



**CITY OF PITTSBURG
AGENDA**

APRIL 17, 2023

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

**CLOSED SESSION
6:30 P.M.**

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

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

PRESIDING

**Shanelle Scales-Preston, Mayor/Chair
Juan Antonio Banales, Vice- Mayor/Chair
Jelani Killings, Council Member/Board Member
Dionne Adams, Council Member/Board Member
Angelica Lopez, Council Member/Board Member**

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

Pittsburg City Council meetings are held the first and third Mondays of each month at 7:00 p.m. The Housing Authority meets in conjunction with the City Council on the third Monday of each month. The Pittsburg City Council meets regularly in the Council Chamber at 65 Civic Avenue, unless otherwise noted above. The City Council also sits as the Board of Directors of several other City agencies. The stipends for all agency members conform to state statutes governing compensation amounts. All other Agencies meet on an as needed basis and will be listed above if applicable. Copies of the open session agenda packets, which are distributed to the City Council, are on file in the office of the City Clerk, 65 Civic Avenue, Pittsburg, California, and are available for public inspection, beginning 72 hours in advance, during normal business hours (8:00 a.m. – 5:00 p.m., Monday through Friday, except from noon to 1:00 p.m. and City holidays). The agenda and reports are also located on the City's website at www.pittsburgca.gov. Additionally, if any reports or documents, which are public records, are distributed to the City Council less than 72 hours before the meeting, those reports and documents will also be available for public inspection in the City Clerk's

Office and on the day of the meeting in the Council Chamber at the public counter area below the dais.

AUDIENCE REMARKS

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

6:30 PM CONVENE IN CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL— EXISTING LITIGATION pursuant to Section 54956.9(d)(1) National Opioid Litigation Settlements: Teva, Allergan, Walmart, Walgreens and CVS Settlements

CONVENE IN OPEN SESSION FOR REGULAR MEETING

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

2. Earth Day and Civic Pride Day
3. National Library Week
4. Arbor Day

CITY MANAGER REPORTS/REMARKS

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

PUBLIC COMMENTS

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

COMMITTEE REPORTS

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

HOUSING AUTHORITY

CONSENT CALENDAR

5. Distribution List for February 2023

6. Adoption of a City Council Resolution Authorizing the City Manager to Purchase Properties with Public Local Housing Allocation (PLHA) Funds and Transfer Properties to the Housing Authority, and a Housing Authority Resolution Accepting Properties from the City for Affordable Housing for Housing Choice Voucher Participants

The City proposes to purchase and transfer properties to the Housing Authority of the City of Pittsburg (Housing Authority) and the Housing Authority proposes to accept properties from the City for affordable housing for its Housing Choice Voucher, also known as Section 8, participants.

HOUSING AUTHORITY MEMBER REMARKS

ADJOURNMENT OF THE HOUSING AUTHORITY

CITY COUNCIL MEETING

CONFLICT OF INTEREST STATEMENT

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

COMBINED CITY COUNCIL, PITTSBURG ARTS AND COMMUNITY FOUNDATION, PITTSBURG POWER COMPANY, SUCCESSOR AGENCY AND SOUTHWEST PITTSBURG GHAD II CONSENT CALENDAR

7. Adoption of a City Council Resolution Proclaiming Termination of Local Emergency Regarding Storms

This item is to proclaim the termination of the Local Emergency declared by City Manager, acting as Director of Emergency Services, and ratified by the City Council, in response to recent extreme weather. Conditions of extreme peril have sufficiently abated to warrant termination of the emergency.

8. Adoption of a City Council Resolution Authorizing the Summary Vacation of a 3,187 square-foot Utility Easement

On June 19, 2019, the Planning Commission approved design review for the Courtyard Marriott project with the adoption of Resolution No. 10124. New water service improvements will be constructed on the project site, which requires realignment of a portion of the City's waterline. The City has no further use of this easement or portion of water pipeline.

9. Adoption of a City Council Resolution Authorizing the Application and Acceptance of Clean California Local Grant Program Funds and Authorizing Execution of a Grant Agreement with the California Department of Transportation

The City is seeking up to \$5,000,000 in California Department of Transportation (Caltrans) Clean California Local Grant Program (Program) funding for the Wheeling Towards Mental Wellness Project (Project). The Project includes development of a skate plaza, pump track, and associated beautification elements

at City Park to improve the mental health and foster equity for Pittsburg's youth and community.

10. Adoption of a City Council Resolution Allocating ARPA Funds and Awarding Contract for the Police Department Electric Vehicle Chargers Project

The 117th United States Congress passed the American Rescue Plan Act of 2021 (ARPA), and President Joe Biden signed it into law on March 11, 2021. The City of Pittsburg's allotment of ARPA funding totals \$16,290,477.

The City Council proposed allocations to the various subcommittees, and the Finance Subcommittee prioritized \$1,500,000 to be spent on fleet replacement with electric vehicle and hydrogen fuel cell emphasis.

Police Department Electric Vehicle Chargers Project (the "Project") is an important step toward complying with the California Air Resources Board (CARB) regulations setting California on a path to reduce climate-warming pollution.

11. Adoption of a PPC Governing Board Resolution Authorizing General Counsel to Execute First Amendment to Outside Counsel Services Agreement with Cameron-Daniel, PC

PPC General Counsel proposes a first amendment to an Outside Counsel Services Agreement with the law firm Cameron-Daniel PC, to increase the compensation to \$150,000 for specialized legal services for municipal electric utility initiatives.

12. Adoption of a City Council Resolution Authorizing the City Manager to Purchase Properties with Public Local Housing Allocation (PLHA) Funds and Transfer Properties to the Housing Authority, and a Housing Authority Resolution Accepting Properties from the City for Affordable Housing for Housing Choice Voucher Participants

The City proposes to purchase and transfer properties to the Housing Authority of the City of Pittsburg (Housing Authority) and the Housing Authority proposes to accept properties from the City for affordable housing for its Housing Choice Voucher, also known as Section 8, participants.

COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

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

COUNCIL MEMBER REMARKS

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

PUBLIC HEARING

13. Public Hearing on Appeal of the Planning Commission's Determination to Not Recommend for City Council Approval a Development Agreement, Amendments to the General Plan and Rezoning Designations, and Adoption of a Master Plan for the Faria/Southwest Hills Annexation Project; Adoption of Three City Council Resolutions to: 1) Certify a Revised and Updated Final Environmental Impact Report prepared pursuant to the California Environmental Quality Act, 2) Approve General Plan Amendments, and 3) Initiate Annexation; and Introduction and Waive First Reading of Two City Council Ordinances Amending Rezoning Designations, Including Approval of a Master Plan, and Approving a Development Agreement for the Faria/Southwest Hills Annexation Project, AP-10-717 (GP, RZ, DA, ANNEX)

This is an appeal request by Louis Parsons of Discovery Builders, of the Planning Commission's determination to not recommend for City Council approval a Development Agreement, Amendments to the General Plan and Rezoning Designations, and Adoption of a Master Plan for the Faria/Southwest Hills Annexation Project. The proposed Master Plan would allow for development of approximately 341 acres of residential use and require approximately 265 acres to be preserved for open space, where the current General Plan allows for up to 478 acres of residential use and 129 acres of open space. The proposed amendments would not change the existing maximum development potential (1,500 single family units), but rather would focus the development to the center of the site within the valley area. In addition to requesting that the City Council approve the above-listed items, the requested actions include certification of a Revised and Updated Final Environmental Impact Report (RUF EIR), adoption of associated California Environmental Quality Act (CEQA) findings, a Statement of Overriding Considerations, a Mitigation Monitoring and Reporting Program (MMRP), and a subsequent request for the City to initiate proceedings to annex the property to the City of Pittsburg. The project site is located in the hills southwest of the existing city limits and is commonly known as the Faria property APN's 097-180-002, 097-180-006, 097-190-002, 097-200-002, 097-200-003, 097-230-008 & 097-240-002 (now APN's 091-040-002, 092-010-002 & -006, 092-020-002 & -003, 092-040-008, 092-050-002, and a portion of 092-030-012).

ADJOURNMENT TO MAY 1, 2023

NOTICE TO PUBLIC

GENERAL INFORMATION

Copies of the open session agenda packets, which are distributed to the City Council, are on file in the office of the City Clerk, 65 Civic Avenue, Pittsburg, California, and are available for public inspection, beginning 72 hours in advance, during normal business hours (8:00 a.m. – 5:00 p.m., Monday through Friday, except City holidays). The full packets are also located on the City's website at www.pittsburgca.gov. If any reports or documents, which are public records, are distributed to the City Council less than 72 hours before the meeting, those reports or documents will be available for public inspection in the City Clerk's Office and on the day of the meeting in the Council Chamber at the public counter area below the dais.

SPEAKER'S CARD

Members of the audience who wish to address the City Council on issues that are not scheduled for the agenda and on any items listed as part of the agenda should complete a Speaker's Card available at the dais. Please read the card carefully in order to fill out the card properly. Submit the completed card to the City Clerk before the item is called, preferably before the meeting begins. Individuals will be given up to three minutes to address the Council unless additional time is allowed as provided for spokespersons. Speakers are not permitted to yield their time to another speaker. Prior to speaking, each member of the public shall state their name and business and City of residence in a clear and audible tone of voice. Pursuant to the Brown Act, no action may be taken by the City Council on items not already scheduled on the agenda; however, the City Council may refer your comments/concerns to staff or request that the item be placed on a future agenda.

PUBLIC HEARINGS

Persons who wish to speak on Public Hearings listed on the agenda will be heard when the Public Hearing is opened, except on Public Hearing items previously heard and closed to public comment. After the public has commented, the item is closed to public comment and brought to the Council/Agency level for discussion and action. Further comment from the audience will not be received unless requested by the Council/Agency.

There is a 90-day limit for the filing of a challenge in the Superior Court to certain City administrative decisions and orders which require a hearing by law, the receipt of evidence, and the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge an action taken by the City Council in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised in the public hearing, or in written correspondence delivered to the City Council prior to or at the public hearing. The City Council may be requested to reconsider a decision if the request is made prior to the next City Council meeting, regardless of whether it is a regular or special meeting.

NOTICE TO THE DISABLED AND VISUALLY OR HEARING IMPAIRED

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

DISRUPTIVE CONDUCT

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

LIVE MEDIA BROADCASTING ADVISEMENT

City Council meetings are webcast live on the City's website at www.pittsburgca.gov on the Agendas and Live Meetings page. Past meetings and approved minutes are also archived on that webpage. Watch the live meeting via the City's webcast (www.pittsburgca.gov), or on Delta TV Comcast Channel 32, or Delta TV AT&T U-Verse Channel 99. For more information, please contact the City Clerk's office at 252-4850.

City Council Outside Agency / Liaison / Sub-Committees Assignments - 2023

Updated January 17, 2023

<u>OUTSIDE AGENCY BOARDS</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u> <u>STAFF</u>	<u>TIME</u>	
ABAG	Shanelle Scales-Preston / Jelani Killings Alt.	Standing	Annual Evans		G.
Delta Diablo*	Juan Banales / Shanelle Scales-Preston Alt.	Standing	2 nd Wednesday Samuelson	4:30 pm	J.
East Co. Co. County Habitat Conservancy	Juan Banales / Jelani Killings Alternate	Standing	4 th Monday Davis Bi-Monthly	2:00 pm	J.
East County Water Management	Juan Banales / Jelani Killings Alternate	Standing	Annual		J. Samuelson
MCE Clean Energy Board	Shanelle Scales-Preston / Angelica Lopez Alt.	Standing	Quarterly	7:00 pm	D. Buchanan
TRANSPLAN / ECCRFFA	Shanelle Scales-Preston / Juan Banales Alt.	Standing	2 nd Thursday Samuelson	6:30 pm	J.
Tri-Delta Transit (2 reps)**	S. Scales-Preston & Dionne Adams / Jelani Killings Alt.	Standing	Last Wednesday Samuelson	4:00 pm	J.

<u>LIAISON TO</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u> <u>STAFF</u>	<u>TIME</u>	
East Bay League of Calif. Cities	Shanelle Scales-Preston / Jelani Killings Alt.	Standing	3 rd Thursday		G. Evans
Los Medanos Health Advisory Committee	Shanelle Scales-Preston & Jelani Killings	Ad Hoc	As needed Aliotti		M.
Mayor's Conference	Shanelle Scales-Preston / Juan Banales Alt.	Standing	1 st Thursday Evans	6:30 pm	G.
School Districts Committee (2x2)	Jelani Killings & Angelica Lopez / Dionne Adams Alt.	Standing	2 nd Thursday Aliotti even months	4:00 pm	M.

<u>SUBCOMMITTEES</u>	<u>COUNCIL MEMBER(S)</u>	<u>TYPE</u>	<u>MEETS</u> <u>STAFF</u>	<u>TIME</u>	
CAC CDBG	Dionne Adams & Angelica Lopez / S. Scales-Preston Alt.	Standing	As needed Aliotti		M.

City Infrastructure and Transportation Community Services	S. Scales-Preston & Juan Banales / Jelani Killings Alt. S. Scales-Preston & Angelica Lopez / Dionne Adams Alt.	Standing	As needed Standing	As needed Aliotti	J. Samuelson M.
Constituent Management Services	S. Scales-Preston & Dionne Adams / Angelica Lopez Alt.		Ad Hoc	As needed Aliotti	M.
Economic Develop/Waterfront	Jelani Killings & Dionne Adams / S. Scales-Preston Alt.		Standing	As needed Davis	4:30 pm J.
Finance	S. Scales-Preston & Juan Banales / Dionne Adams Alt.	Standing	Monthly	Rodrigues	3:30 pm P.
Government Performance Land Use	Juan Banales & Jelani Killings Juan Banales & Dionne Adams / Angelica Lopez Alt.	Ad Hoc	As needed Standing	Monthly J. Davis	J. Brizel 1:30 pm
My Brothers Keeper	S. Scales-Preston & Jelani Killings		Ad Hoc	As needed Simonton	K.
Pittsburg Arts & Community Foundation	S. Scales-Preston & Jelani Killings / Dionne Adams Alt.		Standing	As needed Simonton	K.
Pittsburg Police Activities League (PAL)	S. Scales-Preston & Angelica Lopez / Dionne Adams Alt.		Standing	Monthly S. Albanese	
Pittsburg Recognition Power Company Advisory	Juan Banales & Jelani Killings Dionne Adams & Angelica Lopez / Juan Banales Alt.	Standing	As needed Standing	As needed Buchanan	M. Aliotti D.
Public Safety Sister City Committee	S. Scales-Preston & Jelani Killings / Juan Banales Alt. Jelani Killings & Angelica Lopez / S. Scales-Preston Alt.	Standing	As needed Standing	5:00 pm As needed Simonton	S. Albanese K.
Tobacco, Cannabis, Alcohol Policy Review			Juan Banales & Jelani Killings needed		Ad Hoc G. Evans

*Stipend of \$170 per month
**Stipend of \$100 per month



City of Pittsburg

65 Civic Avenue • Pittsburg, California 94565

Proclamation

EARTH DAY
CIVIC PRIDE DAY
APRIL 22, 2023

WHEREAS, the first Earth Day was celebrated on April 22, 1970, with the goal of inspiring environmental awareness and encouraging the conservation, protection, and appreciation of our nation's natural resources; and

WHEREAS, the theme for 2023 is a continuance from last year's well received campaign, "Invest in Our Planet". This theme is focused on engaging governments, institutions, businesses, and more than 1 billion citizens who participate annually on Earth Day to do their part; and

WHEREAS, this theme encourages everyone to be accounted for and holds everyone accountable since it is the responsibility of each of us to safeguard the environment by recognizing that all human life depends upon the earth and upon one another for our mutual existence, well-being, and development; and

WHEREAS, in 2023 we must come together again in partnership for the planet for the health of future generations; and

WHEREAS, the citizens and businesses of the City of Pittsburg are committed to the protection and preservation of our environment and through partnerships, the goal is to restore our ecosystem and habitat; and

WHEREAS, through the City's Civic Pride Day, the goal is to teach our citizens the importance of keeping our environment litter free so we can live in a clean and vibrant community.

NOW, THEREFORE, I, Shanelle Scales-Preston, on behalf of the City Council of the City of Pittsburg, do hereby proclaim April 22, 2023 as Earth Day and Civic Pride Day in the City of Pittsburg and urge our citizens to join in the efforts to be litter free and to preserve the wonder of the lands, skies, and water of the Earth.



Shanelle Scales-Preston, Mayor

for Alice E. Evenson, City Clerk

ATTEST: April 17, 2023



City of Pittsburg

65 Civic Avenue • Pittsburg, California 94565

Proclamation

NATIONAL LIBRARY WEEK "THERE'S MORE TO THE STORY" APRIL 23-29, 2023

WHEREAS, libraries of all types are at the heart of cities, towns, schools, and campuses, serving their communities and are places that foster a sense of belonging; and

WHEREAS, libraries have services and resources that extend beyond their doors; and

WHEREAS, libraries are full of stories in a variety of formats from picture books to large print, audio books to e-books and more. But there is so much more to the story; and

WHEREAS, library programs bring communities together for entertainment, education, and connection through book clubs, story times, crafting classes and lectures; and

WHEREAS, having a high functioning library advances communities, providing internet and technology classes, museum passes and games, literacy skills and support for businesses, job seekers, and entrepreneurs; and

WHEREAS, library week is a great time for the City of Pittsburg's library to tell our multi-faceted story as well as a great opportunity for the residents to take part and enjoy in all that our library has to offer.

NOW, THEREFORE, I, Shanelle Scales-Preston, on behalf of the City Council of the City of Pittsburg, do hereby proclaim April 23-April 29, 2023 as National Library Week in the City of Pittsburg and encourage residents to visit our very own library.



Shanelle Scales-Preston, Mayor

Alice E. Evenson, City Clerk

ATTEST: April 17, 2023



City of Pittsburg

65 Civic Avenue • Pittsburg, California 94565

Proclamation

ARBOR DAY
APRIL 28, 2023

WHEREAS, since 1972, the Arbor Day Foundation has planted trees to take on some of the biggest environmental challenges of our time. Things like climate change, food insecurity, natural disasters, urban heat islands, and more; and

WHEREAS, with a strong network of partners, a science-based approach, and more than 50 years of planting trees all over the world, there is much more to be done; and

WHEREAS, from backyards to tropical rain forests, trees around the world are hard at work providing the necessities of life. Trees clean our air and water, provide habitat for wildlife, connect communities, and support our health and well-being; and

WHEREAS, trees provide shade and cool our surroundings by up to 10 degrees, which can help during the high temperature months; and

WHEREAS, it will take many solutions working together to make a difference, planting trees are a proven, affordable and natural way that can be implemented quickly to pull carbon dioxide out of the atmosphere today ; and

WHEREAS, if we all say "Yes" to Arbor Day, imagine what we can grow. When we commit to celebrating Arbor Day, we are doing more than just planting trees in the ground. By saying "Yes", we are creating a healthier world.

NOW, THEREFORE, I, Shanelle Scales-Preston, on behalf of the City Council of the City of Pittsburg, do hereby proclaim April 28, 2023 as Arbor Day in the City of Pittsburg and encourage residents to grab your gardening gloves and join an event in your area or plant a tree in your yard.



Shanelle Scales-Preston, Mayor

Alige E. Evenson, City Clerk

ATTEST: April 17, 2023

**HOUSING AUTHORITY OF THE CITY OF PITTSBURG
DISBURSEMENT SUMMARY
FOR THE MONTH ENDED FEBRUARY 28, 2023**

VOUCHERS	Ck#	Amount	HAP ¹	VASH ²	UR ³	Portability	Admin. Fee	TOTAL
	52073-52153 30000073-30000084	\$ 1,788,910.98	1,534,612.00	85,693.00	4,431.00	152,582.00	11,592.98	\$ 1,788,910.98
	52154-52164	\$ 35,837.36	21,694.00	514.00	1,253.00	11,405.00	971.36	\$ 35,837.36
TOTAL	\$ 1,824,748.34	1,556,306.00	86,207.00	5,684.00	163,987.00	12,564.34	\$ 1,824,748.34	

¹Housing Assistance Payment

²Veterans Affairs Supportive Housing

³Utility Reimbursement

ADMINISTRATIVE EXPENSES	Description	TOTAL
	Salaries and Wages	\$ 42,405.44
Salaries- Overtime	202.62	
Retirement Miscellaneous	2,929.69	
Retirement - Pension Bonds	7,029.50	
Health Insurance - Employees	8,234.36	
CalPERS Unfunded Liability - Non Sworn	-	
Additional CalPERS Pension Contribution	404.22	
Life Insurance	66.56	
Dental Insurance	689.62	
Vision - Employee	79.66	
Workers' Compensation	2,064.20	
Unemployment Insurance	237.43	
Disability Insurance	145.27	
F I C A & Medicare	3,289.95	
Deferred Compensation - Employer	822.50	
Vac Buy-Bk/Empl Termination	965.92	
Pension 115 Trust	590.33	
Retiree OPEB Costs	2,811.50	
Office Supplies & Materials	1,167.82	
Computer Software Expense	-	
Postage	76.44	
Misc Equipment & Furniture	-	
Other Special Departmental Supplies	-	
Utilities - Electric	1,287.25	
Utilities - Water	14.47	
Utilities - Telephone Service	492.65	
Utilities - WiFi/Cellphone Service	480.18	
Membership Dues & Subscriptions	-	
Travel, Training & Conferences	350.00	
Insurance - Alloc Chgs	4,101.58	
Auditing Expense	-	
Settlement Hearing	-	
Other Contractual & Professional Service	9,994.79	
Advertising & Promotion	-	
Maintenance Agreements	3,222.80	
Maintenance & Repairs	800.75	
Equipment Rental	-	
Building Rental	-	
Fleet Maintenance Alloc Chgs	588.08	
Building Maintenance Alloc Chgs	1,804.83	
Information Systems Alloc Chgs	1,790.75	
Interest Expense	2,967.94	
Other fees	1,122.95	
Admin Overhead Paid to City	4,926.54	
Admin Overhead Paid to Other HAs	-	
Housing Assistance Payments	-	
Port-In Expense	-	
Capital Equip & Furniture (NON-VEHICLES)	-	
Transfer-Out to OPEB Fund(Unfunded Liab)	2,075.58	
	\$ 110,234.17	

VOIDED CHECKS & ADJUSTMENTS	Ck#	Reason	Amount
	51545	Accidental payment	\$ 76.62
	51910	Check lost	211.00
	52005	Check returned (invalid mailing address)	211.00
	52031	Bank rejected	124.00
	52093	Check returned (invalid mailing address)	211.00
		TOTAL	\$ 833.62

Prepared by: GY 3/22/23
Reviewed by: LM 3/27/23

NET OF ISSUED AND VOIDED PAYMENTS \$ 1,934,148.89

Payment Register

.all

Period: From 02/2023 to 02/2023

Check #	Check	Bank Code	Payee Code	Payee Name	Check Date	Post Month	Payment Method	Payable	Property	Amount	Interfund	Notes
50000304	K-6413	hcvport	9thst	9th Street Associates, LP	2/1/2023	02-2023	EFT	*	portin	2,441.00		
50000305	K-6414	hcvport	abjent	ABJ Enterprises, Inc. dba Blue Line Property	2/1/2023	02-2023	EFT	P-11155	hcv	66.00		
50000306	K-6415	hcvport	aptsto	Stoneman Apartments	2/1/2023	02-2023	EFT	*	*	3,829.00		
50000307	K-6416	hcvport	belmont	Belmont Apartments	2/1/2023	02-2023	EFT	*	*	12,363.00		
50000308	K-6417	hcvport	bethel	Bethel Global Development LLC	2/1/2023	02-2023	EFT	*	portin	3,344.00		
50000309	K-6418	hcvport	bhasom	Som N Bhatia	2/1/2023	02-2023	EFT	*	portin	4,880.00		
50000310	K-6419	hcvport	bor201	2018-2 IH Borrower LP	2/1/2023	02-2023	EFT	P-12362	portin	1,957.00		
50000311	K-6420	hcvport	BROLAU	Brown	2/1/2023	02-2023	EFT	P-12440	portin	1,378.00		
50000312	K-6421	hcvport	CARDON	Carson	2/1/2023	02-2023	EFT	P-11319	hcv	330.00		
50000313	K-6422	hcvport	coapin	Ping Cao	2/1/2023	02-2023	EFT	P-12101	portin	2,453.00		
50000314	K-6423	hcvport	creeks	Creekside Apt Investors LLC DBA Creekside \	2/1/2023	02-2023	EFT	*	*	4,799.00		
50000315	K-6424	hcvport	CREJEA	Jeannette D. Crespo	2/1/2023	02-2023	EFT	P-10881	hcv	644.00		
50000316	K-6425	hcvport	danfre	French Evans	2/1/2023	02-2023	EFT	P-12495	portin	2,235.00		
50000317	K-6426	hcvport	doabri	Doan	2/1/2023	02-2023	EFT	P-12152	portin	2,760.00		
50000318	K-6427	hcvport	eastle	Mercy Housing California XXXVIII	2/1/2023	02-2023	EFT	P-11575	portin	1,348.00		
50000319	K-6428	hcvport	fanjia	Jianxin Fang	2/1/2023	02-2023	EFT	P-11167	hcv	56.00		
50000320	K-6429	hcvport	fanxia	Li	2/1/2023	02-2023	EFT	P-11171	hcv	55.00		
50000321	K-6430	hcvport	gateway	Gateway Apartments	2/1/2023	02-2023	EFT	*	*	1,501.00		
50000322	K-6431	hcvport	gupabe	Abhilash Gupta	2/1/2023	02-2023	EFT	P-11174	hcv-vash	894.00		
50000323	K-6432	hcvport	HACPET	Hackett	2/1/2023	02-2023	EFT	P-11493	portin	1,973.00		
50000324	K-6433	hcvport	hagjef	Jeffrey Paul Hagler	2/1/2023	02-2023	EFT	P-11528	portin	2,514.00		
50000325	K-6434	hcvport	hawdel	Delta Hawaii Garden Apartments LLC	2/1/2023	02-2023	EFT	*	hcv	123.00		
50000326	K-6435	hcvport	HOAHAN	Hoang	2/1/2023	02-2023	EFT	P-11463	portin	2,608.00		
50000327	K-6436	hcvport	hominv	Invitation Homes	2/1/2023	02-2023	EFT	P-12167	portin	3,010.00		
50000328	K-6437	hcvport	jaidee	Jain	2/1/2023	02-2023	EFT	P-12091	portin	2,655.00		
50000329	K-6438	hcvport	kirkkw	KW Kirker Creek, LLC	2/1/2023	02-2023	EFT	*	portin	2,766.00		
50000330	K-6439	hcvport	lcstar	LCSTAR, LLC	2/1/2023	02-2023	EFT	P-11156	hcv	28.00		
50000331	K-6440	hcvport	liying	Ying Hong Li	2/1/2023	02-2023	EFT	P-12193	portin	3,500.00		
50000332	K-6441	hcvport	luiand	Lui	2/1/2023	02-2023	EFT	P-12496	portin	1,891.00		
50000333	K-6442	hcvport	LUXIANG	Lu	2/1/2023	02-2023	EFT	P-11316	hcv-vash	106.00		
50000334	K-6443	hcvport	majenn	Ma	2/1/2023	02-2023	EFT	P-11794	portin	1,880.00		
50000335	K-6444	hcvport	mirhas	Hassan Mirabedi	2/1/2023	02-2023	EFT	P-11655	portin	2,123.00		
50000336	K-6445	hcvport	ngumyh	Nguyen	2/1/2023	02-2023	EFT	P-11664	portin	1,844.00		
50000337	K-6446	hcvport	nwmgmt	New Way Management Services, Inc.	2/1/2023	02-2023	EFT	P-10886	hcv	110.00		
50000338	K-6447	hcvport	RAMCHR	Ramirez	2/1/2023	02-2023	EFT	P-11816	portin	2,093.00		
50000339	K-6448	hcvport	RAMHOR	Ramsey Horton	2/1/2023	02-2023	EFT	P-12504	portin	1,885.00		
50000340	K-6449	hcvport	remeri	Eric Franklin Remson	2/1/2023	02-2023	EFT	P-10897	hcv	254.00		
50000341	K-6450	hcvport	rhport	RH Portofino Owner CA LLC	2/1/2023	02-2023	EFT	*	*	2,267.00		
50000342	K-6451	hcvport	ROBDAN	Daniels	2/1/2023	02-2023	EFT	P-11623	portin	2,627.00		
50000343	K-6452	hcvport	shapat	Shailesh & Bela Patel	2/1/2023	02-2023	EFT	P-11332	hcv	332.00		
50000344	K-6453	hcvport	shoinv	Shorten Investments LLC	2/1/2023	02-2023	EFT	*	portin	4,263.00		
50000345	K-6454	hcvport	siecor	Sierra Pacific Properties Inc	2/1/2023	02-2023	EFT	*	portin	5,404.00		
50000346	K-6455	hcvport	siena	Siena Court Apartments	2/1/2023	02-2023	EFT	*	*	1,086.00		
50000347	K-6456	hcvport	siewoo	Sierra Pacific Properties c/o Ernie J. Davis	2/1/2023	02-2023	EFT	*	portin	4,619.00		
50000348	K-6457	hcvport	SINRAM	Singh	2/1/2023	02-2023	EFT	P-12093	portin	1,584.00		
50000349	K-6458	hcvport	soscin	Sosa	2/1/2023	02-2023	EFT	P-11325	hcv	476.00		
50000350	K-6459	hcvport	TRITHA	Thanh Van Trinh	2/1/2023	02-2023	EFT	P-11304	hcv	451.00		
50000351	K-6460	hcvport	TRUXAV	Truong	2/1/2023	02-2023	EFT	*	portin	3,315.00		
50000352	K-6461	hcvport	v0000002	CONTRA COSTA HOUSING AUTHORITY	2/1/2023	02-2023	EFT	*	*	4,527.84		

