRE HYDRANT PER CITY STANDARD W-4.
- PROPOSED 6" DOUBLE DETECTOR CHECK BACKFLOW DEVICE PER CITY STANDARD W-6.
- PROPOSED REDUCED PRESSURE BACKFLOW DEVICE PER CITY STANDARD W-6.
- PROPOSED POST INDICATOR VALVE AND FIRE DEPARTMENT CONNECTION PER CITY STANDARD W-6.
- PROPOSED CONNECTION TO EXISTING MAIN. CONNECT PER STANDARD W-18.
- RELOCATE EXISTING HYDRANT TO THE LOCATION SHOWN.

UTILITY GENERAL NOTES

- FOR TRENCH SECTION, BACKFILL AND SURFACE REPLACEMENT, SEE CITY STANDARD R-5.
- PRIOR TO CONSTRUCTION, CONTRACTOR SHALL VERIFY ALL INVERTS OF EXISTING UTILITIES AT POINTS OF CONNECTION AND PROPOSED UTILITY CROSSINGS BY OBSERVATION OR POT-HOLE METHODS. NOTIFY THE ENGINEER OF ANY CONFLICTS OR DISCREPANCIES IN THESE PLANS AND ACTUAL FIELD INFORMATION.
- CARPPOITS SHALL NOT BE CONSTRUCTED OVER EXISTING WATER LINES.
- ALL WATER LINES WILL BE PRIVATE AFTER THE METER.
- ALL ABANDONED UTILITY LINES SHALL BE REMOVED AS PART OF THIS DEVELOPMENT.
- ALL SEWER LINES WILL BE PRIVATE AFTER THE RIGHT OF WAY.
- THE EXISTING ELECTRICAL TRANSFORMER LOCATED ALONG THE RAILROAD AVENUE SHALL BE UNDERGROUND AS PART OF THIS DEVELOPMENT.



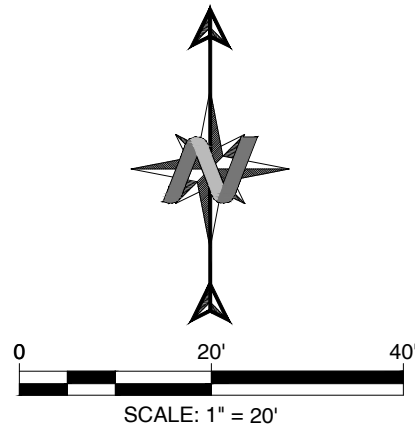
The above drawings, specifications, ideas, designs and arrangements represented thereby are and shall remain property of the Architect (Y&M Architects), and no part thereof shall be copied, disclosed, to others or used in connection with any other project other than the specific project for which they have been prepared and developed, without the written consent of the Architect (Y&M Architects). Visual contact with these drawings or specifications shall constitute conclusive evidence of acceptance of these restrictions. Written dimensions on these drawings shall have pre-over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job, and this office must be notified of any variations from the dimensions and conditions shown by these drawings. Shop details must be submitted to the office for approval before proceeding with fabrication.



PRE-DEVELOPMENT LEGEND

- LIMIT OF TRIBUTARY AREA
- BUILDING
- PAVEMENT/HARDSCAPE
- LANDSCAPE
- DIRECTION OF SURFACE FLOW
- DIRECTION OF PIPE FLOW

SITE AREA TABLE	
DESCRIPTION	AREA (SF)
BUILDING/ROOF	25,079
PAVEMENT/HARDSCAPE	146,202
LANDSCAPE	293
TOTAL	171,574



NOTE: UTILITIES SHOWN WERE PLOTTED FROM OBSERVED EVIDENCE AND PLANS OBTAINED FROM UTILITY PROVIDERS. EXACT LOCATIONS AND QUANTITIES MAY VARY. THE CONTRACTOR SHALL CALL 811 FOR UTILITY LOCATING SERVICES PRIOR TO EXCAVATION AND USE EXTREME CAUTION WHEN EXPOSING UTILITIES. ANY DAMAGE TO EXISTING UTILITIES WILL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

Know what's below. Call 811 before you dig.

NO.	DATE	REVISIONS
△		
△		
△		
△		



WALSH ENGINEERING

WALSHENGINEERING.NET (805) 319-4948

1108 GARDEN STREET, SUITE 202-204 SAN LUIS OBISPO, CA 93401

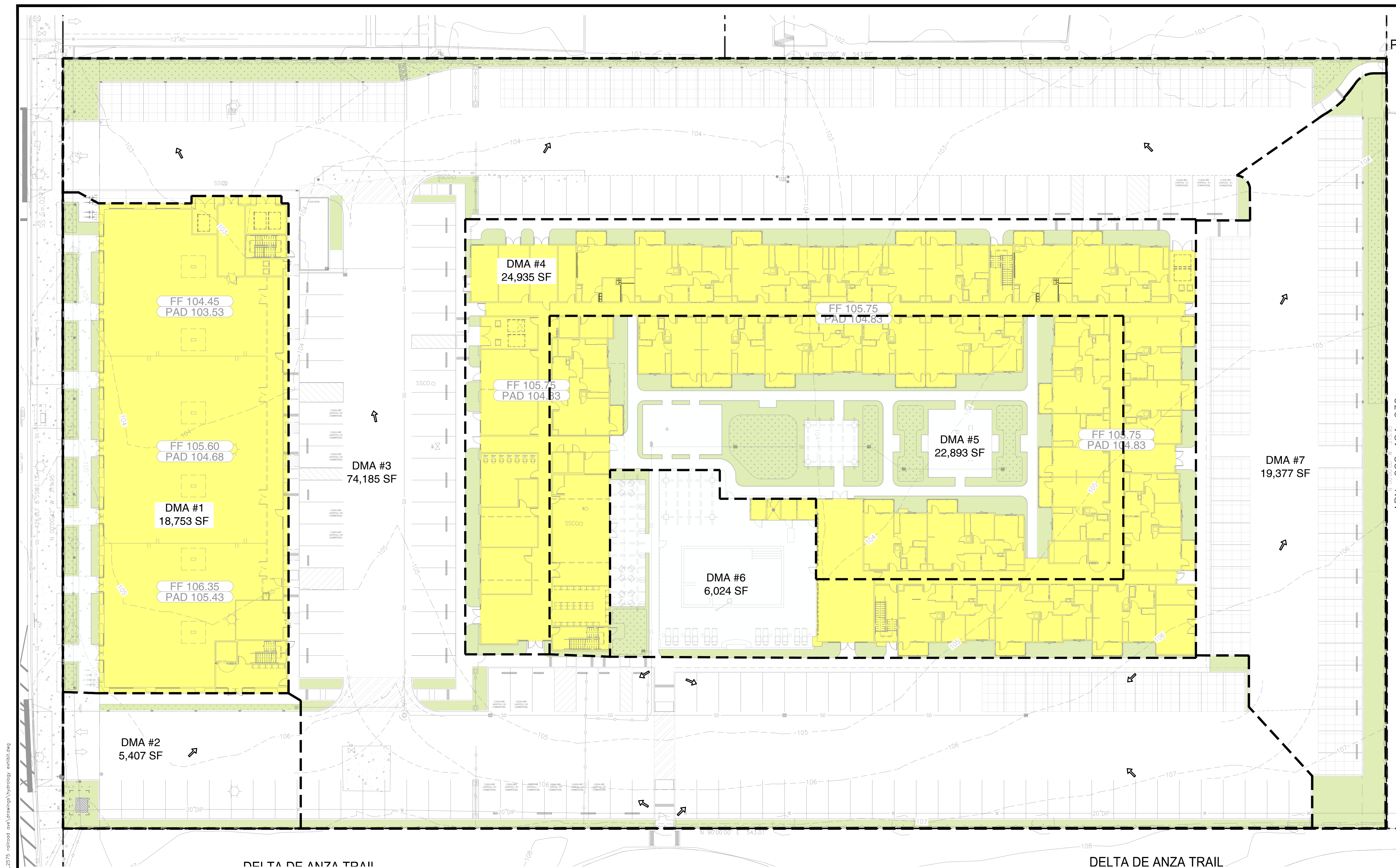
INTEGRATED COMMUNITY DEVELOPMENT
PITTSBURG APARTMENTS
PITTSBURG, CA



DESIGNED BY: KDG
CHECKED BY: KDG
ISSUED BY: MRW
DATE: 03/03/2020

PRE-DEVELOPMENT
HYDROLOGY
EXHIBIT

SHEET
1 OF 2

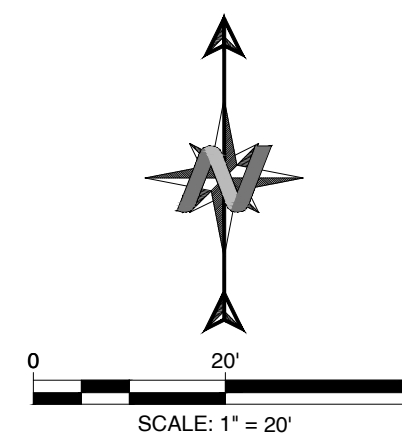


POST-DEVELOPMENT LEGEND

- LIMIT OF TRIBUTARY AREA
 BUILDING
 PAVEMENT/HARDSCAPE
 LANDSCAPE
 DIRECTION OF SURFACE FLOW

SITE AREA TABLE

DESCRIPTION	DMA #1 (SF)	DMA #2 (SF)	DMA #3 (SF)	DMA #4 (SF)	DMA #5 (SF)	DMA #6 (SF)	DMA #7 (SF)	TOTAL
BUILDING/ROOF	15,788	0	0	20,056	13,648	242	0	49,734
PAVEMENT/HARDSCAPE	1,552	4,641	68,977	1,987	4,384	5,086	15,875	102,502
LANDSCAPE	1,413	766	5,208	2,892	4,861	696	3,502	19,338
TOTAL	18,753	5,407	74,185	24,935	22,893	6,024	19,377	171,574



Know what's below. Call 811 before you dig.

NO.	DATE	REVISIONS
△		
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INTEGRATED COMMUNITY DEVELOPMENT
PITTSBURG APARTMENTS
PITTSBURG, CA



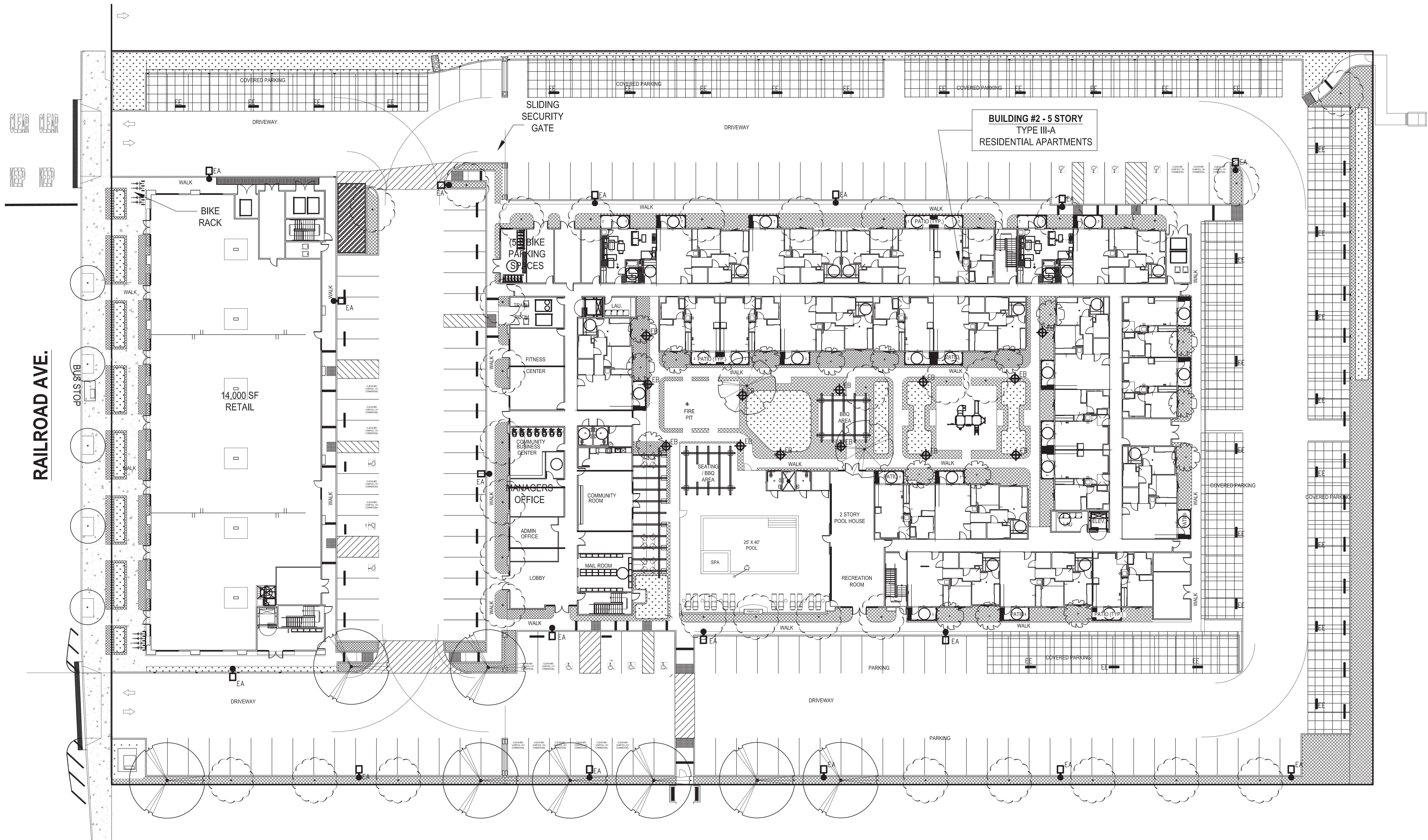
DESIGNED BY: KDG
CHECKED BY: KDG
ISSUED BY: MRW
DATE: 03/03/2020

POST-DEVELOPEMENT HYDROLOGY EXHIBIT

SHEET

2 OF 2

D:\BUSINESS\CLIENTS\ACTIVE DRAWINGS\2019 PROJECTS\2019-10-1 PITTSBURGH - INTXARCH2020-2-24\FILES\KASITE PLAN - 20190203-52 LANDSCAPE PRELIMINARY PITTSBURGH.DWG
3/3/2020 11:47AM



E.B.M.U.D.

PRELIMINARY LANDSCAPE PLAN

SCALE: 1" = 20'-0"
0 20 40

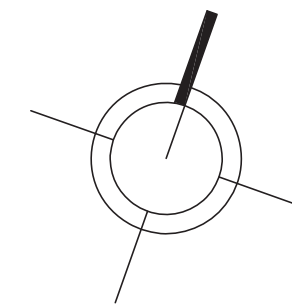
IRRIGATION NOTES:

AUTOMATIC IRRIGATION WILL BE PROVIDED FOR ALL PLANTING BEDS USING DRIP IRRIGATION, DEEP ROOT BUBBLERS TO EACH TREE ON SEPARATE VALVES, AND A WEATHER BASED CONTROLLER WITH A RAIN SENSOR SHUT OFF. IRRIGATION WILL COMPLY WITH STATE WATER EFFICIENT LANDSCAPE STANDARDS.

UTILITY TRANSFORMERS and JUNCTION BOXES

ALL UTILITIES WILL BE SCREENED WITH PLANT MATERIAL UPON FINAL PLACEMENT.

SEE SHEET LP-2 FOR PLANT MATERIAL LEGEND.

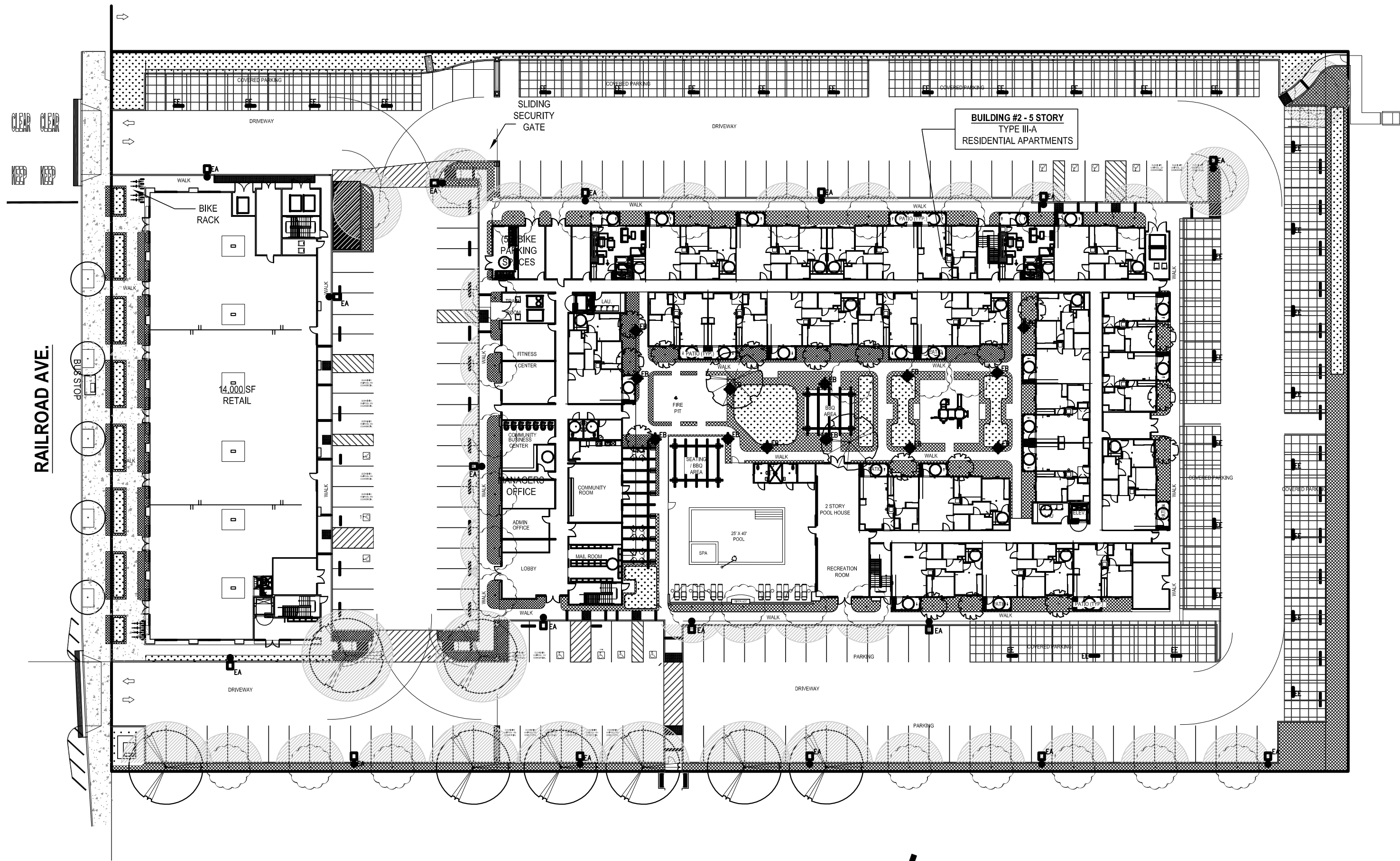


THE OFFICE OF
SUSAN E. McEOWEN
LANDSCAPE ARCHITECT 2180
A CALIFORNIA CORPORATION
19197 Golden Valley Rd., #924
Santa Clarita, CA 91387
Office Telephone: (661) 212 3335
Email Address: susan@landarchus.com

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3.3.2020

LP-1



PRELIMINARY PARKING SHADE STUDY

SCALE: 1" = 40'-0"

PARKING SHADING

PARKING COVERAGE REQUIRED = 35% AT MATURITY AT MIDDAY
1 TREE PER SIX PARKING SPACES = 44 TREES REQUIRED
DUE TO SOLAR PANELS ON COVERED CARPORTS - 25 TREES ARE PROVIDED
THE SITE MEETS THE SHADE CRITERIA WITH THE PROPOSED TREES & CARPORTS.
SEE BELOW:

75,180 SQ. FT. TOTAL PARKING AREA @35% =
26,313 SQ. FT. TO BE SHADED

14,550 SQ.FT. COVERED BY TREES
16,028 SQ.FT. COVERED BY CARPORTS
= 30,578 SQ. FT. PARKING AREA TO BE SHADED BY TREES & CARPORTS

26,313 SQ.FT. REQUIRED COVERAGE
30,578 SQ.FT. PROVIDED = 41% COVERAGE

DRIP LINE IN HATCH SHOWN AT MATURE SIZE OF TREE IN 15 YEARS

TREE LEGEND

SYMBOL	COMMON NAME BOTANICAL NAME / HEIGHTS / TYPE SIZE / QUANTITY / SIZE AT MATURITY
	CERCIS OCCIDENTALIS / DECIDUOUS WESTERN REDBUD / MOD 15 GAL / 11 / SIZE MATURITY 15' TALL X 15' WIDE
	LAURUS NOBILIS 'SARATOGA' SARATOGA SHEET BAY / LOW / EVERGREEN 15 GAL / 33 / SIZE MATURITY 15-30' TALL X 15-30' WIDE
	OLEA E. 'SHAN HILL' SHAN HILL OLIVE - FRUITLESS / LOW / EVERGREEN 24 INCH BOX / 2 / SIZE AT MATURITY 25' TALL X 25' WIDE
	PLATANUS ACERIFOLIA 'COLUMBIA' LONDON PLANE TREE / MOD / DECIDUOUS 15 GAL / 18 / SIZE MATURITY 40-60' TALL X 30-40' WIDE
	STREET TREE - PALM TREES VARIETY PER THE CITY OF PITTSBURGH 5 / 24 INCH BOX

GROUND COVER LEGEND

SYMBOL	COMMON NAME BOTANICAL NAME / HEIGHTS SIZE / QUANTITY / SIZE AT MATURITY
	ARTIFICIAL TURF INSTALL PER MANUFACTURER'S RECOMMENDATIONS
	RETENTION MIX: CAREX DIVISIA BERKLEY SEDGE / LOW PLUGS / PLANT @ 12" O.C.
	CAREX PANSA CALIFORNIA MEDOW SEDGE / MOD PLUGS / PLANT @ 12" O.C.
	CAREX SUBPICA RUSTY SEDGE / LOW PLUGS / PLANT @ 12" O.C.
	LEYMUS G. 'CANYON PRINCE' CANYON PRINCE GIANT RYE / LOW 1 GAL / 45 / SIZE MATURITY 2-3' TALL X 3' WIDE
	MULLENBERGIA RIGENS DEER GRASS / LOW 1 GAL / 85 / SIZE MATURITY 3' TALL X 3' WIDE
	3" MULCH IN ALL SHRUB PLANTERS
	NO SYMBOL

SHRUB LEGEND

SYMBOL	COMMON NAME BOTANICAL NAME / HEIGHTS SIZE / QUANTITY / SIZE AT MATURITY
	AGROSTIS PALLENS DEER BENT GRASS / MOD PLUGS / 45 / SIZE MATURITY 1' TALL X 6' WIDE
	ARCTOSTAPHYLOS EDMUNDII LITTLE SUR MANZANITA / LOW 3 GAL / 45 / SIZE MATURITY 1' TALL X 6' WIDE
	ARTEMISIA CALIFORNICA CALIFORNIA SAGEBRUSH / MOD 1 GAL / 41 / SIZE MATURITY 2' TALL X 2' WIDE
	ASTER CHILENSIS CALIFORNIA ASTER / LOW 1 GAL / 41 / SIZE MATURITY 4-6" TALL X 2' WIDE
	BACCHARIS PIVAR. CONSANGUINEA GOYOTE BUSH / LOW 5 GAL / 145 / SIZE MATURITY 6' TALL X 6' WIDE
	CARPENTERIA CALIFORNICA BUSH ANEMONE / MOD 3 GAL / 50 / SIZE MATURITY 6' TALL X 4' WIDE
	CEANOTHUS MARITIMUS MARITIME CEANOTHUS / LOW 5 GAL / 100 / SIZE MATURITY 1-3' TALL X 3-5' WIDE
	DESHAMPSEA C. 56P HOLCIFORMIS PACIFIC HAIRGRASS PLUGS / 45 / SIZE MATURITY 1' TALL X 6' WIDE
	ERIGERON NUDUM BUCKWHEAT / LOW 1 GAL / 50 / SIZE MATURITY 15" TALL X 6' WIDE
	ERIGERON U. VAR. AUREUM 'KANNAN CREEK' GOLDEN SULPHUR FLOWER BUCKWHEAT / LOW 1 GAL / 50 / SIZE MATURITY 12-24" TALL X 12-15" WIDE
	FESTUCA C. PHILLS SILVER CALIFORNIA FESCUE / LOW 1 GAL / 145 / SIZE MATURITY 2' TALL X 2' WIDE
	IRIS DOUGLASIANA DOUGLAS IRIS / LOW PLUGS / 45 / SIZE MATURITY 1' TALL X 6' WIDE
	LEYMUS G. 'CANYON PRINCE' CANYON PRINCE GIANT RYE / LOW 1 GAL / 45 / SIZE MATURITY 2-3' TALL X 3' WIDE
	MIMULUS 'JELLY BEAN ORANGE' JELLY BEAN ORANGE MONKEY FLOWER / LOW 1 GAL / 85 / SIZE MATURITY 1-2' TALL X 1-2' WIDE
	MULLENBERGIA RIGENS DEER GRASS / LOW 1 GAL / 85 / SIZE MATURITY 3' TALL X 3' WIDE
	MYRTICA CALIFORNICA PACIFIC MAX MYRTLE / MOD 1 GAL / 45 / SIZE MATURITY 10" TALL X 10" WIDE
	NASSELLA PULCHRA PURPLE NEEDLE GRASS PLUGS / 100 / SIZE MATURITY 1' TALL X 6' WIDE
	PENSTEMON SPECTABILIS SHOWY PENSTEMON 1 GAL / 100 / SIZE MATURITY 15" TALL X 15" WIDE
	RIHANUS C. LEATHERLEAF CALIFORNIA COYOTE BERRY / LOW 5 GAL / 150 / SIZE MATURITY 5-6' TALL X 5-6' WIDE
	SALVIA LEUCOPHYLLA PURPLE SAGE / LOW 1 GAL / 100 / SIZE MATURITY 3' TALL X 3' WIDE
	WESTRINGIA F. YANDI LOW COAST ROSEMARY / LOW 1 GAL / 100 / SIZE MATURITY 1-2' TALL X 4-6' WIDE

PLANT MATERIAL

THE PLANT MATERIAL LIST IS TAKEN FROM THE:
SHORELINE PLANTS 'A LANDSCAPE GUIDE FOR THE SAN FRANCISCO BAY'
THE PLANT MATERIAL IS A COMBINATION OF LOW-MAINTENANCE, LOW WATER
MAINLY NATIVE WITH A MIX OF MEDITERRANEAN SPECIES.
THE PLANTS SELECTED HAVE A LOW NUTRIENT REQUIREMENT AND REQUIRE NO
FERTILIZERS.