Payment Register

.all

Period: From 02/2023 to 02/2023

Check #	Check	Bank Code	Payee Code	Payee Name	Check Date	Post Month	Payment Method	Payable	Property	Amount	Interfund	Notes
50000353	K-6462	hcvport	v0000006	College Park City HA	2/1/2023	02-2023	EFT	P-11729	hcv	69.82		
50000354	K-6463	hcvport	v0000061	Garschi	2/1/2023	02-2023	EFT	P-11932	portin	2,723.00		
50000355	K-6464	hcvport	v0000062	Santa Fe Triplex LLC	2/1/2023	02-2023	EFT	P-11433	portin	2,043.00		
50000356	K-6465	hcvport	v0000065	Marx	2/1/2023	02-2023	EFT	P-12050	portin	1,080.00		
50000357	K-6466	hcvport	v0000068	Qinke Li DBA QJ's Property Management Co	2/1/2023	02-2023	EFT	P-12447	portin	3,276.00		
50000358	K-6467	hcvport	v0000083	Kristie Rae Myers	2/1/2023	02-2023	EFT	*	portin	2,474.00		
50000359	K-6468	hcvport	v0000086	William B. Wong	2/1/2023	02-2023	EFT	P-11589	portin	1,607.00		
50000360	K-6469	hcvport	v0000089	Chen	2/1/2023	02-2023	EFT	P-12081	portin	2,718.00		
50000361	K-6470	hcvport	v0000096	Jamal Tucker	2/1/2023	02-2023	EFT	P-11582	portin	2,294.00		
50000362	K-6471	hcvport	v0000098	Lily Wei	2/1/2023	02-2023	EFT	P-12273	portin	2,271.00		
50000363	K-6472	hcvport	v0000114	Richard Daigh	2/1/2023	02-2023	EFT	P-11948	portin	2,694.00		
50000364	K-6473	hcvport	v0000117	David Chen Investment LLC	2/1/2023	02-2023	EFT	P-12154	portin	2,793.00		
50000365	K-6474	hcvport	v0000122	Ajay Bhatia	2/1/2023	02-2023	EFT	*	portin	4,524.00		
50000366	K-6475	hcvport	VERHOM	Veritel Homes LLC	2/1/2023	02-2023	EFT	P-11895	portin	1,926.00		
50000367	K-6476	hcvport	wolwar	Wolfeld	2/1/2023	02-2023	EFT	P-11621	portin	2,936.00		
50000368	K-6477	hcvport	WONVIN	Wong	2/1/2023	02-2023	EFT	P-11322	hcv	704.00		
50000369	K-6478	hcvport	WUHONG	Hong Wu	2/1/2023	02-2023	EFT	P-11733	portin	2,850.00		
30000073	K-6479	hcvport	LPMARH	Marina Heights Apartments, LP	2/1/2023	02-2023	Check	*	*	5,853.00		
30000074	K-6480	hcvport	sieoak	Sierra Pacific Properties	2/1/2023	02-2023	Check	P-12161	portin	1,120.00		
30000075	K-6481	hcvport	t1004318	Edmond	2/1/2023	02-2023	Check	P-10874	hcv	36.00		
30000076	K-6482	hcvport	b1005678	Albert	2/1/2023	02-2023	Check	P-12456	portin	36.00		
30000077	K-6483	hcvport	b1005706	Dixon	2/1/2023	02-2023	Check	P-12194	portin	28.00		
30000078	K-6484	hcvport	t2027035	Shelton	2/1/2023	02-2023	Check	P-12494	portin	50.00		
30000079	K-6485	hcvport	t2027077	Busby	2/1/2023	02-2023	Check	*	portin	81.00		
30000080	K-6486	hcvport	v0000018	King County Housing Authority	2/1/2023	02-2023	Check	P-12086	hcv	83.12		
30000081	K-6487	hcvport	v0000022	Harris County Housing Authority	2/1/2023	02-2023	Check	P-11467	hcv	61.87		
30000082	K-6488	hcvport	v0000025	Suisun City Housing Authority	2/1/2023	02-2023	Check	P-11430	hcv-vash	94.33		
30000083	K-6489	hcvport	v0000057	Mims	2/1/2023	02-2023	Check	P-11434	portin	1,673.00		
30000084	K-6490	hcvport	vilsan	San Marcos Villas	2/1/2023	02-2023	Check	*	portin	6,428.00		
52073	K-6491	haphcv	aaawjow	JOW & AAW, LLC	2/1/2023	02-2023	Check	*	hcv-vash	2,184.00		
52074	K-6492	haphcv	aclass	A Classey Corp. DBA: ACL Property Manage	2/1/2023	02-2023	Check	P-11584	hcv	2,756.00		
52075	K-6493	haphcv	addwes	Western Addition LLC	2/1/2023	02-2023	Check	P-11718	hcv	2,366.00		
52076	K-6494	haphcv	COLGEO	Cole	2/1/2023	02-2023	Check	P-12411	hcv-vash	1,297.00		
52077	K-6495	haphcv	DISOLG	Olga M. Disney	2/1/2023	02-2023	Check	P-12073	hcv-vash	1,337.00		
52078	K-6496	haphcv	ESTPAU	Rhodes	2/1/2023	02-2023	Check	P-11557	hcv	1,515.00		
52079	K-6497	haphcv	guimor	Mortgage	2/1/2023	02-2023	Check	P-11963	hcv-home	2,299.00		
52080	K-6498	haphcv	hildia	Diamond Hillside Apartments	2/1/2023	02-2023	Check	*	hcv	3,499.00		
52081	K-6499	haphcv	LAUSTE	Lau	2/1/2023	02-2023	Check	P-11997	hcv	2,387.00		
52082	K-6500	haphcv	LPMARH	Marina Heights Apartments, LP	2/1/2023	02-2023	Check	*	*	69,427.00		
52083	K-6501	haphcv	LUMIAO	Lu	2/1/2023	02-2023	Check	P-12450	hcv	2,813.00		
52084	K-6502	haphcv	MCDAN	Dante McDonald	2/1/2023	02-2023	Check	P-12322	hcv	2,190.00		
52085	K-6503	haphcv	MILDAR	Darryl H. Milburn	2/1/2023	02-2023	Check	P-11374	hcv	1,955.00		
52086	K-6504	haphcv	NGUYBA	Ba Nguyen	2/1/2023	02-2023	Check	P-11419	hcv	1,793.00		
52087	K-6505	haphcv	PAYLOR	Lorene Paysinger	2/1/2023	02-2023	Check	P-12226	hcv	1,809.00		
52088	K-6506	haphcv	PHOLIN	Linda Phon	2/1/2023	02-2023	Check	P-11979	hcv	1,544.00		
52089	K-6507	haphcv	proeen	MSR Rental Properties, LLC	2/1/2023	02-2023	Check	P-11887	hcv-vash	1,780.00		
52090	K-6508	haphcv	salsha	Shah	2/1/2023	02-2023	Check	P-12237	hcv	1,727.00		
52091	K-6509	haphcv	sieoak	Sierra Pacific Properties	2/1/2023	02-2023	Check	*	hcv	6,267.00		
52092	K-6510	haphcv	t1000092	Royston	2/1/2023	02-2023	Check	P-12334	hcv	91.00		

Payment Register

.all

Period: From 02/2023 to 02/2023

Check #	Check	Bank Code	Payee Code	Payee Name	Check Date	Post Month	Payment Method	Payable	Property	Amount	Interfund	Notes
52094	K-6512	haphcv	t1000420	Best	2/1/2023	02-2023	Check	P-12279	hcv	18.00		
52095	K-6513	haphcv	t1000606	Parrish	2/1/2023	02-2023	Check	P-11556	hcv	150.00		
52096	K-6514	haphcv	t1000652	Rubio	2/1/2023	02-2023	Check	P-12310	hcv	24.00		
52097	K-6515	haphcv	t1001148	Camp	2/1/2023	02-2023	Check	P-12079	hcv	271.00		
52098	K-6516	haphcv	t1001374	Carlos	2/1/2023	02-2023	Check	P-12266	hcv	204.00		
52099	K-6517	haphcv	t1001728	Edwards	2/1/2023	02-2023	Check	P-12245	hcv	132.00		
52100	K-6518	haphcv	t1001761	Washington	2/1/2023	02-2023	Check	P-12327	hcv	101.00		
52101	K-6519	haphcv	t1002151	Thompson	2/1/2023	02-2023	Check	P-12187	hcv	85.00		
52102	K-6520	haphcv	t1002229	Spears	2/1/2023	02-2023	Check	P-12211	hcv	135.00		
52103	K-6521	haphcv	t1002257	Jackson	2/1/2023	02-2023	Check	P-11403	hcv	253.00		
52104	K-6522	haphcv	t1002530	Lascano	2/1/2023	02-2023	Check	P-11944	hcv	38.00		
52105	K-6523	haphcv	t1002622	Whaley	2/1/2023	02-2023	Check	P-12294	hcv	4.00		
52106	K-6524	haphcv	t1002835	Gasca	2/1/2023	02-2023	Check	P-12068	hcv	11.00		
52107	K-6525	haphcv	t1003246	Killion	2/1/2023	02-2023	Check	P-11992	hcv	4.00		
52108	K-6526	haphcv	t1003247	Rothschild	2/1/2023	02-2023	Check	P-12085	hcv	173.00		
52109	K-6527	haphcv	t1003293	Berry	2/1/2023	02-2023	Check	P-11668	hcv	28.00		
52110	K-6528	haphcv	t1003949	Nichols	2/1/2023	02-2023	Check	P-12416	hcv-pbv1	20.00		
52111	K-6529	haphcv	t1004056	Houston	2/1/2023	02-2023	Check	P-12298	hcv	36.00		
52112	K-6530	haphcv	t1004318	Edmond	2/1/2023	02-2023	Check	P-12036	hcv	28.00		
52113	K-6531	haphcv	t1004587	Warren	2/1/2023	02-2023	Check	P-12280	hcv	79.00		
52114	K-6532	haphcv	t1004601	Bronson	2/1/2023	02-2023	Check	P-11527	hcv	33.00		
52115	K-6533	haphcv	t1004657	Sanders	2/1/2023	02-2023	Check	P-11568	hcv	124.00		
52116	K-6534	haphcv	t1004732	Kenney	2/1/2023	02-2023	Check	P-11746	hcv	208.00		
52117	K-6535	haphcv	t1004810	Benson	2/1/2023	02-2023	Check	P-11613	hcv	211.00		
52118	K-6536	haphcv	t1004983	Jackson	2/1/2023	02-2023	Check	P-12029	hcv	120.00		
52119	K-6537	haphcv	t1005081	Harris	2/1/2023	02-2023	Check	P-11512	hcv	19.00		
52120	K-6538	haphcv	t1005124	Hanif	2/1/2023	02-2023	Check	P-12282	hcv	76.00		
52121	K-6539	haphcv	t1005128	Burrus	2/1/2023	02-2023	Check	P-11824	hcv	103.00		
52122	K-6540	haphcv	t1005141	Barr	2/1/2023	02-2023	Check	P-12449	hcv-vash	5.00		
52123	K-6541	haphcv	t1005260	Williams	2/1/2023	02-2023	Check	P-12095	hcv	143.00		
52124	K-6542	haphcv	t1005268	Lee	2/1/2023	02-2023	Check	P-11878	hcv	54.00		
52125	K-6543	haphcv	t1005269	Nawabi	2/1/2023	02-2023	Check	P-12138	hcv	19.00		
52126	K-6544	haphcv	t1005293	Miller	2/1/2023	02-2023	Check	P-11875	hcv	25.00		
52127	K-6545	haphcv	t1005322	Madison	2/1/2023	02-2023	Check	P-12387	hcv	163.00		
52128	K-6546	haphcv	t1005332	Hearne	2/1/2023	02-2023	Check	P-11377	hcv	27.00		
52129	K-6547	haphcv	t1005360	Ghani	2/1/2023	02-2023	Check	P-11386	hcv	119.00		
52130	K-6548	haphcv	t1005376	Thompson	2/1/2023	02-2023	Check	P-11807	hcv	36.00		
52131	K-6549	haphcv	t1005382	Jackson	2/1/2023	02-2023	Check	P-12257	hcv	232.00		
52132	K-6550	haphcv	t1005422	Sailbury	2/1/2023	02-2023	Check	P-11646	hcv	50.00		
52133	K-6551	haphcv	t1005434	Eddins	2/1/2023	02-2023	Check	P-12001	hcv	3.00		
52134	K-6552	haphcv	t1005437	Lewis	2/1/2023	02-2023	Check	P-11581	hcv	165.00		
52135	K-6553	haphcv	t1005470	Washington	2/1/2023	02-2023	Check	P-11417	hcv	92.00		
52136	K-6554	haphcv	t1005479	Butler	2/1/2023	02-2023	Check	P-11389	hcv	119.00		
52137	K-6555	haphcv	t1005510	Coleman	2/1/2023	02-2023	Check	P-11495	hcv	78.00		
52138	K-6556	haphcv	t1005563	Carter	2/1/2023	02-2023	Check	P-11812	hcv	6.00		
52139	K-6557	haphcv	t1005568	Ferguson	2/1/2023	02-2023	Check	P-12409	hcv-vash	18.00		
52140	K-6558	haphcv	t1005573	Johnson	2/1/2023	02-2023	Check	P-11449	hcv	98.00		
52141	K-6559	haphcv	t1005605	Phifer Jr.	2/1/2023	02-2023	Check	P-12510	hcv-vash	22.00		
52142	K-6560	haphcv	t1005610	Harvey	2/1/2023	02-2023	Check	P-11898	hcv	94.00		

Payment Register

.all

Period: From 02/2023 to 02/2023

Check #	Check	Bank Code	Payee Code	Payee Name	Check Date	Post Month	Payment Method	Payable	Property	Amount	Interfund	Notes
52143	K-6561	haphcv	t1005619	Evans	2/1/2023	02-2023	Check	P-11401	hcv	29.00		
52144	K-6562	haphcv	t1005732	Millanfriel	2/1/2023	02-2023	Check	P-11728	hcv-pbv1	9.00		
52145	K-6563	haphcv	t1005736	Lewis	2/1/2023	02-2023	Check	P-12418	hcv-pbv1	23.00		
52146	K-6564	haphcv	t1005785	Behn	2/1/2023	02-2023	Check	P-12424	hcv-pbv1	23.00		
52147	K-6565	haphcv	TAMALB	Tam	2/1/2023	02-2023	Check	P-11627	hcv	1,352.00		
52148	K-6566	haphcv	v0000018	King County Housing Authority	2/1/2023	02-2023	Check	P-12087	hcv	1,390.00		
52149	K-6567	haphcv	v0000022	Harris County Housing Authority	2/1/2023	02-2023	Check	P-11468	hcv	705.00		
52150	K-6568	haphcv	v0000025	Suisun City Housing Authority	2/1/2023	02-2023	Check	P-12252	hcv-vash	1,540.00		
52151	K-6569	haphcv	vilsan	San Marcos Villas	2/1/2023	02-2023	Check	P-12185	hcv	1,520.00		
52152	K-6570	haphcv	WESUPP	Western Upper Haight Street Apartments, LL	2/1/2023	02-2023	Check	P-12390	hcv	1,743.00		
52153	K-6571	haphcv	YINYEU	Yeung	2/1/2023	02-2023	Check	P-11561	hcv	1,574.00		
3719	K-6572	haphcv	9thst	9th Street Associates, LP	2/1/2023	02-2023	EFT	*	hcv	4,287.00		
3720	K-6573	haphcv	ABDMEE	Abdiani	2/1/2023	02-2023	EFT	P-11355	hcv	848.00		
3721	K-6574	haphcv	abjent	ABJ Enterprises, Inc. dba Blue Line Property	2/1/2023	02-2023	EFT	*	hcv	19,993.00		
3722	K-6575	haphcv	addleo	Addison	2/1/2023	02-2023	EFT	P-11821	hcv	1,347.00		
3723	K-6576	haphcv	AGRAMI	Agrawal	2/1/2023	02-2023	EFT	P-12222	hcv	1,461.00		
3724	K-6577	haphcv	AGUROS	Aguilar	2/1/2023	02-2023	EFT	P-12309	hcv	1,250.00		
3725	K-6578	haphcv	AGUROS	Aguirre	2/1/2023	02-2023	EFT	P-11785	hcv	994.00		
3726	K-6579	haphcv	ALEDEM	Demetrius Alexander	2/1/2023	02-2023	EFT	P-12490	hcv	1,648.00		
3727	K-6580	haphcv	ALVDAL	Dale Alvarez	2/1/2023	02-2023	EFT	P-11555	hcv	1,675.00		
3728	K-6581	haphcv	AMAFEL	Amarante	2/1/2023	02-2023	EFT	P-12137	hcv-vash	1,500.00		
3729	K-6582	haphcv	andcec	Cecilia Anderson	2/1/2023	02-2023	EFT	P-11787	hcv	2,564.00		
3730	K-6583	haphcv	ANDSHA	Shawn Anderson	2/1/2023	02-2023	EFT	P-11959	hcv	1,160.00		
3731	K-6584	haphcv	ANIEBA	Ebadi	2/1/2023	02-2023	EFT	P-11635	hcv	2,497.00		
3732	K-6585	haphcv	aptsto	Stoneman Apartments	2/1/2023	02-2023	EFT	*	hcv	36,140.00		
3733	K-6586	haphcv	AREMAR	Bailey	2/1/2023	02-2023	EFT	P-12302	hcv	2,001.00		
3734	K-6587	haphcv	bahshr	Ba-Harani	2/1/2023	02-2023	EFT	P-12189	hcv	2,153.00		
3735	K-6588	haphcv	BANJA	Mel L. Banagan	2/1/2023	02-2023	EFT	P-11759	hcv	2,062.00		
3736	K-6589	haphcv	BARCAR	Carlos G. Barraza	2/1/2023	02-2023	EFT	P-12337	hcv	804.00		
3737	K-6590	haphcv	barken	Bartlett	2/1/2023	02-2023	EFT	*	*	3,152.00		
3738	K-6591	haphcv	barsco	Barbour	2/1/2023	02-2023	EFT	P-11399	hcv	2,554.00		
3739	K-6592	haphcv	baujoh	John Charles Bautista	2/1/2023	02-2023	EFT	P-12223	hcv	1,965.00		
3740	K-6593	haphcv	bayman	Baywood Property Management, Inc.	2/1/2023	02-2023	EFT	P-12289	hcv	1,792.00		
3741	K-6594	haphcv	BECCHR	Becerra	2/1/2023	02-2023	EFT	P-12203	hcv	1,209.00		
3742	K-6595	haphcv	BEEHOL	Hawkins	2/1/2023	02-2023	EFT	*	hcv	4,833.00		
3743	K-6596	haphcv	bellcha	Charles Bell and Camino Johnson-Bell	2/1/2023	02-2023	EFT	P-11906	hcv	1,452.00		
3744	K-6597	haphcv	belmont	Belmont Apartments	2/1/2023	02-2023	EFT	*	hcv	70,611.00		
3745	K-6598	haphcv	benale	Benjamen	2/1/2023	02-2023	EFT	P-12329	hcv	764.00		
3746	K-6599	haphcv	BERTEN	Berry Jr	2/1/2023	02-2023	EFT	*	hcv	4,247.00		
3747	K-6600	haphcv	bethel	Bethel Global Development LLC	2/1/2023	02-2023	EFT	*	hcv	2,611.00		
3748	K-6601	haphcv	bhagin	Bhatia	2/1/2023	02-2023	EFT	P-11687	hcv	2,145.00		
3749	K-6602	haphcv	bhajim	Bhatia	2/1/2023	02-2023	EFT	*	*	2,853.00		
3750	K-6603	haphcv	bhasom	Som N Bhatia	2/1/2023	02-2023	EFT	*	*	6,167.00		
3751	K-6604	haphcv	BHASWA	Pinakin Bhatt	2/1/2023	02-2023	EFT	P-11954	hcv	2,465.00		
3752	K-6605	haphcv	BICJOS	Bachir	2/1/2023	02-2023	EFT	P-11706	hcv	2,078.00		
3753	K-6606	haphcv	BLADIA	Black Diamond Management	2/1/2023	02-2023	EFT	P-12345	hcv-vash	1,600.00		
3754	K-6607	haphcv	booste	Booras	2/1/2023	02-2023	EFT	P-11795	hcv	2,877.00		
3755	K-6608	haphcv	bor201	2018-2 IH Borrower LP	2/1/2023	02-2023	EFT	P-11535	hcv	1,980.00		
3756	K-6609	haphcv	boyros	Boyd	2/1/2023	02-2023	EFT	P-12352	hcv	2,752.00		

Payment Register

.all

Period: From 02/2023 to 02/2023

Check #	Check	Bank Code	Payee Code	Payee Name	Check Date	Post Month	Payment Method	Payable	Property	Amount	Interfund	Notes
3757	K-6610	haphcv	BOYVIC	Boyko	2/1/2023	02-2023	EFT	P-11757	hcv	2,044.00		
3758	K-6611	haphcv	brakel	Kelly Ann Bradford	2/1/2023	02-2023	EFT	P-12208	hcv	1,356.00		
3759	K-6612	haphcv	BRIMAR	Briggs	2/1/2023	02-2023	EFT	P-12484	hcv	3,600.00		
3760	K-6613	haphcv	BROJAN	Brown	2/1/2023	02-2023	EFT	P-12429	hcv-home	477.00		
3761	K-6614	haphcv	brojess	Platt	2/1/2023	02-2023	EFT	P-11560	hcv	1,647.00		
3762	K-6615	haphcv	BSAPPH	Blue Sapphire Homes, Inc.	2/1/2023	02-2023	EFT	P-11987	hcv	2,541.00		
3763	K-6616	haphcv	buihuo	Huong T. Bui	2/1/2023	02-2023	EFT	*	hcv	4,650.00		
3764	K-6617	haphcv	burjoe	Joe Burns	2/1/2023	02-2023	EFT	P-11484	hcv-vash	1,010.00		
3765	K-6618	haphcv	CANMOM	Cannon	2/1/2023	02-2023	EFT	P-11905	hcv	2,832.00		
3766	K-6619	haphcv	CARCLA	Clara Beatriz Cardenas	2/1/2023	02-2023	EFT	*	*	2,932.00		
3767	K-6620	haphcv	CARDON	Carson	2/1/2023	02-2023	EFT	*	hcv	1,035.00		
3768	K-6621	haphcv	CARLLC	Carpino, LLC	2/1/2023	02-2023	EFT	P-11708	hcv	2,154.00		
3769	K-6622	haphcv	CASTLE	Castle Creek Company, Inc.	2/1/2023	02-2023	EFT	P-11813	hcv	1,596.00		
3770	K-6623	haphcv	CHACHR	Chambers	2/1/2023	02-2023	EFT	P-11811	hcv	2,150.00		
3771	K-6624	haphcv	CHACOR	Cora Ann Chambers	2/1/2023	02-2023	EFT	P-12482	hcv	631.00		
3772	K-6625	haphcv	chap.m	P. M. Chaobal	2/1/2023	02-2023	EFT	P-11978	hcv	2,190.00		
117	K-6626	haphcv	CHECHA	Chen	2/1/2023	02-2023	EFT	*	hcv	0.00		
3773	K-6627	haphcv	chehon	Chen	2/1/2023	02-2023	EFT	*	hcv	4,982.00		
3774	K-6628	haphcv	chejie	Jienlin Chen	2/1/2023	02-2023	EFT	*	hcv	4,002.00		
3775	K-6629	haphcv	CHIHWA	Hwa-Yoong Chiu	2/1/2023	02-2023	EFT	P-11371	hcv	2,380.00		
3776	K-6630	haphcv	choada	Ada Choi	2/1/2023	02-2023	EFT	P-11851	hcv	2,806.00		
3777	K-6631	haphcv	chochu	Choi	2/1/2023	02-2023	EFT	*	hcv	4,021.00		
3778	K-6632	haphcv	chomic	Choi	2/1/2023	02-2023	EFT	P-11766	hcv	2,463.00		
118	K-6633	haphcv	chucha	Chung	2/1/2023	02-2023	EFT	*	hcv	0.00		
3779	K-6634	haphcv	cithou	Housing Authority of the City of Pittsburg	2/1/2023	02-2023	EFT	*	hcv	5,942.00		
3780	K-6635	haphcv	CLAJUA	Juan F. Clara	2/1/2023	02-2023	EFT	P-12483	hcv	820.00		
3781	K-6636	haphcv	CORADO	Cortesi III	2/1/2023	02-2023	EFT	P-11350	hcv	1,920.00		
3782	K-6637	haphcv	cordav	Cortesi	2/1/2023	02-2023	EFT	P-11395	hcv	1,583.00		
3783	K-6638	haphcv	creeks	Creekside Apt Investors LLC DBA Creekside \	2/1/2023	02-2023	EFT	*	*	87,188.00		
3784	K-6639	haphcv	CREJEA	Jeannette D. Crespo	2/1/2023	02-2023	EFT	P-12164	hcv	2,499.00		
3785	K-6640	haphcv	crospat	Patricia Crosby	2/1/2023	02-2023	EFT	P-11776	hcv	1,795.00		
3786	K-6641	haphcv	daijus	Dailey	2/1/2023	02-2023	EFT	P-11558	hcv	1,556.00		
3787	K-6642	haphcv	DAMTO	Dam Quang To	2/1/2023	02-2023	EFT	P-11761	hcv	2,716.00		
3788	K-6643	haphcv	DAVAUD	Audrey Davis	2/1/2023	02-2023	EFT	P-11838	hcv	1,514.00		
3789	K-6644	haphcv	DAVKES	Davis	2/1/2023	02-2023	EFT	P-12335	hcv	973.00		
3790	K-6645	haphcv	DAVKEV	Kevin Davidson	2/1/2023	02-2023	EFT	P-11424	hcv	1,629.00		
3791	K-6646	haphcv	davpau	Paulette Davis	2/1/2023	02-2023	EFT	P-11636	hcv	1,831.00		
3792	K-6647	haphcv	DAYJAG	Jagdeep or Shashi Dayal	2/1/2023	02-2023	EFT	P-11388	hcv	2,894.00		
3793	K-6648	haphcv	DEAWAY	Dea	2/1/2023	02-2023	EFT	P-12108	hcv	2,502.00		
3794	K-6649	haphcv	DELCHA	Charles Dellamore	2/1/2023	02-2023	EFT	P-12047	hcv	1,591.00		
3795	K-6650	haphcv	DELLAT	David De La Torre	2/1/2023	02-2023	EFT	P-12024	hcv	2,119.00		
3796	K-6651	haphcv	doabri	Doan	2/1/2023	02-2023	EFT	*	hcv	7,117.00		
3797	K-6652	haphcv	doanna	Do	2/1/2023	02-2023	EFT	P-11857	hcv	2,257.00		
3798	K-6653	haphcv	duntyr	Duncan	2/1/2023	02-2023	EFT	P-11487	hcv-home	2,269.00		
3799	K-6654	haphcv	DUOLIN	Linda Duong	2/1/2023	02-2023	EFT	P-11509	hcv	1,333.00		
3800	K-6655	haphcv	eastle	Mercy Housing California XXXVIII	2/1/2023	02-2023	EFT	*	*	4,877.00		
3801	K-6656	haphcv	ENGLED	Doris Engle Family Ltd Partnership	2/1/2023	02-2023	EFT	P-11537	hcv	1,243.00		
3802	K-6657	haphcv	espalm	Alma B Espiritu	2/1/2023	02-2023	EFT	P-11973	hcv	1,991.00		
3803	K-6658	haphcv	ESPJOH	Espinoza	2/1/2023	02-2023	EFT	P-12019	hcv	1,620.00		

Payment Register

.all

Period: From 02/2023 to 02/2023

Check #	Check	Bank Code	Payee Code	Payee Name	Check Date	Post Month	Payment Method	Payable	Property	Amount	Interfund	Notes
3804	K-6659	haphcv	ESQGER	Gerardo M. Esquivel	2/1/2023	02-2023	EFT	P-12115	hcv	1,570.00		
3805	K-6660	haphcv	fanjia	Jianxin Fang	2/1/2023	02-2023	EFT	*	hcv	5,076.00		
3806	K-6661	haphcv	fanxia	Li	2/1/2023	02-2023	EFT	*	hcv	2,574.00		
3807	K-6662	haphcv	fenjin	Mao	2/1/2023	02-2023	EFT	P-11984	hcv	3,110.00		
3808	K-6663	haphcv	FIEBAR	Barbara J. Fierner	2/1/2023	02-2023	EFT	P-12225	hcv	1,875.00		
3809	K-6664	haphcv	FIEJOS	Joseph Field	2/1/2023	02-2023	EFT	P-12272	hcv	1,040.00		
3810	K-6665	haphcv	figher	Figueroa	2/1/2023	02-2023	EFT	P-12312	hcv	1,589.00		
3811	K-6666	haphcv	fletoc	Brewster Fleeton	2/1/2023	02-2023	EFT	P-11819	hcv	1,404.00		
3812	K-6667	haphcv	FLOALE	Alexander Flowers	2/1/2023	02-2023	EFT	P-12200	hcv	1,353.00		
3813	K-6668	haphcv	foxcre	Fox Creek Apartments	2/1/2023	02-2023	EFT	*	*	28,198.00		
3814	K-6669	haphcv	framo	Monica Fraga	2/1/2023	02-2023	EFT	P-12166	hcv	1,864.00		
3815	K-6670	haphcv	FRAREJ	Frazier	2/1/2023	02-2023	EFT	*	hcv	3,059.00		
3816	K-6671	haphcv	FRRINV	FRR Investments LLC	2/1/2023	02-2023	EFT	P-11991	hcv	2,760.00		
3817	K-6672	haphcv	FULDAR	Fuller	2/1/2023	02-2023	EFT	P-12263	hcv	2,101.00		
3818	K-6673	haphcv	fulfan	Fan Fuller	2/1/2023	02-2023	EFT	P-12511	hcv-vash	1,526.00		
3819	K-6674	haphcv	GAIGIA	Gaines	2/1/2023	02-2023	EFT	P-11567	hcv	2,050.00		
3820	K-6675	haphcv	gaokel	Gao	2/1/2023	02-2023	EFT	P-11518	hcv	2,842.00		
3821	K-6676	haphcv	GARADR	Adraine Gardner	2/1/2023	02-2023	EFT	P-11506	hcv	1,096.00		
3822	K-6677	haphcv	GARANT	Antoinette L Garcia	2/1/2023	02-2023	EFT	P-12037	hcv	1,167.00		
3823	K-6678	haphcv	gardav	David Gardner	2/1/2023	02-2023	EFT	*	hcv	3,550.00		
3824	K-6679	haphcv	garrup	Rupesh Garg	2/1/2023	02-2023	EFT	P-11862	hcv	2,740.00		
3825	K-6680	haphcv	GARWIL	William H. Gardiner	2/1/2023	02-2023	EFT	P-12032	hcv	1,352.00		
3826	K-6681	haphcv	gateway	Gateway Apartments	2/1/2023	02-2023	EFT	*	*	10,412.00		
3827	K-6682	haphcv	GHAPAR	Ghaboulidashti	2/1/2023	02-2023	EFT	P-11405	hcv-home	1,094.00		
3828	K-6683	haphcv	GHOVER	Vernon or Eva Gholson	2/1/2023	02-2023	EFT	*	hcv	2,611.00		
3829	K-6684	haphcv	GILJAC	Jacqueline Gill	2/1/2023	02-2023	EFT	P-11366	hcv	1,534.00		
3830	K-6685	haphcv	GILSUK	Gill	2/1/2023	02-2023	EFT	P-11451	hcv	1,529.00		
3831	K-6686	haphcv	GOLDAS	Gold A and S LLC	2/1/2023	02-2023	EFT	P-11630	hcv	2,176.00		
3832	K-6687	haphcv	GOMHAD	Gomez	2/1/2023	02-2023	EFT	P-12341	hcv-home	656.00		
3833	K-6688	haphcv	GONJES	Jesse Gonzaga	2/1/2023	02-2023	EFT	*	hcv	2,344.00		
3834	K-6689	haphcv	GONMAR	Gonsalves	2/1/2023	02-2023	EFT	P-12485	hcv	2,608.00		
3835	K-6690	haphcv	gontin	Gong	2/1/2023	02-2023	EFT	P-12142	hcv	2,139.00		
3836	K-6691	haphcv	GREFRA	Greene	2/1/2023	02-2023	EFT	P-12129	hcv	2,091.00		
3837	K-6692	haphcv	GREROD	Green	2/1/2023	02-2023	EFT	P-12296	hcv-home	962.00		
3838	K-6693	haphcv	GRIPAT	Patricia Gridley	2/1/2023	02-2023	EFT	P-12202	hcv	964.00		
3839	K-6694	haphcv	GROITA	Italo Grossi	2/1/2023	02-2023	EFT	P-11658	hcv	1,588.00		
3840	K-6695	haphcv	guakry	Guan	2/1/2023	02-2023	EFT	*	hcv	4,503.00		
3841	K-6696	haphcv	GUNBOB	Hang	2/1/2023	02-2023	EFT	P-12103	hcv	1,267.00		
3842	K-6697	haphcv	gupabe	Abhilash Gupta	2/1/2023	02-2023	EFT	*	*	2,555.00		
3843	K-6698	haphcv	H01WAT	Watson, Sr.	2/1/2023	02-2023	EFT	P-11501	hcv-home	921.00		
3844	K-6699	haphcv	hafash	Asharfun Nisha Hafiz	2/1/2023	02-2023	EFT	P-11353	hcv	1,667.00		
3845	K-6700	haphcv	hagjef	Jeffrey Paul Hagler	2/1/2023	02-2023	EFT	*	hcv	5,157.00		
3846	K-6701	haphcv	HALDEL	Hall	2/1/2023	02-2023	EFT	P-12325	hcv	1,780.00		
3847	K-6702	haphcv	HARCLA	Hardison	2/1/2023	02-2023	EFT	P-11870	hcv	950.00		
3848	K-6703	haphcv	HARDAV	Hart	2/1/2023	02-2023	EFT	P-11385	hcv	1,938.00		
3849	K-6704	haphcv	HARLAW	Harrold	2/1/2023	02-2023	EFT	*	hcv	7,273.00		
3850	K-6705	haphcv	HARPRO	Hartz Property Management	2/1/2023	02-2023	EFT	P-11638	hcv	1,657.00		
3851	K-6706	haphcv	hawdel	Delta Hawaii Garden Apartments LLC	2/1/2023	02-2023	EFT	*	hcv	9,518.00		
3852	K-6707	haphcv	hechuan	He	2/1/2023	02-2023	EFT	P-11358	hcv	1,917.00		

Payment Register

.all

Period: From 02/2023 to 02/2023

Check #	Check	Bank Code	Payee Code	Payee Name	Check Date	Post Month	Payment Method	Payable	Property	Amount	Interfund	Notes
3853	K-6708	haphcv	hejiyu	He	2/1/2023	02-2023	EFT	P-11498	hcv	2,818.00		
3854	K-6709	haphcv	hendav	David T. Hennigan	2/1/2023	02-2023	EFT	*	*	17,702.00		
3855	K-6710	haphcv	hensil	Henderson	2/1/2023	02-2023	EFT	P-12168	hcv	1,359.00		
3856	K-6711	haphcv	HERELI	Herrera	2/1/2023	02-2023	EFT	P-12385	hcv	650.00		
3857	K-6712	haphcv	HILMAR	Hill	2/1/2023	02-2023	EFT	P-11806	hcv	98.00		
3858	K-6713	haphcv	HIRCHA	Hira	2/1/2023	02-2023	EFT	P-11393	hcv	1,828.00		
3859	K-6714	haphcv	HOACAR	Carl E. Hoard II	2/1/2023	02-2023	EFT	P-12261	hcv	2,681.00		
3860	K-6715	haphcv	HOAHAV	Hoag	2/1/2023	02-2023	EFT	P-12030	hcv	2,475.00		
3861	K-6716	haphcv	HOALBE	Albert Ho	2/1/2023	02-2023	EFT	P-11773	hcv	1,748.00		
3862	K-6717	haphcv	HOFJOY	Hoffman	2/1/2023	02-2023	EFT	P-12500	hcv	1,284.00		
3863	K-6718	haphcv	HOLRON	Ronald G. Holmes	2/1/2023	02-2023	EFT	P-11359	hcv	1,022.00		
3864	K-6719	haphcv	holsrh	SRH Holdings LLC	2/1/2023	02-2023	EFT	P-11533	hcv	3,370.00		
3865	K-6720	haphcv	hominv	Invitation Homes	2/1/2023	02-2023	EFT	P-12183	hcv	2,852.00		
3866	K-6721	haphcv	HOTONY	Tony Ho	2/1/2023	02-2023	EFT	P-12401	hcv	1,142.00		
3867	K-6722	haphcv	HUACHE	Huang	2/1/2023	02-2023	EFT	P-12497	hcv	1,292.00		
3868	K-6723	haphcv	huafan	Fanny Kao Huang	2/1/2023	02-2023	EFT	P-11802	hcv	1,949.00		
3869	K-6724	haphcv	huatao	Huang	2/1/2023	02-2023	EFT	*	hcv	7,860.00		
3870	K-6725	haphcv	HUAXIA	Huang	2/1/2023	02-2023	EFT	P-12107	hcv	2,575.00		
3871	K-6726	haphcv	HUNANC	Nancy Xiu Zhen Hu	2/1/2023	02-2023	EFT	P-11989	hcv	2,016.00		
3872	K-6727	haphcv	huythi	Huynh	2/1/2023	02-2023	EFT	P-11823	hcv	2,400.00		
3873	K-6728	haphcv	IGREEN	IGreen House Inc. Jane S Schmidt	2/1/2023	02-2023	EFT	P-12262	hcv	603.00		
3874	K-6729	haphcv	ihprw	IHS Property West LP	2/1/2023	02-2023	EFT	P-12241	hcv	3,194.00		
3875	K-6730	haphcv	INVKEY	Keyee Investment LLC	2/1/2023	02-2023	EFT	P-11707	hcv	230.00		
3876	K-6731	haphcv	isomic	Michael or Kay Isola	2/1/2023	02-2023	EFT	*	hcv	1,923.00		
3877	K-6732	haphcv	JABLOV	Love	2/1/2023	02-2023	EFT	P-11830	hcv	1,891.00		
3878	K-6733	haphcv	JACBRA	Jackson	2/1/2023	02-2023	EFT	P-12269	hcv	2,149.00		
3879	K-6734	haphcv	jaidee	Jain	2/1/2023	02-2023	EFT	*	hcv	12,007.00		
3880	K-6735	haphcv	JAISAM	Jain	2/1/2023	02-2023	EFT	*	hcv	9,876.00		
3881	K-6736	haphcv	jaivis	Jain	2/1/2023	02-2023	EFT	P-11709	hcv	933.00		
3882	K-6737	haphcv	jasnle	Le	2/1/2023	02-2023	EFT	P-12215	hcv	2,770.00		
3883	K-6738	haphcv	JIAZHA	Zhang	2/1/2023	02-2023	EFT	P-12110	hcv	1,528.00		
3884	K-6739	haphcv	JOHKRY	Johnson	2/1/2023	02-2023	EFT	P-11817	hcv	1,937.00		
3885	K-6740	haphcv	JOHRON	Johnson	2/1/2023	02-2023	EFT	P-12074	hcv	1,501.00		
3886	K-6741	haphcv	JONSHA	Jones	2/1/2023	02-2023	EFT	P-12111	hcv	2,667.00		
3887	K-6742	haphcv	JOUMOS	Jouya	2/1/2023	02-2023	EFT	P-11583	hcv	1,664.00		
3888	K-6743	haphcv	junhou	Hou	2/1/2023	02-2023	EFT	P-11669	hcv	2,481.00		
3889	K-6744	haphcv	KALOMP	Kalra	2/1/2023	02-2023	EFT	*	hcv	2,132.00		
3890	K-6745	haphcv	kanwei	Kang	2/1/2023	02-2023	EFT	*	hcv	5,011.00		
3891	K-6746	haphcv	KCPLLC	KC Prime LLC	2/1/2023	02-2023	EFT	P-12251	hcv	1,535.00		
3892	K-6747	haphcv	kemgro	K. E. M. Group LLC	2/1/2023	02-2023	EFT	P-12128	hcv	2,456.00		
3893	K-6748	haphcv	kesant	Anthony Keslinke	2/1/2023	02-2023	EFT	*	hcv	3,305.00		
3894	K-6749	haphcv	KEVMOF	Moffett	2/1/2023	02-2023	EFT	P-12478	hcv	2,192.00		
3895	K-6750	haphcv	KHAFAR	Khan	2/1/2023	02-2023	EFT	P-11745	hcv	2,700.00		
3896	K-6751	haphcv	kirkkw	KW Kirker Creek, LLC	2/1/2023	02-2023	EFT	*	hcv	4,885.00		
3897	K-6752	haphcv	KITJOH	Kitta	2/1/2023	02-2023	EFT	P-12319	hcv	2,760.00		
3898	K-6753	haphcv	KUAQIY	Kuang	2/1/2023	02-2023	EFT	*	hcv	6,527.00		
3899	K-6754	haphcv	kuasim	Kuang	2/1/2023	02-2023	EFT	P-12384	hcv	1,161.00		
3900	K-6755	haphcv	KUJZDI	Zdzislaw Kujawa	2/1/2023	02-2023	EFT	P-11617	hcv	1,516.00		
3901	K-6756	haphcv	kwadan	Daniel Kwan	2/1/2023	02-2023	EFT	P-11526	hcv	1,925.00		

Payment Register

.all

Period: From 02/2023 to 02/2023

Check #	Check	Bank Code	Payee Code	Payee Name	Check Date	Post Month	Payment Method	Payable	Property	Amount	Interfund	Notes
3902	K-6757	haphcv	LAFTHO	LaFleur	2/1/2023	02-2023	EFT	P-12227	hcv	1,594.00		
3903	K-6758	haphcv	LAMCHO	Lam	2/1/2023	02-2023	EFT	P-11999	hcv	1,184.00		
3904	K-6759	haphcv	LAMSHI	Manly-Lampkin	2/1/2023	02-2023	EFT	P-11632	hcv	1,028.00		
3905	K-6760	haphcv	LARPET	Peter C. Larsen	2/1/2023	02-2023	EFT	P-12228	hcv	1,522.00		
3906	K-6761	haphcv	LASKEV	Lassair	2/1/2023	02-2023	EFT	P-12321	hcv-home	405.00		
3907	K-6762	haphcv	LATLLC	Latif, LLC	2/1/2023	02-2023	EFT	*	hcv	4,633.00		
3908	K-6763	haphcv	lcstar	LCSTAR, LLC	2/1/2023	02-2023	EFT	*	hcv	3,443.00		
3909	K-6764	haphcv	ledaot	Le	2/1/2023	02-2023	EFT	P-12444	hcv	1,134.00		
3910	K-6765	haphcv	LEEJAC	Jack Wai Lee	2/1/2023	02-2023	EFT	P-11849	hcv	1,355.00		
3911	K-6766	haphcv	leesiu	Siu Wan Windytiti Lee	2/1/2023	02-2023	EFT	P-12025	hcv	1,996.00		
3912	K-6767	haphcv	LEESTE	Steven Lee	2/1/2023	02-2023	EFT	P-12265	hcv	2,126.00		
3913	K-6768	haphcv	LEEUH	Yuhjen Juang Lee	2/1/2023	02-2023	EFT	P-12219	hcv	1,932.00		
3914	K-6769	haphcv	LEHUYN	Le	2/1/2023	02-2023	EFT	P-11494	hcv	2,700.00		
3915	K-6770	haphcv	LELENA	Le	2/1/2023	02-2023	EFT	P-12192	hcv	745.00		
3916	K-6771	haphcv	LERJOS	Joseph C. Lerma	2/1/2023	02-2023	EFT	P-11950	hcv	265.00		
3917	K-6772	haphcv	LERYIP	Yiping I. and Frederic Leroudier	2/1/2023	02-2023	EFT	P-12410	hcv-vash	2,479.00		
3918	K-6773	haphcv	leujoh	John M. Leung	2/1/2023	02-2023	EFT	*	hcv	4,306.00		
3919	K-6774	haphcv	LEUMAY	May Leung or Rodney Chen	2/1/2023	02-2023	EFT	*	hcv	3,573.00		
3920	K-6775	haphcv	leupet	Peter Leung	2/1/2023	02-2023	EFT	P-11679	hcv	1,435.00		
3921	K-6776	haphcv	lido	James J. Busby & Irvin Deutcher/DBA Crestv	2/1/2023	02-2023	EFT	*	hcv	10,849.00		
3922	K-6777	haphcv	LIFAQI	Faqiang Li	2/1/2023	02-2023	EFT	P-11474	hcv	2,321.00		
3923	K-6778	haphcv	LJIE	Li	2/1/2023	02-2023	EFT	P-12059	hcv	2,095.00		
3924	K-6779	haphcv	LJINH	Jinhuan Li	2/1/2023	02-2023	EFT	P-11852	hcv	1,515.00		
3925	K-6780	haphcv	lijosh	Li	2/1/2023	02-2023	EFT	P-11609	hcv	1,214.00		
3926	K-6781	haphcv	LINTIM	Tim Lindstrom c/o AAA Property Managemen	2/1/2023	02-2023	EFT	P-12113	hcv	1,122.00		
3927	K-6782	haphcv	LIVPAU	Paul Livson	2/1/2023	02-2023	EFT	P-12448	hcv-vash	1,775.00		
3928	K-6783	haphcv	LIWEIM	Li	2/1/2023	02-2023	EFT	P-11796	hcv	1,716.00		
3929	K-6784	haphcv	liying	Ying Hong Li	2/1/2023	02-2023	EFT	P-11648	hcv	1,465.00		
3930	K-6785	haphcv	LIZBEL	Zhong Li	2/1/2023	02-2023	EFT	P-11550	hcv	2,602.00		
3931	K-6786	haphcv	lonpau	Paul Long	2/1/2023	02-2023	EFT	P-12400	hcv	1,403.00		
3932	K-6787	haphcv	losmed	Los Medanos Village Apartments	2/1/2023	02-2023	EFT	*	hcv	10,708.00		
3933	K-6788	haphcv	LOUTON	Tony or Yvonne Louie	2/1/2023	02-2023	EFT	*	hcv	872.00		
3934	K-6789	haphcv	LOYANT	Loyola	2/1/2023	02-2023	EFT	P-12064	hcv	731.00		
3935	K-6790	haphcv	LOZJOS	Jose Loza	2/1/2023	02-2023	EFT	P-11346	hcv	983.00		
3936	K-6791	haphcv	luiand	Lui	2/1/2023	02-2023	EFT	*	hcv	3,304.00		
3937	K-6792	haphcv	luiwei	Wei Liu Guangxin Frank Liu	2/1/2023	02-2023	EFT	P-12253	hcv	1,446.00		
3938	K-6793	haphcv	lumthe	34892 The Entrust Group Inc FBO T.Lum	2/1/2023	02-2023	EFT	*	hcv	1,308.00		
3939	K-6794	haphcv	LUXIANG	Lu	2/1/2023	02-2023	EFT	*	*	8,402.00		
3940	K-6795	haphcv	lychiv	Chi Vien Ly	2/1/2023	02-2023	EFT	P-11681	hcv	1,679.00		
3941	K-6796	haphcv	macyol	McDonald	2/1/2023	02-2023	EFT	P-11452	hcv	1,818.00		
3942	K-6797	haphcv	MADRAK	Madra	2/1/2023	02-2023	EFT	*	hcv	3,117.00		
3943	K-6798	haphcv	MAHTAR	Tariq	2/1/2023	02-2023	EFT	P-11922	hcv	2,752.00		
3944	K-6799	haphcv	majenn	Ma	2/1/2023	02-2023	EFT	*	hcv	6,623.00		
3945	K-6800	haphcv	malrah	Malik	2/1/2023	02-2023	EFT	P-11416	hcv	3,735.00		
3946	K-6801	haphcv	MANJEF	Jeff Mann	2/1/2023	02-2023	EFT	*	hcv	6,292.00		
3947	K-6802	haphcv	MARGLE	Glenn Marshall	2/1/2023	02-2023	EFT	P-11610	hcv	2,500.00		
3948	K-6803	haphcv	MARTEA	Martinez	2/1/2023	02-2023	EFT	P-11500	hcv	2,634.00		
3949	K-6804	haphcv	MASDEM	Mason	2/1/2023	02-2023	EFT	P-11996	hcv-home	2,545.00		
3950	K-6805	haphcv	MATLUI	Lui	2/1/2023	02-2023	EFT	P-12394	hcv	1,617.00		

Payment Register

.all

Period: From 02/2023 to 02/2023

Check #	Check	Bank Code	Payee Code	Payee Name	Check Date	Post Month	Payment Method	Payable	Property	Amount	Interfund	Notes
3951	K-6806	haphcv	MCCHEI	McCarthy	2/1/2023	02-2023	EFT	P-11539	hcv	1,961.00		
3952	K-6807	haphcv	MCLJAN	McLean	2/1/2023	02-2023	EFT	P-11696	hcv	1,032.00		
3953	K-6808	haphcv	MEADOW	Meadow Glen Apartments	2/1/2023	02-2023	EFT	*	hcv	429.00		
3954	K-6809	haphcv	meitat	Mei	2/1/2023	02-2023	EFT	P-11688	hcv	1,858.00		
3955	K-6810	haphcv	menjin	Jinyu Meng	2/1/2023	02-2023	EFT	P-12320	hcv	1,939.00		
3956	K-6811	haphcv	MENSAB	Sabine Menzel	2/1/2023	02-2023	EFT	*	hcv	4,336.00		
3957	K-6812	haphcv	MERJOH	Johnson	2/1/2023	02-2023	EFT	P-11876	hcv-home	575.00		
3958	K-6813	haphcv	MEZHEC	Hector Meza	2/1/2023	02-2023	EFT	P-11514	hcv	656.00		
3959	K-6814	haphcv	MILAND	Miloslavich	2/1/2023	02-2023	EFT	P-11863	hcv	2,049.00		
3960	K-6815	haphcv	milhom	Millennium Homes	2/1/2023	02-2023	EFT	*	hcv	1,811.00		
3961	K-6816	haphcv	MILMAR	Maryann Miller	2/1/2023	02-2023	EFT	P-12238	hcv	798.00		
3962	K-6817	haphcv	mircar	Miranda	2/1/2023	02-2023	EFT	P-11450	hcv-home	883.00		
3963	K-6818	haphcv	mirhas	Hassan Mirabedi	2/1/2023	02-2023	EFT	*	hcv	9,006.00		
3964	K-6819	haphcv	MITGWE	Gwendolyn Mitchell	2/1/2023	02-2023	EFT	*	hcv	3,387.00		
3965	K-6820	haphcv	momrae	Raees	2/1/2023	02-2023	EFT	P-11931	hcv	1,583.00		
3966	K-6821	haphcv	MONROD	Rodney Montgomery	2/1/2023	02-2023	EFT	P-12109	hcv	1,791.00		
3967	K-6822	haphcv	MORERI	Morris	2/1/2023	02-2023	EFT	P-11418	hcv	1,312.00		
3968	K-6823	haphcv	MORJOS	Diane Morin	2/1/2023	02-2023	EFT	P-12078	hcv	2,190.00		
3969	K-6824	haphcv	MYNDMG	Brien Brothers, LLC C/O Mynd Management,	2/1/2023	02-2023	EFT	P-12170	hcv	16.00		
3970	K-6825	haphcv	NABEHS	Ehsan Nabkel	2/1/2023	02-2023	EFT	P-11726	hcv	3,440.00		
3971	K-6826	haphcv	NARSHI	Shinder Paul Narabut	2/1/2023	02-2023	EFT	*	hcv	5,214.00		
3972	K-6827	haphcv	ncasso	NC Associates, Inc.	2/1/2023	02-2023	EFT	*	hcv	18,023.00		
3973	K-6828	haphcv	nelmic	Michael Nelson	2/1/2023	02-2023	EFT	P-11869	hcv	2,662.00		
3974	K-6829	haphcv	NESGUY	Guy Nesbeth	2/1/2023	02-2023	EFT	P-11714	hcv	1,826.00		
3975	K-6830	haphcv	NGDOMI	Dominic Y Ng	2/1/2023	02-2023	EFT	P-11640	hcv	1,257.00		
3976	K-6831	haphcv	ngknow	Ng	2/1/2023	02-2023	EFT	P-11362	hcv	2,042.00		
3977	K-6832	haphcv	nguhieu	Hieu Nguyen	2/1/2023	02-2023	EFT	P-11781	hcv	981.00		
3978	K-6833	haphcv	NGUHUY	Huy Quang Nguyen	2/1/2023	02-2023	EFT	P-12248	hcv	2,103.00		
3979	K-6834	haphcv	NGUMAI	Nguyen	2/1/2023	02-2023	EFT	P-11510	hcv	1,950.00		
3980	K-6835	haphcv	ngquy	Quyen Nguyen	2/1/2023	02-2023	EFT	P-11943	hcv	1,900.00		
3981	K-6836	haphcv	ngutie	Nguyen	2/1/2023	02-2023	EFT	P-12070	hcv	296.00		
3982	K-6837	haphcv	NICNIC	Nicholson	2/1/2023	02-2023	EFT	P-12231	hcv	2,357.00		
3983	K-6838	haphcv	nierne	Ernest Nichols III	2/1/2023	02-2023	EFT	*	hcv	3,455.00		
3984	K-6839	haphcv	nilpet	Niloufari	2/1/2023	02-2023	EFT	*	hcv	4,687.00		
3985	K-6840	haphcv	norfin	Northstar Financial Group, LLC	2/1/2023	02-2023	EFT	*	hcv-vash	2,457.00		
3986	K-6841	haphcv	NORKEV	Kevin Nord	2/1/2023	02-2023	EFT	P-12278	hcv	1,762.00		
3987	K-6842	haphcv	NORRIC	Norte	2/1/2023	02-2023	EFT	P-12274	hcv	2,553.00		
3988	K-6843	haphcv	norsta	North State Financial, Inc.	2/1/2023	02-2023	EFT	P-11540	hcv	733.00		
3989	K-6844	haphcv	nwmgmt	New Way Management Services, Inc.	2/1/2023	02-2023	EFT	*	hcv	21,018.00		
3990	K-6845	haphcv	obrshe	O'Brien	2/1/2023	02-2023	EFT	P-12249	hcv	823.00		
3991	K-6846	haphcv	ODEJEN	Odei	2/1/2023	02-2023	EFT	P-11553	hcv	1,597.00		
3992	K-6847	haphcv	OEWDWI	Owens	2/1/2023	02-2023	EFT	P-12396	hcv-home	546.00		
3993	K-6848	haphcv	OLEDIA	Oles	2/1/2023	02-2023	EFT	P-11949	hcv	1,806.00		
3994	K-6849	haphcv	OMOESE	Esosa A. Omokaro	2/1/2023	02-2023	EFT	P-11831	hcv	1,791.00		
3995	K-6850	haphcv	ORTSAN	Ortiz	2/1/2023	02-2023	EFT	P-12057	hcv	1,893.00		
3996	K-6851	haphcv	ozemut	Mutlu Ozer	2/1/2023	02-2023	EFT	P-11843	hcv	1,602.00		
3997	K-6852	haphcv	pacliv	Pacific Living, LLC	2/1/2023	02-2023	EFT	P-12136	hcv	2,586.00		
3998	K-6853	haphcv	PATBOS	Boss	2/1/2023	02-2023	EFT	P-11962	hcv	2,728.00		
3999	K-6854	haphcv	PATHEM	Hemangini & Vijendra Patel	2/1/2023	02-2023	EFT	P-11798	hcv	2,191.00		