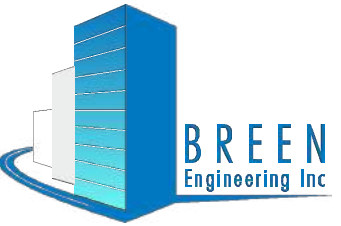
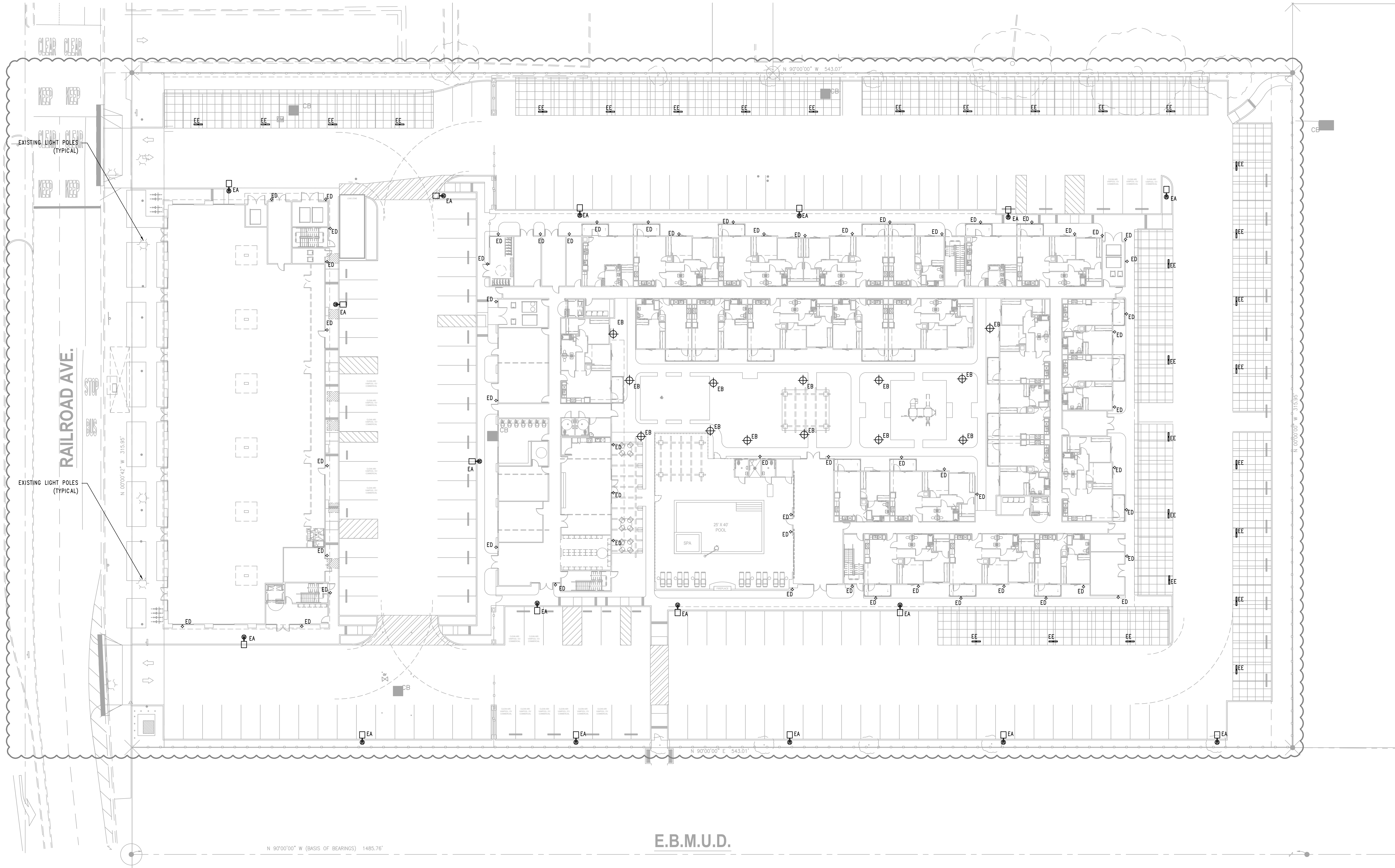
THE OFFICE OF
SUSAN E. McEOWEN
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19197 Golden Valley Rd., #924
Santa Clarita, CA 91387
Office Telephone: (661) 212 3335
Email Address: susan@landarchus.com

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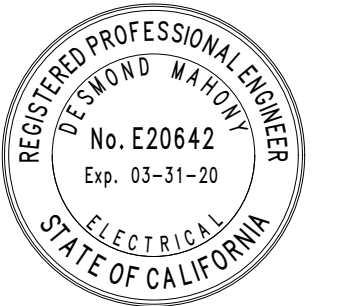
EXTERIOR LIGHTING LOCAL CITY
REQUIREMENT:

1. ALL EXTERIOR LIGHTING BEING INSTALLED IN THIS CONTRACT, INCLUDING CAR CANOPY LIGHTS ALONG THE PROPERTY LINE AND BUILDING LIGHTS FACING THE STREETS SHALL BE DESIGNED AND INSTALLED IN ACCORDANCE WITH LOCAL CITY REQUIREMENTS.
2. ALL LIGHTS SHALL BE PLACED TO DEFLECT LIGHT AWAY FROM ADJACENT PROPERTIES AND PUBLIC STREETS AND TO PREVENT ADVERSE INTERFERENCE WITH THE NORMAL OPERATION OR ENJOYMENT OF THE SURROUNDING PROPERTIES.

Files: H:\PROJECTS\138 CORP FOR BETTER HOUSING\19-003 THE ATCHISON - PITTSBURG.CAD\01 - CADD\ELECTRICAL\11 ELECTRICAL SITE LIGHTING PLAN.DWG
PLOT DATE: 01/08/2020 11:07:00 AM by ARNOLD APOYON
PLOT SIZE: 11" X 17" (11" X 17" INCHES) (DRAWING HAS BEEN SCALED IF DIFFERENT) ARCH FULL BLEED: 1" (1" X 1" INCHES) PLOT SCALE: 1" = 20'-0" (1" X 1" INCHES)
LAST SAVED BY: A.APOYON



1983 WEST 190TH STREET, SUITE 200
TOMBANCE, CA 95054
TEL: (916) 444-9404
FAX: (916) 444-9408
WWW.BREENENG.COM



DRAWN BY	AA
DESIGNED BY	AA
CHECKED BY	DM
APPROVED BY	DM

Y&M Architects

Y&M Architects
724 South Spring Street, Suite 304
Los Angeles, CA 90014
Tel. 213 623 2107 Fax. 213 623 2108
www.ymarch.com

THE ATCHISON

Project. 2575 RAILROAD AVENUE
Pittsburg, CA 94565

ELECTRICAL SITE LIGHTING PLAN

Sheet Title.

Scale.

1" = 20'-0"

Developer. 21031 Ventura Boulevard, Suite 200
Woodland Hills, CA 91364

Project No. 138-19-003

Date

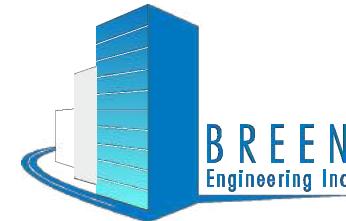
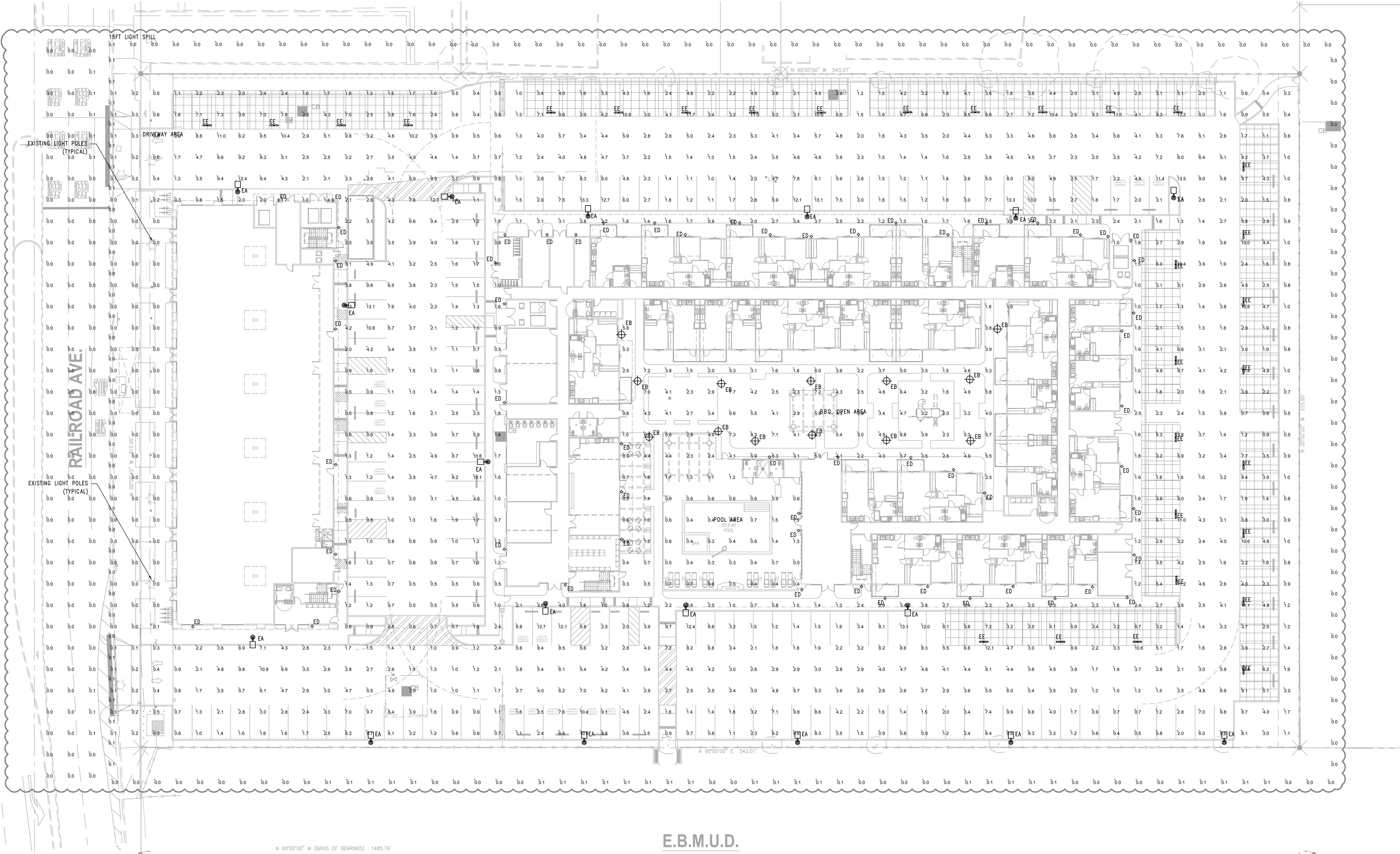
01.08.20

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Page

LIGHTING SCHEDULE						
SYMBOL	TYPE	TOTAL LUM. WATTS	NO. LAMPS	MOUNTING HEIGHT	BUG RATING	MANUFACTURER
	EA	105	1	OVERALL HEIGHT 16'-0"	B2-U0-G2	AEL MFG
	EB	88	1	OVERALL HEIGHT 10'-0"	B3-U1-G1	AMERICAN ELECTRIC LIGHTING
	ED	24	1	OVERALL HEIGHT 10'-0"		ARCHITECTURAL LED
	EE	50W LED 0-10V DIMMABLE	1			BROWNLEE LIGHTING
						RAB LIGHTING: SHARK4-50-N-W-D10-UNV
						SEE NOTE 1. POLE LIGHT Ø MH=16FT
						SEE NOTE 1. POLE LIGHT Ø MH=10'-0"
						SEE NOTE 1. WALL MOUNTED Ø MH=10'-0"

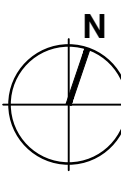
NORMAL LIGHTING PHOTOMETRIC CALCULATION SUMMARY						
LABEL	CALC. TYPE	UNITS	AVG	MAX	MIN	AVG/MIN
15' LIGHT SPILL	ILLUMINANCE	FC	0.02	0.1	0.0	NA
DRIVEWAY AREA	ILLUMINANCE	FC	3.47	13.5	0.4	8.68
BBQ, OPEN AREA	ILLUMINANCE	FC	4.30	8.3	1.5	2.87
POOL AREA	ILLUMINANCE	FC	0.87	4.4	0.3	2.90



1983 WEST 190TH STREET, SUITE 200
TOMBRAKE, CA 95054
TEL: (916) 444-9404
FAX: (916) 444-9408
WWW.BREENENG.COM



DRAWN BY	AA
DESIGNED BY	AA
CHECKED BY	DW
APPROVED BY	DW



Files: H:\PROJECTS\138 CORP FOR BETTER HOUSING\19-003 THE ATCHISON - PITTSBURG.CAD1 - CADD ELECTRICAL SITE PHOTOMETRIC PLANNING
PLOT SCALE: 1" = 20'-0" (INCHES) PLOT FULL BLEED (1" (0.00 X 42.00 INCHES) LAST SAVED BY: A.APOYON

PDF Created on: 04/20/2024 7:08 PM by: ARNOLD APOYON
PLOTTED PAPER SIZE (DRAWING HAS BEEN SCALED IF DIFFERENT) ARCH FULL BLEED (1" (0.00 X 42.00 INCHES) LAST SAVED BY: A.APOYON

Y&M Architects

Y&M Architects
724 South Spring Street, Suite 304
Los Angeles, CA 90014
Tel. 213 623 2107 Fax. 213 623 2108
www.ymarch.com

THE ATCHISON

Project: 2575 RAILROAD AVENUE
Pittsburg, CA 94565

ELECTRICAL SITE PHOTOMETRIC PLAN

Sheet Title:

Scale: 1" = 20'-0"

Scale:

Developer: 21031 Ventura Boulevard, Suite 200
Woodland Hills, CA 91364

Project No. 138-19-003

01.08.20

Date

E-1.1P

Page



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 28, 2020

TIME: 7:00 p.m.

PLACE: [Streaming Video](#) (see public advisory on last page)

Concerning the following matter:

The Atchison, AP-20-1490 (DR)

This is a request for design review approval to construct a mixed-use development with 202 apartments and 13,659 square feet of commercial space on a 3.94-acre site located at 2575 Railroad Avenue in the Community Commercial (CC) District. APN 088-184-006. The applicant intends to deed restrict the apartments for lower income households to obtain a density bonus for the project as allowed under State law (California Government Code sections 65915-65918).

PROJECT PLANNER: Hector J. Rojas, (925) 252-4043 or hrojas@ci.pittsburg.ca.us

Why am I receiving this notice?

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

Where can I get more information about this project?

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

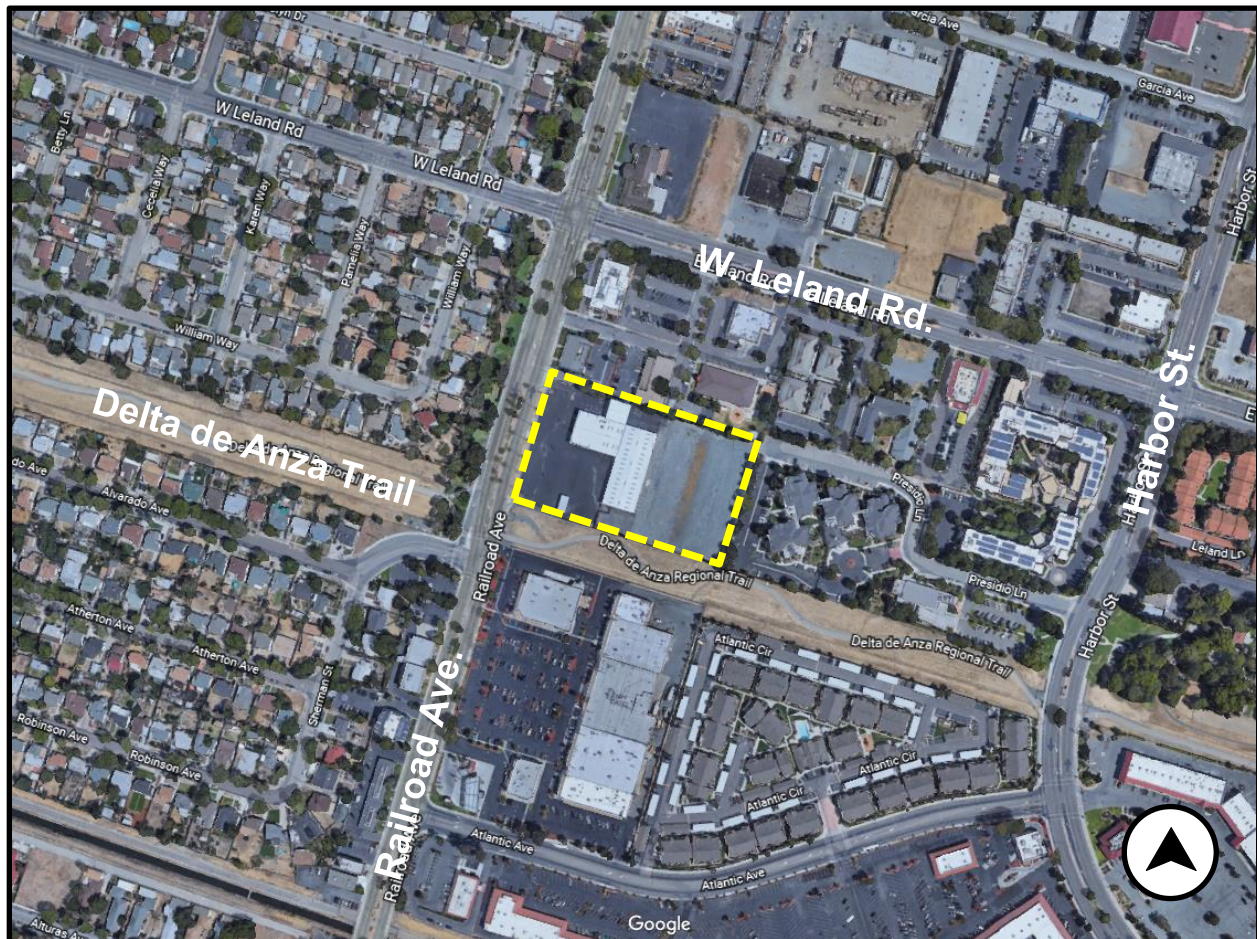
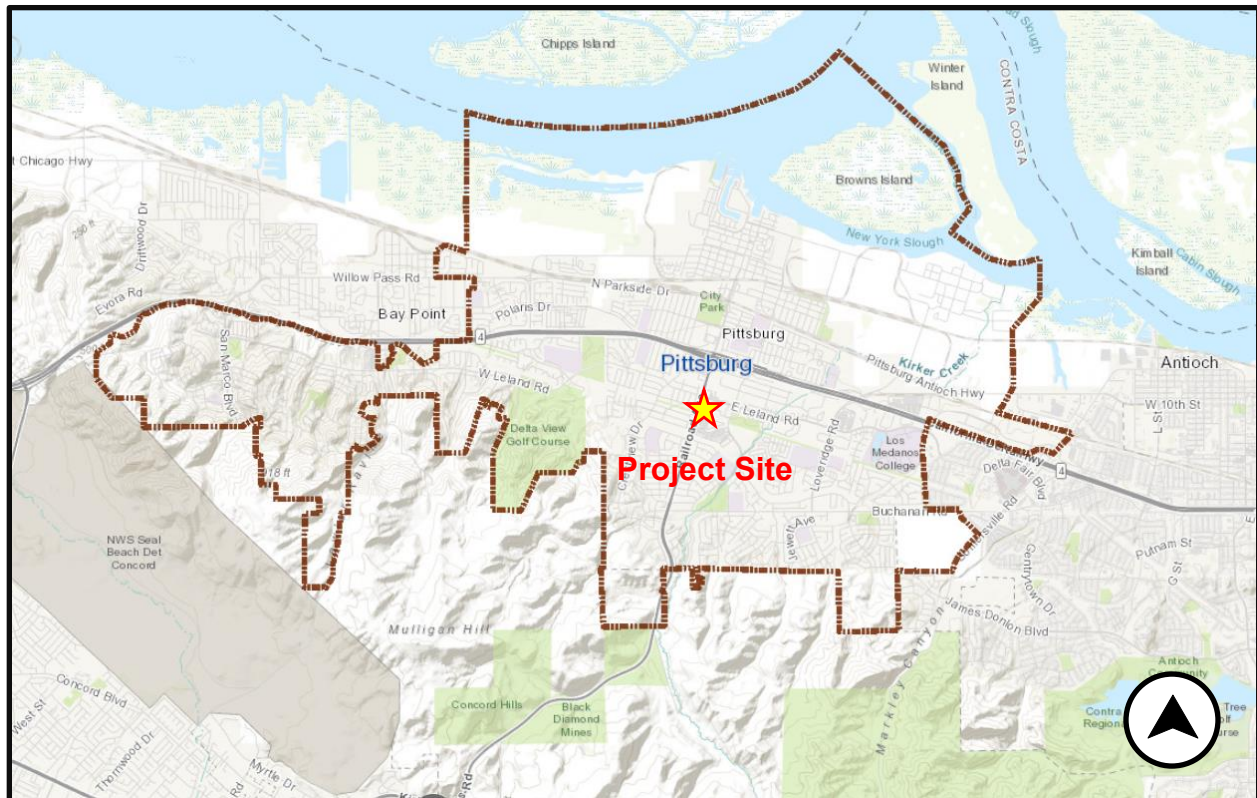
What can I do if I have comments on the project?

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

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

KRISTIN POLLOT, SECRETARY
PITTSBURG PLANNING COMMISSION

Project Title: The Atchison, AP-20-1490 (DR)
Location: 2575 Railroad Avenue



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

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, the regular meeting of the Planning Commission for April 28, 2020 will be conducted telephonically through Zoom and broadcast live through [Granicus on the City's website](#).

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

Comments on this item can be submitted via email to:

meetingcomments@ci.pittsburg.ca.us

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

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



City of
Pittsburgh

Item #4

The Atchison Mixed-Use Development
File No. AP-20-1490 (DR)



Pittsburg
Funeral Chapel

Westwood Gardens
Subdivision

Bank of America

Oranje Chiropractic

E. Leland Rd.

Centurian
Plaza

Harbor St.

Delta de Anza Trail

Garden Heights
Subdivision

Stoneman
Village

Presidio
Village Senior
Housing

Pittsburg
Senior Center

Pittsburg
Towne Centre

Cornerstone
Apartments

130



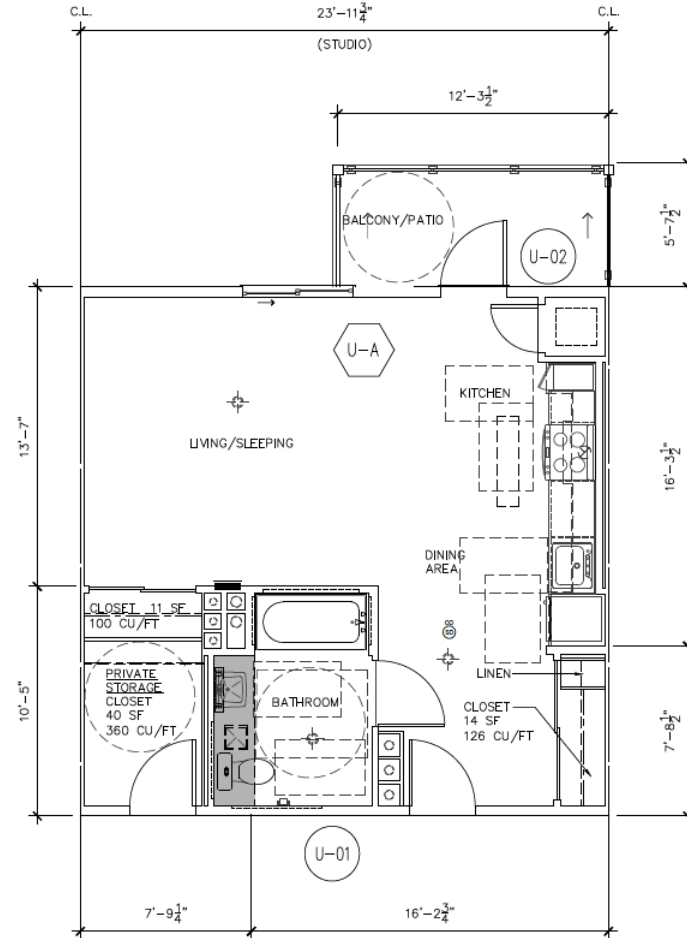
Site Plan

-  Buildings
-  Residential Entries
-  Trash Enclosure
-  Bus Shelter
-  Landscaping
-  Vehicular Access
-  Pedestrian Connections
-  Bike Racks



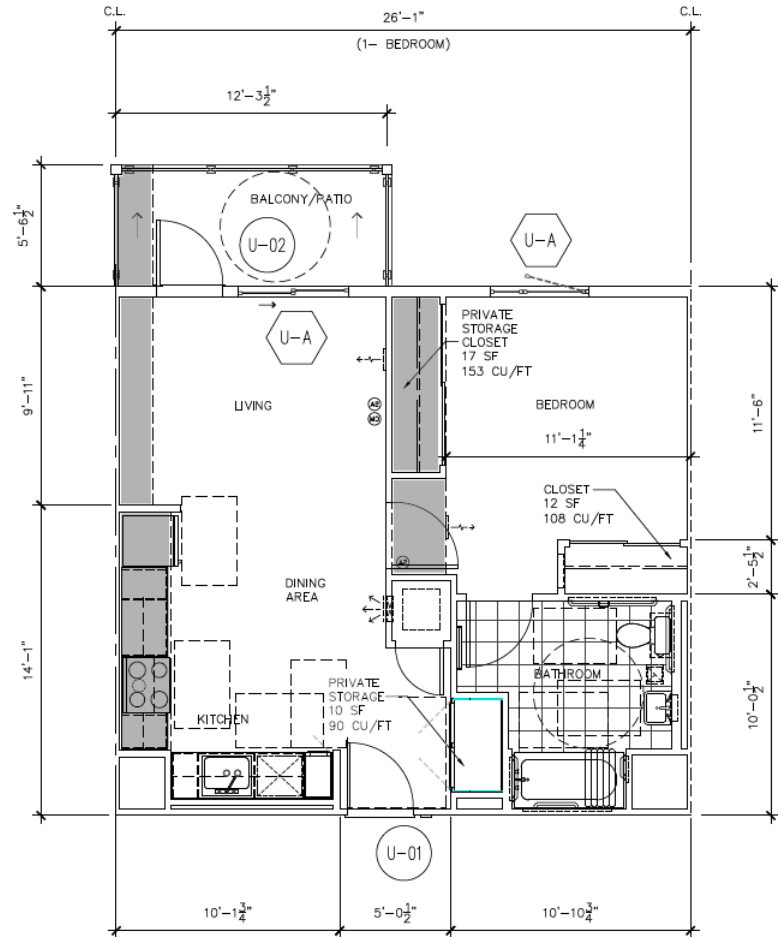
Studio Unit

- 20 units in Bldg. #2
- 575 sq. ft.
- 1 bath
- 60 sq. ft. balcony/patio
- \$1,085 to \$1,519/mo.



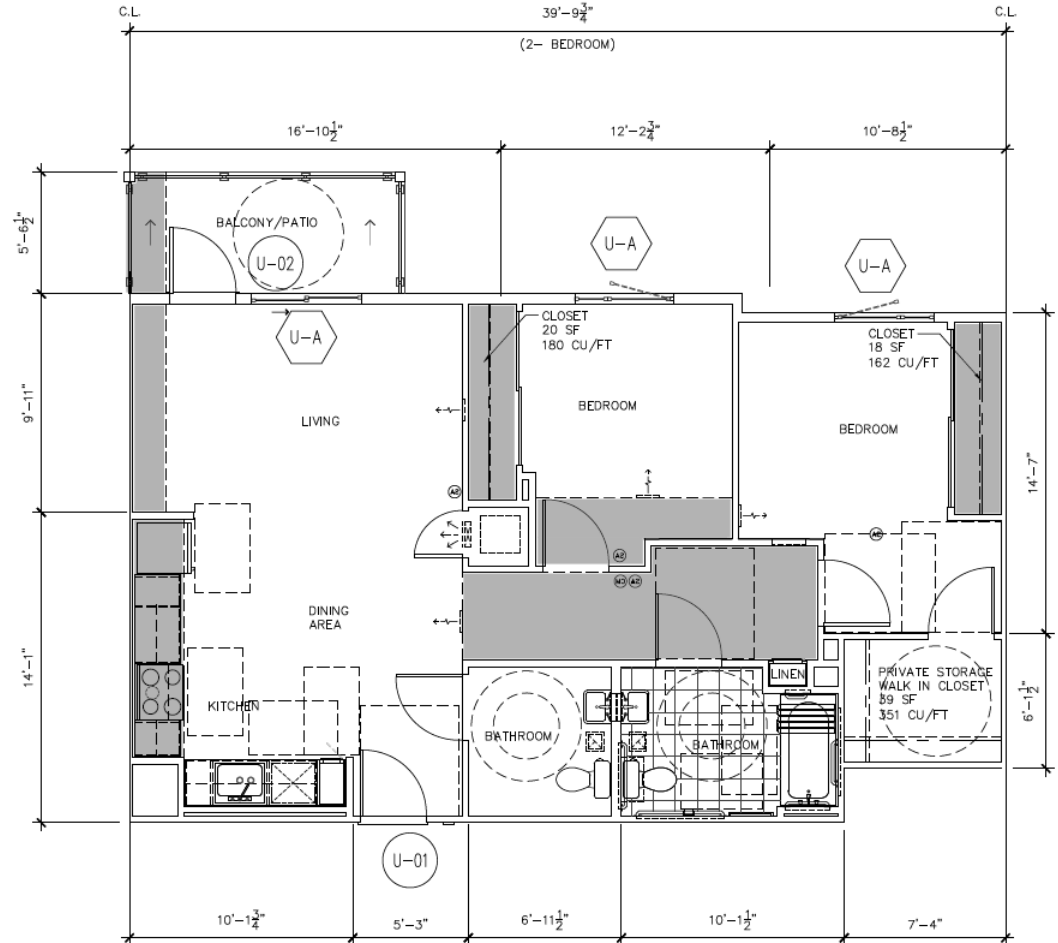
1-Bedroom Unit

- 47 units in Bldg. #1
- 75 units in Bldg. #2
- 625 sq. ft.
- 1 bath
- 60 sq. ft. balcony/patio
- \$1,162 to \$1,627/mo.