Payment Register

.all

Period: From 02/2023 to 02/2023

Check #	Check	Bank Code	Payee Code	Payee Name	Check Date	Post Month	Payment Method	Payable	Property	Amount	Interfund	Notes
4000	K-6855	haphcv	PATKOK	Kokila Patel	2/1/2023	02-2023	EFT	P-12213	hcv	422.00		
4001	K-6856	haphcv	PATLLC	Patiala, LLC	2/1/2023	02-2023	EFT	*	hcv	2,413.00		
4002	K-6857	haphcv	patvir	Virendra M. Patel	2/1/2023	02-2023	EFT	P-12471	hcv	2,225.00		
4003	K-6858	haphcv	paujas	Jason Pauline	2/1/2023	02-2023	EFT	P-12326	hcv	1,910.00		
4004	K-6859	haphcv	PEALOY	Peacock	2/1/2023	02-2023	EFT	P-12102	hcv	1,435.00		
4005	K-6860	haphcv	PEASCO	Scott Pease	2/1/2023	02-2023	EFT	P-11971	hcv	1,624.00		
4006	K-6861	haphcv	peralo	Perez	2/1/2023	02-2023	EFT	P-12099	hcv	1,448.00		
4007	K-6862	haphcv	perlow	Lowde Y. Perkins	2/1/2023	02-2023	EFT	P-11426	hcv	863.00		
4008	K-6863	haphcv	phacon	Pham	2/1/2023	02-2023	EFT	P-12291	hcv	2,336.00		
4009	K-6864	haphcv	PHOMAY	Pho	2/1/2023	02-2023	EFT	P-11900	hcv	2,842.00		
4010	K-6865	haphcv	pitpar	Pittsburg Park Apartments	2/1/2023	02-2023	EFT	*	hcv	3,782.00		
4011	K-6866	haphcv	Pittssk	SK Pittsburg Bay Point	2/1/2023	02-2023	EFT	P-11853	hcv	1,780.00		
4012	K-6867	haphcv	proih5	IH5 Property West LP	2/1/2023	02-2023	EFT	P-12467	hcv	2,595.00		
4013	K-6868	haphcv	promar	Marples Property Management	2/1/2023	02-2023	EFT	P-12357	hcv	2,087.00		
4014	K-6869	haphcv	PROMEA	A. Meadows Property Management	2/1/2023	02-2023	EFT	*	hcv	3,753.00		
4015	K-6870	haphcv	propar	Parks Property Management	2/1/2023	02-2023	EFT	P-12065	hcv	1,706.00		
4016	K-6871	haphcv	prost0	Stokley Properties LLC Harbor	2/1/2023	02-2023	EFT	*	hcv	2,251.00		
4017	K-6872	haphcv	qaqamj	Amjad Qaqish	2/1/2023	02-2023	EFT	P-11850	hcv	1,264.00		
4018	K-6873	haphcv	QUISAM	Sam or Sonia Quinones	2/1/2023	02-2023	EFT	P-11864	hcv	1,770.00		
4019	K-6874	haphcv	RADAMO	Radford	2/1/2023	02-2023	EFT	P-11855	hcv	1,926.00		
4020	K-6875	haphcv	RAJKUL	Raju	2/1/2023	02-2023	EFT	P-11360	hcv	1,703.00		
4021	K-6876	haphcv	RAJPAR	Paramjit K. Raju	2/1/2023	02-2023	EFT	*	hcv	2,324.00		
4022	K-6877	haphcv	RAMENR	Enrique Ramirez	2/1/2023	02-2023	EFT	P-11930	hcv	590.00		
4023	K-6878	haphcv	RAMERI	Erika Ramirez	2/1/2023	02-2023	EFT	P-11833	hcv	1,773.00		
4024	K-6879	haphcv	RAMHOR	Ramsey Horton	2/1/2023	02-2023	EFT	P-12413	hcv-vash	1,321.00		
4025	K-6880	haphcv	RAMJAV	Ramos Avila	2/1/2023	02-2023	EFT	P-11667	hcv	1,996.00		
4026	K-6881	haphcv	RAMROH	Ram-Cline	2/1/2023	02-2023	EFT	P-11941	hcv	2,523.00		
4027	K-6882	haphcv	raudav	David Raughton	2/1/2023	02-2023	EFT	P-12100	hcv	1,932.00		
4028	K-6883	haphcv	rcprop	RayCaro Inc.	2/1/2023	02-2023	EFT	P-12349	hcv	2,232.00		
4029	K-6884	haphcv	reacro	Croskey Real Estate, Inc.	2/1/2023	02-2023	EFT	P-12119	hcv	2,125.00		
4030	K-6885	haphcv	realam	Amerasia Real Estate Fund LLC	2/1/2023	02-2023	EFT	*	hcv	2,334.00		
4031	K-6886	haphcv	relwoo	Reliant - Woods Grove, LP	2/1/2023	02-2023	EFT	*	*	17,495.00		
4032	K-6887	haphcv	remeri	Eric Franklin Remson	2/1/2023	02-2023	EFT	P-11691	hcv	633.00		
4033	K-6888	haphcv	rhport	RH Portofino Owner CA LLC	2/1/2023	02-2023	EFT	*	hcv	16,203.00		
4034	K-6889	haphcv	rickam	Kameryn Victoria Ray	2/1/2023	02-2023	EFT	P-11465	hcv	1,868.00		
4035	K-6890	haphcv	risinv	Rising Investments LLC	2/1/2023	02-2023	EFT	*	hcv	6,926.00		
4036	K-6891	haphcv	RUFJAS	Ruffin	2/1/2023	02-2023	EFT	P-11352	hcv	2,263.00		
4037	K-6892	haphcv	ruielv	Elvira Ruiz	2/1/2023	02-2023	EFT	P-12276	hcv	1,855.00		
4038	K-6893	haphcv	RUSCON	Russell	2/1/2023	02-2023	EFT	P-12343	hcv	1,654.00		
4039	K-6894	haphcv	SANMAR	Santos	2/1/2023	02-2023	EFT	P-11715	hcv	2,010.00		
4040	K-6895	haphcv	schgre	Schulz	2/1/2023	02-2023	EFT	P-12311	hcv	1,567.00		
4041	K-6896	haphcv	sciric	Richard M. Sciortino	2/1/2023	02-2023	EFT	P-11499	hcv	2,101.00		
4042	K-6897	haphcv	SELJAC	Selinger	2/1/2023	02-2023	EFT	P-11440	hcv	1,658.00		
4043	K-6898	haphcv	SERYOU	Seroy	2/1/2023	02-2023	EFT	P-11387	hcv	1,606.00		
4044	K-6899	haphcv	SHAMOH	Sharma	2/1/2023	02-2023	EFT	P-12143	hcv	982.00		
4045	K-6900	haphcv	shapat	Shailesh & Bela Patel	2/1/2023	02-2023	EFT	*	hcv	3,165.00		
4046	K-6901	haphcv	SHEMOH	Shekib	2/1/2023	02-2023	EFT	P-12236	hcv	1,938.00		
4047	K-6902	haphcv	SHIYIH	Yihui Shi	2/1/2023	02-2023	EFT	P-11367	hcv	1,304.00		
4048	K-6903	haphcv	shoinv	Shorten Investments LLC	2/1/2023	02-2023	EFT	P-12438	hcv	2,886.00		

Payment Register

.all

Period: From 02/2023 to 02/2023

Check #	Check	Bank Code	Payee Code	Payee Name	Check Date	Post Month	Payment Method	Payable	Property	Amount	Interfund	Notes
4049	K-6904	haphcv	siecor	Sierra Pacific Properties Inc	2/1/2023	02-2023	EFT	*	*	19,338.00		
4050	K-6905	haphcv	siena	Siena Court Apartments	2/1/2023	02-2023	EFT	*	*	18,374.00		
4051	K-6906	haphcv	siepep	Sierra Pacific Properties c/o Ernie J. Davis	2/1/2023	02-2023	EFT	*	*	9,432.00		
4052	K-6907	haphcv	siewoo	Sierra Pacific Properties c/o Ernie J. Davis	2/1/2023	02-2023	EFT	*	*	35,245.00		
4053	K-6908	haphcv	SIIFRA	Frank M. Siino	2/1/2023	02-2023	EFT	P-11634	hcv	1,206.00		
4054	K-6909	haphcv	SIINO	Joseph Michael Siino	2/1/2023	02-2023	EFT	P-12260	hcv	1,654.00		
4055	K-6910	haphcv	SILGLO	Silva	2/1/2023	02-2023	EFT	P-12015	hcv	490.00		
4056	K-6911	haphcv	SIMMAR	Marc J. Simpson	2/1/2023	02-2023	EFT	P-11884	hcv	1,689.00		
4057	K-6912	haphcv	SINSON	Son Singh	2/1/2023	02-2023	EFT	P-11476	hcv	1,457.00		
4058	K-6913	haphcv	SITCRY	Situ	2/1/2023	02-2023	EFT	P-12242	hcv	1,250.00		
4059	K-6914	haphcv	SMILIO	Smith	2/1/2023	02-2023	EFT	P-12000	hcv	1,975.00		
4060	K-6915	haphcv	SMIMOL	Molly Smith	2/1/2023	02-2023	EFT	P-12244	hcv	2,000.00		
4061	K-6916	haphcv	smishe	Smith	2/1/2023	02-2023	EFT	P-11410	hcv-home	798.00		
4062	K-6917	haphcv	soscin	Sosa	2/1/2023	02-2023	EFT	*	hcv	1,020.00		
4063	K-6918	haphcv	squvet	Veterans Square LP	2/1/2023	02-2023	EFT	*	hcv-pbv1	43,188.00		
4064	K-6919	haphcv	sroram	Srouji	2/1/2023	02-2023	EFT	P-12475	hcv-vash	2,164.00		
4065	K-6920	haphcv	STRALE	Stroud	2/1/2023	02-2023	EFT	P-11671	hcv	1,510.00		
4066	K-6921	haphcv	STRDAR	Streeter	2/1/2023	02-2023	EFT	P-12172	hcv	1,985.00		
4067	K-6922	haphcv	sukabb	Sukarto	2/1/2023	02-2023	EFT	P-12123	hcv	2,872.00		
4068	K-6923	haphcv	suli	Su	2/1/2023	02-2023	EFT	P-11782	hcv	2,190.00		
4069	K-6924	haphcv	sulkha	Sultan	2/1/2023	02-2023	EFT	P-12354	hcv	1,671.00		
4070	K-6925	haphcv	SUMMIT	Summit Venture Group, LLC	2/1/2023	02-2023	EFT	P-11588	hcv	2,790.00		
4071	K-6926	haphcv	SURKAM	Kamaljeet Surila	2/1/2023	02-2023	EFT	P-12287	hcv	1,684.00		
4072	K-6927	haphcv	SUSPAD	Paduro-Silva	2/1/2023	02-2023	EFT	P-12283	hcv	2,195.00		
4073	K-6928	haphcv	svekon	Kondratiouk	2/1/2023	02-2023	EFT	P-12393	hcv	3,338.00		
4074	K-6929	haphcv	SYJOYC	Joyce Hui Sy	2/1/2023	02-2023	EFT	*	hcv	6,507.00		
4075	K-6930	haphcv	TERNAT	Terry	2/1/2023	02-2023	EFT	P-11758	hcv-home	1,157.00		
4076	K-6931	haphcv	THESIL	Silvia Thein and Ada Choi	2/1/2023	02-2023	EFT	P-11680	hcv	2,169.00		
4077	K-6932	haphcv	THOTEQ	Thornton	2/1/2023	02-2023	EFT	P-12061	hcv	2,761.00		
4078	K-6933	haphcv	TONYOW	Tong	2/1/2023	02-2023	EFT	P-12313	hcv	1,938.00		
4079	K-6934	haphcv	TOVLOU	Lourdes or Raymond Tovar	2/1/2023	02-2023	EFT	P-11738	hcv	2,190.00		
4080	K-6935	haphcv	TRARAP	Tran	2/1/2023	02-2023	EFT	*	hcv	5,333.00		
4081	K-6936	haphcv	TRARIC	Tran	2/1/2023	02-2023	EFT	P-11400	hcv	2,789.00		
4082	K-6937	haphcv	TRATHU	Thuy Tran	2/1/2023	02-2023	EFT	P-12004	hcv	1,164.00		
4083	K-6938	haphcv	TRITHA	Thanh Van Trinh	2/1/2023	02-2023	EFT	P-11607	hcv	1,585.00		
4084	K-6939	haphcv	TRUSEA	Truong	2/1/2023	02-2023	EFT	P-11375	hcv	1,208.00		
4085	K-6940	haphcv	truvan	Truong	2/1/2023	02-2023	EFT	P-11489	hcv	1,431.00		
4086	K-6941	haphcv	USCERI	Erica Uschold	2/1/2023	02-2023	EFT	P-11486	hcv	1,737.00		
4087	K-6942	haphcv	v0000002	CONTRA COSTA HOUSING AUTHORITY	2/1/2023	02-2023	EFT	*	*	80,345.00		
4088	K-6943	haphcv	v0000006	College Park City HA	2/1/2023	02-2023	EFT	P-11730	hcv	1,098.00		
4089	K-6944	haphcv	v0000056	Mims	2/1/2023	02-2023	EFT	P-12254	hcv	1,276.00		
4090	K-6945	haphcv	v0000059	Tran	2/1/2023	02-2023	EFT	P-12121	hcv	2,881.00		
119	K-6946	haphcv	v0000066	Tram	2/1/2023	02-2023	EFT	*	hcv	0.00		
4091	K-6947	haphcv	v0000071	Balaji LLC	2/1/2023	02-2023	EFT	*	hcv	3,218.00		
4092	K-6948	haphcv	v0000073	Christian Reyes	2/1/2023	02-2023	EFT	P-12084	hcv	3,525.00		
4093	K-6949	haphcv	v0000074	Baymax Properties/TPG Rental Properties	2/1/2023	02-2023	EFT	P-11601	hcv	4,302.00		
4094	K-6950	haphcv	v0000090	Sampson	2/1/2023	02-2023	EFT	P-11600	hcv	2,443.00		
4095	K-6951	haphcv	v0000091	Mehmi	2/1/2023	02-2023	EFT	P-12348	hcv	876.00		
4096	K-6952	haphcv	v0000092	Willie L. Mostella	2/1/2023	02-2023	EFT	P-11935	hcv	2,815.00		

Payment Register

.all

Period: From 02/2023 to 02/2023

Check #	Check	Bank Code	Payee Code	Payee Name	Check Date	Post Month	Payment Method	Payable	Property	Amount	Interfund	Notes
4097	K-6953	haphcv	v0000095	Joshua Lankford	2/1/2023	02-2023	EFT	*	hcv-vash	4,167.00		
4098	K-6954	haphcv	v0000112	240 Case Drive LLC	2/1/2023	02-2023	EFT	P-11620	hcv	1,886.00		
4099	K-6955	haphcv	v0000113	Arudra Investments LLC	2/1/2023	02-2023	EFT	P-11750	hcv	2,119.00		
4100	K-6956	haphcv	v0000115	Zhan Chen	2/1/2023	02-2023	EFT	P-11660	hcv	1,449.00		
4101	K-6957	haphcv	v0000119	Tenisha Iwuoma	2/1/2023	02-2023	EFT	P-12191	hcv	1,528.00		
120	K-6958	haphcv	VALLID	Lidia Valladares	2/1/2023	02-2023	EFT	*	hcv	0.00		
4102	K-6959	haphcv	valvic	Valenzuela	2/1/2023	02-2023	EFT	P-12210	hcv	2,875.00		
4103	K-6960	haphcv	VASGAR	Gary D. Vasconcellos	2/1/2023	02-2023	EFT	P-12268	hcv	1,780.00		
4104	K-6961	haphcv	VERHOM	Veritel Homes LLC	2/1/2023	02-2023	EFT	P-11471	hcv	2,165.00		
4105	K-6962	haphcv	VICAZE	Vickers	2/1/2023	02-2023	EFT	P-12455	hcv	2,622.00		
4106	K-6963	haphcv	VIENUN	Nuno G Vieira	2/1/2023	02-2023	EFT	*	hcv	5,052.00		
4107	K-6964	haphcv	vukuyen	Vu	2/1/2023	02-2023	EFT	P-12156	hcv	2,622.00		
4108	K-6965	haphcv	WAFSTE	Wafer	2/1/2023	02-2023	EFT	P-11924	hcv	1,242.00		
4109	K-6966	haphcv	wanlin	Lining Wan	2/1/2023	02-2023	EFT	*	hcv	4,465.00		
4110	K-6967	haphcv	wanwei	Wang	2/1/2023	02-2023	EFT	P-11364	hcv	1,940.00		
4111	K-6968	haphcv	wanyur	Yu Ruo Wang	2/1/2023	02-2023	EFT	*	hcv	1,714.00		
4112	K-6969	haphcv	WENHOL	Wen	2/1/2023	02-2023	EFT	P-12317	hcv	793.00		
4113	K-6970	haphcv	WHILEW	Lewis White & Ruth White	2/1/2023	02-2023	EFT	*	*	5,759.00		
4114	K-6971	haphcv	WIJFEN	Wijayanti	2/1/2023	02-2023	EFT	P-11645	hcv	2,280.00		
4115	K-6972	haphcv	wiladr	Wilson	2/1/2023	02-2023	EFT	P-12159	hcv	726.00		
4116	K-6973	haphcv	wilkat	Wilson	2/1/2023	02-2023	EFT	P-11842	hcv	1,231.00		
4117	K-6974	haphcv	WILLKAT	Kathy D. Williams	2/1/2023	02-2023	EFT	P-12035	hcv	2,015.00		
4118	K-6975	haphcv	WILLTAS	Williams	2/1/2023	02-2023	EFT	P-12281	hcv	2,800.00		
4119	K-6976	haphcv	WINDEV	Windeler Development Group, Inc.	2/1/2023	02-2023	EFT	P-11415	hcv	987.00		
4120	K-6977	haphcv	wonhar	Har Pan Wong	2/1/2023	02-2023	EFT	*	hcv	3,997.00		
4121	K-6978	haphcv	WONJOA	Joanne Wong	2/1/2023	02-2023	EFT	*	hcv	3,313.00		
4122	K-6979	haphcv	WONKIN	Kinney Ming Wong	2/1/2023	02-2023	EFT	P-12267	hcv	1,420.00		
4123	K-6980	haphcv	WONSHI	Wong	2/1/2023	02-2023	EFT	P-12481	hcv-vash	1,528.00		
121	K-6981	haphcv	WONVIN	Wong	2/1/2023	02-2023	EFT	*	hcv	0.00		
4124	K-6982	haphcv	WUHONG	Hong Wu	2/1/2023	02-2023	EFT	P-12332	hcv	1,651.00		
4125	K-6983	haphcv	wuzhan	Wu	2/1/2023	02-2023	EFT	P-12293	hcv	3,468.00		
4126	K-6984	haphcv	WYADRE	Drewcillia Wyatt	2/1/2023	02-2023	EFT	P-12340	hcv	2,708.00		
4127	K-6985	haphcv	XUCHAO	Xu	2/1/2023	02-2023	EFT	P-11968	hcv	2,411.00		
4128	K-6986	haphcv	XUPING	Ping Ping Xu	2/1/2023	02-2023	EFT	*	hcv	3,396.00		
4129	K-6987	haphcv	XUZHO	Xu	2/1/2023	02-2023	EFT	P-12096	hcv	2,870.00		
4130	K-6988	haphcv	yeyifa	Ye	2/1/2023	02-2023	EFT	P-12105	hcv	2,471.00		
4131	K-6989	haphcv	yipsal	Sally Yip	2/1/2023	02-2023	EFT	P-12005	hcv	595.00		
4132	K-6990	haphcv	YONQIA	Lu	2/1/2023	02-2023	EFT	P-12480	hcv	1,831.00		
4133	K-6991	haphcv	YOUCHR	You	2/1/2023	02-2023	EFT	P-12184	hcv	2,395.00		
4134	K-6992	haphcv	ZALMOH	Mohammad Zalmayar	2/1/2023	02-2023	EFT	*	hcv	1,666.00		
4135	K-6993	haphcv	ZHAJIE	Zhao	2/1/2023	02-2023	EFT	P-11899	hcv	2,681.00		
4136	K-6994	haphcv	zhakat	Zhao	2/1/2023	02-2023	EFT	P-11529	hcv	2,050.00		
4137	K-6995	haphcv	ZHAWEI	Wei Bin Zhang or Gao Wei	2/1/2023	02-2023	EFT	P-11820	hcv	2,102.00		
4138	K-6996	haphcv	ZHAXIR	Xirong Zhao	2/1/2023	02-2023	EFT	P-11573	hcv	876.00		
4139	K-6997	haphcv	ZHAYAN	Yan Zhang	2/1/2023	02-2023	EFT	P-11428	hcv	1,898.00		
4140	K-6998	haphcv	ZHEXIA	Zheng	2/1/2023	02-2023	EFT	P-11765	hcv	2,518.00		
4141	K-6999	haphcv	ZHIXLI	Li	2/1/2023	02-2023	EFT	P-11803	hcv	2,152.00		
4142	K-7000	haphcv	ZHOJOY	Zhou	2/1/2023	02-2023	EFT	P-12452	hcv	1,691.00		
4143	K-7001	haphcv	ZHUSHE	Zhu	2/1/2023	02-2023	EFT	*	hcv	4,799.00		

Payment Register

.all

Period: From 02/2023 to 02/2023

Check #	Check	Bank Code	Payee Code	Payee Name	Check Date	Post Month	Payment Method	Payable	Property	Amount	Interfund	Notes
4144	K-7002	haphcv	ZHUYIN	Zhu	2/1/2023	02-2023	EFT	*	hcv	3,095.00		
4145	K-7003	haphcv	zhweij	Zhang	2/1/2023	02-2023	EFT	P-12303	hcv	1,130.00		
50000370	K-7021	hcvport	creeks	Creekside Apt Investors LLC DBA Creekside \	2/15/2023	02-2023	EFT	P-12528	hcv	278.00		
50000371	K-7022	hcvport	feeela	Elaine Feemster	2/15/2023	02-2023	EFT	P-12597	portin	1,449.00		
50000372	K-7023	hcvport	kirkkw	KW Kirker Creek, LLC	2/15/2023	02-2023	EFT	*	portin	386.00		
50000373	K-7024	hcvport	RAMENR	Enrique Ramirez	2/15/2023	02-2023	EFT	P-12648	portin	1,672.00		
50000374	K-7025	hcvport	rhport	RH Portofino Owner CA LLC	2/15/2023	02-2023	EFT	P-12646	portin	1,501.00		
50000375	K-7026	hcvport	TENYUN	Yun Teng	2/15/2023	02-2023	EFT	*	portin	3,991.00		
50000376	K-7027	hcvport	TRARIC	Tran	2/15/2023	02-2023	EFT	*	hcv	444.00		
50000377	K-7028	hcvport	v0000121	Monica Zuniga	2/15/2023	02-2023	EFT	*	portin	2,406.00		
6	K-7029	hcvport	v0000122	Ajay Bhatia	2/15/2023	02-2023	EFT	*	portin	0.00		
4146	K-7030	haphcv	BEEHOL	Hawkins	2/15/2023	02-2023	EFT	*	hcv	2,028.00		
4147	K-7031	haphcv	creeks	Creekside Apt Investors LLC DBA Creekside \	2/15/2023	02-2023	EFT	*	hcv	45.00		
4148	K-7032	haphcv	gardav	David Gardner	2/15/2023	02-2023	EFT	*	hcv	261.00		
4149	K-7033	haphcv	GROITA	Italo Grossi	2/15/2023	02-2023	EFT	*	hcv	21.00		
4150	K-7034	haphcv	hendav	David T. Hennigan	2/15/2023	02-2023	EFT	*	hcv	110.00		
4151	K-7035	haphcv	ihprw	IHS Property West LP	2/15/2023	02-2023	EFT	*	hcv	102.00		
4152	K-7036	haphcv	jaivis	Jain	2/15/2023	02-2023	EFT	*	hcv	221.00		
4153	K-7037	haphcv	LERJOS	Joseph C. Lerma	2/15/2023	02-2023	EFT	*	hcv	1,198.00		
4154	K-7038	haphcv	LUXIANG	Lu	2/15/2023	02-2023	EFT	*	hcv	232.00		
123	K-7039	haphcv	risinv	Rising Investments LLC	2/15/2023	02-2023	EFT	*	hcv	0.00		
4155	K-7040	haphcv	siecor	Sierra Pacific Properties Inc	2/15/2023	02-2023	EFT	*	hcv	600.00		
4156	K-7041	haphcv	soscin	Sosa	2/15/2023	02-2023	EFT	*	hcv	846.00		
124	K-7042	haphcv	TRARIC	Tran	2/15/2023	02-2023	EFT	*	hcv	0.00		
4157	K-7043	haphcv	USCERI	Erica Uschold	2/15/2023	02-2023	EFT	*	hcv	1,213.00		
4158	K-7044	haphcv	v0000064	Lee	2/15/2023	02-2023	EFT	P-12654	hcv	2,700.00		
4159	K-7045	haphcv	wiladr	Wilson	2/15/2023	02-2023	EFT	*	hcv	1,224.00		
4160	K-7046	haphcv	ZHIXLI	Li	2/15/2023	02-2023	EFT	*	hcv	661.00		
52154	K-7047	haphcv	aawjow	JOW & AAW, LLC	2/15/2023	02-2023	Check	*	hcv-vash	120.00		
52155	K-7048	haphcv	LPMARH	Marina Heights Apartments, LP	2/15/2023	02-2023	Check	*	hcv	2,138.00		
52156	K-7049	haphcv	sieoak	Sierra Pacific Properties	2/15/2023	02-2023	Check	*	hcv	3,924.00		
52157	K-7050	haphcv	t1000545	Lockwood	2/15/2023	02-2023	Check	*	hcv	33.00		
52158	K-7051	haphcv	t1003049	Allen	2/15/2023	02-2023	Check	P-12582	hcv	259.00		
52159	K-7052	haphcv	t1004020	Rollins	2/15/2023	02-2023	Check	P-12655	hcv	26.00		
52160	K-7053	haphcv	t1004657	Sanders	2/15/2023	02-2023	Check	P-9978	hcv	124.00		
52161	K-7054	haphcv	t1005157	VINSON	2/15/2023	02-2023	Check	*	hcv	500.00		
52162	K-7055	haphcv	t1005206	LEE	2/15/2023	02-2023	Check	P-12600	hcv	54.00		
52163	K-7056	haphcv	t1005623	Taylor	2/15/2023	02-2023	Check	P-12577	hcv	257.00		
52164	K-7057	haphcv	v0000018	King County Housing Authority	2/15/2023	02-2023	Check	*	hcv	4,419.36		
4161	K-7058	haphcv	v0000095	Joshua Lankford	2/15/2023	02-2023	EFT	P-12665	hcv-vash	394.00		

Grand Total

1,824,748.34



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

TO: Mayor/Chair and Council/Governing Board Members

FROM: Garrett Evans, Executive Director/City Manager

SUBJECT: Adoption of a City Council Resolution Authorizing the City Manager to Purchase Properties with Public Local Housing Allocation (PLHA) Funds and Transfer Properties to the Housing Authority, and a Housing Authority Resolution Accepting Properties from the City for Affordable Housing for Housing Choice Voucher Participants

MEETING DATE:

EXECUTIVE SUMMARY

The City proposes to purchase and transfer properties to the Housing Authority of the City of Pittsburg (Housing Authority) and the Housing Authority proposes to accept properties from the City for affordable housing for its Housing Choice Voucher, also known as Section 8, participants.

FISCAL IMPACT

The City proposes to use the Permanent Local Housing Allocation (PLHA) grant funds to purchase for-sale properties and transfer the properties to the Housing Authority so that they may be leased to Housing Choice Voucher participants. The PLHA grant funds will also be used to pay for all cost related to the purchase such as closing costs and any rehabilitation needed to make the property suitable for rental.

The Housing Authority will lease the properties to Housing Choice Voucher participants whose rents are subsidized by the US Department of Housing and Urban Development (HUD).

The City received \$317,863 for 2019 and \$493,778 for 2020, totaling \$811,461 in PLHA grant funds

RECOMMENDATION

City Council adopt the Resolution authorizing the City Manager to purchase properties with PLHA funds and transfer the properties to the Housing Authority with the condition that the properties will be solely rented to Housing Choice Voucher participants, and that PLHA

grant funds also be used to pay for all cost related to the purchase such as closing costs and any rehabilitation needed to make the property suitable for rental.

The Governing Board of the Housing Authority adopt the Resolution accepting properties purchased by the City with PLHA funds with the condition that the properties will be solely rented to Housing Choice Voucher participants and restricted as affordable housing for 55 years.

BACKGROUND

In September 2017, the California Legislature approved Senate Bill 2, known as the Building Homes and Jobs Act (Act), which established a \$75 recording fee on real estate documents to increase the supply of affordable housing. The Act established the PLHA program administered by the California Department of Housing and Community Development (HCD). The PLHA provides a permanent source of funding to cities and counties to help meet the need for affordable housing and increase the supply of affordable housing units. Under the PLHA, funding is provided through formula grants to entitlement jurisdictions based on the formula prescribed under federal law for the Community Development Block Grant program over a 5-year funding period, as well as through a competitive grant program for non-entitlement jurisdictions.

In order to receive PLHA grant funds, the City is required to submit a PLHA Plan (Plan) detailing the manner in which funds will be used; a description of the way it will prioritize investments that increase the supply of housing for households at or below 60 percent of area median income (AMI); a description of how the Plan is consistent with the programs set forth in the City's Housing Element; and evidence that the Plan was authorized and adopted by resolution by the City Council and that the public had an adequate opportunity to review and comment on its content.

There are ten eligible activities under the PLHA program. On November 15, 2021, the City Council, through a public hearing process, adopted Resolution 21-14010, authorizing the submission of the application for and acceptance of PLHA grant funds. PLHA grant funds were allocated to two recommend activities:

1. Assist persons who are experiencing or at risk of homelessness including, but not limited to, providing rapid rehousing, rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing.
2. Acquire and rehabilitate foreclosed or vacant homes and apartments. The City is dedicated to increasing the supply of housing for households at or below 60% of AMI. The City is actively looking for opportunities to provide housing for all income levels but specifically for those who are low income or lower. Special consideration was also be given for housing homeless college students.

The City met with Los Medanos Community College (LMC) staff in 2020 and 2021 to discuss the possibility of providing affordable housing to homeless college students. However, since these discussions were occurring during a period when LMC was closed due to the COVID-19 pandemic, it was difficult to establish and implement such a program. City and LMC staff also met to discuss the possibility of constructing affordable units on LMC's property but the challenge was the availability of space.

SUBCOMMITTEE FINDINGS

This item was not discussed in a subcommittee meeting.

STAFF ANALYSIS

Because the 2019 PLHA funds must be spent by April 30, 2024, and the City and LMC were unable to establish a program, staff met with HCD staff on March 10, 2023 to receive guidance on a proposed program where the City would purchase properties using the PLHA grant funds and transfer the properties to the Housing Authority to be leased to Housing Choice Voucher participants. HCD recommended to staff that documentation be provided of the proposed use of the PLHA funds.

Staff proposes to purchase properties within the price range of \$300,000 and \$550,000. As of March 10, 2023, there are 5 single family residential units within this price range, consisting of 2-3 bedrooms. Condominium and townhomes will also be considered but its purchase will be dependent on the affordability of the homeowners association fees since the tenants of these properties will be 60% of AMI or lower. According to the HUD Real Estate Assessment Center's (REAC) Income Level Report, attached as Exhibit A to this staff report, 91% of the Housing Authority, also known by HUD as CA060, participants' incomes are below \$50,000.

As properties are purchased, they will be transferred to the Housing Authority and regulatory agreements will be recorded to ensure that the properties will remain available to Housing Choice Voucher recipients for 55 years. Because the purchase of properties in the Bay Area is highly competitive, staff seeks to get authorization to purchase properties as they become available.

ATTACHMENTS: City Resolution
 Housing Authority Resolution
 Exhibit A

Report Prepared By: Maria M. Aliotti, Assistant City Manager

Exhibit A

INCOME REPORT														
As of February 28 2023														
Program Type		Public Housing			Effective Start Date: March 01 2022									
Level of Information		Public Housing Agency within			Effective End Date: June 30 2023									
FAMILIES REPORTED														
Distribution by Income														
Public Housing Agency	Number of Families Reported(#)	Average Annual Income(\$)	\$0(%)	\$1-5000(%)	\$5000-10000(%)	\$10000-15000(%)	\$15000-20000(%)	\$20000-25000(%)	\$25000-30000(%)	\$30000-35000(%)	\$35000-40000(%)	\$40000-45000(%)	\$45000-50000(%)	Above \$50000(%)
CA	261544	20027	3	5	6	39	11	12	6	5	4	3	2	5
CA060	987	24092	5	2	6	32	9	11	7	5	5	5	4	10

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Authorizing the City Manager to Purchase)
Properties with Public Local Housing Allocation)
(PLHA) Funds and Transfer the Properties to) RESOLUTION NO. 23-
the Housing Authority for Affordable Housing)
for Housing Choice Voucher Participants)

WHEREAS, in September 2017, the California Legislature approved Senate Bill 2, known as the Building Homes and Jobs Act (Act), which established a \$75 recording fee on real estate documents to increase the supply of affordable housing; and

WHEREAS, the Act established the Permanent Local Housing Allocation (PLHA) program administered by the California Department of Housing and Community Development (HCD); and

WHEREAS, the PLHA provides a permanent source of funding to cities and counties to help meet the need for affordable housing and increase the supply of affordable housing units; and

WHEREAS, on November 15, 2021, the City Council, through a public hearing process, adopted Resolution 21-14010, authorizing the submission of the application for and acceptance of PLHA grant funds. PLHA grant funds were allocated to two recommend activities: 1) Assist persons who are experiencing or at risk of homelessness including, but not limited to, providing rapid rehousing, rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing; and 2) Acquire and rehabilitate foreclosed or vacant homes and apartments. The City is dedicated to increasing the supply of housing for households at or below 60% of AMI. The City is actively looking for opportunities to provide housing for all income levels but specifically for those who are low income or lower. Special consideration was also be given for housing homeless college students; and

WHEREAS, the City met with Los Medanos Community College (LMC) staff in 2020 and 2021 to discuss the possibility of providing affordable housing to homeless college students. However, since these discussions were occurring during a period when LMC was closed due to the COVID-19 pandemic, it made it difficult to establish and implement such a program. City and LMC staff also met to discuss the possibility of constructing affordable units on LMC's property but the challenge was the availability of space; and

WHEREAS, the City received \$317,863 for 2019 and \$493,778 for 2020, totaling \$811,461 in PLHA grant funds; and

WHEREAS, because the 2019 PLHA funds must be spent by April 30, 2024, and the City and LMC were unable to establish a program, staff met with HCD staff on March 10, 2023 to receive guidance on a proposed program where the City would purchase properties using the PLHA grant funds and transfer the properties to the Housing Authority to be leased to Housing Choice Voucher participants, and

WHEREAS, according to the HUD Real Estate Assessment Center's (REAC) Income Level Report, attached as Exhibit A to the staff report, 91% of the Housing Authority, also known by HUD as CA060, participants' incomes are below \$50,000.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to purchase properties with PLHA funds and transfer the properties to the Housing Authority with the condition that the properties will be solely rented to Housing Choice Voucher participants. Be it further resolved that the City use the PLHA grant funds to purchase the properties and to pay for all costs related to the purchase such as closing costs and any rehabilitation needed to make the property suitable for rental.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 17th day of April 2023 by the following votes:

AYES:

NOES:

ABSTAINED:

ABSENT:

Shanelle Scales-Preston, Mayor

ATTEST:

Alice E. Evenson, City Clerk

BEFORE THE GOVERNING BOARD OF THE HOUSING AUTHORITY
OF THE CITY OF PITTSBURG

In the Matter of:

Accepting Properties from the City Purchased)
With Public Local Housing Allocation (PLHA)) RESOLUTION NO. 23-
Funds for Affordable Housing for Housing)
Choice Voucher Participants)

WHEREAS, in September 2017, the California Legislature approved Senate Bill 2, known as the Building Homes and Jobs Act (Act), which established a \$75 recording fee on real estate documents to increase the supply of affordable housing; and

WHEREAS, the Act established the Permanent Local Housing Allocation (PLHA) program administered by the California Department of Housing and Community Development (HCD); and

WHEREAS, the PLHA provides a permanent source of funding to cities and counties to help meet the need for affordable housing and increase the supply of affordable housing units; and

WHEREAS, on November 15, 2021, the City Council, through a public hearing process, adopted Resolution 21-14010, authorizing the submission of the application for and acceptance of PLHA grant funds. PLHA grant funds were allocated to two recommend activities: 1) Assist persons who are experiencing or at risk of homelessness including, but not limited to, providing rapid rehousing, rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing; and 2) Acquire and rehabilitate foreclosed or vacant homes and apartments. The City is dedicated to increasing the supply of housing for households at or below 60% of AMI. The City is actively looking for opportunities to provide housing for all income levels but specifically for those who are low income or lower. Special consideration was also be given for housing homeless college students; and

WHEREAS, the City met with Los Medanos Community College (LMC) staff in 2020 and 2021 to discuss the possibility of providing affordable housing to homeless college students. However, since these discussions were occurring during a period when LMC was closed due to the COVID-19 pandemic, it made it difficult to establish and implement such a program. City and LMC staff also met to discuss the possibility of constructing affordable units on LMC's property but the challenge was the availability of space; and

WHEREAS, the City received \$317,863 for 2019 and \$493,778 for 2020, totaling \$811,461 in PLHA grant funds; and

WHEREAS, because the 2019 PLHA funds must be spent by April 30, 2024, and the City and LMC were unable to establish a program, staff met with HCD staff on March 10, 2023 to receive guidance on a proposed program where the City would purchase properties using the PLHA grant funds and transfer the properties to the Housing Authority to be leased to Housing Choice Voucher participant; and

WHEREAS, according to the HUD Real Estate Assessment Center's (REAC) Income Level Report, attached as Exhibit A to the staff report, 91% of the Housing Authority, also known by HUD as CA060, participants' incomes are below \$50,000.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Housing Authority hereby authorizes the Executive Director to accept properties purchased by the City with PLHA funds with the condition that the properties will be solely rented to Housing Choice Voucher participants and restricted as affordable housing for 55 years.

PASSED AND ADOPTED by the Governing Board of the Housing Authority of the City of Pittsburg at a regular meeting on the 17th day of April 2023 by the following votes:

AYES:

NOES:

ABSTAINED:

ABSENT:

Shanelle Scales-Preston, Chair

ATTEST:

Alice E. Evenson, Agency Secretary



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

TO: Mayor and Council Members
FROM: Garrett Evans, City Manager
SUBJECT: Adoption of a City Council Resolution Proclaiming Termination of Local Emergency Regarding Storms
MEETING DATE: April 17, 2023

EXECUTIVE SUMMARY

This item is to proclaim the termination of the Local Emergency declared by the City Manager, acting as Director of Emergency Services, and ratified by the City Council, in response to recent extreme weather. Conditions of extreme peril have sufficiently abated to warrant termination of the emergency.

FISCAL IMPACT

City of Pittsburg staff worked in shifts to respond to flooding, roadway damage, downed trees, and other health and safety emergency calls. Complete costs are not fully known at this time. Termination of the local emergency will not increase costs.

RECOMMENDATION

Adopt the Resolution Proclaiming Termination of Local Emergency Regarding Storms.

BACKGROUND

A series of atmospheric river systems began on December 27, 2022, and continued through much of January 2023. The extreme weather conditions caused flooding at numerous locations, road closures because of the accumulation of rainwater, and damage to roadways. The storms also compromised one 20-foot-high retaining wall and downed four 30-foot trees. On January 11, 2023, the Director of Emergency Services, who is the City Manager as designated in Pittsburg Municipal Code Section 2.44.050(A), proclaimed a local emergency. The City Council ratified the proclamation on January 17, 2023, allowing the proclamation to remain in effect. On March 6, 2023, the City Council adopted a resolution renewing and continuing the local emergency.

SUBCOMMITTEE FINDINGS

The matter was not brought to a subcommittee.

STAFF ANALYSIS

The California Emergency Services Act authorizes local public entities to proclaim an emergency under specified circumstances including storms. State law authorizes a local emergency to be proclaimed by a designated official. The proclamation extended pursuant to the January 17, 2023, ratification by City Council. The City Council renewed and continued the local emergency on March 6, 2023. State law requires the governing body to proclaim the termination of a local emergency at the earliest possible date that conditions warrant. According to staff, the extreme conditions of peril to persons and property seen at the time of proclamation and ratification sufficiently abated as the atmospheric river systems dissipated.

Staff will seek reimbursement of costs incurred to respond to the local emergency from the federal government.

ATTACHMENTS: Resolution

Report Prepared By: Donna Mooney, City Attorney

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Proclaiming Termination of Local)
Emergency Regarding Storms)

RESOLUTION NO. 23-

WHEREAS, on January 11, 2023, pursuant to the California Emergency Services Act (“Act”) at Government Code Secs. 8550-8669.7 and local law at Pittsburg Municipal Code Chapter 2.44, the City of Pittsburg Director of Emergency Services proclaimed a local emergency due to ongoing severe storms related to a series of atmospheric river systems; and

WHEREAS, on January 17, 2023, the City Council ratified the proclamation of local emergency, consistent with state and local law, and on March 6, 2023, the City Council renewed and continued the local emergency; and

WHEREAS, the Act at Government Code Sec. 8630(d) requires the governing body to proclaim the termination of the local emergency at the earliest possible date that conditions warrant; and

WHEREAS, the conditions of extreme peril presented by the severe storms have abated to such a degree to warrant the termination of the proclamation of local emergency.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pittsburg that the local emergency regarding storms, as declared by proclamation of the Director of Emergency Services and ratified by City Council, is hereby proclaimed terminated.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 17th day of April, 2023, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

Shanelle Scales-Preston, Mayor

ATTEST:

Alice E. Evenson, City Clerk



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

TO: Mayor and Council Members
FROM: Garrett Evans, City Manager
SUBJECT: Adoption of a City Council Resolution Authorizing the Summary Vacation of a 3,187 square-foot Utility Easement
MEETING DATE: April 17, 2023

EXECUTIVE SUMMARY

On June 19, 2019, the Planning Commission approved design review for the Courtyard by Marriott project with the adoption of Resolution No. 10124. New water service improvements will be constructed on the project site, which requires realignment of a portion of the City's waterline. The City has no further use of this easement or portion of water pipeline.

FISCAL IMPACT

This item has no fiscal impact.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution vacating the existing 3,187 square-foot easement on Assessor's Parcel Number 086-100-047.

BACKGROUND

The site improvements constructed for the Courtyard by Marriott hotel necessitates rerouting a portion of waterline in conflict with the future building. The property owner will dedicate a new easement to the City under separate document.

SUBCOMMITTEE FINDINGS

This item was not presented at a subcommittee.

STAFF ANALYSIS

Stay Cal Pittsburg LLC has asked that the City vacate its interest in a portion of a public waterline and its easement. The Public Streets, Highways, and Service Easements Vacation Law (California Streets and Highways Code Section 8300 et seq.) provides procedures for the vacation of public service easements. The waterline easement qualifies as a public service easement under this code. Since the easement has been superceded by relocation, the City Council may vacate the easement by resolution and no public hearing is necessary.

ATTACHMENTS: Resolution
 Attachment A—Legal Description
 Attachment B— Plat Map

Report Prepared By: Jolan Longway, Clean Water Program Coordinator

FEBRUARY 7, 2023
JOB NO. 1504-020

**EXHIBIT A
QUITCLAIM OF
PARCEL "C" UTILITY EASEMENT**

REAL PROPERTY SITUATE IN THE CITY OF PITTSBURG, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING ALL OF THAT PARCEL "C" UTILITY EASEMENT DESCRIBED IN THAT GRANT DEED FOR PUBLIC UTILITY EASEMENT, RECORDED SEPTEMBER 19, 2014, AS DOCUMENT NUMBER 2014-0160059, ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY.

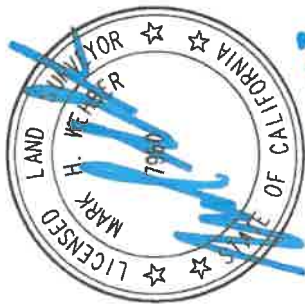
CONTAINING 3,187 SQUARE FEET OF LAND, MORE OR LESS.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, EXHIBIT B, AND BY THIS REFERENCE MADE A PART HEREOF.

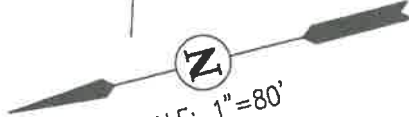
END OF DESCRIPTION



 2/7/2023
MARK H. WEHBER, P.L.S.
L.S. NO. 7960



SCALE: 1"=80'



CENTER DRIVE

RAILROAD AVENUE

PARCEL 2
2022-0038256

EXISTING PARCEL "C"
UTILITY EASEMENT
PER 2014-0160059
TO BE QUITCLAIMED

PARCEL 1
2022-0038256

PARCEL 2
2018-0128209

STATE HIGHWAY 4

EXHIBIT B

SHEET 1 OF 1

PLAT TO ACCOMPANY LEGAL DESCRIPTION

PUBLIC UTILITY EASEMENT TO BE QUITCLAIMED
PARCEL "C", DOC. NO. 2014-0160059
CITY OF PITTSBURG, CONTRA COSTA COUNTY, CALIFORNIA
FEBRUARY 7, 2023



SAN RAMON (925) 866-0322
ROSEVILLE (916) 788-4456
WWW.CBANDG.COM

CIVIL ENGINEERS • SURVEYORS • PLANNERS

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Authorizing the Summary Vacation of a) RESOLUTION NO. 23-
3,187 Square-Foot Waterline Easement)

WHEREAS, on June 19, 2019, the Planning Commission approved design review for the Courtyard by Marriott project with the adoption of Resolution No. 10124; and

WHEREAS, project site improvements will conflict with a portion of the City’s existing waterline; and

WHEREAS, the City has no further use of this easement or portion of pipeline, and the property owner will dedicate a new waterline easement to the City by separate document; and

WHEREAS, the City Council may vacate all or part of a street, highway, or public service easement pursuant to the Public Streets, Highways, and Service Easements Vacation Law (State of California Streets & Highways Code, Section 8300 et seq.); and

WHEREAS, the summary vacation proceedings are to be conducted pursuant to the provisions in Section 8330-8336, Chapter 4 of Part 3, Division 9, entitled “Summary Vacation” of the State of California Streets & Highways Code; and

WHEREAS, the summary vacation requirement for a public street has been met, pursuant to §8331 and §8334 of the California Streets & Highways Code; and

WHEREAS, the Planning Director has determined that the proposed vacation is in conformance with the City’s General Plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pittsburg hereby orders the summary vacation of that portion of APN 086-100-047 as described within Attachment A (Exhibit A Legal Description and Exhibit B Plat Map) attached hereto.

BE IT FURTHER RESOLVED, pursuant to Streets and Highways Code section 8336, the City Clerk shall cause a certified copy of this Resolution, attested by the Clerk under seal, to be recorded in the Office of the Recorder of the County of Contra Costa.

PASSED, AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 17th day of April 2023, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

ATTEST:

Shanelle Scales-Preston, Mayor

Alice E. Evenson, City Clerk



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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Authorizing the Application and Acceptance of Clean California Local Grant Program Funds and Authorizing Execution of a Grant Agreement with the California Department of Transportation

MEETING DATE: April 17, 2023

EXECUTIVE SUMMARY

The City is seeking up to \$5,000,000 in California Department of Transportation (Caltrans) Clean California Local Grant Program (Program) funding for the Wheeling Towards Mental Wellness Project (Project). The Project includes development of a skate plaza, pump track, and associated beautification elements at City Park to improve the mental health and foster equity for Pittsburg's youth and community.

FISCAL IMPACT

The Project cost is estimated at \$5,000,000, all of which is eligible for Program funding for Pittsburg, no match is required for this funding application.

RECOMMENDATION

City Council adopt the Resolution for staff to apply and accept Program funds and authorize the execution of a grant agreement with Caltrans.

BACKGROUND

Developed by Caltrans, the Program will award approximately \$100 million in funds to communities to beautify and improve local streets and roads, tribal lands, parks, pathways, and transit centers to clean and enhance public spaces. By adding beautification measures and art in public spaces along with the removal of litter and debris, this effort will enhance and improve recreation and active transportation spaces. The Program aims to reduce waste, enhance public spaces, reduce the urban heat island effect, enhance public health, create cultural and community connection, and advance equity for underserved communities.

In preparation to apply for grant funding, staff hosted virtual stakeholder meetings on November 9, 2020 and surveyed the skate boarding and pump track community in March 2023. At the May 9, 2022 Budget Workshop, the City Council earmarked \$500,000 of General Fund Surplus funds for the development of a youth skate park at City Park. Staff has used this funding to design the skate plaza and pump track, also known as the Wheeling Toward Mental Wellness Project, to submit a shovel ready application for implementation funding.

Application for this Program is due on April 28th, 2023. the City will apply for Program funds to augment the limited budget available for projects that improve the quality of life and safety for residents in this unique way. The proposed Project area is at City Park at the corner of Civic Avenue and Railroad Avenue.

SUBCOMMITTEE FINDINGS

The item was presented to the Infrastructure Subcommittee meeting on October 26, 2022 at which Subcommittee members supported the use of General Fund Surplus funding for planning this Project, and pursuit of implementation funding.

STAFF ANALYSIS

It is well documented that outdoor recreation positively influences mental and physical health. Especially since the onset of the global pandemic, youth including many in Pittsburg have experienced setbacks in both of these areas. The Pittsburg City Council has focused on development and support of local young people and has especially stepped up to provide unique and beneficial opportunities in the last four years. This Project aligns with these efforts and has an added benefit of enhancing and activating a currently vacant space along the City's main thoroughfare to downtown and near Pittsburg High School.

Additionally, community feedback gathered through various engagement events and efforts has included requests for a skate plaza and pump track in Pittsburg for youth. Design for this project is well underway and pursuit of implementation funds through the Program requires demonstration of agency support through a Resolution approving a Program application.

ATTACHMENTS: Resolution

Report Prepared By: Zuna Barker Portillo, City Manager's Office

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Authorizing the Application and Acceptance)
of Clean California Local Grant Program)
Funds and Authorizing Execution of a Grant)
Agreement with California Department of)
Transportation)

RESOLUTION NO. 23-

WHEREAS, the State of California Department of Transportation’s (Caltrans) Clean California Local Grant Program (Program) awards funding to public agencies to beautify and improve local streets and roads, tribal lands, parks, pathways, and transit centers to clean and enhance public spaces; and

WHEREAS, the City is seeking funding up to \$5,000,000 through the Program for construction of a skate park and pump track, also known as the Wheeling towards Mental Wellness Project (Project); and

WHEREAS, the Project will make improvements to add a skate plaza and pump track, for walking and recreation, and promoting proper waste disposal and sustainable practices by beautifying the area; and

WHEREAS, estimated cost for the Project is \$5,000,000; and

WHEREAS, application for the Program requires approval by applicant’s governing board.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Pittsburg hereby authorizes staff to apply for up to \$5,000,000 in grant funds and accept any awarded funding from the Clean California Grant Program and directs staff to establish a budget for construction of the Wheeling Toward Wellness project as described in the accompanying staff report.

BE IT FURTHER RESOLVED that the City Council authorizes the City Manager to execute a Grant Agreement and any necessary documents for the administration of this Program.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 17th day of April 2023, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

Shanelle Scales-Preston, Mayor

ATTEST:

Alice E. Evenson, City Clerk



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

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

SUBJECT: Adoption of a City Council Resolution Allocating ARPA Funds and Awarding Contract for the Police Department Electric Vehicle Chargers Project

MEETING DATE: April 17, 2023

EXECUTIVE SUMMARY

The 117th United States Congress passed the American Rescue Plan Act of 2021 (ARPA), and President Joe Biden signed it into law on March 11, 2021. The City of Pittsburg's allotment of ARPA funding totals \$16,290,477.

The City Council proposed allocations to the various subcommittees, and the Finance Subcommittee prioritized \$1,500,000 to be spent on fleet replacement with electric vehicle and hydrogen fuel cell emphasis.

Police Department Electric Vehicle Chargers Project (the "Project") is an important step toward complying with the California Air Resources Board (CARB) regulations setting California on a path to reduce climate-warming pollution.

FISCAL IMPACT

Pittsburg received ARPA funds, a portion of which will be used for the Project. The low bid for this project is \$73,000 with a 10% contingency and an additional \$10,000 for staff time bringing the total project amount to \$90,300.

RECOMMENDATION

Staff recommends that the City Council allocate ARPA funds, approve the project budget, and award a contract to Bear Electrical Solutions, Inc. for a total amount of \$73,000.

BACKGROUND

The Governor's Executive Order N-79-20 sets goals for the conversion of vehicle fleets from internal combustion engines to zero emission vehicles (ZE).

CARB recently issued regulations setting California on a path to reduce climate-warming pollution. The new rules establish a year-by-year roadmap so by 2035 all the new cars and light trucks sold in California will be ZE vehicles.

On February 24, 2023, the Request for Quotation (RFQ) was distributed to qualified contractors for the installation of electric vehicle chargers related to municipal fleet electrification.

On March 20, 2023, two (2) contractors submitted proposals. City staff reviewed each proposal, and Bear Electrical Solutions, Inc. was the lowest responsive, responsible bidder.

SUBCOMMITTEE FINDINGS

The Finance Subcommittee has prioritized \$1,500,000 in ARPA funds to be spent on projects that involve fleet replacement with electric vehicles and hydrogen fuel cell emphasis.

STAFF ANALYSIS

The police department currently has five electric vehicles in its fleet with plans to purchase one more in the future. Despite already having five active electric vehicles, the police department only has one electric vehicle charger. The existing charger is a 240-volt charger that can take up to 6 hours per vehicle to deliver a full charge.

This project is necessary because it will provide critical infrastructure to support the police department's electric vehicle fleet. The current charging capabilities limit the use of electric vehicles. This project will provide the necessary charging power to allow all electric vehicles in the police department's fleet to be active at once.

ATTACHMENTS: Resolution
 Budget Summary

Report Prepared By: Gabriel Piña, Associate Engineer

Police Department Electric Vehicle Chargers Project

Project Funding

<u>ARPA Funds</u>	\$90,300
Funding Total	\$90,300

Project Expenditures:

Design: (Code 2122)	<u>Design Consultant</u>	\$0
	Subtotal	\$0

Miscellaneous: (Code 1399)	<u>Advertising</u>	\$0
	Subtotal	\$0

Construction: (Code 2281)	Construction	\$73,000
	<u>Construction Contingency</u>	\$7,300
	Subtotal	\$80,300

Staff Time: (Code 1101)	<u>Staff Costs During Construction Management</u>	\$5,000
	Subtotal	\$5,000

Admin: (Code 2372)	<u>Overhead Costs During Construction Management</u>	\$5,000
	Subtotal	\$5,000

Estimated Total Expenditures	\$90,300
-------------------------------------	-----------------

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Allocating ARPA Funds and Awarding) RESOLUTION NO. 23-
Contract for the Police Department)
Electric Vehicle Chargers Project)

WHEREAS, the 117th United States Congress passed the American Rescue Plan Act of 2021 (ARPA), and President Joe Biden signed it into law on March 11, 2021; and

WHEREAS, the City of Pittsburg's allotment of ARPA funding totals \$16,290,477; and

WHEREAS, on May 9, 2022, as part of the FY 2022/23 budget workshop, the City Council proposed ARPA funding allocations to various subcommittees; and

WHEREAS, the Finance Subcommittee prioritized \$1,500,000 to be spent on fleet replacement with electric vehicle and hydrogen fuel cell emphasis; and

WHEREAS, the Police Department Electric Vehicle Chargers Project will install six electric vehicle chargers to maintain the operational readiness of the police department's electric vehicle fleet; and

WHEREAS, Bear Electrical Solutions, Inc. was the lowest responsive, responsible bidder with a total bid price of \$73,000; and

WHEREAS, staff estimates the total cost of project construction including a 10% contingency and staff time to be \$90,300; and

WHEREAS, staff requests the City Council allocate ARPA funds to fund the construction of the Police Department Electric Vehicle Chargers Project.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby allocates ARPA funds, awards a contract to Bear Electrical Solutions, Inc. for the installation of six electric vehicle chargers, and authorizes the City Manager to execute change orders up to 10 percent of the bid.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 17th day of April 2023, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Shanelle Scales-Preston, Mayor

ATTEST:

Alice E. Evenson, City Clerk



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

TO: Chair and Governing Board Members

FROM: Garrett Evans, Executive Director

SUBJECT: Adoption of a PPC Governing Board Resolution Authorizing General Counsel to Execute First Amendment to Outside Counsel Services Agreement with Cameron-Daniel, PC

MEETING DATE: April 17, 2023

EXECUTIVE SUMMARY

PPC General Counsel proposes a first amendment to an Outside Counsel Services Agreement with the law firm Cameron-Daniel PC, to increase the compensation to \$150,000 for specialized legal services for municipal electric utility initiatives.

FISCAL IMPACT

The amendment would add \$75,000 to the contract, which would be funded by the PPC budget.

RECOMMENDATION

Adopt the PPC Governing Board Resolution authorizing General Counsel to execute the First Amendment to the Outside Counsel Services Agreement with the law firm Cameron-Daniel, PC.