2-Bedroom Unit

- 60 units in Bldg. #2
- 925 sq. ft.
- 2 baths
- 60 sq. ft. balcony/patio
- \$1,395 to \$1,953/mo.



Buildings #1 and #2 from Railroad Ave. looking southeast



Buildings #1 and #2 from Railroad Ave. looking northeast



Buildings #1 and #2 from Delta de Anza Regional Trail looking northeast



Hot tub, swimming pool, and clubhouse from parking area south of Building #2



Trellised areas behind clubhouse



139

Buildings #2 and #1 from Presidio Village Housing looking northwest



Buildings #2 from Oranje Chiropractic Housing looking southeast



Staff Recommendation



Move to adopt Resolution No. 10144, approving Design Review Application No. 20-1490, subject to conditions.

**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
April 28, 2020**

ITEM: Envent Corporation, AP-19-1474 (UP)

ORIGINATED BY: Adrien Abundes, 3220 E 29th St, Long Beach, CA 90806.

SUBJECT: This is a public hearing on a request for approval of a use permit to establish a contractor yard on a 1.95-acre portion of a 26-acre parcel, located at 1101 Loveridge Road, within the IG (General Industrial) District. Assessor's Parcel No. 073-230-031.

RECOMMENDATION:

Staff recommends the Planning Commission adopt Resolution No. 10143, approving Planning Application No. 19-1474, subject to conditions.

BACKGROUND:

The project site previously housed East County Towing until 2018. On October 10, 2019, Envent Corporation was issued a business license to operate a contractor use, with all equipment and supplies to be stored within the building. On October 25, 2019, Envent Corporation filed Planning Application No. 19-1474, requesting use permit to establish a contractor yard (storage outside of the building).

PROJECT DESCRIPTION:

Existing Conditions: The project site is located north of Pittsburg-Antioch Highway, east of Loveridge Road, west of Standard Oil Avenue, and south of the BNSF railroad tracks. The approximate 1.95-acre site is developed with a 7,800-square-foot warehouse building. Surrounding the building there is approximately 26,000 square feet of paved asphalt area and 40,000 square feet of unpaved gravel area. The site is enclosed with an existing seven-foot-tall metal wire fence with red privacy slats. The site is accessed via a shared asphalt driveway located at the western edge of the 1101 Loveridge parcel, with two access gates, 30 feet and 21 feet wide.

The subject site is entirely contained within a larger parcel (APN: 073-230-031) which has an address of 1101 Loveridge Road. Several industrial businesses are located within this parcel, including Cornell Family Properties, a real estate company; Premiere Scaffolding, a contractor use; and Number One Concrete Ready Mix Inc, a concrete batch plant; and HASA, a manufacturing use.

See Attachment 3 for a map of the site and the surrounding uses.

Proposed Project: Envent Corporation is a contractor business that provides off-site tank, vessel and pipeline degassing services, marine vapor recovery, vapor scrubbers, and mobile water treatment. Envent has portable dock safety skids and large vapor combustion units capable of fast deployment. Envent works in a range of industries

including petrochemical, environmental engineering, industrial and oilfield services and customers include ExxonMobil, Tesoro, Valero and Shell.

The applicant is requesting approval of a use permit to establish a contractor yard, with the outdoor storage of equipment and supplies. The site plan shows the proposed yard would include storage of a trailered carbon system, steel carbon vessels, empty connex boxes, mobile thermal oxidizers, pumps and vessels. The contractor yard would operate Monday through Friday between 7:30 a.m. and 4:30 p.m., however, operations may occur afterhours for specific projects and emergency response. A total of 18 employees are proposed for the operation, and nine fleet vehicles would be stored on site. The site would be equipped with security camera and an alarm system is installed within the warehouse.

GENERAL PLAN/CODE COMPLIANCE:

General Plan: The project site is located in the 'Loveridge Subarea' of the General Plan. The project is consistent with the goals of the Loveridge subarea, specifically 2-G-15, in that the proposed project would maintain an industrial activity in an appropriately designated area. The site has a land use designation of 'Industrial'. Manufacturing, wholesale, warehousing and distribution, commercial and business services, research and development, and storage uses are permitted under this land use designation.

Zoning: The property is located within the IG (General Industrial) District, and the proposed use falls under the use classification of 'Contractor Yard,' as defined by the Pittsburgh Municipal Code (PMC) section 18.08.100(B)(2)(a). Per the schedule in PMC section 18.54.010, this use classification is permitted in the IG District, subject to Limitation L-112, which states, "Permitted; provided, that: (1) vehicles with gross vehicle weight in excess of 15,000 pounds, equipment, supplies or merchandise are stored indoors, or, if stored outdoors, are not visible from public right(s)-of-way by means of screening by a building or an eight-foot-tall masonry wall constructed prior to the establishment of the use, and (2) the city engineer has determined that deliveries to and from the site can be made safely and without disruption of circulation patterns or modification to the existing streets that provide access to the site. Use permit required for any use that does not meet all of these provisions." For the proposed project, equipment and supplies would be stored outdoors and would not be screened by a building or an eight-foot-tall masonry wall. The applicant is instead proposing screening along the existing metal wire fence with slats.

Development Standards: As shown in Attachment 4 of this report, the proposed project meets, exceeds, or conditionally meets the applicable IG District property development regulations (PMC section 18.54.115), for height, FAR (floor-area-ratio), lot coverage, lot area, lot width, setbacks, and bicycle parking.

Parking: A 'contractor yard' use does not have a minimum number of off-street parking spaces specified in PMC 18.78.040, Schedule A. Per PMC 18.78.040(F), if a use permit is required to establish a use, and the use classification is not included in

Schedule A, the planning commission or zoning administrator, as appropriate, shall determine the required number of parking or loading spaces for the use in conjunction with the commission's or zoning administrator's review of the use permit.

As shown in the project plans, there would be 17 stalls for personal vehicles on-site available for employee parking.

Landscaping: Due to the unique qualities of the site, in that the project site is completely enclosed by a larger parcel and surrounded by a seven-foot perimeter fence, staff recommends allowing landscaping improvements to be limited to the landscaped area located at the entrance of the warehouse building. The landscaped area at that location is approximately 275 square-feet.

Pursuant to PMC section 18.76.060, an applicant for a zoning permit in a C or I district for occupancy of a site or structure that is nonconforming due to lack of required planting areas must present a schedule for elimination or substantial reduction of these nonconformities over a period not to exceed two years. Although the proposed project does not meet the minimum required landscaping percentage, it would be conditioned to provide improvements that would result in a reduction of the nonconforming landscaping of the site.

When calculating the landscaping coverage for the project site, there would be less than 1% landscaping, which is less than the minimum 10% required by PMC section 18.54.115.

Required Use Permit Findings: In accordance with PMC section 18.16.040, a use permit may be granted only if the Planning Commission can make findings that the proposed use:

1. is in accord with the objective of the Zoning Ordinance, the purposes of the land use district in which it is located and is appropriate to the specific location;
2. is not detrimental to the health, safety, and general welfare of the City;
3. will not adversely affect the orderly development of property within the City;
4. will not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the City;
5. is consistent with the objectives, policies, general land uses and programs specified in the general plan and applicable specific plan;
6. will not create a nuisance or enforcement problem within the neighborhood;
7. will not encourage marginal development within the neighborhood;

8. will not create a demand for public services within the City beyond that of the ability of the City to meet in light of taxation and spending restraints imposed by law;
9. is consistent with the City's approved funding priorities; and
10. if located within the Pedestrian Commercial (CP) District, will support the goals of creating a vibrant, economically prosperous, visually interesting, and engaging pedestrian oriented atmosphere along the primary downtown corridor.

Environmental: The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1, 'Existing Facilities' of the state CEQA Guidelines, section 15301.

Public Notice: On or prior to April 18, 2020, notice of the April 28, 2020, public hearing to consider this application was posted at City Hall, at the proposed project site, and on the 'Public Notices' section of the city's website; and was mailed via first class or electronic mail to the applicant/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 use, and to individuals who had previously filed written request for such notice, in accordance with PMC section 18.14.010 and Government Code section 65091. The notice was also posted on www.nextdoor.com (Nextdoor) and was sent directly to all subscribed residents in the "Pittsburg-Antioch" Nextdoor neighborhood.

ANALYSIS:

Staff believes that the Planning Commission can make the required findings to approve the proposed project, with the inclusion of conditions of approval, as detailed below:

1. Hours. Hours of operation shall be limited to Monday through Friday between 7:30 a.m. and 4:30 p.m. After hours service calls on evenings and weekends shall be permitted on an as needed basis only. (Condition No. 2)
2. Site Maintenance. The applicant shall ensure that the site is maintained in a neat and clean manner at all times. Trash, debris, weeds and/or other unkempt shrubbery shall not be allowed to accumulate on or around the site, on perimeter fencing, or on the street gutters and sidewalks. (Condition No. 5)
3. On-Site Parking. The applicant shall provide a minimum of 17 parking spaces (including one van accessible ADA space). Parking spaces shall be clearly striped and located in front of the warehouse, as shown on the project plans. (Condition No. 3)
4. Bicycle Parking. The applicant shall maintain permanent, fixed bicycle parking for at least four (4) bicycles on-site in a location providing

convenient access and natural surveillance. The final location of the bicycle parking stall shall be subject to review and approval by the Planning Division prior to installation, and installation must be completed within 60 days of approval of this resolution. (Condition No. 4)

The proposed use permit application would establish a contractor yard for an existing contractor use that has been operating within the enclosed warehouse on site. Staff believes the vehicular and bicycle parking spaces recommended (17 vehicular spaces, plus 4 bicycle spaces), are appropriate for the site as the number of proposed employees at the site would be up to 18.

The proposed use would not be detrimental to the health, safety and general welfare of the City, nor would it create an enforcement problem within the neighborhood, if the applicant abides by all conditions of approval included with the use permit, all City codes and regulations, and all regulations of any other affected outside agencies. As further detailed in the Code Compliance section of this staff report, staff believes that the proposed use is consistent with the General Plan and the zoning of the property as prescribed by the Pittsburgh Municipal Code.

ACTION REQUIRED:

Move to adopt Resolution No. 10143, approving Planning Application No. 19-1474, subject to conditions.

ATTACHMENTS:

1. Proposed Resolution No. 10143
2. Project Plans, dated January 16, 2020
3. Project Location & Surrounding Land Uses Map
4. Property Development Regulations Table
6. Public Hearing Notice/Vicinity Map

Prepared by: John Dacey, AICP, Assistant Planner

PROPOSED
BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Granting a Use Permit to	)	
Establish a Contractor Yard, Located at	)	
1101 Loveridge Road for, “Envent	)	Resolution No. 10143
Corporation, AP-19-1474 (UP)”.	)	

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. On October 25, 2019, Adrien Abundes of Envent Corporation, filed Planning Application No. 19-1474, requesting approval of a use permit to establish a contractor yard on an approximate 1.95-acre portion of an existing 26-acre parcel, located at 1101 Loveridge Road, within the IG (General Industrial) District. Assessor’s Parcel No. 073-230-031.

- B. The proposed project is governed by the policies, development standards, and guidelines contained in the Pittsburg General Plan, and Pittsburg Municipal Code (PMC) Title 18 (Zoning).

- C. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1, ‘Existing Facilities’ of the state CEQA Guidelines, section 15301.

- D. On or prior to April 18, 2020, notice of the April 28, 2020, public hearing to consider this application was posted at City Hall, near the proposed project site, and on the “Public Notices” section 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, and to individuals who had previously filed written request for such notice, in accordance with PMC section 18.14.010 and Government Code section 65091. Although not required, the notice was also posted on www.nextdoor.com (Nextdoor) and was sent directly to all subscribed residents in the “Pittsburg-Antioch” Nextdoor neighborhood.

- E. On April 28, 2020, the Planning Commission held a public hearing on Use Permit Application No. 19-1474, at which time oral and/or written testimony was considered.

Section 2. Findings

- A. Based on the Planning Commission Staff Report entitled, “Envent Corporation,

AP-19-1474 (UP),” 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 Contractor Yard:
 - a. Is in accord with the objective of the Zoning Ordinance, the purposes of the land use district in which it is located and is appropriate to the specific location, in that a contractor yard is a conditionally permitted use in the IG District.
 - b. Will not be detrimental to the health, safety, and general welfare of the City, if: 1) hours of operation are limited to 7:30 a.m. and 4:30 p.m., Monday through Friday with after hour calls allowed on an as-needed basis only; 2) the applicant is required to ensure that the site is maintained in a neat and clean manner at all times; and 3) the project complies with all applicable local, state, and federal agency regulations.
 - c. Will not adversely affect the orderly development of property within the City, if the applicant provides a minimum of 17 vehicle parking spaces and four (4) bicycle parking spaces. In addition, the project is not proposing any building expansions and is located in an area where infrastructure is already present, and no changes are needed that could impact the orderly development of the surrounding area.
 - d. Will not adversely affect the preservation of property values, rather, it will help to improve values as the proposed project provides a commercial business that will have a positive impact on the City tax base.
 - e. Is consistent with the General Plan, specifically goal 2-G-15, in that the proposed use will maintain an industrial activity in an appropriately designated area.
 - f. Will not create a nuisance or enforcement problem if the applicant abides by all conditions of approval included with the use permit, all City codes and regulation, and all regulations of any other affected outside agencies.
 - g. Will not encourage marginal development within the neighborhood, in that it is compatible with surrounding uses, and is not visible from the

public right-of-way.

- h. Will not create a demand for public services within the City beyond that of the ability of the City to meet in the light of taxation and spending restraints, in that it is located in an area of the City served by existing utilities, and will be maintained and operated at the cost of the applicant.
- i. Is consistent with the City's approved funding priorities in that there is no public money involved in this project.
- j. Will not be located in the Pedestrian Commercial (CP) District.

Section 3. Decision

- A. Based on the findings set forth above, the Commission hereby approves Planning Application No. 19-1474, subject to the following conditions:
 - 1. Reference to Project Plans: The approved use shall be operated in a manner substantially as presented to the Planning Commission in the staff report identified above and as presented in the project plans, dated January 16, 2020, except as may be modified by the conditions below. Operation of the approved contractor yard in a manner inconsistent with this use permit shall be grounds for revocation of the approval.
 - 2. Hours. Hours of operation shall be limited to Monday through Friday between 7:30 a.m. and 4:30 p.m. After hours service calls on evenings and weekends shall be permitted on an as needed basis only.
 - 3. On-Site Parking. The applicant shall provide a minimum of 17 parking spaces (including one van accessible ADA space). Parking spaces shall be clearly striped and located in front of the warehouse, as shown on the project plans.
 - 4. Bicycle Parking. The applicant shall maintain permanent, fixed bicycle parking for at least four (4) bicycles on-site in a location providing convenient access and natural surveillance. The final location of the bicycle parking stall shall be subject to review and approval by the Planning Division prior to installation, and installation must be completed within 60 days of approval of this resolution.
 - 5. Site Maintenance. The applicant shall ensure that the site is maintained in a neat and clean manner at all times. Trash, debris, weeds and/or other unkempt shrubbery shall not be allowed to accumulate on or around the site, on perimeter fencing, or on the street gutters and sidewalks.
 - 6. On-site Occupancy Prohibited. No person shall live on-site.

Standard Conditions:

7. Site Accessibility: 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.
8. Standard Conditions: The Standard Conditions of Development as adopted by the Pittsburg Planning Commission by Resolution No. 8931 shall apply as conditions of approval for this project as applicable. Where there is a conflict between the Standard Conditions of Development, and this Resolution, this Resolution shall prevail. Where there is a conflict between Planning Commission Resolution No. 8931 and the conditions identified herein, the specific conditions of this resolution shall apply.
9. Other Agency Requirements: The applicant shall comply with all the requirements of the Planning Division, Engineering Division, Contra Costa County Fire Protection District, Delta Diablo Sanitation District, State Water Resources Control Board, Bay Area Air Quality Management District, and all other applicable local, state and federal agencies.
10. Other Municipal Code Requirements: 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.
11. Indemnification: The applicant 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 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.

12. Expiration: This use permit approval will expire on April 28, 2021, unless the use has been legally established prior to the expiration date, or a written request for extension is filed with the Planning Division prior to the expiration date and subsequently approved by the Planning Commission.

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 28th day of April, 2020, 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. 10143 was adopted by the Planning Commission of the City of Pittsburg on April 28, 2020.

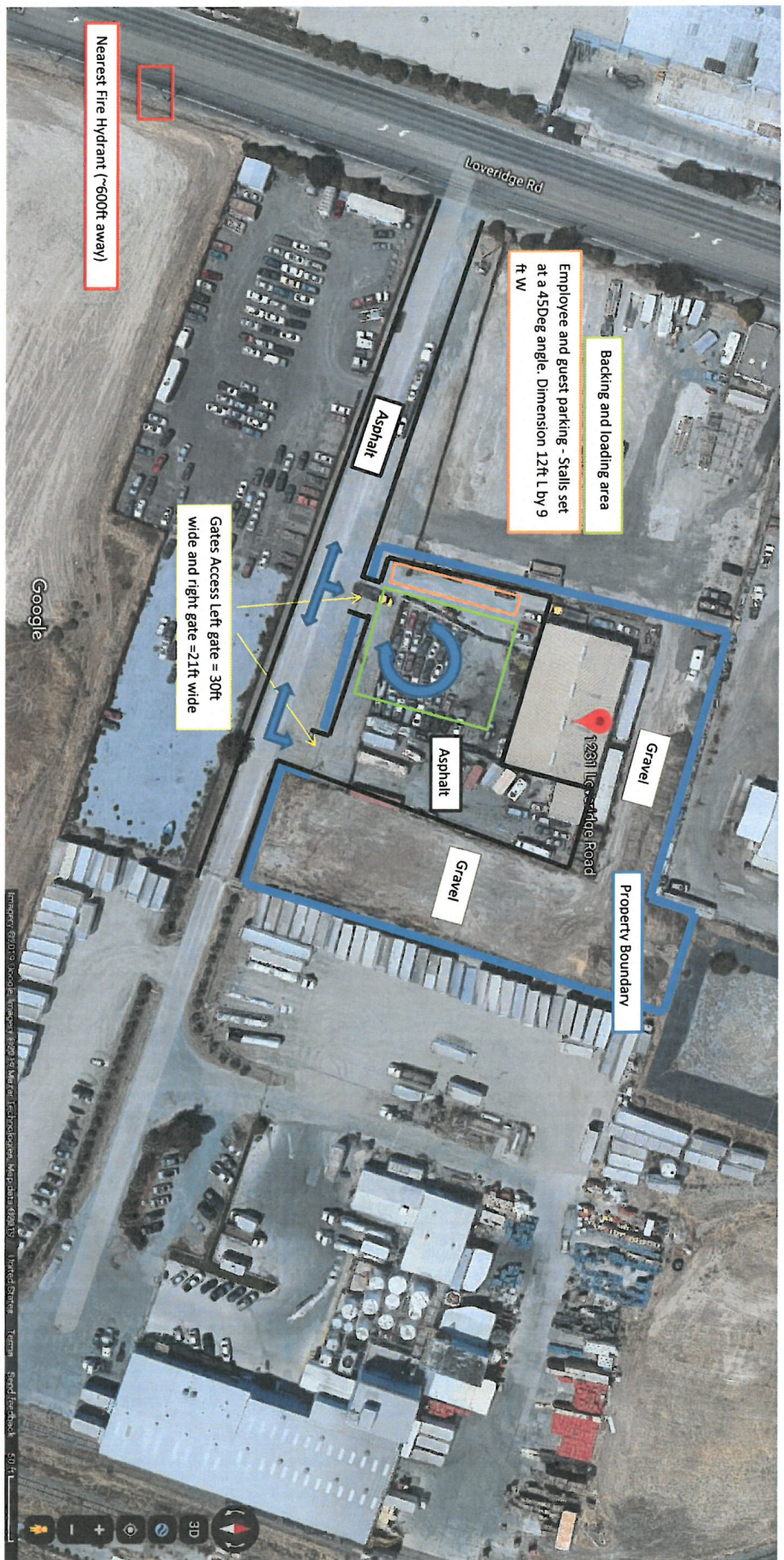
KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION



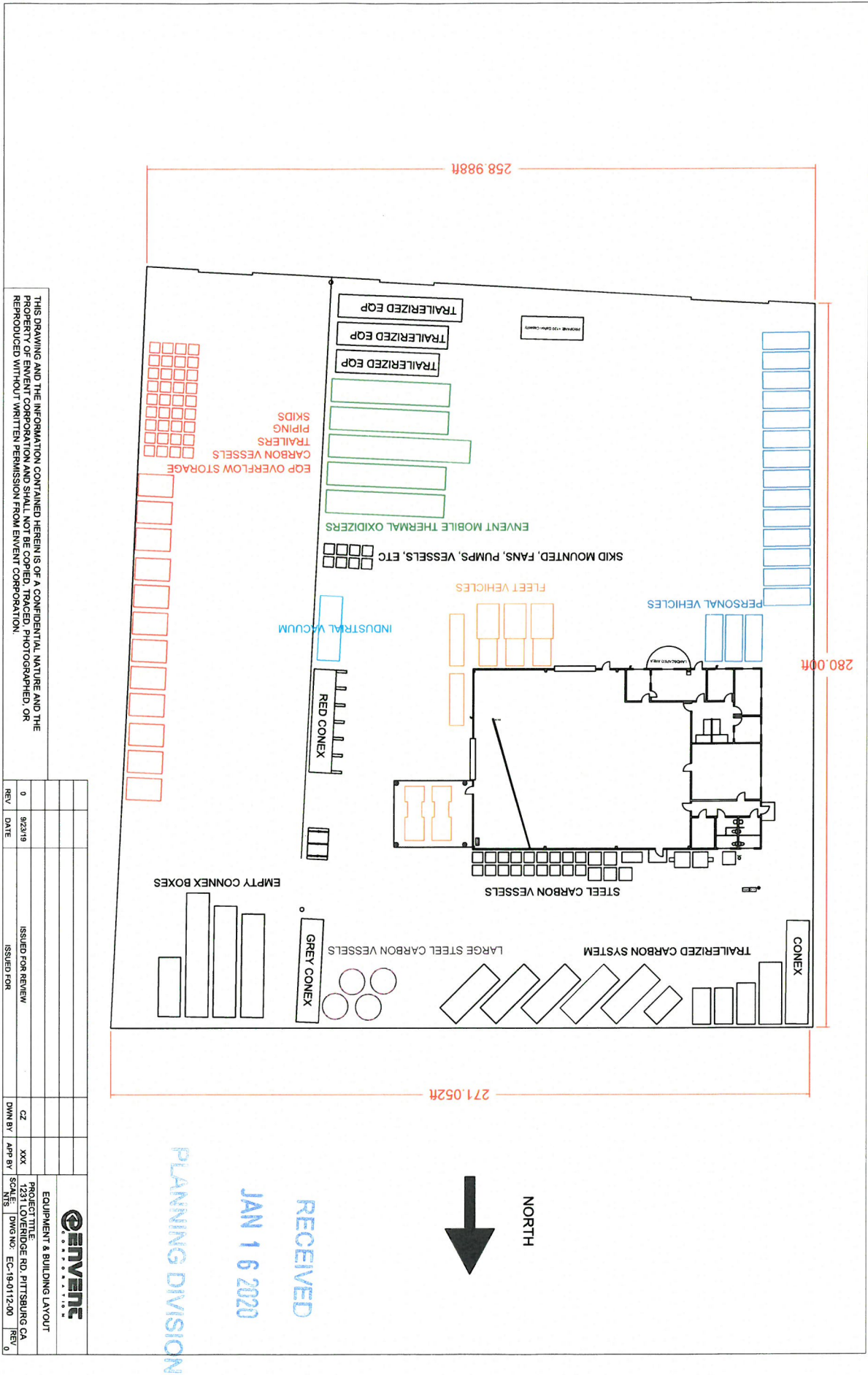
RECEIVED

JAN 16 2020

PLANNING DIVISION



RECEIVED
JAN 16 2020
PLANNING DIVISION



THIS DRAWING AND THE INFORMATION CONTAINED HEREIN IS OF A CONFIDENTIAL NATURE AND THE PROPERTY OF ENVENT CORPORATION AND SHALL NOT BE COPIED, TRACED, PHOTOGRAPHED, OR REPRODUCED WITHOUT WRITTEN PERMISSION FROM ENVENT CORPORATION.

REV	DATE	ISSUED FOR REVIEW	ISSUED FOR	DWN BY	APP BY	SCALE	DWG NO.	EC-19-0112-00	REV
0	3/23/19			CZ	XX	1/32" = 1'-0"	1301		0
ENVENT EQUIPMENT & BUILDING LAYOUT 1301 UNIVERSITY RD. PITTSBURG, CA SCALE: 1/32" = 1'-0"									

Attachment 3
Location & Surrounding Uses Map
Envent Corporation, AP-19-1474 (UP)



Property Development Regulations

Envent Corporation,
AP-19-1474 (UP)

Development Regulations: <i>IG District</i>	Requirement:	Proposed Project:
Minimum Lot Area:	20,000 s.f.	Approx. 1.95-acre portion of a 26-acre lot.
Minimum Lot Width:	100 ft.	N/A, project site is a portion of larger site that fronts Loveridge Road
Minimum Yards:	-	-
Front:	25 ft.	No Change*
Side	-	
Rear:	-	
Maximum Height of Structures:	50 ft.	No Change*
Maximum Lot Coverage:	75%	9.1%
Maximum Floor-Area Ratio (FAR):	0.8	0.0918
Minimum Site Landscaping:	10%	Less than 1% (See "Code Compliance" section in Staff Report for further discussion)
Off Street Parking Requirement:	Contractor Yard not specified in PMC 18.78.040 Schedule A Per PMC 18.78.040F. Uses Not Specified. If a use permit is required to establish a use, and the use classification is not included in Schedule A, the planning commission or zoning administrator, as appropriate, shall determine the required number of parking or loading spaces for the use in conjunction with the commission's or zoning administrator's review of the use permit.	17 employee and customer parking spaces (16) 9x18 spaces plus one van accessible ADA parking space
Bicycle Parking and Storage:	Based on the Number of Off-Street Parking Spaces Required	4 (conditionally)

*No new buildings or structures are proposed for the site.



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 28, 2020
TIME: 7:00 p.m.
PLACE: City Council Chamber at City Hall
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Envent Corporation, AP-19-1474 (UP).

This is a public hearing on a request for approval of a use permit to establish a contractor yard at 1101 Loveridge Road in the IG (General Industrial) District. Assessor's Parcel Number: 073-230-031.

PROJECT PLANNER: John Dacey, jdacey@ci.pittsburg.ca.us or (925) 252-4824.

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

Where can I get more information about this project?