BACKGROUND

General Counsel retained the law firm Cameron-Daniel in 2022 to provide specialized legal services for the municipal electric utility. The Outside Counsel Services Agreement provided for \$75,000 in compensation, which is the amount of signing authority in the Purchasing Policy. PPC staff are exploring potential municipal utility projects requiring specialized legal services.

SUBCOMMITTEE FINDINGS

This item was not submitted to a subcommittee.

STAFF ANALYSIS

An increase of \$75,000 to the compensation will fund ongoing legal advice to PPC for potential municipal utility opportunities to facilitate economic development.

ATTACHMENTS:
Resolution
First Amendment

Report Prepared By: Donna Mooney, General Counsel

**FIRST AMENDMENT TO
OUTSIDE COUNSEL SERVICES AGREEMENT BETWEEN
PPC AND CAMERON-DANIEL, PC**

This First Amendment to the Principal Agreement made and entered into on September 1, 2022, hereafter referred to as Agreement, between Cameron-Daniel, a California professional corporation, therein referred to as Outside Counsel, and Pittsburg Power Company, a joint powers agency, therein referred to as PPC, is made and entered into on this 18th day of April, 2023.

Outside Counsel and PPC do mutually agree as follows:

1. Compensation. Section 5 of the Agreement is hereby amended to read as follows: PPC shall compensate Outside Counsel for the performance of the Services at the rates shown on Exhibit A. No attorney other than as named in Exhibit A is authorized to perform work for PPC. No other compensation for the Services will be allowed. Moreover, not more than One Hundred Fifty Thousand Dollars (\$150,000) shall be paid for services and reimbursable costs incurred under this Agreement. Outside Counsel shall not bill PPC for duplicate services, i.e., services performed by more than one person.

2. Integration. This First Amendment contains the entire agreement between the parties with respect to its subject matter and supersedes whatever oral or written understanding they may have had prior to the execution of this First Amendment. This First Amendment shall not be amended or modified except by a written agreement executed by each of the parties. Except as specifically revised herein, all terms and conditions of the Agreement shall remain in full force and effect, and Outside Counsel shall perform all duties, obligations and conditions required under the Agreement.

3. Inconsistencies. In the event of any conflict or inconsistency between the provisions of this First Amendment and the Agreement, the provisions of this First Amendment shall control in all respects.

4. Ambiguities. The parties have each carefully reviewed this First Amendment and have agreed to each term of this First Amendment. No ambiguity shall be presumed to be construed against either party.


5. Counterparts. This First Amendment may be executed by the parties in one or more counterparts all of which collectively shall constitute one document and agreement.

6. Authority. The person signing this First Amendment for Outside Counsel hereby represents and warrants that he or she is fully authorized to sign this First Amendment on behalf of Outside Counsel.

IN WITNESS WHEREOF, the parties have entered into this First Amendment on the day and year first hereinabove appearing.

OUTSIDE COUNSEL:

CAMERON-DANIEL, PC

By: 
Dan Griffiths, President

PPC:

PITTSBURG POWER COMPANY, a joint
powers agency

By: _____
Donna Mooney, General Counsel

ATTEST:

By: _____
Alice Evenson, City Clerk

APPROVED AS TO FORM:

By: _____
Donna Mooney, General Counsel

BEFORE THE GOVERNING BOARD OF THE PITTSBURG POWER COMPANY

In the Matter of:

Authorizing General Counsel to Execute) RESOLUTION NO. 23-
First Amendment to Outside Counsel Services)
Agreement with Cameron-Daniel, PC)

WHEREAS, PPC General Counsel entered into an Outside Counsel Services Agreement (“Agreement”) with the law firm Cameron-Daniel, PC, in September 2022 for specialized legal services regarding municipal electric utility advice, with a maximum compensation of \$75,000 and a term ending August 31, 2025, and;

WHEREAS, PPC expects the need for additional legal work to continue in connection with potential municipal utility projects to aid economic development; and

WHEREAS, PPC General Counsel seeks to amend the Agreement to add \$75,000 to the compensation accordingly.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Pittsburg Power Company hereby authorizes the General Counsel for PPC to execute the First Amendment to the Outside Counsel Services Agreement with the law firm Cameron-Daniel, PC.

PASSED AND ADOPTED by the Governing Board of the Pittsburg Power Company at a regular meeting on the 17th day of April, 2023, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Shanelle Scales-Preston, Chair

ATTEST:

Garrett Evans, Executive Secretary



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

TO: Mayor/Chair and Council/Governing Board Members

FROM: Garrett Evans, Executive Director/City Manager

SUBJECT: Adoption of a City Council Resolution Authorizing the City Manager to Purchase Properties with Public Local Housing Allocation (PLHA) Funds and Transfer Properties to the Housing Authority, and a Housing Authority Resolution Accepting Properties from the City for Affordable Housing for Housing Choice Voucher Participants

MEETING DATE:

EXECUTIVE SUMMARY

The City proposes to purchase and transfer properties to the Housing Authority of the City of Pittsburg (Housing Authority) and the Housing Authority proposes to accept properties from the City for affordable housing for its Housing Choice Voucher, also known as Section 8, participants.

FISCAL IMPACT

The City proposes to use the Permanent Local Housing Allocation (PLHA) grant funds to purchase for-sale properties and transfer the properties to the Housing Authority so that they may be leased to Housing Choice Voucher participants. The PLHA grant funds will also be used to pay for all cost related to the purchase such as closing costs and any rehabilitation needed to make the property suitable for rental.

The Housing Authority will lease the properties to Housing Choice Voucher participants whose rents are subsidized by the US Department of Housing and Urban Development (HUD).

The City received \$317,863 for 2019 and \$493,778 for 2020, totaling \$811,461 in PLHA grant funds

RECOMMENDATION

City Council adopt the Resolution authorizing the City Manager to purchase properties with PLHA funds and transfer the properties to the Housing Authority with the condition that the properties will be solely rented to Housing Choice Voucher participants, and that PLHA

grant funds also be used to pay for all cost related to the purchase such as closing costs and any rehabilitation needed to make the property suitable for rental.

The Governing Board of the Housing Authority adopt the Resolution accepting properties purchased by the City with PLHA funds with the condition that the properties will be solely rented to Housing Choice Voucher participants and restricted as affordable housing for 55 years.

BACKGROUND

In September 2017, the California Legislature approved Senate Bill 2, known as the Building Homes and Jobs Act (Act), which established a \$75 recording fee on real estate documents to increase the supply of affordable housing. The Act established the PLHA program administered by the California Department of Housing and Community Development (HCD). The PLHA provides a permanent source of funding to cities and counties to help meet the need for affordable housing and increase the supply of affordable housing units. Under the PLHA, funding is provided through formula grants to entitlement jurisdictions based on the formula prescribed under federal law for the Community Development Block Grant program over a 5-year funding period, as well as through a competitive grant program for non-entitlement jurisdictions.

In order to receive PLHA grant funds, the City is required to submit a PLHA Plan (Plan) detailing the manner in which funds will be used; a description of the way it will prioritize investments that increase the supply of housing for households at or below 60 percent of area median income (AMI); a description of how the Plan is consistent with the programs set forth in the City's Housing Element; and evidence that the Plan was authorized and adopted by resolution by the City Council and that the public had an adequate opportunity to review and comment on its content.

There are ten eligible activities under the PLHA program. On November 15, 2021, the City Council, through a public hearing process, adopted Resolution 21-14010, authorizing the submission of the application for and acceptance of PLHA grant funds. PLHA grant funds were allocated to two recommend activities:

1. Assist persons who are experiencing or at risk of homelessness including, but not limited to, providing rapid rehousing, rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing.
2. Acquire and rehabilitate foreclosed or vacant homes and apartments. The City is dedicated to increasing the supply of housing for households at or below 60% of AMI. The City is actively looking for opportunities to provide housing for all income levels but specifically for those who are low income or lower. Special consideration was also be given for housing homeless college students.

The City met with Los Medanos Community College (LMC) staff in 2020 and 2021 to discuss the possibility of providing affordable housing to homeless college students. However, since these discussions were occurring during a period when LMC was closed due to the COVID-19 pandemic, it was difficult to establish and implement such a program. City and LMC staff also met to discuss the possibility of constructing affordable units on LMC's property but the challenge was the availability of space.

SUBCOMMITTEE FINDINGS

This item was not discussed in a subcommittee meeting.

STAFF ANALYSIS

Because the 2019 PLHA funds must be spent by April 30, 2024, and the City and LMC were unable to establish a program, staff met with HCD staff on March 10, 2023 to receive guidance on a proposed program where the City would purchase properties using the PLHA grant funds and transfer the properties to the Housing Authority to be leased to Housing Choice Voucher participants. HCD recommended to staff that documentation be provided of the proposed use of the PLHA funds.

Staff proposes to purchase properties within the price range of \$300,000 and \$550,000. As of March 10, 2023, there are 5 single family residential units within this price range, consisting of 2-3 bedrooms. Condominium and townhomes will also be considered but its purchase will be dependent on the affordability of the homeowners association fees since the tenants of these properties will be 60% of AMI or lower. According to the HUD Real Estate Assessment Center's (REAC) Income Level Report, attached as Exhibit A to this staff report, 91% of the Housing Authority, also known by HUD as CA060, participants' incomes are below \$50,000.

As properties are purchased, they will be transferred to the Housing Authority and regulatory agreements will be recorded to ensure that the properties will remain available to Housing Choice Voucher recipients for 55 years. Because the purchase of properties in the Bay Area is highly competitive, staff seeks to get authorization to purchase properties as they become available.

ATTACHMENTS: City Resolution
 Housing Authority Resolution
 Exhibit A

Report Prepared By: Maria M. Aliotti, Assistant City Manager

Exhibit A

INCOME REPORT														
As of February 28 2023														
Program Type		Public Housing			Effective Start Date: March 01 2022									
Level of Information		Public Housing Agency within			Effective End Date: June 30 2023									
FAMILIES REPORTED														
Distribution by Income														
Public Housing Agency	Number of Families Reported(#)	Average Annual Income(\$)	\$0(%)	\$1-5000(%)	\$5000-10000(%)	\$10000-15000(%)	\$15000-20000(%)	\$20000-25000(%)	\$25000-30000(%)	\$30000-35000(%)	\$35000-40000(%)	\$40000-45000(%)	\$45000-50000(%)	Above \$50000(%)
CA	261544	20027	3	5	6	39	11	12	6	5	4	3	2	5
CA060	987	24092	5	2	6	32	9	11	7	5	5	5	4	10

BEFORE THE GOVERNING BOARD OF THE HOUSING AUTHORITY
OF THE CITY OF PITTSBURG

In the Matter of:

Accepting Properties from the City Purchased)
With Public Local Housing Allocation (PLHA)) RESOLUTION NO. 23-
Funds for Affordable Housing for Housing)
Choice Voucher Participants)

WHEREAS, in September 2017, the California Legislature approved Senate Bill 2, known as the Building Homes and Jobs Act (Act), which established a \$75 recording fee on real estate documents to increase the supply of affordable housing; and

WHEREAS, the Act established the Permanent Local Housing Allocation (PLHA) program administered by the California Department of Housing and Community Development (HCD); and

WHEREAS, the PLHA provides a permanent source of funding to cities and counties to help meet the need for affordable housing and increase the supply of affordable housing units; and

WHEREAS, on November 15, 2021, the City Council, through a public hearing process, adopted Resolution 21-14010, authorizing the submission of the application for and acceptance of PLHA grant funds. PLHA grant funds were allocated to two recommend activities: 1) Assist persons who are experiencing or at risk of homelessness including, but not limited to, providing rapid rehousing, rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing; and 2) Acquire and rehabilitate foreclosed or vacant homes and apartments. The City is dedicated to increasing the supply of housing for households at or below 60% of AMI. The City is actively looking for opportunities to provide housing for all income levels but specifically for those who are low income or lower. Special consideration was also be given for housing homeless college students; and

WHEREAS, the City met with Los Medanos Community College (LMC) staff in 2020 and 2021 to discuss the possibility of providing affordable housing to homeless college students. However, since these discussions were occurring during a period when LMC was closed due to the COVID-19 pandemic, it made it difficult to establish and implement such a program. City and LMC staff also met to discuss the possibility of constructing affordable units on LMC's property but the challenge was the availability of space; and

WHEREAS, the City received \$317,863 for 2019 and \$493,778 for 2020, totaling \$811,461 in PLHA grant funds; and

WHEREAS, because the 2019 PLHA funds must be spent by April 30, 2024, and the City and LMC were unable to establish a program, staff met with HCD staff on March 10, 2023 to receive guidance on a proposed program where the City would purchase properties using the PLHA grant funds and transfer the properties to the Housing Authority to be leased to Housing Choice Voucher participant; and

WHEREAS, according to the HUD Real Estate Assessment Center's (REAC) Income Level Report, attached as Exhibit A to the staff report, 91% of the Housing Authority, also known by HUD as CA060, participants' incomes are below \$50,000.

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Housing Authority hereby authorizes the Executive Director to accept properties purchased by the City with PLHA funds with the condition that the properties will be solely rented to Housing Choice Voucher participants and restricted as affordable housing for 55 years.

PASSED AND ADOPTED by the Governing Board of the Housing Authority of the City of Pittsburg at a regular meeting on the 17th day of April 2023 by the following votes:

AYES:

NOES:

ABSTAINED:

ABSENT:

Shanelle Scales-Preston, Chair

ATTEST:

Alice E. Evenson, Agency Secretary

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Authorizing the City Manager to Purchase)
Properties with Public Local Housing Allocation)
(PLHA) Funds and Transfer the Properties to) RESOLUTION NO. 23-
the Housing Authority for Affordable Housing)
for Housing Choice Voucher Participants)

WHEREAS, in September 2017, the California Legislature approved Senate Bill 2, known as the Building Homes and Jobs Act (Act), which established a \$75 recording fee on real estate documents to increase the supply of affordable housing; and

WHEREAS, the Act established the Permanent Local Housing Allocation (PLHA) program administered by the California Department of Housing and Community Development (HCD); and

WHEREAS, the PLHA provides a permanent source of funding to cities and counties to help meet the need for affordable housing and increase the supply of affordable housing units; and

WHEREAS, on November 15, 2021, the City Council, through a public hearing process, adopted Resolution 21-14010, authorizing the submission of the application for and acceptance of PLHA grant funds. PLHA grant funds were allocated to two recommend activities: 1) Assist persons who are experiencing or at risk of homelessness including, but not limited to, providing rapid rehousing, rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing; and 2) Acquire and rehabilitate foreclosed or vacant homes and apartments. The City is dedicated to increasing the supply of housing for households at or below 60% of AMI. The City is actively looking for opportunities to provide housing for all income levels but specifically for those who are low income or lower. Special consideration was also be given for housing homeless college students; and

WHEREAS, the City met with Los Medanos Community College (LMC) staff in 2020 and 2021 to discuss the possibility of providing affordable housing to homeless college students. However, since these discussions were occurring during a period when LMC was closed due to the COVID-19 pandemic, it made it difficult to establish and implement such a program. City and LMC staff also met to discuss the possibility of constructing affordable units on LMC's property but the challenge was the availability of space; and

WHEREAS, the City received \$317,863 for 2019 and \$493,778 for 2020, totaling \$811,461 in PLHA grant funds; and

WHEREAS, because the 2019 PLHA funds must be spent by April 30, 2024, and the City and LMC were unable to establish a program, staff met with HCD staff on March 10, 2023 to receive guidance on a proposed program where the City would purchase properties using the PLHA grant funds and transfer the properties to the Housing Authority to be leased to Housing Choice Voucher participants, and

WHEREAS, according to the HUD Real Estate Assessment Center's (REAC) Income Level Report, attached as Exhibit A to the staff report, 91% of the Housing Authority, also known by HUD as CA060, participants' incomes are below \$50,000.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to purchase properties with PLHA funds and transfer the properties to the Housing Authority with the condition that the properties will be solely rented to Housing Choice Voucher participants. Be it further resolved that the City use the PLHA grant funds to purchase the properties and to pay for all costs related to the purchase such as closing costs and any rehabilitation needed to make the property suitable for rental.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 17th day of April 2023 by the following votes:

AYES:

NOES:

ABSTAINED:

ABSENT:

Shanelle Scales-Preston, Mayor

ATTEST:

Alice E. Evenson, City Clerk



Office of the City Manager
65 Civic Avenue
Pittsburg, CA 94565

MEMO: April 17, 2023

TO: Mayor and Council Members

FROM: Garrett Evans, City Manager

RE: **Public Hearing on Appeal of the Planning Commission's Determination to Not Recommend for City Council Approval a Development Agreement, Amendments to the General Plan and Rezoning Designations, and Adoption of a Master Plan for the Faria/Southwest Hills Annexation Project; Adoption of Three City Council Resolutions to: 1) Certify a Revised and Updated Final Environmental Impact Report prepared pursuant to the California Environmental Quality Act, 2) Approve General Plan Amendments, and 3) Initiate Annexation; and Introduction and Waive First Reading of Two City Council Ordinances Amending Rezoning Designations, Including Approval of a Master Plan, and Approving a Development Agreement for the Faria/Southwest Hills Annexation Project, AP-10-717 (GP, RZ, DA, ANNEX)**

EXECUTIVE SUMMARY

This is an appeal request by Louis Parsons of Discovery Builders, of the Planning Commission's determination to not recommend for City Council approval a Development Agreement, Amendments to the General Plan and Rezoning Designations, and Adoption of a Master Plan for the Faria/Southwest Hills Annexation Project. The proposed Master Plan would allow for development of approximately 341 acres of residential use and require approximately 265 acres to be preserved for open space, where the current General Plan allows for up to 478 acres of residential use and 129 acres of open space. The proposed amendments would not change the existing maximum development potential (1,500 single family units), but rather would focus the development to the center of the site within the valley area. In addition to requesting that the City Council approve the above-listed items, the requested actions include certification of a Revised and Updated Final Environmental Impact Report (RUF EIR), adoption of associated California Environmental Quality Act (CEQA) findings, a Statement of Overriding Considerations, a Mitigation Monitoring and Reporting Program (MMRP), and a subsequent request for the City to initiate proceedings to annex the property to the City of Pittsburg. The project site is located in the hills southwest of the existing city limits and is commonly known as the Faria property APN's 097-180-002, 097-180-006, 097-190-002, 097-200-002, 097-200-003, 097-

230-008 & 097-240-002 (now APN's 091-040-002, 092-010-002 & -006, 092-020-002 & -003, 092-040-008, 092-050-002, and a portion of 092-030-012).

FISCAL IMPACT

One-time revenues related to construction permits and other development fees and exactions (as outlined in the proposed development agreement) are anticipated with this project. The applicant also would be required to deposit a minimum of \$5,000 on an annual basis to reimburse the City for staff time expended in the annual review of the development agreement terms.

RECOMMENDATION

Staff recommends the City Council open the de novo appeal hearing, take comment from the appellant (project applicant) and the public, close the appeal hearing, and then take the following actions for the Faria/Southwest Hills Annexation Project, in the order shown below:

1. City Council move to adopt the attached resolutions:
 - a. Certify the RUFER, approve CEQA Findings, and adopt a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program;
 - b. Grant the appeal and approve General Plan mapping and text amendments; and
 - c. Initiate annexation proceedings to annex the project site into the City of Pittsburg, Delta Diablo, and the Contra Costa Waste District boundaries;
2. City Council introduce, waive further reading and pass to second reading the attached ordinances:
 - a. Amend the rezoning designations for the site and adopt a Master Plan; and
 - b. Approve a development agreement.

BACKGROUND

Project Initiation (2005-2009):

On November 5, 2005, the voters of Pittsburg approved a ballot initiative entitled, 'Measure P (City of Pittsburg Voter Approved Urban Limit Line and Rezoning Act),' which established a new Urban Limit Line (ULL) for Pittsburg, extending the growth limits for the City, and rezoned certain properties (including the entire 606-acre project site) to HPD (Hillside Planned Development) and OS (Open Space) Districts, consistent with existing General Plan residential and open space designations.

On May 3, 2006, the City entered into a Memorandum of Understanding (MOU) with Altec Homes, Inc., Albert D. Seeno III, and Albert D. Seeno Jr., which called for the City to conduct a General Plan Study in order to, among other things, establish guidelines for the development of a permanent greenbelt buffer along the inner edges of the voter approved ULL. The buffer was intended to provide permanent preservation of all land between the City of Concord border and the first set of ridges, including the tops of these same ridges, which generally run parallel to the common border.

On January 16, 2007, the City Council adopted Resolution No. 07-10700, establishing General Plan Policy 2-P-91, ensuring that a greenbelt buffer be established on the project site, in accordance with the terms of Measure P and the MOU. In 2010, the property owner submitted the subject application.

Environmental Review Preparation and Circulation (2009-2019):

Between 2010 and 2011, environmental reviews were conducted for the proposed annexation. A draft Initial Study and Mitigated Negative Declaration was released on January 5, 2011, and circulated for a public comment period ending on February 3, 2011. Upon further review following release of the draft Initial Study and Mitigated Negative Declaration, it was determined that potential project changes and additional environmental review would be necessary.

In 2014, the proposed project was modified to include a request for amended rezoning to identify an “Interim Study Overlay” (-S) District, which would designate the site as an area where zoning regulations would remain under study until such time when the developer was ready to come forth with a formal and detailed proposed development plan. The 2011 Initial Study was updated to reflect the revised project proposal, and on March 10, 2014, a Notice of Preparation (NOP) of a programmatic EIR was prepared and released for a 30-day public review period, ending on April 8, 2014. On April 3, 2014, the City held a scoping meeting.

In response to comments received during the 2014 NOP scoping period, the applicant decided to further modify the proposed project to include a Master Plan to better identify the proposed development parameters. As a result, the scope of the environmental analysis was modified to study the project-level impacts to the greatest extent feasible, assuming a maximum development scenario of 1,500 new residential units, as envisioned in the City’s existing General Plan. A new NOP was released on March 8, 2017, for a 30-day public review period ending April 7, 2017. The City held a scoping meeting on April 4, 2017.

On October 10, 2018, a Notice of Availability (NOA) and the Draft EIR were released for an extended public review period, ending on November 30, 2018. The City conducted a public workshop on the Draft EIR on November 15, 2018. Based on the comments received on the Draft EIR during the public review period, the City determined that recirculation of Draft EIR Chapter 4.12, pertaining to “Transportation, Traffic, and Circulation,” was necessary to comply with the requirements of the California Environmental Quality Act (CEQA), and as

such, a Partially Recirculated Draft EIR was made available for a public review period between October 18 and December 2, 2019.

During the circulations of the Draft EIR and Partially Recirculated Draft EIR, a total of 132 comment letters were received on the environmental analysis. A Final EIR was completed, which provided responses to each comment within each of the 132 letters received. The Final EIR, together with the Draft EIR and Partially Recirculated Draft EIR, were made available on the City's website for review on July 17, 2020. On July 21, 2020, the City of Concord submitted a comment letter dated December 2, 2019, on the Partially Recirculated Draft EIR, for which a separate response was prepared.

Previous Project Approvals (2020-2022):

On July 28, 2020, following a duly noticed public hearing, the Planning Commission adopted Resolution No. 10154, recommending City Council approval of the request for a General Plan amendment, annexation initiation, pre-zoning amendments (including the proposed Master Plan) and development agreement.

On February 22, 2021, the City Council adopted Resolution Nos. 21-13906 and 21-13907 approving: 1) the General Plan amendments requested for the project; and 2) a petition for annexation into the City, the Contra Costa Water District (CCWD) service area and Delta Diablo Sanitation District (DDSD) service area. On March 15, 2021, the City Council adopted Ordinance No. 21-1484 approving: 1) amendment of the pre-zoning designations of the Project Site from HPD and OS to Single Family Residential, 4,000 Square Foot Minimum Lot Size with a Master Plan Overlay (RS-4-P) and Open Space with a Master Plan Overlay (OS-P) District, with a Master Plan Overlay in place of the previously proposed Interim Study Overlay District; 2) the Faria/Southwest Hills Master Plan; and 3) a development agreement. As part of the adopted development agreement and to satisfy Pittsburg Municipal Code (PMC) Chapter 18.86, the applicant was required to construct 150 onsite accessory dwelling units (ADUs), which would be attached to the main dwelling units, and would maintain affordability covenants.

In March 2021, the non-profit organization Save Mount Diablo (SMD) filed a Petition for Writ of Mandate challenging the approval of the project based on CEQA, among other theories. The lawsuit, entitled Save Mount Diablo v. City of Pittsburg, et al., was filed in Contra Costa Superior Court.

On February 10, 2022, the Court issued a Statement of Decision in the action, rejecting the majority of SMD's allegations, apart from a limited number of items, and ordering that a "Writ of Mandate shall issue compelling the City to set aside the Project approvals and the certification of the FEIR." The limited number of items requiring further consideration are detailed below in this report.

On June 16, 2022, the Court issued a Peremptory Writ of Mandate ("Writ") commanding the City to set aside the 2021 project approvals within 75 days of service of the Writ.

On August 15, 2022, the City Council adopted Resolution No. 22-14158, repealing and setting aside project approvals for the project in compliance with the Writ.

2023 Planning Commission Hearing, Appeal, and Required City Council Findings for Approval:

On February 14, 2023, the Planning Commission as the advisory body to the City Council conducted a duly-noticed public hearing and then made a determination to not recommend for approval a Development Agreement, Amendments to the General Plan and Rezoning Designations, and Adoption of a Master Plan for the Faria/Southwest Hills Annexation Project.

On February 17, 2023, and pursuant to PMC Chapter 18.18, an appeal of the Planning Commission's determination was filed by Louis Parsons of Discovery Builders.

As required under PMC section 18.18.050, the City Council shall hear an appeal from the decision of the Planning Commission. The decision of the City Council is final. The City Council appeal hearing is conducted de novo pursuant to PMC section 18.18.060(D). The City Council hears the appeal as a new matter and is not bound by the evidence or testimony presented to the Planning Commission.

This appeal hearing and the request being considered by the City Council consists of three main components: 1) rezoning amendments (including the draft Master Plan); 2) General Plan amendments; and 3) development agreement. Also, in order to carry out the project, an annexation application will be required.

In accordance with PMC section 18.48.050, prior to adoption of the ordinance, the City Council shall make findings that the proposed map amendment is consistent with the policies of the General Plan and the notice and hearing provisions of the PMC.

Prior to approving the proposed Master Plan, the City Council must also find in accordance with PMC section 18.72.070, that the proposed Master Plan:

- a) Conforms to the General Plan;
- b) Generally complies with the land use and development regulations of the base zoning district and does not significantly alter the regulations; and
- c) Can be adequately, reasonably and conveniently served by the public services, utilities and public facilities.

The current project requests and the environmental analysis are described in detail below under "Project Description".

PROJECT DESCRIPTION:

Existing Conditions: The project site is located in the "southwest hills" and encompasses approximately 606 acres of land. The site is characterized as vacant and undeveloped hillside land, just beyond the southwestern boundary of the City. Elevations on site range from 435 to 1,010 feet above sea level.

The project site is generally bounded by Bailey Road and the approved (but not yet constructed) "Bailey Estates" subdivision to the east; the Concord city limits and recently closed Concord Naval Weapons Station (CNWS) to the south and west; and the San Marco and Vista Del Mar residential subdivisions along the northern boundary and other open space areas along the northeastern boundary. A map of the project site is attached to this report.

Proposed Project: As stated above, the application being considered by the Planning Commission consists of three main components: 1) rezoning amendments (including the draft Master Plan); 2) General Plan amendments; and 3) development agreement. In order to carry out the project, an annexation application will be required.

Master Plan and Rezoning Amendments:

The rezoning amendments would reclassify the site from HPD and OS zoning districts to RS-4-P and OS-P districts (see Exhibit 1 and 2 in the report below). As noted, the "-P" added to each zoning district signifies a Master Plan Overlay District. To comply with this proposed zoning, a draft Master Plan has been prepared (see attached for the full text). Pursuant to the PMC, the purposes of a Master Plan are to: 1) ensure sensitive site planning and design consistent with the City's General Plan; 2) maintain an environmental equilibrium consistent with existing vegetation, soils, geology, topography, and drainage patterns; and 3) avoid premature or inappropriate development that could result in incompatible uses or create public service demands exceeding the capacity of existing or planned facilities.

The proposed Master Plan includes a land use map, development regulations, design review guidelines, and a definition of the proposed circulation system. The general theme of the land use map is to focus all development within the natural valley area that runs through the middle of the site (north to south) and allow for a natural buffer on the east and the west, where several prominent ridgelines are located and would remain mostly untouched. The development in the center of the site would include a denser product (3-5 units per acre) on the northern half of the site, compared to a less dense product (1-3 units per acre) on the southern half.

The development regulations and design guidelines have been crafted to foster appropriate hillside development patterns, which can be more complex than development in other areas of the City because of the unique topography of the property. The overall traffic circulation pattern for the site is largely unknown at this time; however, under the proposed Master Plan, the project would ensure that San Marco Boulevard would be extended and continue south through the site and Bailey Estates, serving as the backbone for development to branch off, and eventually connect to Bailey Road to the east. Design guidelines for the larger on-site circulation system have been incorporated into the plan.

Exhibit 1 – Existing Prezoning

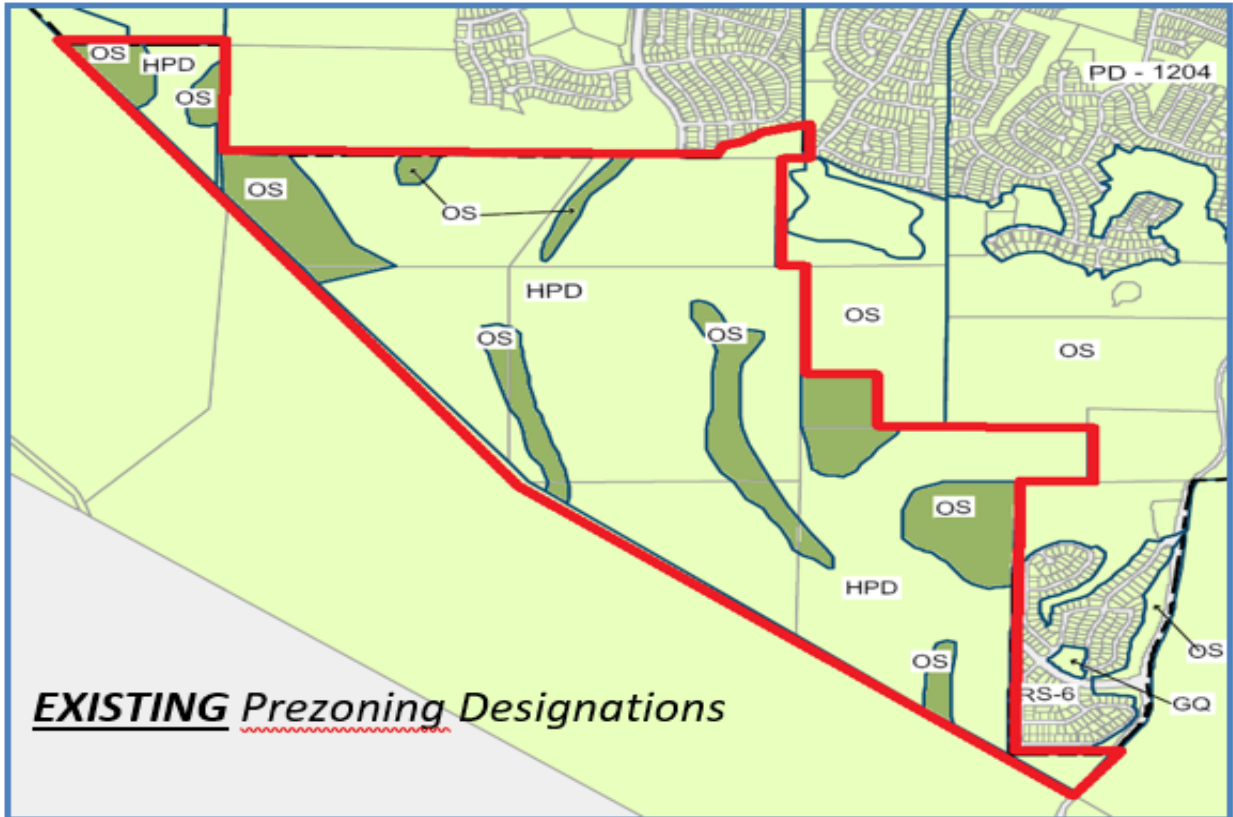
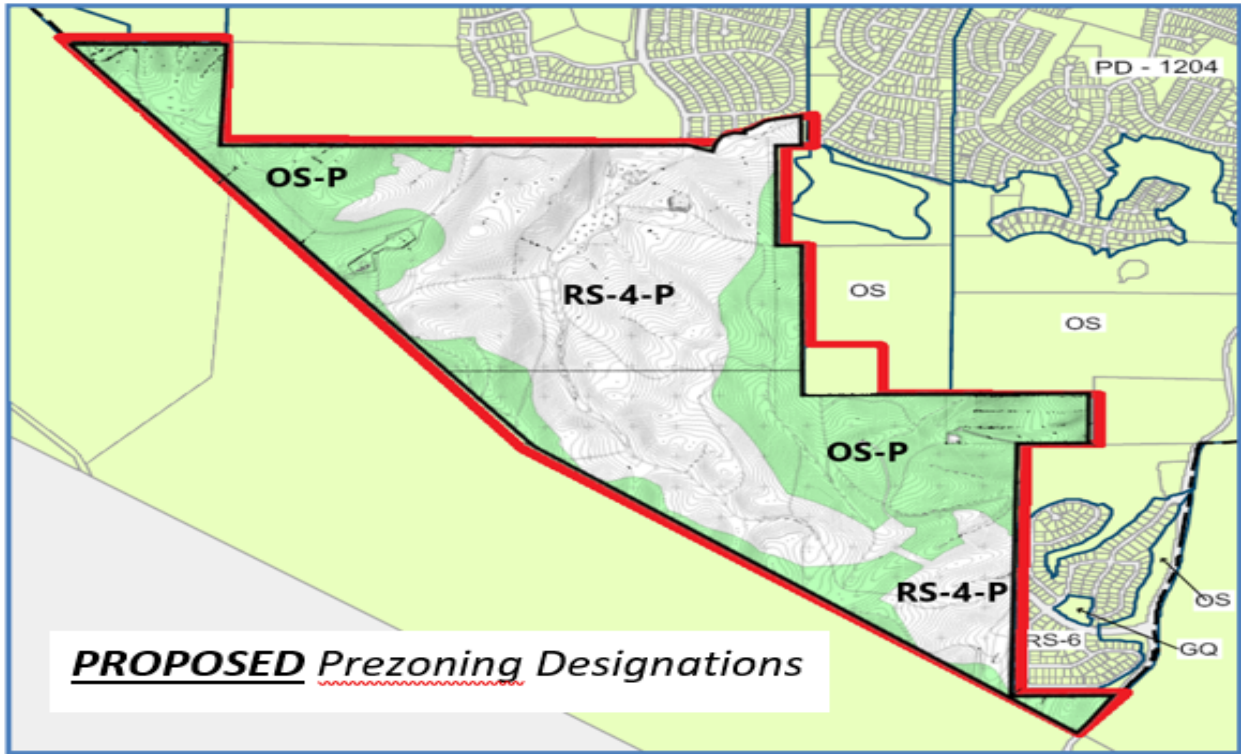


Exhibit 2 – Proposed Prezoning



General Plan Amendments:

As stated above, the site is currently comprised of approximately 478 acres of Low Density Residential (1 to 7 units per acre) or Hillside Low Density Residential (less than 5 units per acre) land use, and 129 acres of Open Space within the Pittsburg General Plan. The proposed General Plan mapping amendment would change the land use designations on the site to match those proposed in the draft Master Plan and rezoning amendment (see Exhibit 3 and 4 below). A greenbelt buffer required by General Plan policy 2-P-91, would also be established as part of the proposal by designating all land along the western edge of the property as Open Space.

Exhibit 3 – Existing General Plan Land Use

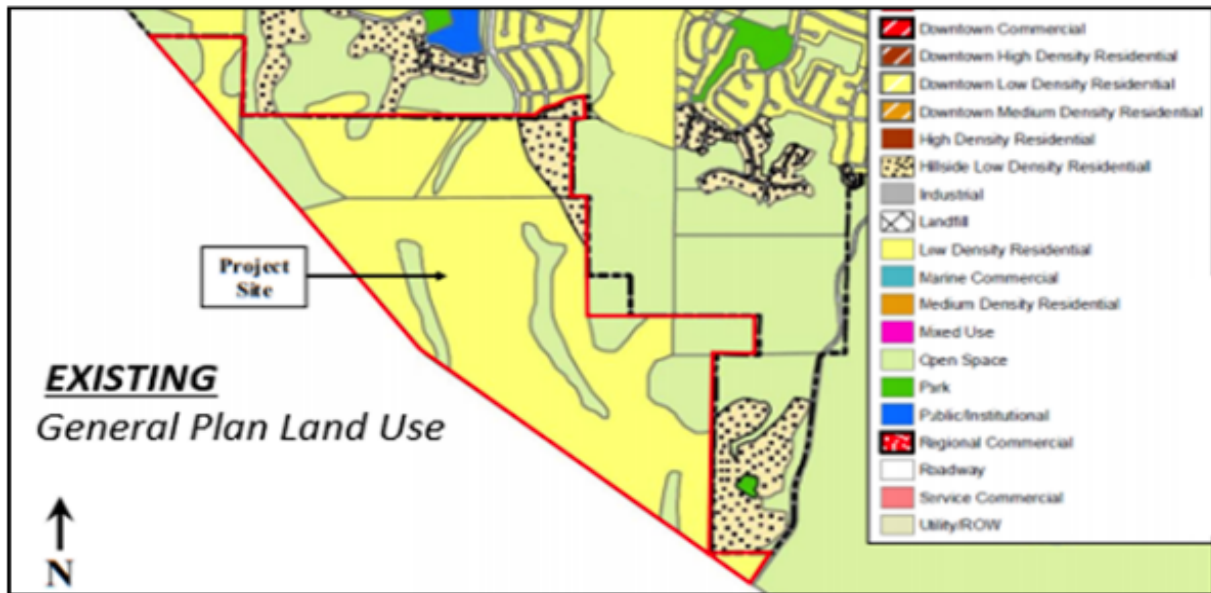
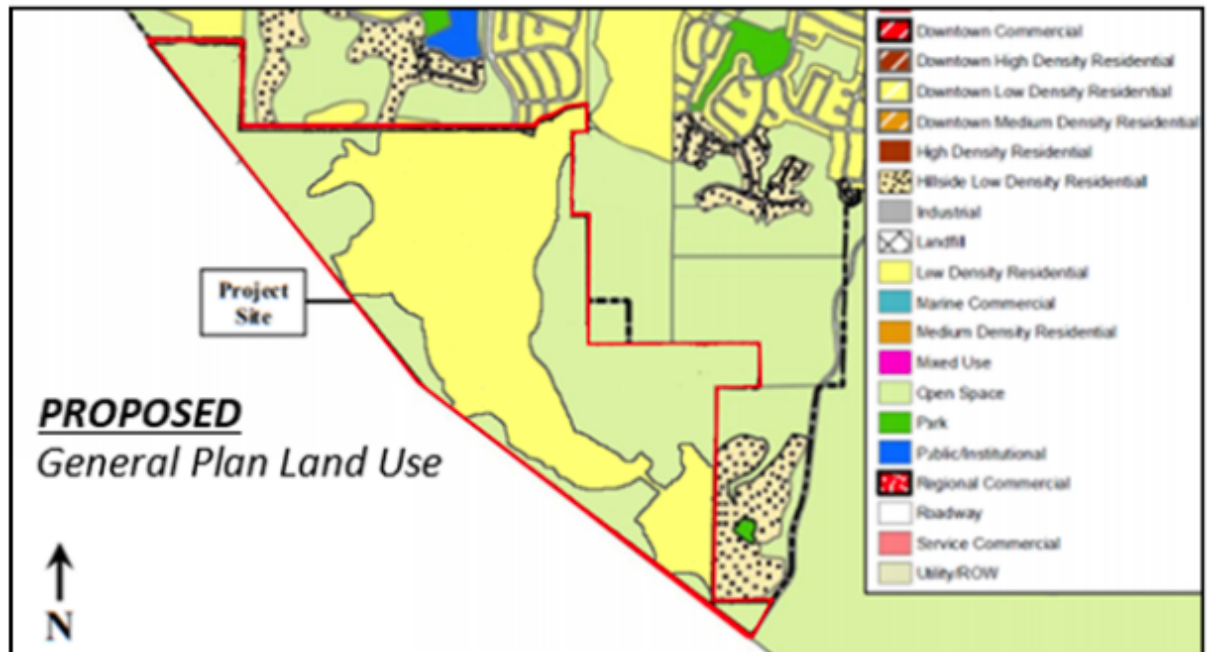


Exhibit 4 – Proposed General Plan Land Use



The project also includes general plan text amendments and the deletion of one goal and seven design related policies. The text amendments proposed are listed below (new text shown with underlined font, and text proposed for deletion is shown with ~~strikethrough font~~):

[Urban Design Element]

Goal 4-G-4: Encourage development that preserves unique natural features, such as topography, rock outcroppings, mature trees, creeks, and designated major and minor ridgelines, in the design of hillside neighborhoods.

Policy 4-P-2: As part of the development review process, require design review of proposed hillside development. ~~Encourage~~ Ensure that:

- Hillside development that is clustered in small valleys and behind minor ridgelines, to preserve more prominent views of the southern hills.
- Hillside streets that are designed to allow open views by limiting the building of structures or planting of tall trees along the southern edge or terminus of streets.

Policy 4-P-11: Limit grading of hillside areas over 30 percent slope (see Figure 10-1 [of the General Plan]) to elevations less than 900 feet, foothills, knolls, and ridges not classified as major or minor ridgelines (see Figure 4-2 [of the General Plan]), unless deemed necessary for slope stability remedial grading, or installation of City infrastructure. ~~During review of development plans, ensure that necessary grading respects significant natural features and visually blends with adjacent properties.~~

[Health and Safety Element]

Goal 10-G-6: Limit development on slopes greater than 30 percent (as delineated on Figure 10-1 [of the General Plan]) to lower elevations, foothills, and knolls, unless it can be demonstrated that appropriate soil stability techniques can be implemented.

The following General Plan goal and policies are proposed for deletion:

[Delete] Goal 2-G-33: Maintain the general character of the hill forms.

[Delete] Policy 4-P-10: Minimize grading of the hillsides. Amend the City's Zoning Ordinance to allow density bonuses of 10 percent (maximum) for new hillside development that preserves 40 percent of natural hill contours.

[Delete] Policy 4-P-12: Encourage terracing in new hillside development to be designed in small incremental steps. Extensive flat pad areas should be limited.

[Delete] Policy 4-P-14: Preserve natural creeks and drainage courses as close as possible to their natural location and appearance.

[Delete] Policy 4-P-20: Discourage lot orientation that fronts onto the cross-slope of street segments on steep grades.

[Delete] Policy 4-P-22: Discourage placement of lots that allow the rear of homes to be exposed to lower elevation views.

[Delete] Policy 4-P-25: During development review, encourage residential rooflines that are oriented in the same direction as the natural hillside slope.

[Delete] Policy 4-P-26: Reflect the predominant colors and textures within the surrounding landscape in selection of building materials for hillside development. Roof colors should tend toward darker earth tones, so that they are less visible from adjacent or upslope properties.

Development Agreement: The developer has requested that the City enter into a development agreement, which has the purpose of locking in fees and regulations to provide certainty during a multi-year project, and in exchange, developer would have the following contractual obligations: a) payment of fees to assist in the financing of unmet local and regional traffic improvement needs; b) payment of in-lieu fees to fulfill inclusionary housing obligations under PMC Chapter 18.86; c) inclusion of at least 75 single-story houses spread throughout the future project; d) payment of \$200,000 to expand the City's security camera network; e) payment of a \$2,000,000 community benefit fee; f) payment of \$100,000 to construct monument entry signs to the City; g) installation of basic home security systems into each future house; h) annexation of the site into all applicable Community Facilities Districts (CFDs) for park maintenance, off-site stormwater facilities, police and other emergency services, and fire facilities, fire safety and emergency services; and i) support for creation of a new district to support ongoing lighting and landscaping needs for the area.

As mentioned under the background section, the previously approved development agreement required construction of 150 onsite accessory dwelling units (ADUs), which would be attached to the main dwelling units, and would maintain affordability covenants. This obligation has been replaced with the requirement that the applicant pay in-lieu fees to the City for the procurement or development of affordable units in the future, at a location not known at this time.

Environmental Analysis: Amendments to the General Plan, zoning ordinance (including rezoning amendments and adoption of a Master Plan), and adoption of the development agreement and annexation applications, are all subject to CEQA. As such, and as detailed in the "Background" section of this report, an initial study was prepared. Following that analysis, a NOP was circulated for public review in 2014, to collect comments on the proposed analysis to be included in the Draft EIR. After substantial comments were received on the 2014 NOP, the project was revised, and a new NOP was circulated on March 9, 2017, for the current project proposal. Following receipt of all public comments during the new 30-day public review period, and comments received at the public scoping session held on April 4, 2017, a Draft EIR was prepared (SCH #2017032027).

On October 10, 2018, the Draft EIR was released for a 45-day public review period, which was extended to November 30, 2018, and on November 15, 2018, a public comment meeting was held. Based on the comments received regarding the Draft EIR, the City determined that recirculation of Chapter 4.12, pertaining to *Transportation, Traffic, and Circulation*, was necessary to comply with CEQA Guidelines.

On October 18, 2019, a Partially Recirculated Draft EIR was circulated for a new 45-day public review period. On July 17, 2020, the Final EIR, consisting of both the Draft and Partially Recirculated Draft EIR, comments received on both documents, responses to those comments, and any revisions made to the Draft and Partially Recirculated Draft EIR,

was finalized and released for public review in compliance with Public Resources Code Section 21092.5.

As previously discussed in the “Background” section, on July 28, 2020, the Planning Commission recommended that the City Council adopt the approvals for the Faia/Southwest Hills annexation project.

On February 22, 2021, the City Council adopted Resolution Nos. 13906 and 13907 approving the Faria Southwest Hills Annexation project. On March 15, 2021, the City Council adopted Ordinance No. 21-1484 approving the project’s rezoning, Master Plan, and development agreement.

Following the legal challenge by SMD noted above, on August 15, 2022, the City Council adopted Resolution No. 22-14158, repealing and setting aside project approvals for the project in compliance with the Writ.

In response to the Writ described above, the City has prepared a Revised and Updated Final Environmental Impact Report (RUF EIR) to address the few items determined by the Court to require further analysis. The RUF EIR has been prepared to address, through the inclusion of new memoranda with supporting data and analysis, the inadequacies of the original Final EIR, as determined by the Court. The new memoranda demonstrate that the analyses and conclusions prepared and presented in the Draft EIR and Partially Recirculated Draft EIR are supported by substantial evidence, and the conclusions remain valid. Specifically, the following issues identified by the Court have been further addressed: **(1)** ADUs have been eliminated as a requirement under the development agreement, and thus no analysis of environmental impacts associated with construction or operation of the ADUs is required, **(2)** the level of detail included in mitigation to address potential air quality and greenhouse gas (GHG) emission impacts has been addressed, **(3)** the baseline description of biological resources has been confirmed, and **(4)** the adequacy of the Draft EIR’s water usage analysis has been confirmed. The RUF EIR contains revisions to the Final EIR based on the new memoranda, and staff has determined that the update information does not constitute “significant new information” that would require recirculation. Instead, the additional technical reports and memoranda support and reaffirm the conclusions in the EIR.

The Final EIR identified 47 potentially significant environmental effects as being likely to occur as a result of the proposed project (the RUF EIR does not find that there are any additional impacts). These potentially significant impacts fall into the following resource categories:

- Aesthetics
- Agricultural Resources
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gases
- Hazards and Hazardous Materials
- Hydrology and Water Quality

- Land Use and Planning
- Public Services and Utilities
- Transportation, Traffic, and Circulation

For the majority of the potentially significant impacts, the EIR identifies one or more mitigation measures that would reduce the severity of said impact to a less than significant level. However, for 12 remaining impacts, the EIR concluded that even with mitigation incorporated, the impacts could not be reduced to a less than significant level, and as such would remain significant and unavoidable. A brief discussion of each of these impact areas is provided below; however, staff recommends review of applicable impact discussions from the Final EIR, including the Draft and Partially Recirculated Draft EIR and response to comments, for more detailed information:

- 1) Significant and Unavoidable Aesthetic Impact, 4.1-2: Substantial grading of the site has the potential to significantly impact and degrade the visual quality of the site. In the absence of detailed development plans or/ or future project designs, it was conservatively determined that this would be a significant and unavoidable aesthetic impact.
- 2) Significant and Unavoidable Air Quality Impacts, 4.3-1, 4.3-2, 4.3-4 & 4.3-5: Significant impacts were identified for short-term construction related NOx emissions, project operational emissions for near term and cumulative scenarios (due to the size of the project) related to ROG and NOx, and long term GHG emissions which are expected to exceed allowable limits by the year 2030 and would not meet State emissions reduction targets (which are equivalent to 80% below 1990 levels by the year 2050). Even with mitigation incorporated, these impacts would still be considered significant and unavoidable.
- 3) Significant and Unavoidable Public Services and Utilities Impact 4.11-4: Future development of the project site would increase demand for fire services within the Contra Costa County Fire Protection District's (CCCFPD) service area; however, it would be located outside the 1.5-mile response radius of an existing or planned fire station. Even with the payment of newly implemented fire facility impact fees, the impact is still conservatively considered significant and unavoidable.
- 4) Significant and Unavoidable Traffic, Transportation and Circulation Impacts 4.12-2, 4.12-3, 4.12-5, 4.12-8, 4.12-9, 4.12-11: Even with mitigation proposed, six (6) intersections within the study area would be considered to have unacceptable level-of-service operations under an existing conditions plus project scenario, and eleven (11) intersections (which would include four [4] of the intersections listed under the existing plus project scenario) would be deemed to have unacceptable level-of-service operations under a cumulative scenario (long-term plus project). In addition, two (2) separate freeway segments along State Route 4 and 242 would result in unacceptable Delay Index (DI) under an existing conditions plus project scenario, and four (4) separate freeway segments (which would include 2 segments listed under the existing plus project scenario) along State Route 4 and 242 would result in unacceptable DI under a cumulative scenario (long-term plus project). And finally, two (2) separate freeway segments would result in over-capacity conditions under

both the existing conditions plus project scenario and the cumulative scenario (long-term plus project). All of these impacts would be deemed significant and unavoidable.

As previously mentioned, the City Council would need to adopt a Statement of Overriding Considerations to address each of these impacts identified above, prior to any project approval. The City Council may consider benefits related to specific economic, legal, social, technological, and /or other anticipated benefits of the project that outweigh the unavoidable adverse impacts and justify approval of the proposed project.

The City Council would also need to make findings concerning alternatives to the project. The Draft EIR included an Alternatives Analysis, where multiple alternatives to the proposed project were considered. According to CEQA Guidelines section 15126.6(a), each of the alternatives selected needs to “feasibly attain most of the objectives of the project,” but should “avoid or substantially lessen any of the significant environmental effects of the project.” An alternative is considered “feasible” if it can be accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors. Under CEQA Guidelines section 15126.6(e), one of the alternatives must be a “no project” scenario, in which it is assumed that the proposed project does not occur. Aside from the “no project” scenario, three additional alternatives were chosen based on the list of project objectives. These alternatives are briefly summarized below:

- “Mixed Use Alternative” where the overall residential unit count would be reduced to a maximum of 1,250 residential units, and approximately 15 acres would be set aside for the development of a retail commercial center with up to 50,000 sq. ft. of commercial floor area;
- “Clustered Development Alternative” where the overall residential unit count would be reduced to a maximum of 750 units, and the developable area would be reduced to approximately 300 acres, thereby clustering development within the low-lying areas of the site; and
- “Reduced Intensity Alternative” where the overall residential unit count would be reduced to a maximum of 1,000 units within the same developable area currently proposed (341 acres).

According to the Draft EIR, none of the alternatives above would eliminate the significant and unavoidable impacts resulting from the project, nor meet all the identified project objectives.

Public Noticing: On or before April 7, 2023, in accordance with Government Code sections 65090 and 65091, and PMC section 18.14.020, a “Notice of Public Hearing” for the April 17, 2023, City Council public hearing on this item was published in the East County Times; and posted at City Hall and in the “Public Notices” section of the city website; was mailed via first class or electronic mail to the applicant/property owner, all property owners and/or residents within 800-feet of the site, all local service agencies expected to provide future services to the site, and to individuals who had previously filed written request for such

notice. In addition, the notice was also published on www.nextdoor.com (“Nextdoor”) and was sent directly to all subscribed members in the following Nextdoor neighborhoods: Oak Hills South, San Marco, San Marco Villas, Toscana and Vista Del Mar.

SUBCOMMITTEE FINDINGS

Between 2008 and 2011, the “Los Medanos Hills Working Group” met on multiple occasions to discuss issues of mutual concern related to the ridgeline between the City of Pittsburg and City of Concord. The working group was made up of elected officials and staff from both cities, and one of the primary issues of concern was related to identification of the final alignment of the greenbelt buffer required by Measure P and the 2006 MOU. In 2011, a recommendation was provided to the City of Pittsburg (related to the greenbelt buffer) to require a setback of at least 150-feet from the center of the ridgeline for any future development on the Pittsburg side of the ridge. This proposed setback has been incorporated into the proposed Master Plan and would ensure little to no visual impacts from the City of Concord, as land on the Pittsburg site generally sits at a much lower elevation and would be blocked by the ridgeline proposed for preservation within the Greenbelt buffer.

STAFF ANALYSIS

Certification of the RUFER & CEQA Findings: The purpose of the Revised and Updated Final EIR is to inform the City Council and the general public of the potential significant environmental effects of the proposed Faria/Southwest Hills Annexation project. The RUFER also addresses the issues identified by the Court in the prior SMD litigation. The EIR identified a number of environmental effects that could potentially result from maximum buildout of the project site. While most impacts were determined to be less-than-significant after mitigation, as stated above, impacts in the areas of aesthetics, air quality, public service/utilities and traffic/transportation/circulation were determined to be significant and unavoidable even after implementation of feasible mitigation. While the Draft EIR concluded that there are no policies, mitigation measures, or alternatives considered available or practical to reduce these impacts to a less-than-significant level, staff believes based on the updates and revisions to the RUFER that the City Council can make findings to adopt a Statement of Overriding Considerations, generally based on the facts that the project would: 1) help respond to the State Legislature’s declaration of a statewide housing crisis and respond to existing and future housing needs in the City; 2) provide citywide and regional economic benefits through tax revenues and contributions to established fee programs, which funding would be used for public improvements, services, and other benefits to community residents, employees, and visitors; 3) create jobs for local residents through construction of the proposed project; 4) fulfill the voter initiative (Measure P) and General Plan land use designation, which anticipated the development of the site with residential uses and established the requirement for a greenbelt buffer for open space and ridgeline preservation along the western edge of the site, thereby effectuating the will of the voters; 5) include connections and increased access to existing parks and recreational opportunities, thereby leading to increased opportunities for existing and future residents to enjoy outdoor recreation; and 6) increase the open space preservation area by approximately 127 acres more than what the current General Plan has planned, thereby supporting good zoning practices and leading to a more environmentally conscious

development of the area.

Staff believes that all other necessary findings can be made to certify the RUF EIR for the 2023 Faria/Southwest Hills Annexation project, and that the RUF EIR provides the decision-makers and the public with thorough and comprehensive information on the potential environmental effects of implementing the project. As described in detail above, the Draft EIR, Partially Recirculated Draft EIR, and RUF EIR for the proposed project were prepared in compliance with Public Resources Code section 21000 et seq. and the State CEQA Guidelines section 15000 et seq. Further, the RUF EIR was fully reviewed by the City Council prior to taking any actions on the project and it reflects the independent judgment and analysis of the City Council of the City of Pittsburg.

Recirculation and CEQA Guidelines: Pursuant to CEQA Guidelines Section 15088.5(b), recirculation is not required if the information added to an EIR merely clarifies, amplifies, or makes insignificant modifications.

As demonstrated in the RUF EIR, the revisions identified in Appendix F, Summary of Changes, provide additional details regarding implementation of the proposed project, and the revisions do not identify new significant impacts or substantially more severe impacts beyond what were identified in the Draft EIR, nor do the revisions identify new alternatives or mitigation measures considerably different from those presented in the Draft EIR.

Again, the RUF EIR was prepared to address the few items determined by the Court to require further analysis. Specifically, the following issues identified by the Court that have been further addressed: 1) the ADUs have been eliminated as a requirement under the Development Agreement as discussed, and thus no analysis of environmental impacts associated with construction or operation of the ADUs is required, 2) the level of detail included in the mitigation monitoring report to address potential air quality and greenhouse gas (GHG) emission impacts has been addressed, 3) the baseline description of biological resources has been confirmed through additional surveying by ATV and on foot with unobstructed views of the hillside, and 4) the adequacy of the Draft EIR's water usage analysis has been confirmed using the relevant information from the City's 2020 Urban Water Management Plan.