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

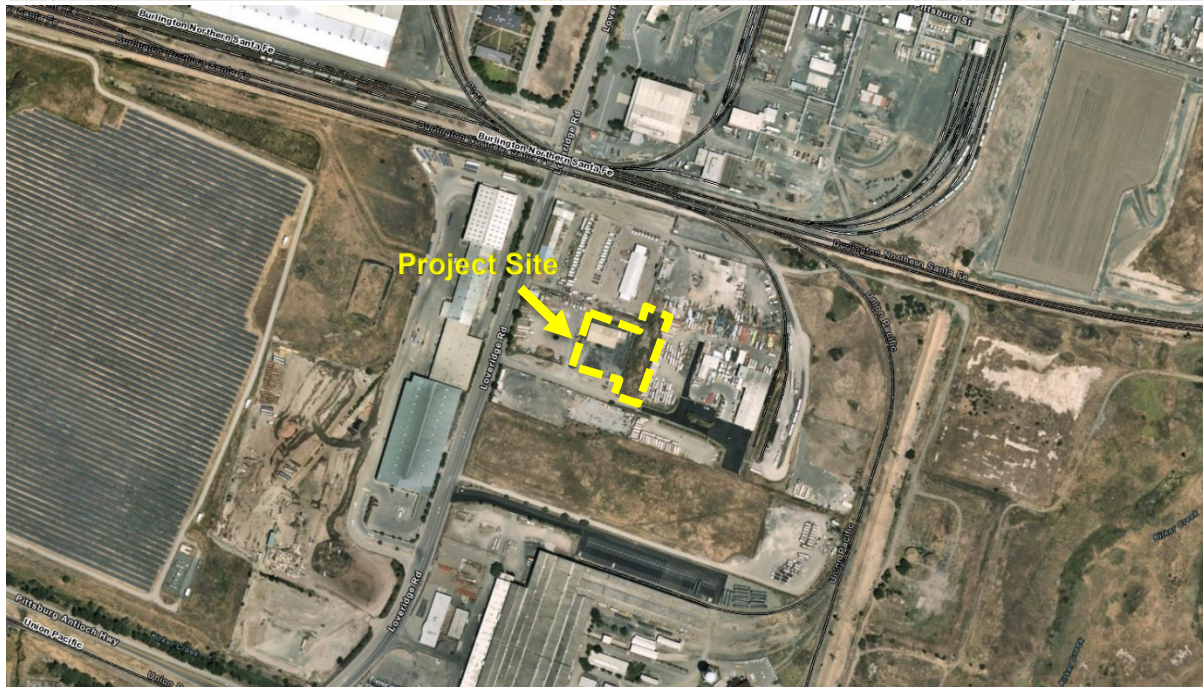
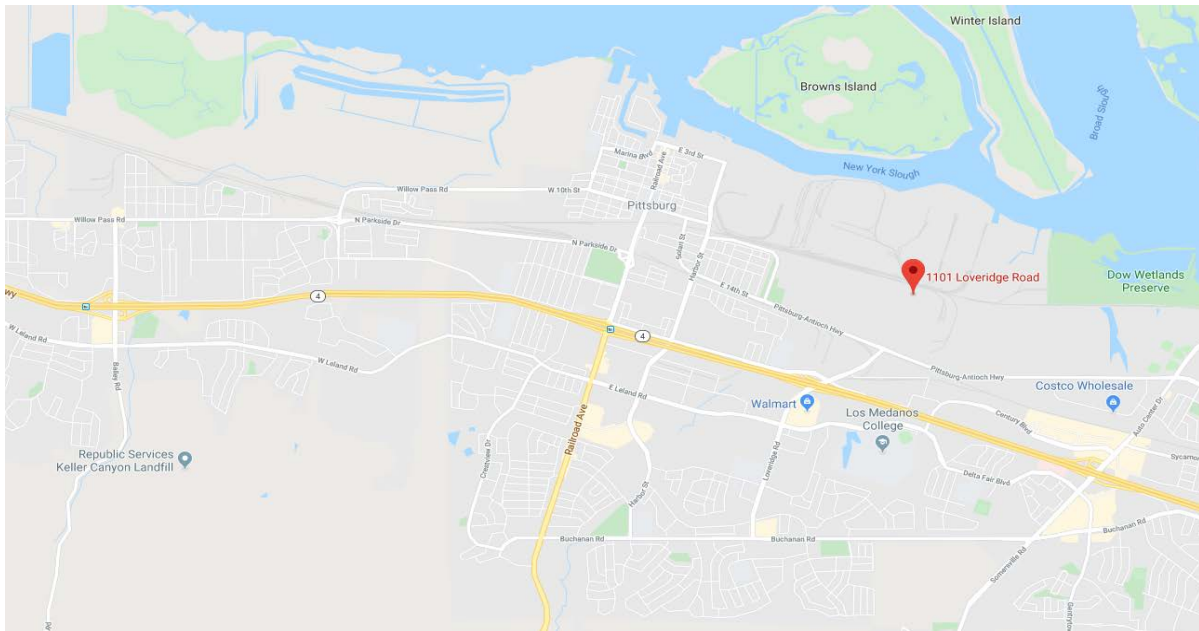
What can I do if I have comments on the project?

Comments or objections to the project can be made by writing or through e-mailed testimony during the public hearing. Written comments citing the project name may be emailed to the project planner listed above, or may be mailed or delivered to: Pittsburg Planning Division, 65 Civic Avenue, Pittsburg, CA 94565. Comments can be submitted via email to meetingcomments@ci.pittsburg.ca.us.

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

KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

Project Title: Envent Corporation, AP-19-1474 (UP).
Location: 1101 Loveridge Road, APN: 073-230-031





City of
Pittsburgh

Envent Corporation
AP-19-1474 (UP)



Winter Island

Browns Island

New York Slough

Broad Slough

Marina Blvd

E 3rd St

Railroad Ave

Sedall St

Harbor St

E 14th St

Pittsburg-Antioch Hwy

Willow Pass Rd

W 10th St

Pittsburg

N Parkside Dr

N Parkside Dr

Willow Pass Rd

W Leland Rd

E Leland Rd

Pittsburg-Antioch Hwy

Costco Wholesale

Century Blvd

Aliso Center Dr

Sycamore

Delta Fair Blvd

Buchanan Rd

Somerville Rd

Del Norte

Railroad Ave

Buchanan Rd

Buchanan Rd

Walmart

Los Medanos College

Republic Services
Keller Canyon Landfill

1101 Loveridge Road

Dow Wetlands Preserve

161



USS POSCO

Envent Corporation

Cornell Family
Properties

Premier Scaffolding

Lovridge Road

162

Corteva

Number One
Concrete Ready Mix,
Inc.

HASA

Cupertino Electric

Parcel Boundary

BNSF

Burlington Northern Santa Fe

Burlington Northern Santa Fe

Union Pacific

Pittsburg Antioch Hwy
Union Pacific

Walker Creek

Walker Creek



Backing and loading area

Employee and guest parking - Stalls set at a 45Deg angle. Dimension 12ft L by 9 ft W

Gravel

Property Boundary

1231 Lovelidge Road

Asphalt

Gravel

Asphalt

Gates Access Left gate = 30ft wide and right gate =21ft wide

163

Nearest Fire Hydrant (~600ft away)

Site Photos

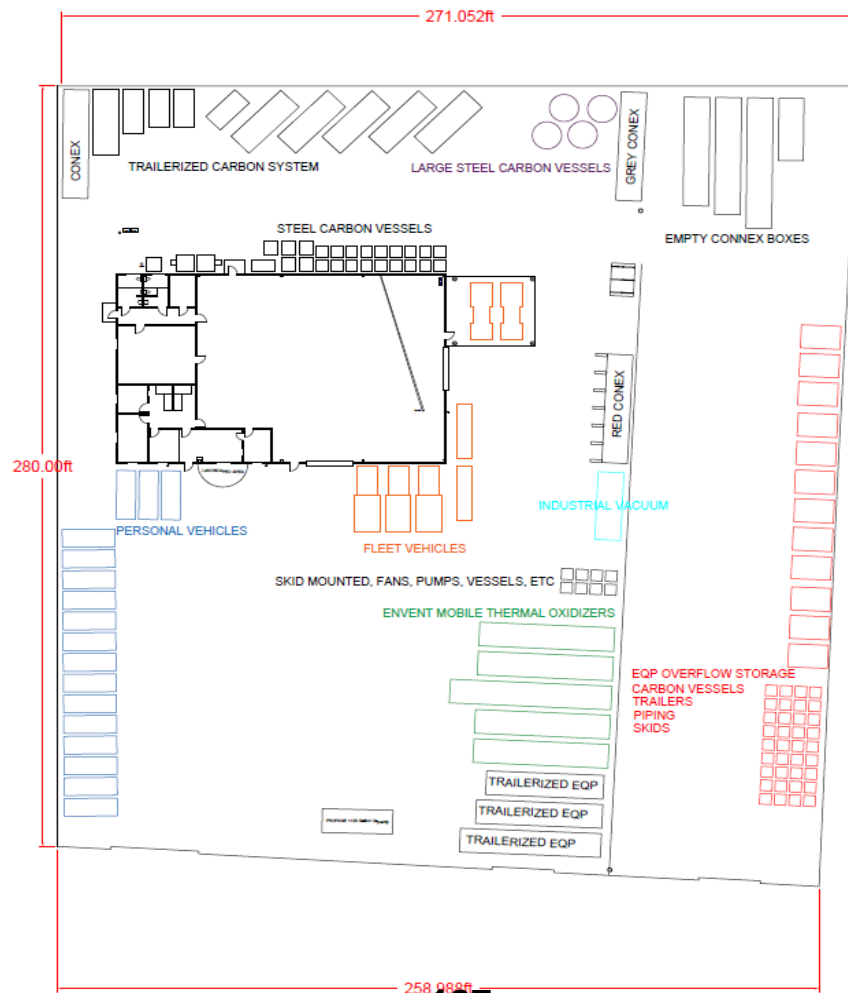


Site Photos



Site Photos





Scope of Operation



- 18 Employees
- 9 Fleet Vehicles
- 7:30 a.m. to 4:30 p.m., Monday through Friday
- After hours operations may occur for specific projects and emergency response.

Scope of Operation



- Existing contractor use
- Outdoor contractor yard to storage equipment and supplies
- Includes trailerized carbon systems, steel carbon vessels, empty connex boxes, mobile thermal oxidizers, pumps and vessels
- Securities cameras, and an alarm system to be installed

Conditions



- Hours of operation shall be limited to Monday through Friday between 7:30 a.m. and 4:30 p.m. After hours service calls on evenings and weekends shall be permitted on an as needed basis only. (Condition No. 2)
- Site Maintenance. The applicant shall ensure that the site is maintained in a neat and clean manner at all times. Trash, debris, weeds and/or other unkempt shrubbery shall not be allowed to accumulate on or around the site, on perimeter fencing, or on the street gutters and sidewalks. (Condition No. 5)

Conditions



- **On-Site Parking.** The applicant shall provide a minimum of 17 parking spaces (including one van accessible ADA space). Parking spaces shall be clearly striped and located in front of the warehouse, as shown on the project plans. (Condition No. 3)
- **Bicycle Parking.** The applicant shall maintain permanent, fixed bicycle parking for at least four (4) bicycles on-site in a location providing convenient access and natural surveillance. The final location of the bicycle parking stall shall be subject to review and approval by the Planning Division prior to installation, and installation must be completed within 60 days of approval of this resolution. (Condition No. 4)

Recommendation



Staff recommends that the Planning Commission adopt **Resolution No. 10143**, approving design review and tree removal permit application No. **AP-19-1474**, **subject to conditions.**

**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
April 28, 2020**

ITEM: Dos Cuñados Market Use Permit Modification, AP-20-1500 (UP)

ORIGINATED BY: Amen A. Saleh, 3105 Railroad Avenue Ste A-1, Pittsburg, CA 94565

SUBJECT: This is a public hearing on a request for approval of modification to Condition No. 5(b) of an approved use permit, Planning Commission Resolution No. 10112, in order to allow the sale of 200ml containers of distilled spirits at an existing convenience store for off-site consumption. The convenience store is located at 3105 Railroad Avenue, Suite A-1, in the CN (Neighborhood Commercial) District. Assessor's Parcel No. 088-065-026.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 10145, approving Planning Application No. 20-1500, subject to conditions.

BACKGROUND:

In 2006, the State Department of Alcoholic Beverage Control (ABC) approved a Type 20 license for Dos Cuñados Market. That license authorized the sale of beer and wine at the convenience store for consumption off the premises. In 2018, the store owner and applicant, Amen A. Saleh, requested that ABC upgrade his license to a Type 21, which would authorize the sale of beer, wine, and distilled spirits for consumption off the premises. According to the applicant, the store needed the license to compete with other convenience stores in the neighborhood that already sell beer, wine, and distilled spirits. The convenience store was an existing non-conforming use because it did not have a use permit as required by the Pittsburg Municipal Code (PMC) section 18.52.010. On September 21, 2018 the applicant filed an application for approval of a use permit to allow a Type 21 license.

On January 23, 2019, the Planning Commission adopted Resolution No. 10112, which granted a use permit to allow the sale of beer, wine and distilled spirits at the convenience store for off-site consumption. Condition 5(b) was included in the resolution prohibiting the sale of distilled spirits in containers less than 375 milliliters. According to the applicant, the store is struggling to compete with other convenience stores in the neighborhood that sell distilled spirits in smaller container sizes. There have been no significant code enforcement problems, or any increase in service calls to the Pittsburg Police Department since the sale of distilled spirits has been permitted.

On February 25, 2020 the applicant filed Planning Application No. 20-1500 for the modification of Condition 5(b) to allow the sale of distilled spirits in containers as small as 200 milliliters.

PROJECT DESCRIPTION:

Existing Conditions: The subject site is a half-acre parcel located at the north east corner of Railroad Avenue and Mariposa Drive. It contains an 8,758-square-foot, multi-tenant commercial building and an angled parking lot for up to 24 vehicles. Dos Cuñados Market is in Suite A-1, which totals approximately 950 square feet. The current convenience store layout includes a cashier's counter and refrigerator to the right of the store entrance and store shelves for groceries and convenience items to the left. A storage area, bathroom, and janitor's sink are located at the back of the store. Other current tenants of the building include KJ's Vapor Shop, Eleven Mag Body Art, Augie's Barber Shoppe, Farmers Insurance, Paris Salon, C&C Bookkeeping & Tax Services, Nueva Imagen Salon, and Club a Tu Ritmo.

Surrounding Land Uses:

North: Contra Costa Canal, Atlantic Plaza Shopping Center
West: Superior Car Wash, Chevron Gas Station
South: Pittsburg Auto Liquidators
East: El Dorado Heights Residential Subdivision

See Attachment 3 for a map of surrounding uses.

Use Permit Modification Request: The applicant is requesting approval of a modification of an approved use permit (Planning Commission Resolution No. 10112), in order to allow the sale of distilled spirits in bottles as small as 200ml. Condition 5(b) from the previously approved resolution set a minimum limit of 375ml sized bottles of distilled spirits.

See Attachment 4 for plans showing existing site and store conditions.

GENERAL PLAN/CODE COMPLIANCE:

General Plan: The subject site is located in the 'Railroad Subarea' of the General Plan and has a land use designation of 'Community Commercial'. This designation is intended to provide sites for retail shopping containing a wide variety of businesses, including convenience stores with alcoholic beverage sales.

Zoning: The subject site is zoned 'CN (Neighborhood Commercial) District'. Convenience stores fall under the land use classification of 'Grocery' as defined by Pittsburg Municipal Code (PMC) sections 18.08.070(12)(a). A use permit is required prior to operating a grocery or convenience store in the CN District (PMC section 18.52.010). The applicant's obtained a use permit in 2019, when they expanded the non-conforming existing use to include the sale of distilled spirits for consumption off the premises.

Required Use Permit Findings: In accordance with PMC section 18.16.040, a use permit

may be granted only if the Planning Commission can make findings that the proposed use:

1. is in accord with the objective of the Zoning Ordinance, the purposes of the land use district in which it is located and is appropriate to the specific location;
2. is not detrimental to the health, safety, and general welfare of the City;
3. will not adversely affect the orderly development of property within the City;
4. will not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the City;
5. is consistent with the objectives, policies, general land uses and programs specified in the general plan and applicable specific plan;
6. will not create a nuisance or enforcement problem within the neighborhood;
7. will not encourage marginal development within the neighborhood;
8. will not create a demand for public services within the City beyond that of the ability of the City to meet in light of taxation and spending restraints imposed by law;
9. is consistent with the City's approved funding priorities; and,
10. if located within the pedestrian commercial (CP) district, will support the goals of creating a vibrant, economically prosperous, visually interesting, and engaging pedestrian oriented atmosphere along the primary downtown corridor.

Environmental: This proposal is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1, 'Existing Facilities' of the state CEQA Guidelines, section 15301.

Public Notice: On or prior to April 18, 2020, notice of the April 28, 2020, public hearing was posted at City Hall, near the proposed project site, and on the "Public Notices" section 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 expected to provide services to the building, and to individuals who had previously filed written request for such notice, in accordance with PMC section 18.14.010 and Government Code section 65091.

ANALYSIS:

The applicant believes they are still losing customers to other convenience stores in the area that sell distilled spirits in smaller bottle sizes. Within the area's census tract

(33131.01), there are four convenience stores similar in size to Dos Cuñados Market. These include Vintage Liquors (1339 Buchanan Road), Rice Wine Liquors (147 Atlantic Avenue), Pittsburg Liquor and Deli (2279 Railroad Avenue), and Amigos Market & Liquor (3801 Railroad Avenue). All these stores have active Type 21 ABC licenses and are authorized to sell beer, wine, and distilled spirits for consumption off site, with no size limitations. Staff notes that since the issuance of a Type 21 ABC license, there has been no increase in service calls to Dos Cuñados Market, but in fact they have experienced a decrease in service calls compared to their neighbors. Dos Cuñados has received far fewer service calls than the other liquor stores in the area. Staff concurs that the sale of distilled spirits in containers of 200ml would help the applicant's convenience store remain in business.

Staff believes the Commission can make the required findings to approve the amendment to the approved use permit as long as all conditions, with the exception of the modified Condition 5(b), are carried forward from the previous use permit (Planning Commission Resolution No. 10112). Those conditions, to which the applicant has previously agreed to and has been operating under include: 1) prohibiting the possession and consumption of alcoholic beverages in open containers on or around the premises; 2) limiting the sales hours for alcoholic beverages to the hours of 7:00 a.m. to 10:00 p.m., daily; 3) requiring sales clerks to complete a course in "responsible beverage service training" approved by ABC; 4) limiting the new display area for distilled spirits to 32 linear feet of shelving; 5) requiring unobstructed view of the cash register area from the street; 6) requiring installation of security cameras; 7) requiring the convenience store operators to help discourage loitering; 8) prohibiting the sale of drug paraphernalia; 9) requiring the operators to remove trash outside the convenience store on a daily basis; and 10) requiring all graffiti to be removed within 48 hours of its appearance. Staff recommends that Condition 5(b) be modified to allow sale of distilled spirits in bottles as small as 200 milliliters.

Property values in the surrounding area would not be adversely affected, if the applicant continues to comply with the previously adopted conditions of approval for alcohol sales (as described above) and if the existing private security camera system and all exterior lighting fixtures are maintained in good working order.

Staff does not believe that the amended use would adversely affect the orderly development of property within the City, nor would it create a nuisance or enforcement problem, nor would it encourage marginal development within the neighborhood, if the applicant continues to comply with all of the previously adopted conditions of approval for alcohol sales.

Lastly, the project would not create a demand for public services within the City beyond that of the ability of the City to meet in the light of taxation and spending restraints if the existing private security camera system and all exterior lighting fixtures are maintained in good working order.

ACTION REQUIRED:

Move to adopt Resolution No. 10145, approving Planning Application No. 20-1500, subject to conditions.

ATTACHMENTS:

1. Proposed Resolution No. 10145
2. Previously Approved Planning Commission Resolution No. 10112
3. Map of Surrounding Uses
4. Site Plan
5. Public Hearing Notice & Vicinity Map

Prepared by: John Dacey, AICP, Assistant Planner

Attachment 1

PROPOSED
BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Granting a Modification to	)	
Condition No. 5(b) of an Approved	)	
Resolution No. 10112, in Order to Allow	)	Resolution No. 10145
the Sale of Distilled Spirits in 200 Milliliter	)	
Containers at an Existing Convenience	)	
Store at 3105 Railroad Avenue, Suite A-1,	)	
for "Dos Cuñados Market Use Permit	)	
Modification, AP-20-1500 (UP).")	)	
	)	

The Planning Commission of the City of Pittsburg DOES RESOLVE as follows:

Section 1. Background

- A. On February 20, 2020, Amen A. Saleh of Dos Cuñados Market, filed Planning Application No. 20-1500, requesting approval of a modification to Condition No. 5(b) of an approved use permit, Planning Commission Resolution No. 10112, in order to allow the sale of distilled spirits in 200ml containers, at an existing convenience store for off-site consumption. The convenience store is located at 3105 Railroad Avenue, Suite A-1, in the CN (Neighborhood Commercial) District. Assessor's Parcel No. 088-065-026.
- B. On January 23, 2019, the Planning Commission adopted Resolution No. 10112, which granted a use permit to allow the sale of beer, wine and distilled spirits at a convenience store for off-site consumption.
- C. The use permit proposal is governed by the Pittsburg General Plan and Pittsburg Municipal Code (PMC).
- D. This proposal is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1, 'Existing Facilities' of the state CEQA Guidelines, section 15301.
- E. On or prior to April 18, 2020, notice of the April 28, 2020 public hearing was posted at City Hall, near the proposed project site, and on the 'Public Notices' section 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 expected to provide services to the building, and to individuals who had previously filed written request for such notice, in accordance with Pittsburg Municipal Code (PMC) section 18.14.010 and Government Code section 65091.

- F. On April 28, 2020, the Planning Commission held a public hearing on Planning Application No. 20-1500, at which time oral and/or written testimony was considered.

Section 2. Findings

- A. Based on the Planning Commission Staff Report entitled, “Dos Cuñados Market Use Permit Modification, AP-20-1500 (UP),” 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 use permit modification proposal will:
 - a) Be in accordance with the objectives of the Zoning Ordinance, the purpose of the land use district in which it is located and is appropriate to the specific location, in that convenience stores with alcoholic beverage sales are conditionally permitted uses in the CN District and allowing the sale of distilled spirits in 200ml containers would ensure the continued success of the convenience store.
 - b) Not be detrimental to the health, safety, and general welfare of the City, if the applicant continues to comply with the previously adopted conditions of approval, including, but not limited to the following: 1) prohibiting the possession and consumption of alcoholic beverages in open containers on or around the premises; 2) limiting the sales hours for alcoholic beverages; 3) requiring sales clerks to complete a course in “responsible beverage service training” approved by the State Department of Alcoholic Beverage Control (ABC); 4) prohibiting the sale of certain alcoholic beverages including those in smaller containers; 5) limiting the display area for distilled spirits; 6) requiring unobstructed view of the cash register area from the street; 7) requiring installation of security cameras; 8) requiring the convenience store operators to help discourage loitering; 9) prohibiting the sale of drug paraphernalia; 10) requiring the operators to remove trash outside the convenience store on a daily basis; and 11) requiring all graffiti to be removed within 48 hours of its appearance.
 - c) Will not adversely affect the orderly development of property within the City, in that the convenience store will continue occupying an existing commercial space, and the applicant is proposing no exterior building expansions or parking lot changes that would otherwise conflict with the City’s goals, policies, and development standards.
 - d) Not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the City, if the convenience store operator continues to comply with the previously adopted conditions of approval summarized above. The conditions of approval are

intended to ensure the convenience store operates in a manner that does not affect neighborhood safety. According to the California Department of Alcoholic Beverage Control (ABC), the neighborhood is not considered a high-crime area.

- e) Will be consistent with the General Plan. The subject site has a land use designation of 'Community Commercial'. This designation is intended to provide sites for retail shopping containing a wide variety of businesses, including convenience stores with alcoholic beverage sales.
- f) Will not create a nuisance or enforcement problem within the neighborhood, in that it will be required to meet performance standards, as set forth by PMC chapter 18.82, which are intended to address ongoing safety, noise, odor, and maintenance concerns.
- g) Will not encourage marginal development within the neighborhood, in that the convenience store will continue occupying an existing commercial space and the use permit proposal does not involve construction of a new building or building addition.
- h) Will not create a demand for public services within the City beyond that of the ability of the City to meet in light of taxation and spending restraints imposed by law, in that the convenience store has access to existing infrastructure, including fire, police, and water.
- i) Will not be inconsistent with the City's approved funding priorities, in that it does not require City funding.
- j) Will not be located in the Pedestrian Commercial (CP) District.

B. The staff report entitled, "Dos Cuñados Market Use Permit Modification, AP-20-1500 (UP)," dated April 28, 2020, is referenced hereto as additional support for the findings.

Section 3. Decision

Based on the findings set forth above, the Planning Commission hereby approves Planning Application No. 20-1500, subject to the following conditions:

1. All conditions from Planning Commission Resolution No. 10112 shall remain in effect for this business, with the exception of Condition No. 5(b) and Condition No. 21 (Expiration of Approval).
2. The sale of Distilled Spirits shall be prohibited in containers less than 200 milliliters.
3. Expiration of Approval: This use permit shall expire on April 28, 2021, unless the use has been legally established prior to the expiration date, or a written request for an extension is filed with the Planning Division prior to the expiration date and subsequently approved by the Planning Commission.

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 28th day of April 2020, 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. 10145 was adopted by the Planning Commission of the City of Pittsburg on April 28, 2020

KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

701.03

PC

RESO

10112

1-23-19

VR



City of Pittsburg

Community Development Department – Planning Division

65 Civic Avenue, Pittsburg, CA 94565 | Tel: (925) 252-4920 | Fax: (925) 252-4814

Date: 1/28/19

Dear Applicant:

SUBJECT: RESOLUTION No. 10112

Enclosed is a copy of the resolution adopted by the Planning Commission. A copy of our Standard Conditions of Development is also included. Please read the enclosed documents and retain them for your files. All conditions of approval shall be incorporated into subsequent plan submittals and construction documents, where appropriate.

The enclosed resolution is valid for a limited period of time as specified in the resolution. Please make a note of the applicable expiration date and plan your construction timeline accordingly to avoid the loss of your entitlements.

If you have any questions about the enclosed resolution, please contact the Planning Division at the number listed above.

Sincerely,

Kristin Pollot, AICP
Planning Manager

Enclosures: (2) Resolution No. 10112
Standard Conditions of Development

BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Granting a Use Permit to Allow)
the Sale of Beer, Wine, and Distilled)
Spirits at 3105 Railroad Avenue, Suite A-)
1, for "Dos Cuñados Market, AP-18-1372)
(UP).")

Resolution No. 10112

The Planning Commission of the City of Pittsburg DOES RESOLVE as follows:

Section 1. Background

- A. On September 21, 2018, Amen A. Saleh filed Planning Application No. 18-1372, requesting approval of a use permit to sell beer, wine, and distilled spirits at an existing convenience store for off-site consumption. The convenience store is located at 3105 Railroad Avenue, Suite A-1, in the CN (Neighborhood Commercial) District. Assessor's Parcel No. 088-065-026.
- B. The use permit proposal is governed by the Pittsburg General Plan and Pittsburg Municipal Code (PMC).
- C. This proposal is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1, 'Existing Facilities' of the state CEQA Guidelines, section 15301.
- D. On or prior to January 11, 2019, notice of the January 23, 2019 public hearing was posted at City Hall, 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 building, and to individuals who had previously filed written request for such notice, in accordance with Pittsburg Municipal Code (PMC) section 18.14.010 and Government Code section 65091.
- E. On January 23, 2019, the Planning Commission held a public hearing on Planning Application No. 18-1372, at which time oral and/or written testimony was considered.

Section 2. Findings

- A. Based on the Planning Commission Staff Report entitled, "Dos Cuñados Market, AP-18-1372 (UP)," 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 use permit proposal will:

- a) Be in accordance with the objectives of the Zoning Ordinance, the purpose of the land use district in which it is located and is appropriate to the specific location, in that convenience stores with alcoholic beverage sales are conditionally permitted uses in the CN District.
- b) Not be detrimental to the health, safety, and general welfare of the City, if conditions of approval are adopted, including, but not limited to the following: 1) prohibiting the possession and consumption of alcoholic beverages in open containers on or around the premises; 2) limiting the sales hours for alcoholic beverages; 3) requiring sales clerks to complete a course in "responsible beverage service training" approved by the State Department of Alcoholic Beverage Control (ABC); 4) prohibiting the sale of certain alcoholic beverages including those in smaller containers; 5) limiting the display area for distilled spirits; 6) requiring unobstructed view of the cash register area from the street; 7) requiring installation of security cameras; 8) requiring the convenience store operators to help discourage loitering; 9) prohibiting the sale of drug paraphernalia; 10) requiring the operators to remove trash outside the convenience store on a daily basis; and 11) requiring all graffiti to be removed within 48 hours of its appearance.
- c) Will not adversely affect the orderly development of property within the City, in that the convenience store will continue occupying an existing commercial space, and the applicant is proposing no exterior building expansions or parking lot changes that would otherwise conflict with the City's goals, policies, and development standards.
- d) Not adversely affect the preservation of property values and the protection of the tax base and other substantial revenue sources within the City, if the convenience store operator complies with the conditions of approval summarized above. The conditions of approval are intended to ensure the convenience store operates in a manner that does not affect neighborhood safety. According to ABC, the neighborhood is not considered a high-crime area.
- e) Will be consistent with the General Plan. The subject site has a land use designation of 'Community Commercial'. This designation is intended to provide sites for retail shopping containing a wide variety of businesses, including convenience stores with alcoholic beverage sales.
- f) Will not create a nuisance or enforcement problem within the neighborhood, in that it will be required to meet performance standards, as set forth by PMC chapter 18.82, which are intended to address ongoing safety, noise, odor, and maintenance concerns.
- g) Will not encourage marginal development within the neighborhood, in that the convenience store will continue occupying an existing commercial space and the

use permit proposal does not involve construction of a new building or building addition.

- h) Will not create a demand for public services within the City beyond that of the ability of the City to meet in light of taxation and spending restraints imposed by law, in that the convenience store has access to existing infrastructure, including fire, police, and water.
 - i) Will not be inconsistent with the City's approved funding priorities, in that it does not require City funding.
- B. The staff report entitled, "Dos Cuñados Market, AP-18-1372 (UP)," dated January 23, 2019, is referenced hereto as additional support for the findings.

Section 3. Decision

Based on the findings set forth above, the Planning Commission hereby approves Planning Application No. 18-1372, subject to the following conditions:

1. ABC Approval: The business operator shall obtain California Department of Alcoholic Beverage Control (ABC) approval of an off sale general (Type 21) license prior to the sale of any distilled spirits.
2. Possession and Consumption: The possession of alcoholic beverages in open containers and the consumption of alcoholic beverages are prohibited on or around the premises.
3. Sales Hours: Alcoholic beverage sales shall not occur between the hours of 10:00 p.m. and 7:00 a.m.
4. Employee Training: All sales clerks shall complete an ABC approved course in "responsible beverage service training" within 90 days of the beginning of employment. Evidence of the employee's completion of this training shall be provided to the Pittsburg Police Department upon request.
5. Prohibited Products: The sale of the following products shall be prohibited:
 - a. Wine in containers less than 750 milliliters.
 - b. Distilled spirits in containers less than 375 milliliters.
 - c. Malt beverage products, including flavored malt beverage products, with alcohol content greater than 5.5% by volume. A 'flavored malt beverage' product is a malt beverage product to which is added an alcoholic or other flavoring ingredient and is labeled or packaged in a manner that is similar to labeling or packaging used for non-alcoholic beverages such as sodas, teas, lemonades, fruit punches, energy drinks, and slushes. Youth-oriented flavored malt beverage products are sold in bright, colorful packaging and are commonly known as 'alcopops'.

- d. Wine with an alcoholic content greater than 14% by volume unless in corked bottles and aged at least two years.
 - e. Single containers of beer or malt liquor less than 24 ounces.
 - f. Cooler products, either wine- or malt-beverage-based, in less than three-pack quantities.
 - g. Alcohol-infused ice cream or ice pops with alcohol greater than 0.5 percent by volume.
6. Distilled Spirits Display Area: At no time shall there be more than 32 linear feet of shelving within the convenience store sales area that is devoted to the sale and/or display of distilled spirits.
7. Cups: The sale or distribution to the customer of paper or plastic cups in quantities less than their usual and customary packaging is prohibited.
8. Cash Register Visibility: Windows shall allow for unobstructed interior view of the cash register area from the street.
9. Advertising: Signage advertising the availability of alcohol for purchase from the store, including display of corporate logos of alcohol vendors, shall not be posted so as to be visible to any individual positioned outside of the store.
10. Signage: The following signs shall be placed in a prominent location near the main entrance of the building in English, Spanish, and the predominant language of patrons. The signs shall be at least one square foot in size, or larger as necessary to ensure that the text of the sign is legible at a minimum distance of five feet.
- a. "California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age";
 - b. "No Loitering or Public Drinking"; and
 - c. "It is illegal to possess an open container of alcohol in the vicinity of this establishment".
11. Security Cameras: The applicant shall install security cameras around the site and shall cooperate with the Pittsburg Police Department to: a) install the cameras on-site and in the building in a quantity and at locations that optimize the safety of customers and employees on the property; and b) ensure that the Pittsburg Police Department establishes and is provided continuous access to live and recorded feed from the security cameras installed on-site.
12. Loitering: The establishment's operators shall discourage loiterers and ask persons loitering longer than 15 minutes to leave the area and contact Pittsburg Police for enforcement of applicable trespassing and loitering laws if the persons requested to leave fail to do so.

13. Additional Security Measures: The business operator shall be responsible for maintaining the peace and order on the premises. All necessary steps shall be taken to ensure that the customers refrain from incidents of violence and/or intoxication that adversely impact the safety of the community. Should the business experience loitering, noise, public disturbances or incidents of violence, and in the event that the business necessitates an increased police presence, the Chief of Police may require the business operator to provide additional public safety measures, including but not limited to, video cameras, additional exterior lighting, hiring licensed and bonded security guards approved by the Police Department, or such other measures as determined necessary by the Chief of Police. Any such required additional measures shall be at the business operator's sole expense.
14. License Transfer: In accordance with California Business and Professions Code subsection 23800(E), and upon application for transfer of ownership of the ABC license, the Pittsburg Police Department shall reserve the right to amend the conditions of the ABC license.
15. Drug Paraphernalia: The sale of drug paraphernalia products as defined in Health and Safety Code sections 11014.5 and 11364.5 shall be prohibited. "Drug paraphernalia" means all equipment, products and materials of any kind that are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the California Uniform Controlled Substances Act (commencing with California Health and Safety Code 11000).
16. Trash Receptacles: Trash receptacles shall be located at convenient locations outside the establishment, and operators of the business shall remove trash on a daily basis.
17. Graffiti Removal: All graffiti shall be removed on any part of the property within 48 hours of its appearance.
18. Standard Conditions of Development: The Standard Conditions of Development as adopted by the Pittsburg Planning Commission by Resolution No. 8931 shall apply as conditions of approval for this project as applicable. Where there is a conflict between the Standard Conditions of Development and the project-specific conditions identified in this resolution, the specific conditions of this resolution shall govern.
19. Other Agency Requirements: The applicant shall comply with all the requirements of the City's Community Development Department, California Department of Alcoholic Beverage Control, and all other applicable local, state and federal agencies. It is the responsibility of the applicant to contact each local, state, or federal agency for requirements that may pertain to this project.
20. Indemnification: Applicant 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 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.

21. Expiration of Approval: This use permit shall expire on January 23, 2020, unless the use has been legally established prior to the expiration date, or a written request for an extension is filed with the Planning Division prior to the expiration date and subsequently approved by the Planning Commission.

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner S. Foster, seconded by Commissioner Robinson, the foregoing resolution was passed and adopted the 23rd day of January 2019, by the Planning Commission of the City of Pittsburg, California by the following vote:

AYES: Coniglio, S. Foster, Robinson

NAYES: D. Foster, Linde

ABSTAIN: None

ABSENT: Fields, Ward

I hereby certify that the above Resolution No. 10112 was adopted by the Planning Commission of the City of Pittsburg on January 23, 2019.



KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

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 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.

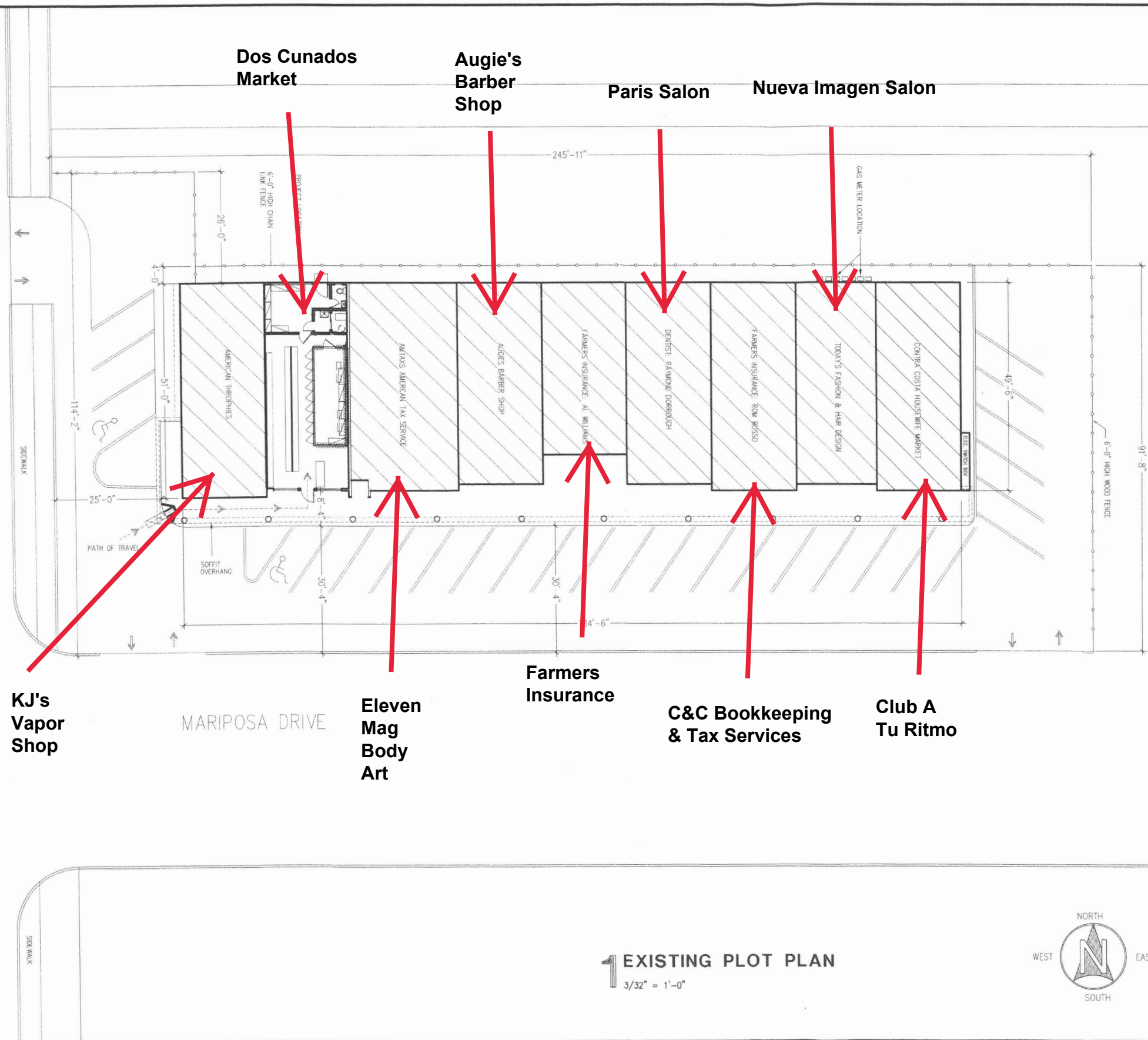
3. All storm drains, which serve the site, shall be protected from spills and soil runoff (from unpaved parking areas). The applicant may use "Any Source Control" BMP (Best Management Practice) as listed in the California Storm Water Best Management Practice Handbook for storm water run-off for commercial and industrial sites. Storm drains will be inspected periodically. Questions may be referred to City NPDES Coordinator, at 252-4920.

Attachment 3
Map of Surrounding Uses
Dos Cuñados Market Use Permit Modification, AP-20-1500 (UP)

★ **Project Site**

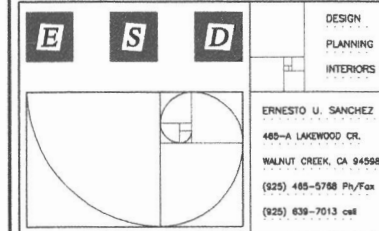


Attachment 4 - Project Plans



**DOS CUNADOS
MARKET
MINOR REMODEL**

3105 RAILROAD AVENUE
PITTSBURG, CA



DESIGN CONSULTANT

Cdus

DISCLAIMER

IT IS THE PURPOSE OF THESE DRAWINGS TO SHOW THE GENERAL ARRANGEMENT OF REMODELING AND ADDITIONS TO THE EXISTING STRUCTURE. ASSUMPTIONS HAVE BEEN MADE REGARDING THE STRUCTURE AND ARCHITECTURAL CONDITIONS OF EXISTING WALLS, FLOORS, AND CEILINGS WHICH WILL NEED TO BE VERIFIED AND PERHAPS MODIFIED AS THESE CONDITIONS ARE REVEALED DURING CONSTRUCTION. THE DESIGNER DOES NOT ASSUME ANY RESPONSIBILITY FOR THE EXISTING STRUCTURE.

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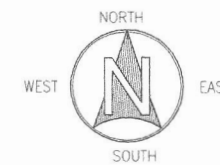
PROJECT NAME	DOS CUNADOS MARKET
	PITTSBURG, CALIFORNIA

PROJECT NO.	
DESCRIPTION	EXISTING PLOT PLAN

ELECTRONIC FILE NO. --A1.0.1.DWG

SCALE $3/32" = 1'-0"$

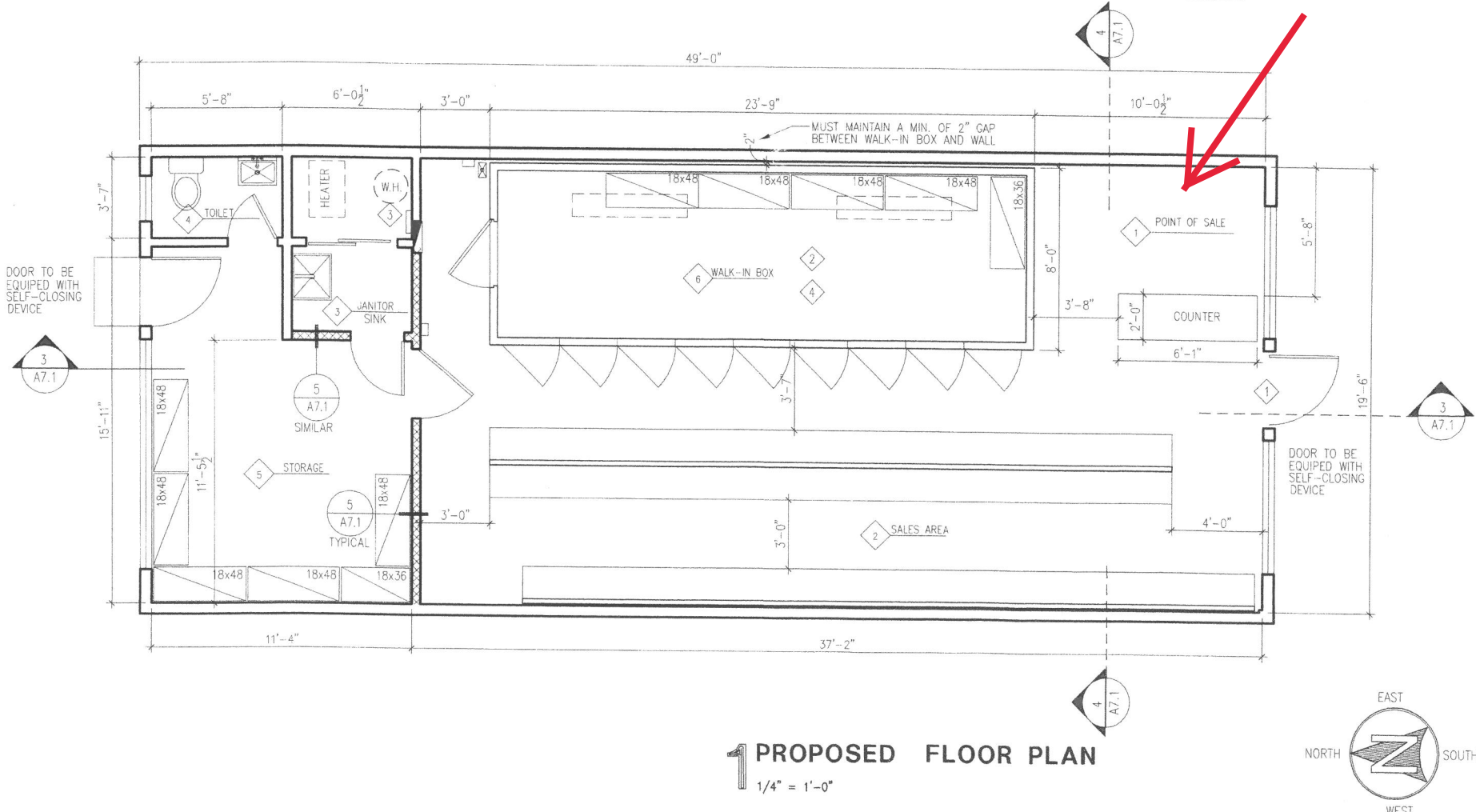
1 EXISTING PLOT PLAN



A1.0.1

LEGEND	KEY NOTES	SHEET NOTES
 NEW 2x WOOD STUD WALLS  (E) WALLS  (E) WATER HEATER FOR: 1) REST ROOM SINK 2) MOP SINK 3) SPECS: RICHMOND MISE MODEL # 5V30-6 A21952 GLASS LINED CP U.S. GALS. 30 INPUT BTUH: 342,000 TYPE: GAS 1ST HOUR RATING: 53 GALS.	1 STOREFRONT, GLAZING & ENTRY TO REMAIN, TYPICAL 2 WALK-IN BOX NOT IN CONTRACT TO BE INSTALLED BY VENDOR 3 WATER HEATER ON 6" LEGS SEE EQUIPMENT SCHEDULE SHEET A3.1 4 WALK-IN BOX VENDOR TO VERIFY AND COORDINATE ALL UTILITY PENETRATIONS THROUGH ROOF HEALTH NOTES STRUCTURAL -FULLY ENCLOSED BUILDING & VERMIN PROOF WALLS: -LIGHT IN COLOR THROUGHOUT (NOTE: LIGHT COLORED MEANS HAVING A LIGHT REFLECTANCE VALUE (LRV) OF 70% OR GREATER) LIGHTING: -SUFFICIENT NATURAL OR ARTIFICIAL LIGHTING I.E. 20 FT. CANDLES 30" ABOVE THE FLOOR. LIGHT FIXTURES SHALL BE SHATTERPROOF OR W/ SHATTERPROOF SHIELDS AND EASILY CLEANABLE UTENSILS & EQUIPMENT: ALL EQUIPMENT MEETS OR IS EQUIVALENT TO APPLICABLE SANITATION STANDARDS. ALL CRACKS & CREVICES AT JOINTS SEALED W/ AN APPROVED MATERIAL. -COUNTERS /CABINETS OF ACCEPTABLE QUALITY.	1. PROVIDE, ERECT AND MAINTAIN BARRICADES, LIGHTING AND GUARD RAILS AS REQUIRED BY APPLICABLE REGULATORY ADVISORY TO PROTECT OCCUPANTS OF BUILDING, WORKERS AND PEDESTRIANS 2. CEASE OPERATIONS AND NOTIFY THE OWNER IMMEDIATELY IF SAFETY OF STRUCTURE APPEARS TO BE ENDANGERED. TAKE PRECAUTIONS TO PROPERLY SUPPORT STRUCTURE. DO NOT RESUME OPERATION UNTIL SAFETY IS RESTORED. 3. ARRANGE AND PAY FOR DISCONNECTING, REMOVING AND CAPPING UTILITY SERVICES WITHIN AREAS OF DEMOLITION. DISCONNECT AND STUB OFF. NOTIFY THE AFFECTED UTILITY COMPANY AND BUILDING MANAGER IN ADVANCE AND OBTAIN APPROVAL BEFORE STARTING THIS WORK. 4. ALL ENCLOSING UTILITIES, PIPES, LINES, & CONDUITS WHICH ARE TO REMAIN SHALL BE CONCEALED WITHIN FLOORS, WALLS, OR CEILINGS. 5. ALL EXTERIOR DOORS TO BE EQUIPPED WITH SELF-CLOSING DEVICE

Display Area for Distilled Spirits



1 PROPOSED FLOOR PLAN
1/4" = 1'-0"

**DOS CUNADOS
MARKET
MINOR REMODEL**

**3105 RAILROAD AVENUE
PITTSBURG, CA**

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S

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DESIGN
 PLANNING
 INTERIORS

 ERNESTO U. SANCHEZ
 405-A LAKEWOOD CR.
 WALNUT CREEK, CA 94588
 (925) 485-5788 Ph/Fax
 (925) 638-7013 cell

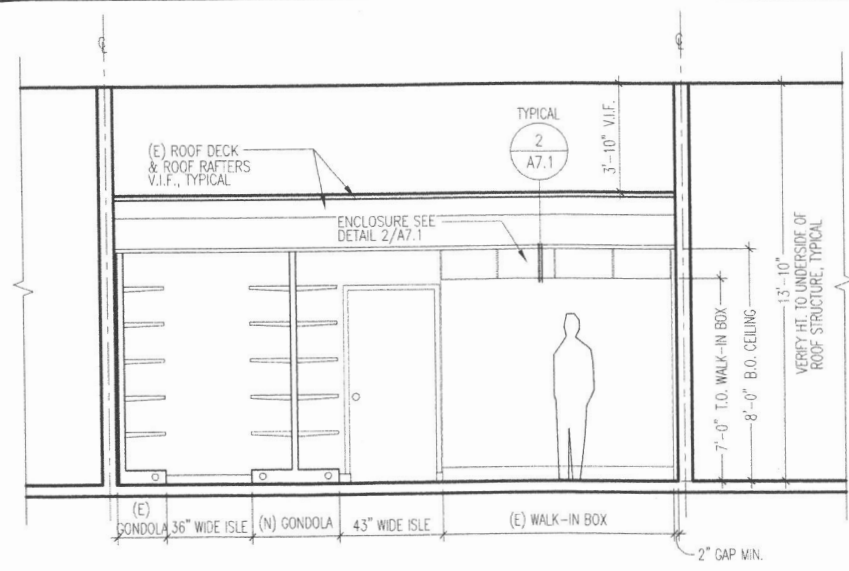
DESIGN CONSULTANT
Ernesto U. Sanchez

DISCLAIMER
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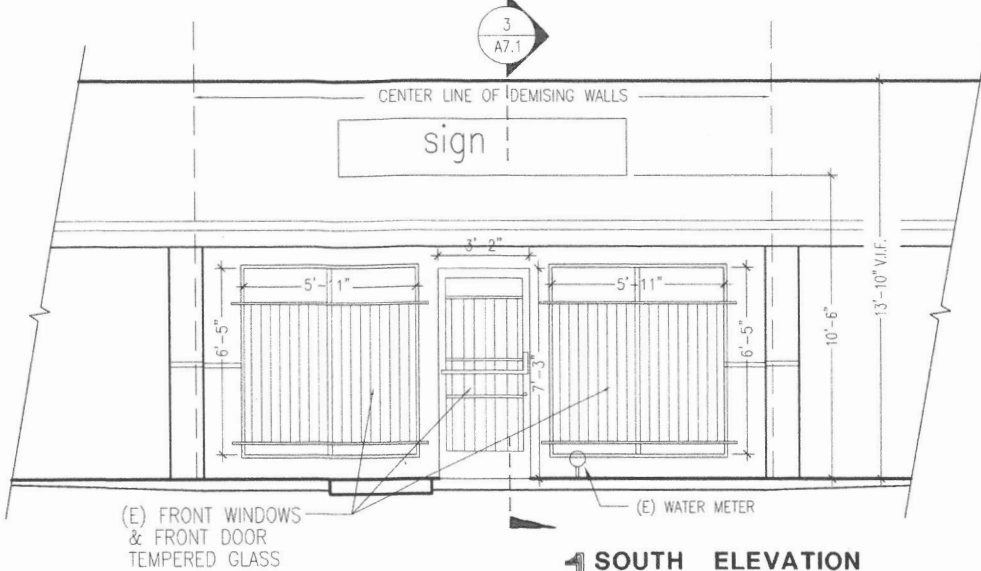
ISSUES AND REVISIONS				
NO.	DATE	ISSUES	BY	CHECK
1	7/11/06	C.C.C. HEALTH DEPT. PLAN CHECK	EUS	AS

PROJECT NAME	DOS CUNADOS MARKET
PROJECT NO.	PITTSBURG, CALIFORNIA
DESCRIPTION	PROPOSED FLOOR PLAN
ELECTRONIC FILE NO.	-A2.1.DWG
SCALE	1/4" = 1'-0"

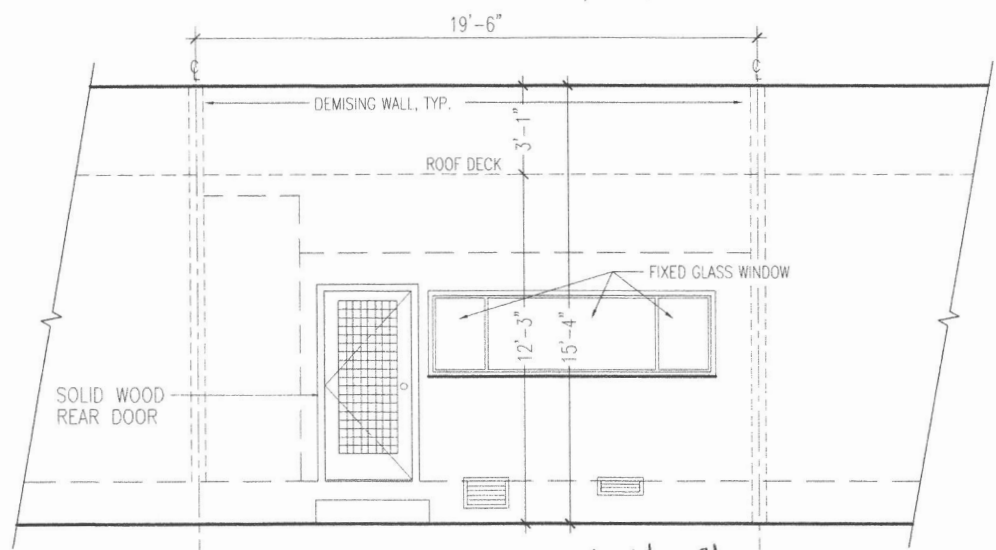
A2.1



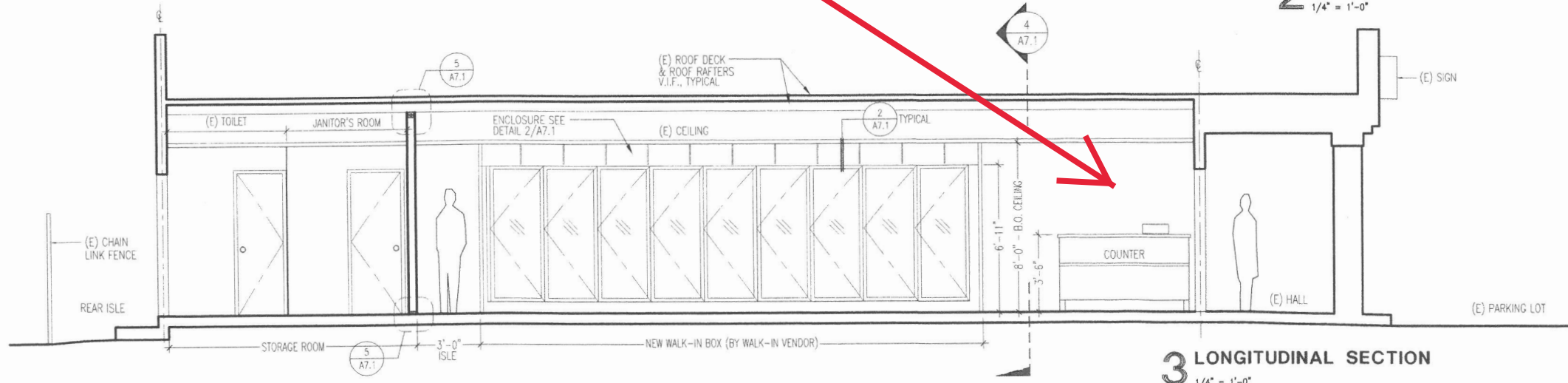
4 CROSS SECTION
1/4" = 1'-0"



1 SOUTH ELEVATION
1/4" = 1'-0"

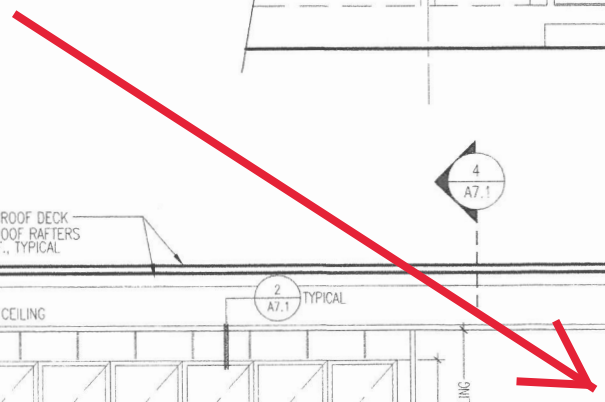


2 SOUTH ELEVATION
1/4" = 1'-0"



3 LONGITUDINAL SECTION
1/4" = 1'-0"

Display Area for Distilled Spirits



**DOS CUNADOS
MARKET
MINOR REMODEL**

**3105 RAILROAD AVENUE
PITTSBURG, CA**

	DESIGN
	PLANNING
	INTERIORS
	ERNESTO U. SANCHEZ 465-A LAKEWOOD CR. WALNUT CREEK, CA 94598 (925) 465-0768 Ph/Fax (925) 638-7013 cell

DESIGN CONSULTANT
E. Sanchez

DISCLAIMER
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ISSUES AND REVISIONS				
NO.	DATE	ISSUES	BY	CHECK
	7/11/06	C.C.C. HEALTH DEPT. PLAN CHECK	EUS	AS

PROJECT NAME	DOS CUNADOS MARKET
	PITTSBURG, CALIFORNIA
PROJECT NO.	
DESCRIPTION	ELEVATIONS & SECTIONS
ELECTRONIC FILE NO.	-A6.1.DWG
SCALE	1/4" = 1'-0"

A6.1



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 28, 2020
TIME: 7:00 p.m.
PLACE: City Council Chamber at City Hall
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Dos Cuñados Market Use Permit Modification, AP-20-1500 (UP).

This is a public hearing on a request for approval of modification to Condition No. 5(b) of an approved use permit, Planning Commission Resolution No. 10112, in order to allow the sale of 200ml containers of distilled spirits at an existing convenience store for off-site consumption. The convenience store is already licensed to sell distilled spirits in containers larger than 375ml for off-site consumption and is located at 3105 Railroad Avenue in the CN (Neighborhood Commercial) District. Assessor's Parcel No. 088-064-026.

PROJECT PLANNER: John Dacey, jdacey@ci.pittsburg.ca.us or (925) 252-4824.

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

Where can I get more information about this project?

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

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

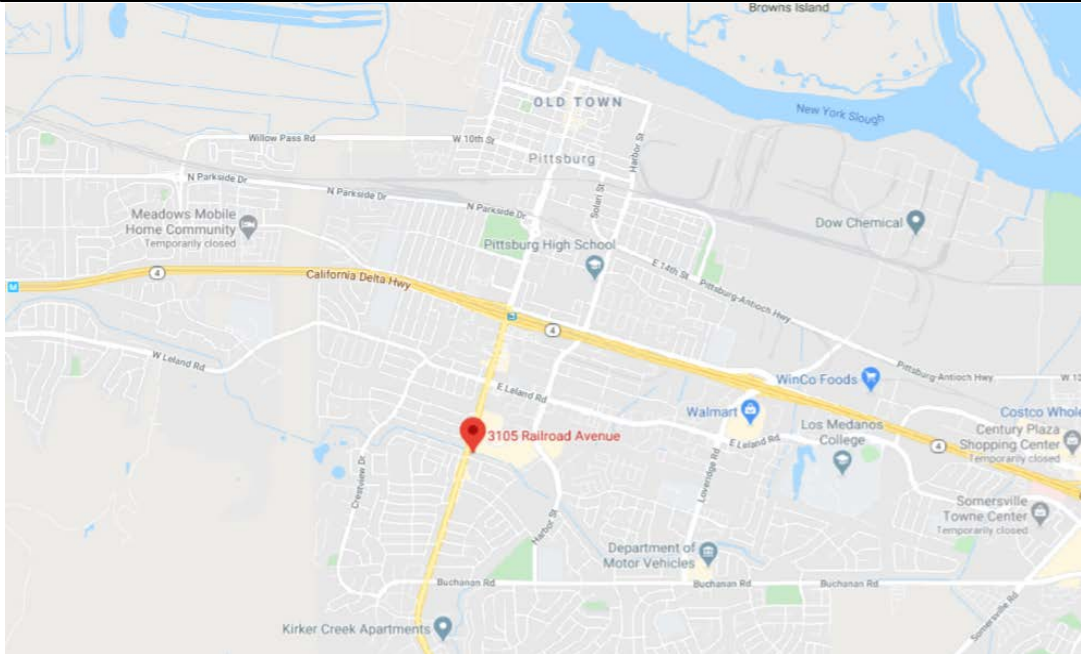
Comments or objections to the project can be made by writing or through e-mailed testimony during the public hearing. Written comments citing the project name may be emailed to the project planner listed above, or may be mailed or delivered to: Pittsburg Planning Division, 65 Civic Avenue, Pittsburg, CA 94565. Comments can be submitted via email to meetingcomments@ci.pittsburg.ca.us.

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

KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

Project Title: Dos Cuñados Market Use Permit Modification, AP-20-1500 (UP).

Location: 3105 Railroad Avenue, APN: 088-064-026





City of
Pittsburgh

Dos Cuñados Market
Use Permit Modification
AP-20-1500 (UP)



Contra Costa Canal

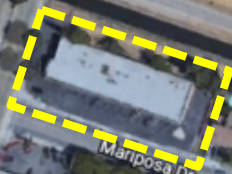


Pittsburg Towne Center

Superior Car Wash



Chevron Gas



Pittsburg Auto Liquidators



Atlantic Plaza Shopping Center

El Dorado Heights Subdivision

202

**DOS CUNADOS
MARKET
MINOR REMODEL**

3105 RAILROAD AVENUE
PITTSBURG, CA

B	S	D	DESIGN PLANNING INTERIOR
			PROJECT NO. 00000001 SHEET NO. 00000001 DATE 08/15/2018 DRAWN BY: J. L. L.

DESIGN CONSULTANT

Signature

DISCLAIMER

THIS PLAN IS FOR THE PURPOSE OF THE DESIGN OF THE GENERAL
REMODELING OF THE EXISTING BUILDING AND IS NOT TO BE USED
FOR ANY OTHER PURPOSE. THE DESIGNER DOES NOT GUARANTEE THE
ACCURACY OF THE INFORMATION PROVIDED HEREON AND IS NOT
RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE DESIGNER
ACCEPTS NO LIABILITY FOR ANY DAMAGE TO PERSONS OR
PROPERTY ARISING FROM THE USE OF THIS PLAN.

REVISIONS AND REVISIONS

NO.	DATE	DESCRIPTION	BY	CHECKED
1	08/15/2018	EXISTING PLAN	J. L. L.	J. L. L.
2	08/15/2018	EXISTING PLAN	J. L. L.	J. L. L.
3	08/15/2018	EXISTING PLAN	J. L. L.	J. L. L.
4	08/15/2018	EXISTING PLAN	J. L. L.	J. L. L.
5	08/15/2018	EXISTING PLAN	J. L. L.	J. L. L.
6	08/15/2018	EXISTING PLAN	J. L. L.	J. L. L.
7	08/15/2018	EXISTING PLAN	J. L. L.	J. L. L.
8	08/15/2018	EXISTING PLAN	J. L. L.	J. L. L.
9	08/15/2018	EXISTING PLAN	J. L. L.	J. L. L.
10	08/15/2018	EXISTING PLAN	J. L. L.	J. L. L.

PROJECT NAME: DOS CUNADOS MARKET

PROJECT NO.: 00000001

DESCRIPTION: EXISTING PLAN

DATE: 08/15/2018

SCALE: 1/8" = 1'-0"

DATE: 08/15/2018

SCALE: 1/8" = 1'-0"

DATE: 08/15/2018

SCALE: 1/8" = 1'-0"

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SCALE: 1/8" = 1'-0"

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SCALE: 1/8" = 1'-0"

DATE: 08/15/2018

SCALE: 1/8" = 1'-0"

DATE: 08/15/2018

SCALE: 1/8" = 1'-0"

A10.1

Dos Cunados
Market

Augie's
Barber
Shop

Paris Salon

Nueva Imagen Salon

KJ's
Vapor
Shop

MARIPOSA DRIVE

Eleven
Mag
Body
Art

Farmers
Insurance

C&C Bookkeeping
& Tax Services

Club A
Tu Ritmo

1 EXISTING PLOT PLAN

203



Site Photos



205

Site Photos



Site Photos



Site Photos



Site Photos



Use Permit Request



Mr. Saleh requests a modification to his use permit to allow the sale of distilled spirits in containers as small as 200 milliliters.

Existing Conditions



Prohibiting the sale of:

- wine in containers less than 750 milliliters;
- distilled spirits in containers less than 375 milliliters;
- malt beverage products, including flavored malt beverages;
- wine with an alcoholic content greater than 14% by volume;
- single containers of beer or malt liquor less than 24 ounces;
- cooler products, either wine- or malt-beverage-based, in less than three-pack quantities; and
- alcohol-infused ice cream or ice pops.

Existing Conditions

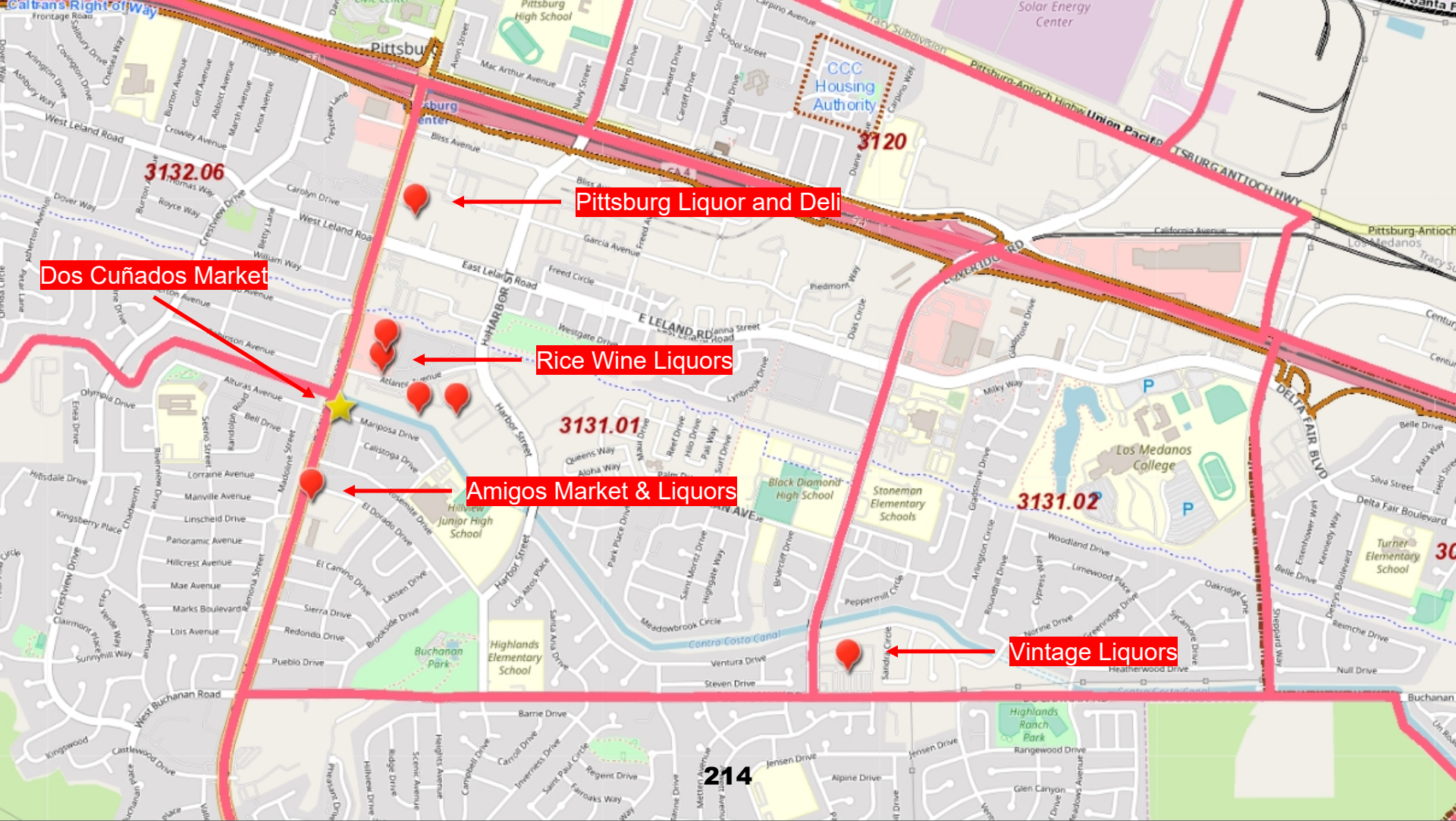


- Prohibiting the possession and consumption of alcoholic beverages in open containers on or around the premises;
- Limiting the sales hours for alcoholic beverages to the hours of 7:00 a.m. to 10:00 p.m., daily;
- Requiring sales clerks to complete a course in “responsible beverage service training” approved by ABC;
- Limiting the new display area for distilled spirits to 32 linear feet of shelving;

Existing Conditions



- Requiring unobstructed view of the cash register area from the street
- Requiring installation of security cameras;
- Requiring the convenience store operators to help discourage loitering;
- Prohibiting the sale of drug paraphernalia;
- Requiring the operators to remove trash outside the convenience store on a daily basis; and requiring all graffiti to be removed within 48 hours of its appearance.



Dos Cuñados Market

Pittsburg Liquor and Deli

Rice Wine Liquors

Amigos Market & Liquors

Vintage Liquors

Recommended Conditions



- All conditions from Planning Commission Resolution No. 10112 shall remain in effect for this business, with the exception of Condition No. 5(b) and Condition No. 21 (Expiration of Approval). (Condition No. 1)
- The sale of Distilled Spirits shall be prohibited in containers less than 200 milliliters. (Condition No. 2)

Recommendation



Staff recommends that the Planning Commission adopt **Resolution No. 10145**, approving use permit modification application No. **AP-20-1500**, **subject to conditions.**

**CITY OF PITTSBURG
PLANNING COMMISSION
STAFF REPORT
April 28, 2020**

ITEM: Recommendation on Amendments to Pittsburg Municipal Code Title 18.84, Article VII, “Landscaping, Irrigation and Hydroseeding.”

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

SUBJECT: This is a public hearing on a City-initiated proposal to consider a recommendation on amendments to Title 18 of the Pittsburg Municipal Code (PMC) to revise the existing Water Efficient Landscape Standards in order to comply with state law. Pursuant to the State Government Code, all California cities and counties are required to adopt the Model Water Efficient Landscaping Ordinance (MWELO), or local regulations which are at least as effective in conserving water as the MWELO.

RECOMMENDATION:

Staff recommends that the Commission adopt Resolution No. 10142 recommending City Council adoption of an ordinance to amend the existing Water Efficient Landscape Standards, PMC Chapter 18.84, Article VII “Landscaping, Irrigation and Hydroseeding” as necessary to incorporate updated water-efficient landscaping standards, as required by State law.

BACKGROUND:

In 2010, the City adopted the existing water efficient landscape standards due to a then-new state law. At that time, staff prepared a local ordinance to be implemented through PMC, Title 18 (Zoning), Article VII, “Landscaping, Irrigation and Hydroseeding.”

In 2015, the Governor of California issued Executive Order B-29-15 (Attachment 2), which directed the State Department of Water Resources (DWR) to revise the Model Water Efficient Landscaping Ordinance, known as MWELO (Attachment 3). As in 2010, pursuant to the revised state law, the City was required to either adopt the updated MWELO, or local regulations which are at least as effective in conserving water as the MWELO. In 2015, DWR disseminated a guidance factsheet and redlines indicating the required changes (Attachment 4). Due to a staffing shortage in 2015, the City was not prepared to complete revisions to the existing standards within the PMC and instead deferred to the State MWELO.

PROJECT DESCRIPTION:

Staff’s review of the PMC found that only minor changes are needed to bring the City’s current regulations into conformance with state MWELO requirements. All proposed text amendments have been summarized below. The full and exact text of the changes proposed are included in Attachment 1A “Exhibit A” of this report.

Planning Commission Staff Report
Recommendation on Amendments to Pittsburgh Municipal Code Title 18.84, Article VII,
“Landscaping, Irrigation and Hydroseeding”
April 28, 2020

Ordinance Applicability: The current standards apply to projects requiring zoning approval that involve the creation or rehabilitation of 5,000 or more square feet of landscaping area on a single lot located in a single-family residential land use district; or, 2,500 or more square feet of landscaping across two or more lots located in a single-family residential land use district and within all land use districts other than single-family residential.

Consistent with the 2015 MWELo, the revised regulations would apply to all projects containing 500 or more square feet of new irrigated landscape area, or the replacement of more than 2,500 square feet of irrigated landscape area.

Submittal Requirements: The current standards require a landscape plan and irrigation plan to provide information such as plant species, hydrozone boundaries (plant groupings that require approximately the same amount of water), irrigation shut-off valves, and the spray pattern of any proposed overhead irrigation devices (sprinklers). A soils analysis is also required after installation of landscaping. Additionally, a water allowance worksheet with calculations of the maximum applied water allowance and estimated water usage, a soil management report, maintenance schedule and certification by the project’s third-party landscape architect or designer recognized under DWR protocols are also required.

Consistent with the 2015 MWELo, submittal requirements would generally remain the same, except that the applicant’s plans would also require the location of any applicable rain harvesting, graywater, or recycled water irrigation systems proposed in a project.

Water Budget Calculations: The current standards require a calculation of the amount of water that would be used for irrigation of a given landscape area, known as the Maximum Applied Water Allowance or MAWA. The ordinance requires a series of algebraic formulas to calculate the maximum amount of water used for irrigation based on the amount of irrigated landscape area and the climate in which it is planted, and the expected water usage for a specific landscape plan based on the types of plants and irrigation devices proposed to be installed in the project.

Consistent with the 2015 MWELo, the new ordinance would continue to utilize water budget allowances by giving additional credit for using higher-efficiency irrigation devices (such as drip emitters and bubblers). However, consistent with the 2015 MWELo requirements, the maximum water budget allowance would be reduced to further limit the installation of turf grass or other high-water usage plants for decorative landscaping.

Water Efficient Landscaping Standards: The existing standards were developed in 2010 to encourage best management practices for water-efficient landscape design. Many of the standards, such as parking lot landscape design, would carry over into the new ordinance to complement an aesthetic design standard unique to the City. Additional examples also include limits on overhead irrigation on steep slopes and narrow planting

areas, requiring the use of soil amendments in non-turf planting areas, recirculating water systems in fountains and drip irrigation near driveways and sidewalks.

Consistent with the 2015 MWELo, the revised ordinance regulations would increase the percentage of mulching required and require master shut-off valves on all irrigation systems. The revised standards also reference the California Plumbing Code for graywater system standards and the regional Clean Water Program Stormwater C.3 Guidebook standards for stormwater management and rainwater retention.

Prescriptive Landscaping Standards: Additionally, consistent with the 2015 MWELo, the new ordinance would introduced an alternate prescriptive compliance approach, which includes a streamlined checklist of landscape standards that can be met and documented on a submitted landscaping plan for projects with an aggregate area of 2,500 square feet or less. These standards include incorporating compost, limiting plant water use, adding mulch, limiting turf area, and requirements for irrigation systems.

City Reporting Requirements to DWR: Lastly, consistent with the 2015 MWELo requirements, the new ordinance would require the City to submit an annual report to DWR identifying permit statistics on the projects subject to the local regulations, descriptions of enforcement, and any barriers to enforcement. As of January 31, 2020, the City has submitted all past due Annual Reports for the 2015 MWELo to DWR and is considered in compliance with this requirement.

GENERAL PLAN/CODE COMPLIANCE:

The General Plan has outlined many policies in order to implement water and energy conservation and overall plant resource protection. The proposed amendments to the landscaping ordinance promote the use of native and non-invasive, drought-tolerant plants in landscape design, to preserve water used in irrigation and foster climate-appropriate landscape design. These revisions are consistent with General Plan policy 9-P-2, which directs the city to establish a program to promote the re-establishment of native species and restore native species as part of development proposals on sites that include ecologically sensitive habitat. Because the zoning amendments, if adopted, would apply city-wide, their requirements would be enforced on infill sites as well as ecologically sensitive areas within the City.

Additionally, the water efficient landscaping standards are consistent with General Plan goal 11-G-2 and policies 11-P-3 and 11-P-6, which encourage the City to work with Contra Costa Water District to implement a water conservation program to incorporate water-efficient landscaping and irrigation standards and reduce water demand.

Lastly, the draft amendments also encourages plant placement as a means to control microclimates and regulate energy demands of development, while enhancing those provisions to add standards for regulation of urban heat islands (as in parking lots) and

to add text related to solar access (as for buildings and solar panels), which is consistent with General Plan policy 2-P-19.

Zoning: Pursuant to PMC sections 18.16.020 and 18.48.030, the Planning Commission shall include written findings to support any recommendation it makes to the City Council to amend the Municipal Code.

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

1. The changes proposed are consistent with the objectives, policies, general land uses and programs specified in the General Plan.
2. In the case of a base district, the change proposed is compatible with the uses authorized in, and the regulations prescribed for, the land use district for which it is proposed.
3. A community need is demonstrated for the change proposed.
4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice.

ENVIRONMENTAL:

The adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15307 of the CEQA Guidelines (Actions by Regulatory Agencies for Protection of Natural Resources) based on the following: this ordinance promotes the conservation and efficient use of a natural resource (water); no construction activities would occur as a result of this ordinance; and this ordinance contains procedures for protection of the environment by reducing the amount of water used for the maintenance of irrigated landscape areas.

Additionally, the adoption of this ordinance is also exempt from CEQA review pursuant to the General Rule, Section 15061(b)(3) of the CEQA Guidelines (the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment), in that it can be seen with certainty that there is no possibility that the adoption of this ordinance would result in a significant effect on the environment, based on the following: this ordinance promotes the conservation and efficient use of a natural resource (water); no construction activities would occur as a result of this ordinance; this ordinance contains procedures for protection of the environment by reducing the amount of water used for the maintenance of irrigated landscape areas; the implementation of the MWEL0 or an equivalent local ordinance is mandated by the State of California; and the regulations contained within this ordinance are functionally equivalent to the MWEL0.

Planning Commission Staff Report
Recommendation on Amendments to Pittsburgh Municipal Code Title 18.84, Article VII,
“Landscaping, Irrigation and Hydroseeding”
April 28, 2020

Public Notice: On or prior to Friday, April 17, 2020, notice of the April 28, 2020, public hearing to consider this application was published in the East County Times, posted at City Hall, near the proposed project site, and on the “Public Notices” section of the City’s website; was delivered to the Pittsburgh Library; and to individuals who had previously filed written request for such notice, in accordance with PMC section 18.14.010 and Government Code section 65091. Although not required, the notice was also posted on www.nextdoor.com (“Nextdoor”) and was sent directly to all subscribed residents in the “Mosaic Apartment” Nextdoor neighborhood.

ANALYSIS:

Staff believes the Planning Commission can make the required findings to recommend City Council approval of the proposed amendments to the existing landscaping standards. The amendments as proposed would continue to promote efficient use of water throughout the City. While landscaping is a valuable part of the City’s development, it is equally important to ensure that newly installed landscaping is considerate of the state’s limited water resources, particularly in times of drought. By retaining the water budget calculations and maximum water usage requirements specified in the state’s model ordinance, coupled with credit for using low and moderate water use plants that are inherently drought tolerant – the draft amendments would be as effective as the state model at implementing irrigation water reduction strategies. As was the case in 2010, State law gives each city and county the option of adopting a local ordinance that is “at least as effective in conserving water” as the MWELo. Revising the City’s current ordinance with the required state regulations as stated in the MWELo would promote a more streamlined review process for landscaping plans and help minimize inconsistencies that can sometimes occur when using the State Government Code, which differs in policy structure from the Pittsburgh Municipal Code.

RECOMMENDATION:

Move to adopt Resolution No. 10142, recommending City Council approval to proposed revisions to the Water Efficient Landscape Standards, PMC Chapter 18.84, Article VII “Landscaping, Irrigation and Hydroseeding,” as presented.

ATTACHMENTS:

1. Draft Ordinance No. 10142
- 1A. Exhibit A, MWELo redline changes
2. Governor of California Executive Order B-29-15
3. Model Water Efficient Landscaping Ordinance (MWELo), 2015
4. DWR MWELo Factsheet, 2015
5. Public Hearing Notice
6. Commission Presentation

Prepared by: Trishia Caguiat, Associate Planner

PROPOSED
BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution recommending that the City	)	
Council amend Chapter 18.84, Article VII	)	
of the Pittsburg Municipal Code,	)	Resolution No. 10142
“Landscaping, Irrigation and	)	
Hydroseeding,” in Order to Incorporate	)	
Water-Efficient Landscaping Provisions	)	
Mandated by the State of California.	)	

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. On April 1, 2015, the Governor of the State of California signed into law Executive Order B-29-15. The Executive Order directed the California Department of Water Resources to update the State’s Model Water Efficient Landscape Ordinance due to a state-wide drought.
- B. On July 15, 2015, the California Water Commission approved the revised Model Water Efficient Landscape Ordinance (MWELO).
- C. Under the provisions of Executive Order B-29-15, cities and counties throughout California were to have adopted the MWELO or an equally effective local ordinance by December 1, 2015. In 2015, due to a staffing shortage, the City was not prepared to complete revisions to existing regulations within the Pittsburg Municipal Code (PMC) and instead deferred to the State MWELO by default.
- D. PMC Title 18 (Zoning), authorizes the Commission to initiate preparation of regulations, programs and legislation to implement the planning and zoning power of the city (PMC section 18.10.020(b)).
- E. On August 13, 2019, the Planning Commission authorized staff to initiate a study to review the text of the city’s previously adopted water-efficient landscaping ordinance in order to identify changes necessary to incorporate the provisions of the state model into an effective, locally-appropriate landscaping ordinance. The primary purpose of the proposed amendment is to encourage water conservation through reduction of turf grasses and high-water using plants in new construction projects.
- F. These amendments to the landscaping and irrigation provisions of the zoning ordinance have been drafted in recognition of the mandate under Executive Order B-29-15 and in accordance with the state Department of Water Resources’ model

water-efficient landscape ordinance intended to ensure the conservation of water in irrigated landscaped areas. As such, this project is exempt from the requirements of the California Environmental Quality Act (CEQA) under categorical exemption Class 7, "Actions by Regulatory Agencies for Protection of Natural Resources," of the state CEQA Guidelines, Section 15307 based on the following: this ordinance promotes the conservation and efficient use of a natural resource (water); no construction activities will occur as a result of this ordinance; and this ordinance contains procedures for protection of the environment by reducing the amount of water used for the maintenance of irrigated landscape areas.

Additionally, the adoption of this ordinance is also exempt from CEQA review pursuant to Section 15061(b)(3) of the CEQA Guidelines (the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment), in that it can be seen with certainty that there is no possibility that the adoption of this ordinance will result in a significant effect on the environment, based on the following: this ordinance promotes the conservation and efficient use of a natural resource (water); no construction activities will occur as a result of this ordinance; this ordinance contains procedures for protection of the environment by reducing the amount of water used for the maintenance of irrigated landscape areas; the implementation of the MWELO or an equivalent local ordinance is mandated by the State of California; and the regulations contained within this ordinance are functionally equivalent to the MWELO.

- G. PMC section 18.16.020 identifies the Planning Commission as the advisory body to the City Council on proposed changes to land use regulations, and requires that the Commission conduct a public hearing and determine, prior to making its recommendation, that:
1. The change proposed is consistent with the objectives, policies, general land uses and programs specified in the General Plan and applicable specific plan;
 2. The change proposed is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which it is proposed;
 3. A community need is demonstrated for the change proposed; and
 4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice.
- H. On or prior to April 17, 2020, in accordance with Government Code sections 65853 and PMC section 18.14.020, a "Notice of Public Hearing" for the March 24, 2020, public hearing on this item was published in the East County Times; was posted at City Hall and in the "Public Notices" section of the city website; and was

mailed via first class or electronic mail to local service agencies whose services might be significantly affected by this project, and to individuals who had previously filed written request for such notice.

Section 2. Findings

- A. Based on the Planning Commission staff report entitled, “Recommendation on an Amendment to Pittsburg Municipal Code, Chapter 18.84, Article VII, ‘Landscaping, Irrigation and Hydroseeding,’” dated April 28, 2020, and based on all the information contained in the Planning Division files on the project, incorporated herein by reference and available for review in the Planning Division located at 65 Civic Avenue in Pittsburg, and based on all written and oral testimony presented at the public hearing, the Planning Commission finds that:
1. All recitals above are true and correct and are incorporated herein by reference.
 2. The draft amendments to PMC Title 18, Chapter 18.84, Article VII (“Landscaping Ordinance”), are consistent with the General Plan, and particularly those goals and policies (policies 9-P-2, 11-P-3, 11-P-6 and goal 11-G-2) that promote water conservation city-wide and use of native plants in development plans. This most recent amendment will also promote the use of rain harvesting, graywater, or recycled water irrigation systems. The retention of the “additional landscape design standards” addressing tree placement for microclimate control and solar access, as written into the draft ordinance, also implement the intent of policy 2-P-19.
 3. By retaining reference to the landscaped yard setbacks of the applicable base zoning districts (PMC 18.84.318.J), the draft amendments to the city’s landscaping ordinance are compatible with the regulations of the land use districts in which the landscape ordinance provisions would be enforced as part of development proposal review.
 4. There is a community need for the amendments to the city’s landscaping ordinance. Landscaping in the city plays an important role in converting carbon dioxide to oxygen; helping to regulate temperature and manage wind; helping to reduce energy demands by providing cooling shade to indoor and outdoor spaces; providing sources of food for animals and humans and habitat for wildlife; and providing opportunities for outdoor play, exploration and passive recreation. While landscaping is a valuable part of the city’s development, it is equally important to ensure that landscaping that is installed in the city is considerate of the state’s limited fresh water resources, particularly during times of drought or when fresh water resources are otherwise constrained.

5. Adoption of the amendments to the landscaping ordinance will be in conformity with public convenience, general welfare, and good zoning practice. As drafted, the amendments maintain the zoning ordinance's requirement for landscaping, which is recognized as a valuable aesthetic, recreational and ecological resource in the community. The amendments, however, also promote the efficient use of water, which is recognized as a valuable and limited resource and a crucial component in the overall health of the community.
- B. Based on the staff report and associated information, and based on the written and oral testimony presented at the public hearing, the Planning Commission further finds that the draft amendments to the landscaping ordinance will be an equally effective means to reduce water use in landscaped areas as the state model water-efficient landscaping ordinance because the draft amendments retain the water budget calculations and maximum water usage requirements specified in the state's model ordinance and allow credit only for low and moderate water use planting plans that are inherently drought resistant. The more streamlined process allowed in the draft amendments to the city's landscape ordinance would incentivize applicants to avoid high water use plants in landscapes and, by making the application process potentially less daunting and burdensome for applicants, would result in better participation and compliance as compared to the state model.
 - C. The Staff Report entitled, "Recommendation on an Amendment to Pittsburgh Municipal Code, Chapter 18.84, Article VII, 'Landscaping, Irrigation and Hydroseeding,'" dated April 28, 2020, is referenced hereto as additional support for findings.

Section 3. Decision

Based on the findings and the authority set forth above, the Planning Commission hereby recommends that the City Council adopt an ordinance amending Pittsburgh Municipal Code, Title 18, Chapter 18.84, article VII, "Landscaping, Irrigation and Hydroseeding," to read substantially as written in the attached Exhibit A.

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner_____, seconded by Commissioner_____, the foregoing resolution was passed and adopted the 28th day of April, 2020, 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. 10142 was adopted by the Planning Commission of the City of Pittsburg on April 28, 2020.

KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION

Exhibit “A”
Planning Commission Resolution No. 10142

PLEASE NOTE: Text shown below that is underlined is proposed as new text, and text in ~~strikethrough~~ is proposed for deletion.

Article VII. Landscaping, Irrigation and Hydroseeding

18.84.300 General requirements.

Minimum site landscaping and required planting areas must be installed in accordance with the standards and requirements of this article. This article was adopted after consideration of the model ordinance promulgated under the Water Conservation in Landscaping Act (Government Code Section 65591 et seq). These regulations are deemed to be at least as effective in conserving water as the model ordinance adopted by the California Department of Water Resources and is consistent with Title 23, Division 2, Chapter 2.7 of the California Code of Regulations and section 65595(c) of the California Government Code.

18.84.303 Definitions.

For purposes of this article, the following terms shall have the following meanings:

“Applied water” means the portion of water supplied by the irrigation system to the landscaped area.

“Automatic irrigation controller” means a timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers are able to self-adjust and schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

“Backflow prevention device” means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

“Certified irrigation designer” means a person certified to design irrigation systems by an accredited academic institution, a professional trade organization, a professional trade organization or other program such as the US Environmental Protection Agency’s Water Sense irrigation designer certification program and Irrigation Association’s Certified Irrigation Designer program.

“Certified irrigation system auditor” shall mean a person certified by the United States Environmental Protection Agency’s WaterSense irrigation partners program and Irrigation Association’s Certified Landscape Irrigation Auditor program.

“Check valve,” or “anti-drain valve,” means a valve located under a sprinkler head, other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

“Compost” means the safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.

“Conversion factor (0.62)” means the number that converts acre-inches per acre per year to gallons per square foot per year.

“Drip irrigation” means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

“Effective precipitation,” or “usable rainfall,” or “EPPT,” means the portion of total precipitation which becomes available for plant growth.

“Emitter” means a drip irrigation emission device that delivers water slowly from the system to the soil.

“Established landscape” means the point at which plants in the landscape have developed significant root growth into the soil. Most plants are established after one or two years of growth.

“Estimated total water use” (ETWU) shall mean the estimated total water used for the landscape.

The estimated total water use (ETWU) shall be calculated using the equation

$$\text{ETWU} = (45.4) \times (0.62)[(\text{PF} \times \text{HA}/\text{IE}) + \text{SLA}] \times \text{ETAF} \times \text{Area}$$

where 45.4 represents the annual evapotranspiration rate for the city; 0.62 represents the conversion factor from inches per year to gallons per year; ~~PF is the plant factor from WUCOLS; HA is the area, in square feet, within a specific hydrozone on a site; IE is the irrigation efficiency, which shall be no less than 0.71; and SLA is the area, in square feet, of all special landscape areas on a site.~~ ETAF is “ET adjustment factor” which means a factor of 0.55 for residential areas and 0.45 for non-residential areas when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. The ETAF for new and existing (non-rehabilitated) special landscape areas shall not exceed 1.0. The ETAF for existing non-rehabilitated landscapes is 0.8; and area, in square feet, of all landscape areas on a site.

“ET adjustment factor” (ETAF) is defined under “Estimated total water use.”

“Evapotranspiration” means the combination of water transpired from plants and evaporated from the soil and plant surfaces.

“Flow Rate” means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour or cubic feet per second.

“Flow Sensor” means an in line device installed at the supply point of the irrigation system that produces a repeatable signal proportional to flow rate. Flow sensors must be connected to an automatic irrigation controller, or flow monitor capable of receiving flow signals and operating master valves. This combination flow sensor/controller may also be functional as a landscape water meter or submeter.

“Friable” means a soil condition that is easily crumbled or loosely compacted down to a minimum depth per planning material requirements, whereby the root structure of a newly planted material will be allowed to spread unimpeded.

“Fuel modification plan guidelines” means guidelines from a local fire authority to assist residents and businesses that are developing land or building structures in a wildland urban interface fire hazard zone.

“Graywater” means untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. Graywater includes, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks, or dishwashers.

“Hydrozone” shall mean an area in a landscape with similar sun exposure, irrigation precipitation rate, soil conditions, root depth, slope, and plant material with similar water needs as indicated in WUCOLS.

“Maximum applied water allowance” shall mean the upper limit of annual applied water for the established landscaped area. The maximum applied water allowance (MAWA) shall be calculated using the equation

$$\text{MAWA (residential)} = (45.4) \times (0.62) [(0.7 \text{ } 0.55 \times \text{LA}) + (0.3 \text{ } 0.45) \times \text{SLA}]$$

$$\text{MAWA (non-residential)} = (45.4) (0.62) [(0.45 \times \text{LA}) + (0.55) \times \text{SLA}]$$

$$\text{MAWA (existing landscape)} = (0.8)(45.4)(\text{LA})(0.62)$$

where 45.4 represents the annual evapotranspiration rate for the city; 0.62 represents the conversion factor from inches per year to gallons per year; LA is the area, in square feet, of all landscaping on a site; and SLA is the area, in square feet, of all special landscape areas on a site. In mixed use developments, the total MAWA for the project shall be the sum of the MAWA calculated individually for the portion of the

irrigated landscape area associated with residential use classifications and the portion of the irrigated landscape area associated with all other uses.

“Mulch” means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, or decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

“Overhead sprinkler,” “overhead spray,” “spray heads,” and “rotors,” means systems that deliver water through the air.

“Plant factor” is a factor that, when multiplied by the evapotranspiration rate, estimates the amount of water needed by plants, as specified on WUCOLS. The plant factor ranges from 0 to 0.1 for very low water using plants, 0.1 to 0.3 for low water using plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.

“Rain sensor” means a component which automatically suspends an irrigation event when it rains.

“Recycled water” or “Reclaimed Water” means treated or recycled waste water of a quality suitable for nonpotable uses. This water is not intended for human consumption.

“Reference evapotranspiration” or “ET_o” means a standard measurement of environmental parameters which affect the water use of plants. ET_o is expressed in inches per day, month, or year, and is an estimate of the evapotranspiration of a large field of four-to seven-inch tall, cool-season grass that is well watered.

“Rehabilitated landscaping” means modified landscape area equal to or greater than 2,500 square feet.

“Special landscape area” shall mean an area of the landscape dedicated solely to edible plants, such as vegetable gardens or orchards; areas irrigated with recycled water; water features using recycled water; cemeteries; and areas dedicated to active play, such as parks, sports fields, golf courses, and where turf provides a playing surface. Special landscape areas and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0.

“Sprinkler head” and “spray head” means a device which delivers water through a nozzle.

“Swing joint” means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

“Submeter” means a metering device to measure water applied to the landscape that is installed after the primary utility water meter.

“Turf” means a groundcover surface of mowed grass. Kentucky bluegrass, perennial ryegrass, red fescue and tall fescue are examples of cool-season grasses. Bermuda grass, Kikuyu grass, seashore paspalum, St. Augustine grass, zoysia grass and buffalo grass are examples of warm-season grasses.

“Valve” means a device used to control the flow of water in the irrigation system.

“Water feature” means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas and swimming pools, where water is artificially supplied.

“WUCOLS” shall mean the Water Use Classification Landscape Species, published by the University of California Cooperative Extension, the Department of Water Resources, and the Bureau of Reclamation, 2000.

18.84.305 Applicability.

This article applies to each project for which zoning approval is required.

A. New construction projects with an aggregate landscape area equal to or greater than 500 square feet.

B. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet.

~~A. Single-Parcel Development in Single-Family Residential Land Use Districts. An applicant for zoning approval of a project that includes the creation or rehabilitation of 5,000 or more square feet of landscaping on a single lot located in a single-family residential land use district shall be subject to the requirements of this article, with the exception of PMC 18.84.323.~~

~~B. Multiple-Parcel Development in Single-Family Residential Land Use Districts. An applicant for zoning approval of a project that includes the creation or rehabilitation of 2,500 or more square feet of landscaping across two or more lots located in a single-family residential land use district shall be subject to all of the requirements of this article. In order to prevent evasion of the provisions of this article, contemporaneous construction of two or more dwelling units on two or more lots for which there is evidence of common ownership or control, even though not covered by the same zoning approval, shall be subject to all of the regulations of this article.~~

~~C. Land Use Districts Other Than Single-Family Residential. An applicant for zoning approval of a project that includes the creation or rehabilitation of 2,500 or more square~~

~~feet of landscaping on one or more lots shall be subject to all of the requirements of this article.~~

~~D C.~~ Existing Landscaped Areas. Existing landscaped areas shall be subject to the provisions specified in PMC 18.84.325, Provisions for existing landscaping, and 18.84.330, Public education.

D. Prescriptive Compliance. Any project with an aggregate landscape area of 2,500 square feet or less, or any project using treated or untreated graywater or rainwater captured on site, shall be subject to the provisions specified in PMC 18.84.332 as an alternate to the Water Efficient Landscaping Standards listed under PMC 18.84.310.

E. Exemptions. The provisions of this article shall not apply to:

1. Landscaped areas that are only temporarily irrigated for establishment purposes, and landscapes that are not irrigated with a permanent irrigation system;
2. Registered local, state or federal historical sites, as determined by the historic resources commission or city council; ~~or~~
3. Community gardens, botanical gardens and arboretums open to the public;
- ~~4. Ecological restoration projects that do not require a permanent irrigation system; or~~
- ~~5. Mined-land reclamation projects that do not require a permanent irrigation system.~~

18.84.308 Landscape project application submittal.

A. Application Submittal Requirements. An applicant requesting zoning approval for any project that is subject to this article shall submit a landscape project application package ~~at time of application prior to commencement of grading or construction.~~

The landscape project application package shall include:

1. A project information sheet, on a form prepared by the city planner, identifying the applicant name and description of the project, including location, type of development, source of irrigation water, total landscape area, and area of landscape to be rehabilitated;
2. A landscape plan prepared in accordance with the provisions of PMC [18.84.318](#);
3. Water allowance worksheets, with calculations of the maximum applied water allowance and estimated total water use of the proposed landscape plan;
4. A soil management report prepared in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants. The soil analysis may address soil texture, infiltration rate determined by laboratory test or soil texture

infiltration rate table; acidity (pH) level; total soluble salts; sodium; percent organic matter; and recommendations; and shall be considered in the design of the landscape and irrigation plans;

5. A maintenance schedule, prepared consistent with the provisions of PMC [18.84.323](#); and

6. Certification, on a form prepared by the city planner and signed by the landscape architect or designer, that the landscaping and irrigation system were designed in compliance with the landscaping and irrigation design requirements of this article.

~~B. Waiver for Low and Moderate Water Use Landscapes. The city planner may waive the requirement for submittal of the water allowance worksheets and soil management report required by this section; provided, that the landscape plan:~~

~~1. Does not include any water features with more than 100 square feet of total surface area; and~~

~~2. Does not include any turf or other plants identified as high water use in WUCOLS, unless they qualify as special landscape area.~~

~~C. Preliminary Landscape Plan. An applicant requesting design review approval shall submit, at a minimum, a preliminary landscape plan with the design review application; however, the applicant must submit all components of the landscape project application required under this section concurrently with the application for building permit or grading permit for the project.~~

~~D-B.~~ City Planner Review. The city planner shall review each landscape project application for compliance with the provisions of this article and may withhold issuance of zoning approval for a building permit or grading permit for which its corresponding landscape project application:

1. Indicates an estimated total water use that exceeds the maximum applied water allowance for a proposed landscape; or

2. Does not otherwise comply with this article.

18.84.310 Water-efficient landscape standards.

The proposed landscape design shall incorporate the most recent acceptable best management practices for water-efficient landscape design and shall comply with the following standards:

A. Plant Selection. The planting selection and layout shall comply with the following standards:

1. Any plant may be selected for the landscape, providing the Estimated Total Water Use in the landscape area does not exceed the Maximum Applied Water Allowance;

2. Proposed plant species shall promote protection and preservation of native species and natural vegetation;

3. Selected plant species shall encourage water-conservation plant, tree and turf species, especially local native plants;

4. Plant material shall be selected for energy efficiency and drought tolerance, adaptability and relationship to the city's climatic, soil, geological and topographical conditions and use the Sunset Climate Zone System which takes into the account temperature, humidity, terrain, latitude and varying degrees of continental and marine influence on local climate;

2 5. Plants shall be spaced appropriately based on their expected mature spread and so that, at maturity, they do not block any overhead sprinkler or spray head;

36. Select plants with horticultural attributes to minimize damage to property or infrastructure;

7. Turf shall not be planted on slopes steeper than 25 percent, where the toe of the slope is adjacent to an impermeable hardscape and where 25 percent means 1 foot of vertical elevation change for every four feet of horizontal length (rise divided by run x 100 – slope percent) and shall not be planted in any median or other planting strip that is narrower than eight feet wide;

8. The proposed landscape shall be designed so that plants of similar water usage are grouped into distinct hydrozones, each of which is irrigated separately by one or more irrigation valves;

B. Irrigation System. The irrigation system plan shall:

1. Include smart irrigation controllers that utilize daily weather information, a rain sensor, evapotranspiration data or soil moisture sensor data, along with other site information, to adjust the irrigation schedule on a daily basis and suspend irrigation during rain;

2. Specify technology and practices to prevent runoff, low head drainage, overspray, or other water waste where water flows beyond the irrigated landscape area;

3. Specify drip or other subsurface irrigation system in lieu of overhead irrigation within 24 inches of any nonpermeable surface unless the non-permeable surface drains

directly into the planting area being irrigated; within any planting area that is narrower than ten feet in any dimension; or in any location where the geometry of the planting area does not conform to the spray pattern of the overhead sprinkler and would result in overspray onto the adjacent pavement;

4. Overhead spray irrigation devices shall not be located on the same irrigation valve circuit as low-volume irrigation devices. Overhead spray irrigation devices located on the same irrigation valve circuit shall have matched precipitation rates. Any sprinkler heads or other emission devices that have matched precipitation rates shall be specified within each irrigation zone. No irrigation zone shall specify a precipitation rate greater than 1.2 inches per hour. On slopes steeper than 25 percent, the specified precipitation rate for overhead spray irrigation devices shall not exceed 0.75 inches per hour;

5. Specify irrigation controls so that the dynamic water pressure at the sprinkler head or other emission device is within manufacturer's recommended optimal operating range;

6. Master shut-off valves are required on all irrigation systems at the point of connection to the domestic water supply. Specify a manual shut-off valve for each point of connection and specify that each shut-off valve be identified on the controller map;

7. Include a controller map and programming table, and specify that the map and table be stored in the controller cabinet. The controller map shall visually differentiate each controller zone. For each irrigation valve, the controller programming table shall list the water requirement (high, medium, low or very low), the sun exposure, irrigation emission device type, infiltration rate, square foot area, and degree of slope. Irrigation valve circuits shall be grouped by hydrozone and each irrigation valve shall control irrigation to only one district hydrozone;

8. Specify a separate irrigation valve and hydrozone for the top of a slope and the bottom of a slope;

9. Identify use of recycled water for nonedible landscaping, if recycled water is available to the project site, and subject to the required permits and regulations of any applicable agency. In lieu of a plan for use of recycled water for irrigation, the applicant may file a written request for exemption to this subsection (B)(9), which request shall explain the infeasibility of the use of recycled water and shall be subject to approval by the city planner prior to issuance of zoning approval;

10. A landscape water meter is required for irrigated landscape areas greater than 5,000 square feet in area when associated with a residential use classification, and for irrigated landscape areas greater than 1,000 square feet in area when associated with any other use;

11. If the water pressure within the irrigation system is below or exceeds the recommended pressure of the irrigation devices, the installation of a pressure regulating device is required to ensure that the dynamic pressure at each irrigation device is within the manufacturer's recommended pressure range for optimal performance;

12. A backflow prevention device shall be provided to protect the water supply from contamination by the irrigation system;

13. A flow sensor that detects high flow conditions created by system damage or malfunction is required for irrigated landscape areas greater than 5,000 square feet in area when associated with a residential use classification, and for all irrigated landscape areas associated with any other use;

14. All irrigation devices must meet the requirements set in the American Society of Agricultural and Biological Engineers'/International Code Council's (ASABE/ICC) 802-2014 Landscape Irrigation Sprinkler and Emitter Standard. All overhead spray irrigation devices must have a distribution uniformity low quarter of sixty-five-hundredths (0.65) or higher using the protocol defined in ASABE/ICC 802-2014;

15. Swing joints or riser protection devices shall be used for all overhead spray irrigation devices and above-ground rigid piping that is located within 12 inches of all turf areas, sidewalks and walkways, roads and driveways, bicycle trails, playgrounds, and other areas which are subject to pedestrian, bicycle or automobile traffic;

16. All irrigation valve circuits located on slopes greater than 10 percent, or which include spray irrigation devices shall be equipped with check valves or anti-drain valves that will retain water in the lateral lines after the irrigation system has completed its watering cycle;

C. Water Features. All water features used in the landscape design shall have recirculating water systems, and fountains shall be designed so that no wind drift or overspray occurs. Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.

D. Grading, Mulch and Soil Preparation. The landscape design shall:

1. Comply with the applicable stormwater control requirements of the National Pollutant Discharge Elimination System permit, intended to implement stormwater best management practices into the planting, irrigation and grading plans to minimize runoff and increase on-site retention and infiltration;

2. Include soil amendments according to the recommendations of the soil report in order to improve or maintain the infiltration rate of landscape soils typical of their soil texture and to minimize soil erosion;

3. Be designed to avoid drainage onto nonpermeable hardscapes within the property lines and to prevent runoff of all irrigation outside of property lines;

4. Specify soil amendments, if appropriate for the selected plants;

5. Specify a minimum ~~two~~ three-inch layer of mulch to be applied on all exposed soil surfaces of planting areas. Nonporous material shall not be placed under the mulch. Shredded bark or similar mulches shall be specified in bioretention areas so that they will stay in place during rain events. The city planner may waive this requirement for those portions of the landscaped area for which the applicant has provided sufficient evidence that there is a horticultural reason not to use mulch.

6. Specify up to five percent of the landscape area may be left without mulch to provide for beneficial insects and other wildlife. Designated insect habitat must be included in the landscape design.

7. Include stabilizing mulching products on slopes that meet current the requirements of Pit

8. Include organic mulch made from recycled or post-consumer materials rather than inorganic materials or virgin forest product, unless the recycled post-consumer organic products are not locally available or where prohibited by local Fuel Modification Plan Guidelines.

9. Transform compacted soils and amended planting holes on engineered slopes into a friable condition prior to an planting of materials.

10. Specify use of compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area to a depth of six inches into the soil. Soils with greater than six percent organic matter in the top of six inches of soul are exempt from adding compost and tilling.

18.84.315 Additional landscape design standards.

In addition to the water-efficient landscape standards specified in PMC [18.84.310](#), the landscaped area shall comply with the following additional design standards:

A. Plant material shall be selected for energy efficiency; color, form and pattern; solar access and allowances for solar heat gain of buildings in winter and shading of buildings in summer; reduction of the heat island effect, particularly in parking lots and on roadways; soil retention; and fire resistance. The overall landscape plan must be integrated into all elements of the project, including but not limited to buildings, structures, parking lots and streets, so as to achieve a desirable microclimate and to minimize energy demands.

B. Plants shall be selected and spaced so that, at maturity, they do not interfere with visibility of vehicular, bicycle or pedestrian traffic; do not conflict with overhead utility lines, overhead lights or walkway lights; and do not block or interfere with pedestrian or bicycle rights-of-way.

C. Any proposed landscape area shall be a minimum of three feet wide, excluding curbs or other hardscape. This subsection shall not apply to window or wall planter boxes attached to a building.

D. Plant material shall be sized and spaced to achieve immediate effect and, in general, shall not be less than a 15-gallon container for trees, a five-gallon container for specimen shrubs and a one-gallon container for mass planting.

E. Where shrub groupings without plant groundcover are used, such shrub groupings shall be spaced so that, at maturity, they cover at least 90 percent of the landscaped area in which they are placed.

F. The use of crushed rock or gravel for large area coverage shall be avoided, except for walkways.

G. The end of each row of parking stalls in a parking lot must be separated from an aisle or driveway by either a landscaped planter or sidewalk/planter combination. A concrete curb must separate the landscaped area from the parking area, and minimum 12-inch wide concrete landings shall be installed behind the curb, for the length of the parking stall, for each segment of curbing that separates a parking stall from a landscaped planter.

H. A minimum of one tree for each six parking spaces in a surface parking lot must be distributed throughout the parking lot and shall be spaced so that, at maturity, the trees provide shade to no less than 35 percent of the paved area of the parking lot at midday. Where an applicant proposes to provide arbors with climbing vines, carports with vegetated roofs, carports with roofs with high solar reflectivity, or carports equipped with roof-mounted photovoltaic panels in the design of a surface parking lot, the planning commission, zoning administrator or city planner, as appropriate, may allow a reduction in the percentage of shade tree cover provided in a parking lot; provided, that the arbors, carports and trees in combination provide midday shade to no less than 35 percent of the paved area of the parking lot.

I. Where a vehicle will extend over landscaping, the required planting area (including the curb) must be increased two feet in depth by decreasing the length of the parking stall by two feet. Where a vehicle will overhang into both sides of an interior landscaped strip or well, the minimum inside curb-to-curb interior planter dimension may not be less than

seven feet. No trees or shrubs may be installed within the two-foot overhang area, although low-growing plants or groundcover may be used.

J. A parking lot shall be separated from a front or corner side property line by a landscaped required yard as prescribed for the applicable base district. Where there is no required front or corner side yard specified for a base district, or where a parking lot is proposed to be placed next to an interior side or rear property line, the parking lot shall be separated from the respective lot line by a landscaped area no less than five feet in width.

K. High water use plants, characterized by a plant factor of 0.7 to 1.0 are prohibited in street medians.

L. When planting by hydroseeding is proposed to be utilized for permanent landscape treatment or for natural area restoration, the hydroseeding plan shall contain installation specifications including, but not limited to, fertilizer, mulch materials subject to the standards listed in PMC 18.84.310 (D), soil amendments, soil preparation, watering specifications, native seed mix containing a minimum of 10 percent shrub and perennial seeds, and seed mix application rate.

M. Landscaping and irrigation proposed to be maintained by the city following installation shall be designed in accordance with the equipment selections and landscape installation standards specified in the city's standard details.

N. All graywater systems shall conform to the California Plumbing Code (Title 24, Part 5, Chapter 16) and any applicable provisions of the Pittsburg Municipal Code.

O. Water runoff is prohibited from leaving the landscape area due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated area, walks, roadways, parking lots, or structures. The city planner may waive the requirement for containing water runoff on-site as required by this section; provided, that:

1. The landscape area is adjacent to permeable surfacing and no runoff occurs; or,

2. The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

18.84.318 Landscape plan requirements.

The landscape plan shall demonstrate that all of the water-efficient landscape standards (PMC [18.84.310](#)) and the additional landscape standards (PMC [18.84.315](#)) have been met.

A. The planting plan shall identify special landscape areas, shall identify plants by their common and botanical names, and shall identify the type and surface area of all water features proposed to be incorporated into the landscaped area.

B. At a minimum, the irrigation plan shall identify:

1. The location and size of the landscape irrigation water meter;
2. The location, type and size of all components of the irrigation system, including, but not limited to, controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;
3. The static water pressure at the point of connection to the public water supply; and
4. The flow rate, in gallons per minute; the application rate, in inches per hour; and the design operating pressure, in pressure per square inch, for each station.

C. Landscape plans shall include details and specifications reflecting the most recent acceptable best management practices for water-efficient landscape design:

1. The Landscape Plan shall identify boundaries of each hydrozone and special landscape area, labeled by hydrozone as high, moderate, low, or very low water use;
2. Location, type of mulch and application depth;
3. Location of recreational areas;
4. Location of areas permanently and solely dedicated to edible plants;
5. Location of areas irrigated with rainwater captured on site, graywater, and/or recycled water;
6. Identify soil amendments, type, and quantity;
7. Type and surface area of all water features.

D. The Landscape Plan shall conform to the grading design shown on the project grading and drainage plans. Landscape planting and irrigation shall comply with the design guidelines and plant recommendation as published in the applicable edition of the Contra Costa County Clean Water Program Stormwater C.3. Guidebook.

18.84.320 Certifications of landscape installation.

Prior to final permit inspection or issuance of a certificate of occupancy, as applicable, for the project, the applicant shall submit completed certificates of compliance, on forms

prepared by the city planner, that the landscape has been installed in accordance with the approved landscape plan application and the requirements of this article.

A. Landscape Installation. Upon completion of the landscape installation, the landscape contractor or installer shall inspect the landscaped area and notify the applicant of any deficiencies or areas of noncompliance with the approved plans or the requirements of this article. The landscape contractor or installer, the applicant, or the applicant's designee shall correct any areas of noncompliance, and a follow-up inspection shall be conducted by the contractor or installer. Upon verifying that the installed landscape complies with the approved landscape plans and the requirements of this article, the landscape contractor or installer shall complete a certificate of compliance verifying that the planting and irrigation systems have been installed in accordance with the approved landscape plan.

B. Landscape Water Audit. For new construction and rehabilitated landscape projects installed after December 1, 2015, the project applicant shall submit an irrigation audit report prior to building permit issuance. Within 30 days of the start of the landscape maintenance period or upon completion of the landscape installation, a certified irrigation system auditor shall conduct an audit of the installed landscape irrigation system. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape. The irrigation system auditor shall inform the applicant of those areas where the installed irrigation system does not comply with the approved landscape plans or the requirements of this article. The applicant or the applicant's designee shall correct any areas of noncompliance, and a follow-up audit shall be performed by the irrigation system auditor. Upon verifying that the installed irrigation system complies with the requirements of this article, the auditor shall complete a certificate of compliance for the irrigation system. In large projects, or projects with multiple landscape installations, an auditing rate of 1 in 7 lots or approximately 15 percent will satisfy this requirement.

C. Landscape Maintenance. The landscape maintenance contractor, applicant or property owner shall complete a certificate of compliance for ongoing maintenance of the site, and in so doing shall agree to irrigate and maintain the landscaped areas on the site using no more water than the maximum applied water allowance. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents or with components with greater efficiency.

18.84.323 Landscape and irrigation maintenance schedule.

The landscape designer or installer shall develop for the landscaped area an annual landscape maintenance schedule for the project that is consistent with the most recent acceptable best management practices for landscape maintenance. Schedules

shall be submitted with the certificates of compliance required pursuant to PMC [18.84.320](#) and shall specify, at a minimum:

- A. Routine inspection [and auditing](#) of the landscaped area and replacement of plant materials as needed to preserve the health and appearance of the landscaped area;
- B. Adjustment and repair of the irrigation system and its components with originally installed components or their equivalents;
- C. Aerating [and dethatching](#) turf areas;
- D. Replenishing mulch [and topdressing compost](#);
- E. Seasonal pruning [and fertilizing](#);
- F. Weeding in all landscaped areas; and
- G. Removing obstructions to irrigation emission or exhaust devices.

[H. Irrigation Scheduling. Irrigation schedules shall meet the following criteria:](#)

- [1. Operation of the irrigation system shall be regulated by automatic irrigation controllers;](#)
- [2. All irrigation schedules shall be developed and managed to utilize the minimum amount of water required to maintain plant health;](#)
- [3. Overhead spray irrigation devices shall not be used between the hours of 10:00 a.m. and 8:00 p.m.;](#)
- [4. Where available, the applicant is strongly encouraged to consult with the domestic water purveyor when developing the irrigation schedule.](#)

18.84.325 Provisions for existing landscaping.

This section shall apply to landscaped areas that were installed before ~~January 20, 2014~~ [December 1, 2015](#).

- A. Each owner of property in the city shall ensure the efficient use of landscape water and may utilize resources and services, such as irrigation surveys and landscape water use analysis, that are offered by the local retail or wholesale water utility.
- B. Each owner of property in the city shall prevent water waste resulting from inefficient landscape irrigation by limiting landscape irrigation to the hours between 8:00 p.m. and 10:00 a.m. and by prohibiting runoff from the target landscape areas due to

excessive irrigation run times, low head drainage, overspray, or other similar conditions where water flows onto an adjacent property, sidewalk, roadway, parking lot or structure.

18.84.330 Public education.

A. All new model homes for a single-family residential subdivision or phase of a subdivision shall have front and corner side yards that are landscaped in accordance with the provisions of this article. At least one of the model homes shall include interpretive or informational signage highlighting for visitors the water-efficient landscape principles incorporated into the site landscaping. The developer shall make available to visitors brochures or other written or graphic media that informs visitors and potential buyers about the principles of water-efficient landscapes, including but not limited to those principles that are described in this article.

B. The architectural guidelines of a common interest development, which include homeowner associations, community apartment projects, condominiums, planned developments, and stock cooperatives, shall not include conditions that have the effect of prohibiting the use of low water use plants as a group.

C. For new homes and commercial developments, the developer of the property shall be required to provide the irrigation controller map, programming table, and annual maintenance schedules to new tenants or owners upon transfer of ownership or maintenance responsibility.

D. Property owners and tenants are strongly encouraged to utilize resources and services meant to increase water use efficiency, such as irrigation surveys and landscape water use analyses offered by the water utility providing service to the property upon which the irrigated landscape area is located.

18.84.331 Local Agency Responsibility. The City may designate by mutual agreement with a water utility to implement some or all of the requirements contained in this article. The City may collaborate with water utilities to define each entity's specific responsibilities relating to this article.

18.84.332 Prescriptive Compliance Option.

In lieu of the full performance requirements of the Landscaping, Irrigation and Hydroseeding Regulations, this alternative option is available for new development projects. In order to use the prescriptive compliance option, compliance with the following items is mandatory and must be documented on a landscape project application submittal as specified on PMC 18.84.308 with a Prescriptive Compliance Checklist in a form provided by the City Planner:

A. Incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area. Plant material shall comply with all of the following:

1. For residential areas, install climate adapted plants that require occasional, little or no summer water (Average WUCOLS plant factor 0.3) for 75% of the plant area excluding edibles and area using recycling water; or,

2. For non-residential areas, install climate adapted plants that require occasional little or no summer water (average WUCOLS plant factor 0.3) for 100% of the plant area excluding edibles and areas using recycled water;

3. A minimum three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.

B. Turf shall comply with the following:

1. Turf shall not exceed 25 percent of the landscape area in residential areas, and there shall be no turf in non-residential areas;

2. Turf shall not be planted on sloped areas which exceed a slope of one foot vertical elevation change for every four feet of horizontal length;

3. Turf is prohibited in parkways less than ten feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles.

4. Any turf in parkways must be irrigated by sub-surface irrigation or by other technology that creates no overspray or runoff.

C. Irrigation systems shall comply with the following:

1. Automatic irrigation controllers are required and must use evaporated transpiration or soil moisture sensor data and utilize a rain sensor;

2. Irrigation controllers shall be a type which does not lose programming data in the event the primary power source is interrupted;

3. Pressure regulators shall be installed on the irrigation system to ensure the dynamic pressure range;

4. Manual shut-off valves shall be installed as close as possible to the point of connection of the water supply;

5. All irrigation emission devices must meet the requirements set in the ANSI standards ASABE/ICC 802-2014 (Landscape Irrigation Standard).

6. All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.

7. Areas less than ten in the width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray;

8. For non-residential projects with landscape areas of 1,000 square feet or more, a private submeters (s) to measure landscape water use shall be installed.

Executive Department
State of California

EXECUTIVE ORDER B-29-15

WHEREAS on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

WHEREAS on April 25, 2014, I proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

WHEREAS California's water supplies continue to be severely depleted despite a limited amount of rain and snowfall this winter, with record low snowpack in the Sierra Nevada mountains, decreased water levels in most of California's reservoirs, reduced flows in the state's rivers and shrinking supplies in underground water basins; and

WHEREAS the severe drought conditions continue to present urgent challenges including: drinking water shortages in communities across the state, diminished water for agricultural production, degraded habitat for many fish and wildlife species, increased wildfire risk, and the threat of saltwater contamination to fresh water supplies in the Sacramento-San Joaquin Bay Delta; and

WHEREAS a distinct possibility exists that the current drought will stretch into a fifth straight year in 2016 and beyond; and

WHEREAS new expedited actions are needed to reduce the harmful impacts from water shortages and other impacts of the drought; and

WHEREAS the magnitude of the severe drought conditions continues to present threats beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of section 8558(b) of the Government Code, I find that conditions of extreme peril to the safety of persons and property continue to exist in California due to water shortage and drought conditions with which local authority is unable to cope; and

WHEREAS under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately.



IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my January 17, 2014 Proclamation, my April 25, 2014 Proclamation, and Executive Orders B-26-14 and B-28-14 remain in full force and effect except as modified herein.

SAVE WATER

2. The State Water Resources Control Board (Water Board) shall impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016. These restrictions will require water suppliers to California's cities and towns to reduce usage as compared to the amount used in 2013. These restrictions should consider the relative per capita water usage of each water suppliers' service area, and require that those areas with high per capita use achieve proportionally greater reductions than those with low use. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.
3. The Department of Water Resources (the Department) shall lead a statewide initiative, in partnership with local agencies, to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes. The Department shall provide funding to allow for lawn replacement programs in underserved communities, which will complement local programs already underway across the state.
4. The California Energy Commission, jointly with the Department and the Water Board, shall implement a time-limited statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices.
5. The Water Board shall impose restrictions to require that commercial, industrial, and institutional properties, such as campuses, golf courses, and cemeteries, immediately implement water efficiency measures to reduce potable water usage in an amount consistent with the reduction targets mandated by Directive 2 of this Executive Order.
6. The Water Board shall prohibit irrigation with potable water of ornamental turf on public street medians.
7. The Water Board shall prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or microspray systems.

8. The Water Board shall direct urban water suppliers to develop rate structures and other pricing mechanisms, including but not limited to surcharges, fees, and penalties, to maximize water conservation consistent with statewide water restrictions. The Water Board is directed to adopt emergency regulations, as it deems necessary, pursuant to Water Code section 1058.5 to implement this directive. The Water Board is further directed to work with state agencies and water suppliers to identify mechanisms that would encourage and facilitate the adoption of rate structures and other pricing mechanisms that promote water conservation. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.

INCREASE ENFORCEMENT AGAINST WATER WASTE

9. The Water Board shall require urban water suppliers to provide monthly information on water usage, conservation, and enforcement on a permanent basis.
10. The Water Board shall require frequent reporting of water diversion and use by water right holders, conduct inspections to determine whether illegal diversions or wasteful and unreasonable use of water are occurring, and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. Pursuant to Government Code sections 8570 and 8627, the Water Board is granted authority to inspect property or diversion facilities to ascertain compliance with water rights laws and regulations where there is cause to believe such laws and regulations have been violated. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
11. The Department shall update the State Model Water Efficient Landscape Ordinance through expedited regulation. This updated Ordinance shall increase water efficiency standards for new and existing landscapes through more efficient irrigation systems, greywater usage, onsite storm water capture, and by limiting the portion of landscapes that can be covered in turf. It will also require reporting on the implementation and enforcement of local ordinances, with required reports due by December 31, 2015. The Department shall provide information on local compliance to the Water Board, which shall consider adopting regulations or taking appropriate enforcement actions to promote compliance. The Department shall provide technical assistance and give priority in grant funding to public agencies for actions necessary to comply with local ordinances.
12. Agricultural water suppliers that supply water to more than 25,000 acres shall include in their required 2015 Agricultural Water Management Plans a detailed drought management plan that describes the actions and measures the supplier will take to manage water demand during drought. The Department shall require those plans to include quantification of water supplies and demands for 2013, 2014, and 2015 to the extent data is available. The Department will provide technical assistance to water suppliers in preparing the plans.

13. Agricultural water suppliers that supply water to 10,000 to 25,000 acres of irrigated lands shall develop Agricultural Water Management Plans and submit the plans to the Department by July 1, 2016. These plans shall include a detailed drought management plan and quantification of water supplies and demands in 2013, 2014, and 2015, to the extent that data is available. The Department shall give priority in grant funding to agricultural water suppliers that supply water to 10,000 to 25,000 acres of land for development and implementation of Agricultural Water Management Plans.
14. The Department shall report to Water Board on the status of the Agricultural Water Management Plan submittals within one month of receipt of those reports.
15. Local water agencies in high and medium priority groundwater basins shall immediately implement all requirements of the California Statewide Groundwater Elevation Monitoring Program pursuant to Water Code section 10933. The Department shall refer noncompliant local water agencies within high and medium priority groundwater basins to the Water Board by December 31, 2015, which shall consider adopting regulations or taking appropriate enforcement to promote compliance.
16. The California Energy Commission shall adopt emergency regulations establishing standards that improve the efficiency of water appliances, including toilets, urinals, and faucets available for sale and installation in new and existing buildings.

INVEST IN NEW TECHNOLOGIES

17. The California Energy Commission, jointly with the Department and the Water Board, shall implement a Water Energy Technology (WET) program to deploy innovative water management technologies for businesses, residents, industries, and agriculture. This program will achieve water and energy savings and greenhouse gas reductions by accelerating use of cutting-edge technologies such as renewable energy-powered desalination, integrated on-site reuse systems, water-use monitoring software, irrigation system timing and precision technology, and on-farm precision technology.

STREAMLINE GOVERNMENT RESPONSE

18. The Office of Emergency Services and the Department of Housing and Community Development shall work jointly with counties to provide temporary assistance for persons moving from housing units due to a lack of potable water who are served by a private well or water utility with less than 15 connections, and where all reasonable attempts to find a potable water source have been exhausted.
19. State permitting agencies shall prioritize review and approval of water infrastructure projects and programs that increase local water supplies, including water recycling facilities, reservoir improvement projects, surface water treatment plants, desalination plants, stormwater capture, and greywater systems. Agencies shall report to the Governor's Office on applications that have been pending for longer than 90 days.



20. The Department shall take actions required to plan and, if necessary, implement Emergency Drought Salinity Barriers in coordination and consultation with the Water Board and the Department of Fish and Wildlife at locations within the Sacramento - San Joaquin delta estuary. These barriers will be designed to conserve water for use later in the year to meet state and federal Endangered Species Act requirements, preserve to the extent possible water quality in the Delta, and retain water supply for essential human health and safety uses in 2015 and in the future.
21. The Water Board and the Department of Fish and Wildlife shall immediately consider any necessary regulatory approvals for the purpose of installation of the Emergency Drought Salinity Barriers.
22. The Department shall immediately consider voluntary crop idling water transfer and water exchange proposals of one year or less in duration that are initiated by local public agencies and approved in 2015 by the Department subject to the criteria set forth in Water Code section 1810.
23. The Water Board will prioritize new and amended safe drinking water permits that enhance water supply and reliability for community water systems facing water shortages or that expand service connections to include existing residences facing water shortages. As the Department of Public Health's drinking water program was transferred to the Water Board, any reference to the Department of Public Health in any prior Proclamation or Executive Order listed in Paragraph 1 is deemed to refer to the Water Board.
24. The California Department of Forestry and Fire Protection shall launch a public information campaign to educate the public on actions they can take to help to prevent wildfires including the proper treatment of dead and dying trees. Pursuant to Government Code section 8645, \$1.2 million from the State Responsibility Area Fire Prevention Fund (Fund 3063) shall be allocated to the California Department of Forestry and Fire Protection to carry out this directive.
25. The Energy Commission shall expedite the processing of all applications or petitions for amendments to power plant certifications issued by the Energy Commission for the purpose of securing alternate water supply necessary for continued power plant operation. Title 20, section 1769 of the California Code of Regulations is hereby waived for any such petition, and the Energy Commission is authorized to create and implement an alternative process to consider such petitions. This process may delegate amendment approval authority, as appropriate, to the Energy Commission Executive Director. The Energy Commission shall give timely notice to all relevant local, regional, and state agencies of any petition subject to this directive, and shall post on its website any such petition.

26. For purposes of carrying out directives 2–9, 11, 16–17, 20–23, and 25, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension applies to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required, as well as for any necessary permits or approvals required to complete these actions. This suspension, and those specified in paragraph 9 of the January 17, 2014 Proclamation, paragraph 19 of the April 25, 2014 proclamation, and paragraph 4 of Executive Order B-26-14, shall remain in effect until May 31, 2016. Drought relief actions taken pursuant to these paragraphs that are started prior to May 31, 2016, but not completed, shall not be subject to Division 13 (commencing with section 21000) of the Public Resources Code for the time required to complete them.
27. For purposes of carrying out directives 20 and 21, section 13247 and Chapter 3 of Part 3 (commencing with section 85225) of the Water Code are suspended.
28. For actions called for in this proclamation in directive 20, the Department shall exercise any authority vested in the Central Valley Flood Protection Board, as codified in Water Code section 8521, et seq., that is necessary to enable these urgent actions to be taken more quickly than otherwise possible. The Director of the Department of Water Resources is specifically authorized, on behalf of the State of California, to request that the Secretary of the Army, on the recommendation of the Chief of Engineers of the Army Corps of Engineers, grant any permission required pursuant to section 14 of the Rivers and Harbors Act of 1899 and codified in section 48 of title 33 of the United States Code.
29. The Department is directed to enter into agreements with landowners for the purposes of planning and installation of the Emergency Drought Barriers in 2015 to the extent necessary to accommodate access to barrier locations, land-side and water-side construction, and materials staging in proximity to barrier locations. Where the Department is unable to reach an agreement with landowners, the Department may exercise the full authority of Government Code section 8572.
30. For purposes of this Executive Order, chapter 3.5 (commencing with section 11340) of part 1 of division 3 of the Government Code and chapter 5 (commencing with section 25400) of division 15 of the Public Resources Code are suspended for the development and adoption of regulations or guidelines needed to carry out the provisions in this Order. Any entity issuing regulations or guidelines pursuant to this directive shall conduct a public meeting on the regulations and guidelines prior to adopting them.



31. In order to ensure that equipment and services necessary for drought response can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended for directives 17, 20, and 24. Approval by the Department of Finance is required prior to the execution of any contract entered into pursuant to these directives.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

IN WITNESS WHEREOF I have
hereunto set my hand and caused the
Great Seal of the State of California to
be affixed this 1st day of April 2015.

EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State



The 2015 Updated Model Water Efficient Landscape Ordinance

Guidance for California Local Agencies

INTRODUCTION

Governor Brown's Drought Executive Order of April 1, 2015 (EO B-29-15) directed DWR to update the State's Model Water Efficient Landscape Ordinance (MWELo) through expedited regulation. The California Water Commission approved the revised MWELo Ordinance on July 15, 2015. This fact sheet provides guidance to cities and counties (local agencies) in California, who are responsible for adopting and reporting on a water efficient landscape ordinance. The focus is on major changes in the MWELo which must be addressed when local agencies are revising their own local or regional ordinances.

DEADLINES AND OPTIONS FOR LOCAL AGENCY ACTIONS (Section 490.1)

Local agencies have until **December 1, 2015** to adopt the MWELo or to adopt a Local Ordinance which must be at least as effective in conserving water as MWELo. Local agencies working together to develop a Regional Ordinance have until **February 1, 2016** to adopt, but they are still subject to the December 2015 reporting requirements (see Reporting Requirements). A local agency will either integrate MWELo into an existing ordinance or establish a new, separate program. To comply, a local agency must perform one of the following actions:

- Adopt *by reference* Sections 490-495, Chapter 2.7, Division 2, Title 23 in the California Code of Regulations
- Adopt the MWELo *in detail* - Sections 490-495, Chapter 2.7, Division 2, Title 23 in the California Code of Regulations
- Amend an existing or adopt a new Local Ordinance or Regional Ordinance to meet the requirements contained in the regulations
- Take no action and allow the MWELo to go into effect by default

A local agency may choose to allow MWELo to become effective by default and then adopt a Local or Regional Ordinance at a later time. Subsequent reporting must include the details of Local or Regional Ordinances.

Local agencies are not limited to require only the levels of water conservation stipulated by MWELo. The Local or Regional Ordinance can require higher levels of water conservation, as determined appropriate by the local agency to address one of these local conditions:

- climate
- geology
- topography
- environmental conditions.

However, in such situations where a more restrictive requirement is incorporated, the local agency must make express findings that the requirement is reasonably necessary for one or more of the above conditions. Like all ordinance adoption processes, the adoption must follow the applicable rules for a public process including a public comment period and formal public proceeding during adoption.

SIGNIFICANT REVISIONS TO MWELO

Projects Subject to the Ordinance (Section 490.1)

The size of landscapes subject to the ordinance has been lowered from 2500 sq. ft. to 500 sq. ft. The size threshold applies to residential, commercial, industrial and institutional projects that require a permit, plan check or design review.

To reduce the complexity and costs for the smaller landscapes now subject to ordinance, the revised MWELO has a prescriptive compliance approach (Appendix D) for landscapes between 500 and 2500 sq. ft. Landscapes within this size range can comply either through meeting the traditional MWELO approach or through the prescriptive approach in Appendix D. The size threshold for existing landscapes that are being rehabilitated has not changed, remaining at **2500 square feet**. Only rehabilitated landscapes that are associated with a building or landscape permit, plan check, or design review are subject to the Ordinance.

Definitions (Section 491)

The definitions section of MWELO has been expanded to include new terms and concepts. Please see the strike-out version of MWELO at <http://www.water.ca.gov/wateruseefficiency/landscapeordinance/> to review definition changes.

Water Efficient Worksheet and Water Budget (Section 492.4)

The maximum applied water allowance (MAWA) has been lowered from 70% of the reference evapotranspiration (ET_o) to 55% for residential landscape projects, and to 45% of ET_o for non-residential projects. This water allowance reduces the landscape area that can be planted with high water use plants such as cool season turf. For typical residential projects, the reduction in the MAWA reduces the percentage of landscape area that can be planted to high water use plants from 33% to 25%. In typical non-residential landscapes, the reduction in MAWA limits the planting of high water use plants to special landscape areas. The revised MWELO still uses a water budget approach and larger areas of high water use plants can be installed if the water use is reduced in the other areas provided the overall landscape stays within the budget. The use of special landscape areas (SLA) was not changed in the revised MWELO. The SLA provides for an extra water allowance in non-residential areas for specific functional landscapes, such as recreation, areas for public assembly, and edible gardens or for areas irrigated with recycled water.

The revised MWELO allows the irrigation efficiency to be entered for each area of the landscape. The site-wide irrigation efficiency of the previous ordinance (2010) was 0.71; for the purposes of estimating total water use, the revised MWELO defines the irrigation efficiency (IE) of drip irrigation as 0.81 and overhead irrigation and other technologies must meet a minimum IE of 0.75.

The worksheets for Maximum Applied Water Allowance (MAWA) and the Estimated Total Water Use (ETWU) have been combined into one table. (See Appendix B, Water Efficient Landscape Worksheet). As explained above, rather than using a site-wide default IE, irrigation efficiency is calculated for each hydrozone.

The revised ordinance also precludes the use of high water use plants in street median strips.

Also because of the requirement to irrigate areas less than ten feet wide with subsurface irrigation or other means that produces no runoff or overspray, the use of cool season turf in parkways is limited.

Soil Management Report (Section 492.5)

For multi-lot projects, the revised MWELO added clarification that soil testing should be completed using a soil sampling rate of approximately 1 in 7 lots or 15 percent.

Landscape Design Plan (Section 492.6)

The following changes were made to Landscape Design Plan section:

Prior to planting, 4 yards of compost must be incorporated per 1000 sq. ft. of permeable area. Compacted soils must be transformed to a friable condition. The depth of mulch required was increased from 2 to 3 inches. Graywater and storm retention components must be indicated on the landscape plan.

Irrigation Design Plan (Section 492.7)

The following changes were made to the Irrigation Design section:

Dedicated landscape water meters or submeters are required for residential landscapes over 5,000 square feet and non-residential landscapes over 1000 square feet. Dedicated meters or submeters may be either a meter supplied by the local water supplier or a privately owned submeter.

Irrigation systems are required to have ***pressure regulation*** to ensure correct and efficient operation.

All irrigation emission devices must meet the American National Standards Institute standard, American Society of Agricultural and Biological Engineers'/International Code Council's 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard". ***Flow sensors*** that detect and report high flow conditions due to broken pipes and/or popped sprinkler heads are required for landscape areas greater than 5,000 square feet. Master shut-off valves that prevent water waste in case of large failures of irrigation systems due to breakage or vandalism are required on all landscapes except where sprinklers can be individually controlled.

The ***minimum width of areas that can be overhead irrigated was increased from 8 feet to 10 feet***; areas less than 10 feet wide must be irrigated with subsurface drip or other technology that produces no over spray or runoff.

The revised update requires ***the irrigation auditor to be a local agency auditor or third party auditor*** to reduce conflicts of interest. All landscape irrigation auditors must be certified by one of the U.S. EPA WaterSense labeled auditing programs. EPA WaterSense: http://www.epa.gov/watersense/outdoor/cert_programs.html

Graywater Systems (Section 492.15)

The revised MWELO added a graywater section that specifies that landscapes less than 2,500 square feet that are irrigated entirely with graywater or captured rainwater are subject only to the irrigation system requirements of Appendix D, Prescriptive Compliance Option. Graywater is allowed throughout the state under the California Plumbing Code, Ch. 16. Applicants should consult with the local building authority regarding graywater systems.

Stormwater and Rainwater Retention (Section 492.16)

A requirement was added that landscape area should have friable soil to maximize stormwater infiltration. Additional stormwater measures were recommended, but not required.

Reporting (Section 495)

Executive Order B-29-15 and the revised ordinance require that local agencies report on the implementation and enforcement of their single agency Local Ordinances to DWR by December 31, 2015. Local agencies developing a Regional Ordinance must report on adoption by March 1, 2016. Reporting for all agencies is due by January 31st of each year thereafter. The reporting requirement is a new addition to the MWELO.

In the initial reporting, a local agency states whether they are adopting a single agency ordinance or a regional agency ordinance, and specifies the date of adoption or anticipated date of adoption.

The following information is to be included in the first report by the local agency. Once stated, the information does not have to be repeated in subsequent reports unless the information changes.

- State if using a locally modified Water Efficient Landscape Ordinance (Local or Regional Ordinance) or the MWELO. If using a Local or Regional Ordinance, how is it different than MWELO; is it at least as efficient as MWELO; and are there any exemptions specified?
- State the entity responsible for implementing the ordinance.

In subsequent years, all local agency reporting will be for the calendar year. For the initial reporting period after new ordinance adoption and each year thereafter, include the following information during each reporting period:

- Number and types of projects subject to the ordinance
- Total area (in square feet or acres) subject to the ordinance
- Number of new housing starts, new commercial projects, and landscape retrofits

For the initial reporting period after new ordinance adoption and each year thereafter, describe the following:

- The procedure for review of projects subject to the ordinance
- The actions taken to verify compliance- Is a plan check performed; if so, by what entity? Is a site inspection performed; if so, by what entity? Is a post-installation audit required; if so, by whom?
- Enforcement measures
- The challenges to implementing and enforcing the ordinance
- The educational, training, and other needs to properly apply the ordinance

Contact Information:

Julie Saare-Edmonds, DWR Senior Environmental Scientist at Julie.Saare-Edmonds@water.ca.gov or (916) 651-9676



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 28, 2020
TIME: 7:00 p.m.
PLACE: City Council Chamber at City Hall
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Recommendation on Amendments to Pittsburg Municipal Code Title 18.84, Article VII, “Landscaping, Irrigation and Hydroseeding.”

This is a public hearing on a City-initiated proposal to consider amendments to Title 18 of the Pittsburg Municipal Code (PMC) to revise the existing Water Efficient Landscape Standards in order to comply with state law. Pursuant to the State Government Code, all California cities and counties are required to adopt the Model Water Efficient Landscaping Ordinance (MWELO), or local regulations which are at least as effective in conserving water as the MWELO.

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

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

Where can I get more information about this project?

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

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

Comments or objections to the project can be made by writing or through e-mailed testimony during the public hearing. Written comments citing the project name may be emailed to the project planner listed above, or may be mailed or delivered to: Pittsburg Planning Division, 65 Civic Avenue, Pittsburg, CA 94565. Comments can be submitted via email to meetingcomments@ci.pittsburg.ca.us.

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

KRISTIN POLLOT, AICP, SECRETARY
PITTSBURG PLANNING COMMISSION



City of
Pittsburgh

Model Water Efficiency Landscaping
Ordinance (MWELLO)
April 28, 2020

Background



In 2015, due to drought:

Governor's Executive Order B-29-15 (4/1/2015):

- Directed DWR to update State MWELO
- 2015 MWELO in effect December 1, 2015



Applicability



Current (2010): Creation or rehabilitation of 5,000 or more sq. ft. of landscaping area in a single lot in residential zones

2,500 or more square feet of landscaping across two or more lots located in all other zones

Revision (2015): Apply to all projects containing 500 or more square feet of new irrigated landscape area, or the replacement of more than 2,500 square feet of irrigated landscape area

Submittal Requirements



Current (2010):

- Submittal of a Landscape and Irrigation Plan
- Show location of hydrozone boundaries
- Provide a soils analysis
- Provide a landscape allowance worksheet
- Allows for a 'preliminary landscape plan' submittal

Revisions include (2015):

- Showing location of rain harvesting, graywater, or recycled water irrigation systems
- Removal of preliminary landscape plan submittal

Water Budget Calculations



Current (2010): Uses the Maximum Applied Water Allowance (MAWA), which calculates the maximum amount of water that can be used for irrigation based on the amount of landscape area and geographic climate

Revisions include (2015): Will continue to utilize an increased water budget allowances by giving credit for high-efficiency irrigation devices (such as drip emitters and bubblers)

Water Efficient Landscaping Standards



Current standards were developed in 2010 to encourage best management practices for water efficiency:

- Parking lot landscape design standards
- Overhead irrigation standards
- Use of soil amendments

Revisions include (2015):

- Increase percentage of mulching requirements
- Adding graywater system standards
- Adding grading design for stormwater management and rainwater retention

Prescriptive Landscaping Standards



Added streamlined checklist of landscape standards

Must have an aggregated area of 2,500 sq. ft. or less

Standards include:

- incorporating compost,
- limiting plant water use,
- adding mulch,
- limiting turf area,
- and requirements for irrigation systems

Reporting Requirements



An added requirement of Annual Reporting (2015):

- Provide permit statistics on applicable projects
- List description of enforcement
- List barriers to enforcement

As of January 31, 2020, the City has submitted all past due Annual Reports and is in compliance

Recommended Actions



Move to adopt Resolution No. 10142, recommending City Council approval to proposed revisions to the Water Efficient Landscape Standards, PMC Chapter 18.84, Article VII “Landscaping, Irrigation and Hydroseeding,” as presented.