Overall, with incorporation of the revisions and reflected in the RUF EIR, which are based on analyses and data in the new memoranda, the conclusions of the original EIR do not change. The revisions reflected in the RUF EIR clarify and amplify the original Final EIR, comply with the requirements of CEQA, and address the issues identified by the Court. Nothing in the RUF EIR, or otherwise presented to the City, constitutes significant new information requiring recirculation of the EIR under CEQA.

Project Analysis: The proposed amendments to the General Plan are in the public interest in that they would be consistent with the 2005 voter-approved Measure P and they would increase the open space preservation area by approximately 127 acres and reduce the developable area by approximately 137 acres from what exists in the current General Plan. These amendments would also facilitate implementation of the greenbelt buffer requirements along the western project boundary and concentrate future residential development within the valley area in the middle of the site, which could also be

considered a more environmentally conscious way of developing the area at the densities proposed, than the land use layout which currently exists in the General Plan.

With the inclusion of the General Plan land use mapping changes and goal/policy revisions/deletions, the proposed change in rezoning and draft master plan would remain consistent with the General Plan and its overarching goals and policies related to hillside development in the southwest hills (see consistency table attached). Future development of the site with up to 1,500 single family homes has already been contemplated and planned for by the current General Plan (adopted 20 years ago) and has been included within plans for service within the City's sewer and water system master plans, as well as other long range planning documents for stormwater drainage/treatment, recreational needs/facilities, and regional growth and transportation.

Lastly, staff believes the proposed development agreement can also be supported because it would secure significant funding for various community benefits, increase housing opportunities, include provisions for payment of in-lieu fees to fulfill the inclusionary housing obligation, and ensure adequate financing and funding sources for necessary public services on the site.

ATTACHMENTS:

1. Proposed Resolution Certifying a RUFER and Approving CEQA Findings, Statement of Overriding Considerations, Including Exhibits A, B, & C
 - a. Mitigation Monitoring and Reporting Program, Including Exhibit D
2. Proposed Resolution Approving General Plan Amendments, Including Exhibit A
3. Proposed Resolution Initiating Annexation Proceedings, Including Exhibit A
4. Proposed Ordinance Approving Rezoning Amendments and Master Plan, Including Exhibit A
 - a. Exhibit B to Ordinance – Master Plan
5. Proposed Ordinance Approving a Development Agreement
 - a. Exhibit A to Ordinance – Development Agreement
6. General Plan Consistency Table
7. Todd Groundwater Memo Faria Annexation dated March 27, 2023
8. Raney Fire Memo dated April 4, 2023
9. Adopted Planning Commission Resolution No.10215
10. Appeal Application by Louis Parsons
11. Notice of Public Hearing with Vicinity Map
12. Revised and Updated Final EIR (Available online at [Faria/Southwest Hills Annexation Project | City of Pittsburg \(pittsburgca.gov\)](https://www.pittsburgca.gov/development/faria-southwest-hills-annexation-project))
13. Partially Recirculated Draft EIR (Available online at [Faria/Southwest Hills Annexation Project | City of Pittsburg \(pittsburgca.gov\)](https://www.pittsburgca.gov/development/faria-southwest-hills-annexation-project))
14. Draft EIR (Available online at [Faria/Southwest Hills Annexation Project | City of Pittsburg \(pittsburgca.gov\)](https://www.pittsburgca.gov/development/faria-southwest-hills-annexation-project))

Prepared by: John Funderburg, Assistant Director of Planning

MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

Section 15097 of the California Environmental Quality Act (CEQA) requires all State and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a “mitigated negative declaration” or specified environmental findings related to environmental impact reports.

The following is the Mitigation Monitoring and Reporting Program (MMRP) for the Faria/Southwest Hills Annexations Project. The intent of the MMRP is to ensure implementation of the mitigation measures identified within the Environmental Impact Report (EIR) for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this MMRP shall be funded by the applicant.

COMPLIANCE CHECKLIST

The MMRP contained herein is intended to satisfy the requirements of CEQA as they relate to the EIR for the Faria/Southwest Hills Annexations Project prepared by the City of Pittsburg. This MMRP is intended to be used by City staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMRP were developed in the EIR that was prepared for the proposed project.

The Faria/Southwest Hills Annexations Project EIR presents a detailed set of mitigation measures that will be implemented throughout the lifetime of the project. Mitigation is defined by CEQA Guidelines, Section 15370, as a measure that:

- Avoids the impact altogether by not taking a certain action or parts of an action;
- Minimizes impacts by limiting the degree or magnitude of the action and its implementation;
- Rectifies the impact by repairing, rehabilitating, or restoring the impacted environment;
- Reduces or eliminates the impact over time by preservation and maintenance operations during the life of the project; or
- Compensates for the impact by replacing or providing substitute resources or environments.

The intent of the MMRP is to ensure the implementation of adopted mitigation measures. The MMRP will provide for monitoring of construction activities as necessary and in-the-field identification and resolution of environmental concerns.

Monitoring and documenting the implementation of mitigation measures will be coordinated by the City of Pittsburg. The table attached to this report identifies the mitigation measure, the monitoring action for the mitigation measure, the responsible party for the monitoring action, and timing of the monitoring action. The applicant will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMRP. The City will be responsible for monitoring compliance.

During construction of the project, the City will assign an inspector(s) who will be responsible for field monitoring of mitigation measure compliance. The inspector(s) will report to the City Planning Department and will be thoroughly familiar with permit conditions and the MMRP.

MITIGATION MONITORING AND REPORTING PROGRAM

The following table indicates the mitigation measure number, the impact the measure is designed to address, the measure text, the monitoring agency, implementation schedule, and an area for sign-off indicating compliance.

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
4.1 Aesthetics					
4.1-3	Creation of new sources of substantial light or glare that would adversely affect day or nighttime views in the area.	<p>4.1-3 <i>In conjunction with the submittal of any development applications for future development on the project site, the applicant shall prepare and submit a detailed lighting plan showing that light would not trespass onto adjacent properties to the City of Pittsburg Community Development Department for review and approval as part of the development review process. The lighting plan shall include, but not necessarily be limited to, the following provisions:</i></p> <ul style="list-style-type: none"> • <i>Shield or screen lighting fixtures to direct the light downward and prevent light from spilling onto adjacent properties and nearby open space areas within the City of Concord;</i> • <i>Place and shield or screen flood and area lighting needed for construction activities and/or security so as not to disturb adjacent residential areas and passing motorists;</i> • <i>For public lighting, prohibit the use of light fixtures that are of unusually high intensity or brightness (e.g., harsh mercury vapor, low-pressure</i> 	City of Pittsburg Community Development Department	In conjunction with submittal of any development applications	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>sodium, or fluorescent bulbs) or that blink or flash; and</p> <ul style="list-style-type: none"> Use appropriate building materials (such as low-glare glass, low-glare building glaze or finish, neutral, earth-toned colored paint and roofing materials), shielded or screened lighting, and appropriate signage to prevent light and glare from adversely affecting motorists on nearby roadways. 			
4.3 Air Quality and Greenhouse Gas Emissions					
4.3-1	Generation of short-term construction-related criteria air pollutant emissions in excess of 54 lbs/day for ROG, NOX, and PM2.5 and 82 lbs/day for PM10.	4.3-1 Prior to issuance of a grading permit, the project applicant shall show on the grading plans via notation that the contractor shall ensure that all off-road heavy-duty diesel-powered equipment larger than 100 horsepower (e.g., rubber tired dozers, excavators, graders, scrapers, pavers, paving equipment, and cranes) to be used for each phase of construction of the project (i.e., owned, leased, and subcontractor vehicles) shall meet USEPA emissions standards for Tier 4 engines or equivalent. The grading plans shall be submitted for review and approval by the City Engineer.	City Engineer	Prior to issuance of a grading permit	
4.3-2	Generation of operational criteria air pollutant emissions in excess of 54 lbs/day for ROG, NOX, and PM2.5	4.3-2 In conjunction with the submittal of each application for any development within the proposed project area, a project-level, detailed air quality analysis shall be performed. The analysis shall include, but	City of Pittsburg Community Development Department	In conjunction with submittal of subsequent applications	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	and 82 lbs/day for PM10 and conflict with or obstruct implementation of the 2017 Clean Air CAP, and/or the 2001 Ozone Attainment Plan.	<p><i>not be limited to, quantification of operational criteria air pollutant emissions, a determination of operational air quality impacts, and identification of mitigation measures necessary to reduce any significant impacts in such a manner that ROG and NO_x emissions associated with project operations would not exceed the BAAQMD 54 lbs/day thresholds of significance. Mitigation measures shall be developed in coordination with the BAAQMD and shall include those measures set forth in Mitigation Measure 4.3-5(a) and the following measures listed below:</i></p> <ul style="list-style-type: none"> • <i>Use zero-VOC paints, finishes, and adhesives only;</i> • <i>Install smart meters and programmable thermostats;</i> • <i>Improve bike and pedestrian network (complete sidewalks, connection to adjacent areas, connection to bike network, etc.);</i> • <i>Implement bicycle and pedestrian facilities such as bike lanes, routes, and paths, bike parking, sidewalks, and benches;</i> • <i>Promote ridesharing, transit, bicycling, and walking for work trips;</i> 		within the proposed project	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<ul style="list-style-type: none"> • Promote use of public electric vehicle charging infrastructure; • Provide traffic calming features; • Pre-wire homes for photovoltaic systems; • Use water efficient landscapes and native/drought-tolerant vegetation; and • Provide electrical outlets outside of homes to allow for use of electrically powered landscaping equipment. <p><i>If off-site mitigation measures are proposed, the applicant must be able to show that the emission reductions from identified projects are real, permanent through the duration of the project, enforceable, and are equal to the pollutant type and amount of the project impact being offset. BAAQMD recommends that off-site mitigation projects occur within the nine-county Bay Area in order to reduce localized impacts and capture potential co-benefits. If BAAQMD has established an off-site mitigation program at the time a development application is submitted, as an off-site mitigation measure, the applicant may choose to enter into an agreement with BAAQMD and pay into the established off-site mitigation program fund, where</i></p>			

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>BAAQMD would commit to reducing the type and amount of emissions identified in the agreement.</i></p> <p><i>The analysis and proposed mitigation measures shall be reviewed as part of the development review process.</i></p>			
4.3-4	Generation of cumulative criteria air pollutant emissions in excess of 10 tons/year for ROG, NOX, and PM2.5 and 15 tons/yr for PM10.	4.3-4 <i>Implement Mitigation Measure 4.3-2.</i>	See Mitigation Measure 4.3-2	See Mitigation Measure 4.3-2	
4.3-5	Generation of a cumulatively considerable contribution to GHG emissions in excess of 1,100 MTCO ₂ e/yr or 4.6 MTCO ₂ e/SP/yr by 2020, 660 MTCO ₂ e/yr or 2.76 MTCO ₂ e/SP/yr by 2030, or an 80 percent reduction from 1990 levels by 2050.	4.3-5(a) <i>In conjunction with the submittal of each application for any development within the proposed project area, a project-level, detailed air quality analysis shall be performed. The analysis shall include, but not be limited to, quantification of operational criteria air pollutant emissions, a determination of operational air quality impacts, and identification of mitigation measures necessary to reduce any significant impacts in such a manner that project GHG emissions would not exceed 2.76 MTCO₂e/SP/yr threshold of significance. Mitigation measures shall be developed in coordination with BAAQMD and shall include, but not be limited to, BAAQMD's recommended mitigation measures as follows:</i>	City of Pittsburg Community Development Department	In conjunction with submittal of each application within the proposed project area	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<ul style="list-style-type: none"> • Use of cool roof materials; • Planting of shade trees; • Improvement of bike network (connection to adjacent areas, connection to bike network, etc.); • Improvement of pedestrian network (complete sidewalks, connection to adjacent areas, etc.); • Extension of transit service into project site; • Implementation of bicycle facilities; • Community-based traveling; • Participation in bike sharing programs; • Providing of charging stations and preferential parking spots for electric vehicles; • Minimizing the use of cul-de-sacs and incomplete roadway segments; • Installation of energy star appliances; • Installation of solar water heating; • Exceeding minimum CALGreen standards (e.g., adopt Tier 1 or Tier 2 voluntary measures); • Providing community composting facilities or curb-side food waste services; 			

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<ul style="list-style-type: none"> • Elimination of natural gas infrastructure; and • Reduction of VMT by 15 percent per capita consistent with SB 743 targets and OPR technical guidance. <p>4.3-5(b) <i>The project-level air quality analysis required by Mitigation Measure 4.3-5(a) shall include an analysis of project-level GHG emissions. Such project-level analyses shall include, but not be limited to, quantification of GHG emissions, as well as determination of operational GHG emission impacts, which shall be evaluated prior to any tentative map approval and in accordance with the BAAQMD CEQA Guidelines adopted in April 2022, which align with the State's 2030 and 2045 carbon targets. The project-level GHG emissions shall be reduced through the implementation of the mitigation measures identified in Mitigation Measure 4.3-5(a) designed to reduce operational GHG emissions. During future project-level reviews, the effectiveness of each implementation measure shall be quantified using the methodology shown in the 2022 Ramboll Report or using other methods supported by substantial evidence in light of project-level details included in the subject application. The City shall deem</i></p>			

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>all measures in Mitigation Measure 4.3-5(a) feasible or presumptively feasible unless the applicant can demonstrate otherwise with substantial evidence.</i>			
4.4 Biological Resources					
4.4-1	Have a substantial adverse effect, either directly or through habitat modifications, on special-status plant species.	<p><i>4.4-1(a) Prior to the issuance of grading or construction permits for each phase of development of the project, the applicant shall pay the applicable ECCC HCP/NCCP per-acre Development Fee in effect for Zone II in compliance with Section 15.108.070 of the Pittsburg Municipal Code. The Development Fee will cover the development of habitat that primarily includes annual grassland. At the discretion of the East Contra Costa County Habitat Conservancy, the fee may also be required for the 72.9 acres of Open Space that would be temporarily disturbed by grading. Payment of the Development Fee would address the loss of potential habitat of special-status plant species associated with grasslands. The fees would be used in part to protect these affected special-status plant species by bringing existing populations of the species under protection.</i></p> <p><i>Alternately, the project applicant may, in accordance with the terms of Pittsburg Municipal Code Chapter 15.108, offer to</i></p>	<p>City of Pittsburg Community Development Department</p> <p><i>East Contra Costa County Habitat Conservancy</i></p>	Prior to issuance of grading or construction permits	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>dedicate land or create and restore wetlands in lieu of some or all of the mitigation fees. All applicable mitigation fees shall be paid, or an “in-lieu-of fee” agreement executed, prior to the issuance of a grading permit for the project.</i></p> <p><i>The Pittsburg Community Development Department and the Contra Costa County Conservancy shall approve the final method of compliance with the ECCC HCP/NCCP provisions.</i></p> <p>4.4-1(b) <i>Prior to the issuance of grading or construction permits for each phase of development of the project, additional rare plant surveys shall be conducted for bent-flowered fiddleneck, big tarplant, round-leaved filaree, Mt. Diablo fairy-lantern, Mt. Diablo buckwheat, fragrant fritillary, Diablo helianthella, Brewer’s western flax, showy golden madia, Mt. Diablo cottonweed, woodland woollythreads, adobe navarretia, shining navarretia, and rock sanicle. The surveys shall be appropriately timed and shall cover all potentially suitable on-site habitats. If none of the species occurs in the project development area, further mitigation is not required.</i></p>	<p>City of Pittsburg Community Development Department</p> <p>East Contra Costa County Habitat Conservancy</p>	<p>Prior to issuance of grading or construction permits</p>	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>4.4-1(c) <i>If any of the above species occurs in the project development area, future development plans shall be designed to avoid such species, to the maximum extent feasible. If avoidance of the identified species is unavoidable, the project applicant shall notify the East Contra Costa County Habitat Conservancy of the construction schedule so as to allow the East Contra Costa County Habitat Conservancy the option to salvage the population(s) in accordance with HCP/NCCP Conservation Measure 3.10 (Plant Salvage when Impacts are Unavoidable) described below. In addition, the project applicant shall confirm with the East Contra Costa County Habitat Conservancy that the take limits of the HCP/NCCP for the species identified in Impact 4.4-1 have not been breached (at the time of writing this EIR, the take limits have not been breached for the special-status plant species in question).</i></p> <p><u>Perennial Covered Plants</u></p> <p><i>Where removal of covered plant species cannot be avoided by approved covered activities, such as construction activities associated with development of the project site, the East Contra Costa County Habitat Conservancy has the option of salvaging</i></p>	<p>City of Pittsburg Community Development Department</p> <p>East Contra Costa County Habitat Conservancy</p>	<p>If any of the species listed in Mitigation Measure 4.4-1(b) occur in the project development area</p>	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>the covered plants. Salvage methods for perennial species shall be tested for whole individuals, cuttings, and seeds. Salvage measures shall include the evaluation of techniques for transplanting as well as germinating seed in garden or greenhouse and then transplanting to suitable habitat sites in the field. Techniques shall be tested for each species, and appropriate methods shall be identified through research and adaptive management. Where plants are transplanted or seeds distributed to the field they shall be located in preserves in suitable habitat to establish new populations. Field trials shall be conducted to evaluate the efficacy of different methods and determine the best methods to establish new populations. New populations shall be located such that they constitute separate populations and do not become part of an existing population of the species, as measured by the potential for genetic exchange among individuals through pollen or propagule (e.g., seed, fruit) dispersal. Transplanting within the preserves shall only minimally disturb existing native vegetation and soils. Supplemental watering may be provided as necessary to increase the chances of successful establishment, but must be removed following initial population</i></p>			

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>establishment. See also All Covered Plants below.</i></p> <p><u><i>Annual Covered Plants</i></u></p> <p><i>For annual covered plants, mature seeds shall be collected from all individuals for which removal cannot be avoided (or if the population is large, a representative sample of individuals). If storage is necessary, seed storage studies shall be conducted to determine the best storage techniques for each species. If needed, studies shall be conducted on seed germinated and plants grown to maturity in garden or greenhouse to propagate larger numbers of seed. Seed propagation methods shall ensure that genetic variation is not substantially affected by propagation (i.e., selection for plants best adapted to cultivated conditions). Field studies shall be conducted through the Adaptive Management Program to determine the efficacy and best approach to dispersal of seed into suitable habitat. Where seeds are distributed to the field, they shall be located in preserves in suitable habitat to establish new populations. If seed collection methods fail (e.g., due to excessive seed predation by insects), alternative propagation techniques will be necessary. See also All Covered Plants below.</i></p>			

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p style="text-align: center;"><u>All Covered Plants</u></p> <p><i>All salvage operations shall be conducted by the East Contra Costa County Habitat Conservancy. To ensure enough time to plan salvage operations, project proponents shall notify the East Contra Costa County Habitat Conservancy of their schedule for removing the covered plant population.</i></p> <p><i>The East Contra Costa County Habitat Conservancy may conduct investigations into the efficacy of salvaging seeds from the soil seed bank for both perennial and annual species. The soil seed bank may add to the genetic variability of the population. Covered species may be separated from the soil through garden/greenhouse germination or other appropriate means. Topsoil taken from impact sites shall not be distributed into preserves because of the risk of spreading new nonnative and invasive plants to preserves For salvage operations, the East Contra Costa County Habitat Conservancy shall transplant new populations such that they constitute separate populations and do not become part of an existing population of the species, as measured by the potential for genetic exchange among individuals</i></p>			

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>through pollen or propagule (e.g., seed, fruit) dispersal. Transplanting or seeding “receptor” sites (i.e., habitat suitable for establishing a new population) should be carefully selected on the basis of physical, biological, and logistical considerations (Fiedler and Laven 1996); some examples of these are listed below.</i></p> <ul style="list-style-type: none"> • <i>Historic range of the species;</i> • <i>Soil type;</i> • <i>Soil moisture;</i> • <i>Topographic position, including slope and aspect;</i> • <i>Site hydrology;</i> • <i>Mycorrhizal associates (this may be important for Mount Diablo manzanita);</i> • <i>Presence or absence of typical associated plant species; and</i> • <i>Presence or absence of herbivores or plant competitors. Site accessibility for establishment, monitoring, and protection from trampling by cattle or trail users.</i> 			
4.4-2	Have a substantial adverse effect, either directly or through habitat modifications, on special-status bird species, including those	<p><i>Golden Eagle</i></p> <p>4.4-2(a) <i>Implement Mitigation Measure 4.4-1(a).</i></p>	See Mitigation Measure 4.4-1(a)	See Mitigation Measure 4.4-1(a)	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	covered under the East Contra Costa County HCP/NCCP, such as Swainson’s hawk, tricolored blackbird, burrowing owl, and golden eagle.	<p>4.4-2(b) <i>The project shall implement the following avoidance measures for potential effects on golden eagles during construction:</i></p> <ul style="list-style-type: none"> <i>Based on the potential for active nests, prior to implementation of construction activities, including tree removal, a qualified biologist shall conduct a pre-construction survey to establish whether an active golden eagle nest is present on the project site or within 0.5 mile of the project site to the extent the biologist can gain access. If an active nest is not present, further mitigation is not required. If an occupied nest is present, minimization requirements and construction monitoring shall be required, as detailed below.</i> <i>Construction activities shall be prohibited within 0.5 mile of active nests. Nests can be built and active at almost any time of the year, although mating and egg incubation occurs late January through August, with peak activity in March through July. If site-specific conditions or the nature of the construction activity (e.g., steep topography, dense vegetation, limited activities) indicate that a</i> 	<p>City of Pittsburg Community Development Department</p> <p>East Contra Costa County Habitat Conservancy</p>	During construction	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>smaller buffer could be appropriate or that a larger buffer should be implemented, the East Contra Costa County Habitat Conservancy shall coordinate with CDFW/USFWS to determine the appropriate buffer size.</i></p> <ul style="list-style-type: none"> <i>Construction monitoring shall ensure that no construction activities occur within the buffer zone established around an active nest. Construction monitoring shall ensure that direct effects to golden eagles are avoided.</i> <p><i>Swainson's Hawk</i></p> <p>4.4-2(c) <i>Implement Mitigation Measure 4.4-1(a).</i></p> <p>4.4-2(d) <i>The project applicant shall implement the following avoidance measures for potential effects on Swainson's hawk nests during construction:</i></p> <ul style="list-style-type: none"> <i>Prior to ground disturbing activities during the nesting season (March 15 through September 15), a qualified biologist shall conduct a pre-construction survey no more than one month prior to construction to establish whether</i> 	<p>See Mitigation Measure 4.4-1(a)</p> <p>City of Pittsburg Community Development Department</p> <p>CDFW</p>	<p>See Mitigation Measure 4.4-1(a)</p> <p>During construction</p>	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>occupied Swainson's hawk nests occur on or within 1,000 feet of the area of proposed construction. If occupied nests are not found, then further mitigation is not required.</i></p> <ul style="list-style-type: none"> <i>If occupied nests are found, project construction activity shall not occur within a 1,000-foot buffer zone distance from the nest unless a lesser buffer zone is approved by the City in consultation with CDFW. During the nesting season, construction activities shall be avoided within the established buffer zone to prevent nest abandonment. Construction monitoring shall be required to ensure that the established buffer zone is adhered to. If young fledge prior to September 15, construction activities can proceed normally without a buffer zone. If an active nest site is present but shielded from view and noise by other development or other features, the City may waive this avoidance measure (establishment of a buffer zone) if approved by the CDFW.</i> <p><i>Burrowing Owl</i></p> <p><i>4.4-2(e) Implement Mitigation Measure 4.4-1(a).</i></p>	See Mitigation Measure 4.4-1(a)	See Mitigation Measure 4.4-1(a)	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>4.4-2(f) <i>The project applicant shall implement the following measures to avoid or minimize impacts to western burrowing owl:</i></p> <ul style="list-style-type: none"> <i>No more than 14 days prior to initiation of ground disturbing activities, the project applicant shall retain a qualified burrowing owl biologist to conduct a take avoidance survey of the proposed project site, any off-site improvement areas, and all publicly accessible potential burrowing owl habitat within 500 feet of the project construction footprint. The survey shall be performed in accordance with the applicable sections of the March 7, 2012, CDFW's Staff Report on Burrowing Owl Mitigation guidelines. If the survey does not identify any nesting burrowing owls on the proposed project site, further mitigation is not required. The take avoidance survey shall be submitted to the City of Pittsburg Community Development Department for review. The survey periods and number of surveys are identified below:</i> 	<p>City of Pittsburg Community Development Department</p> <p>CDFW</p>	<p>No more than 14 days prior to initiation of ground disturbing activities</p>	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<ul style="list-style-type: none"> ○ <i>If construction related activities commence during the non-breeding season (1 September to 31 January), a minimum of one take avoidance survey shall be conducted of that phase and all publicly accessible potential burrowing owl habitat within 500 feet of the construction footprint of that phase.</i> ○ <i>If construction related activities commence during the early breeding season (1 February to 15 April), a minimum of one take avoidance survey shall be conducted of that phase and all publicly accessible potential burrowing owl habitat within 500 feet of the construction footprint of that phase.</i> ○ <i>If construction related activities commence during the breeding season (16 April to 30 August), a minimum of three take avoidance</i> 			

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>surveys shall be conducted of that phase and all publicly accessible potential burrowing owl habitat within 500 feet of the construction footprint of that phase. If construction related activities commence after 15 June, at least one of the three surveys shall be completed after 15 June.</i></p> <ul style="list-style-type: none"> ○ <i>Because the owls are known to occur nearby and may take up occupancy on a site under construction, the take avoidance survey shall be conducted prior to the start of any new phase, and/or if construction-related activity is delayed or suspended for more than 30 days.</i> • <i>If active burrowing owl dens are found within the survey area in an area where disturbance would occur, the project applicant shall implement measures consistent with the applicable portions of the March 7, 2012, CDFW's Staff</i> 			

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>Report on Burrowing Owl Mitigation guidelines. If needed, as determined by the biologist, the formulation of avoidance and minimization approaches would be developed in coordination with the CDFW. The avoidance and minimization approaches would likely include burrow avoidance buffers during the nesting season (February to August). For burrowing owls present on-site, outside of the nesting season, passive exclusion of owls from the burrows could be utilized under a CDFW-approved burrow exclusion plan.</i></p> <p>4.4-2(g) <i>If active owl burrows are present and the project would impact active burrows, the project applicant shall provide compensatory mitigation for the permanent loss of burrowing owl habitat at a ratio of 2.5 acres of higher quality owl habitat for every one acre of suitable owl habitat disturbed. The calculation of habitat loss may exclude acres currently occupied by hardscape or structures. Such mitigation may include the permanent protection of land that is deemed to be suitable burrowing owl habitat through a conservation easement deeded to a non-</i></p>	<p>City of Pittsburg Community Development Department CDFW</p>	<p>During construction</p>	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>profit conservation organization or public agency with a conservation mission, or the purchase of burrowing owl conservation bank credits from a CDFW-approved burrowing owl conservation bank. A record of the compensatory mitigation provided by the project applicant shall be submitted to the City of Pittsburg Community Development Department prior to initiation of ground disturbing activities.</i></p> <p><i>Tricolored Blackbird and Other Special-Status Avian Species</i></p> <p>4.4-2(h) <i>Implement Mitigation Measure 4.4-1(a).</i></p> <p>4.4-2(i) <i>If construction activities commence anytime during the nesting/breeding season of native bird species potentially nesting on or near the project site (typically February through August in the project region), a pre-construction survey for nesting birds shall be conducted by a qualified biologist within two weeks of the commencement of construction activities.</i></p> <p><i>If active nests are found in areas that could be directly affected or are within 500 feet of construction and would be subject to prolonged construction-related noise, a no-disturbance buffer zone shall be created</i></p>	<p>City of Pittsburg Community Development Department</p> <p>CDFW</p>	<p>Prior to construction activities</p>	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zones and types of construction activities restricted within them shall be a minimum of 500 feet for raptors, and a minimum of 50 feet for other species, and may be enlarged by taking into account factors such as the following:</i></p> <ul style="list-style-type: none"> • <i>Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity;</i> • <i>Distance and amount of vegetation or other screening between the construction site and the nest; and</i> • <i>Sensitivity of individual nesting species and behaviors of the nesting birds.</i> 			
4.4-3	Have a substantial adverse effect, either directly or through habitat modifications, on special-status mammals, including San Joaquin kit fox, San Joaquin pocket mouse, American badger, and special-status bats.	<p><i>San Joaquin Kit Fox, San Joaquin pocket mouse, and American Badger</i></p> <p><i>4.4-3(a) Implement Mitigation Measure 4.4-1(a).</i></p> <p><i>San Joaquin Kit Fox</i></p> <p><i>4.4-3(b) The project shall implement the following avoidance measures for potential effects on San Joaquin kit fox during construction:</i></p>	<p>See Mitigation Measure 4.4-1(a)</p> <p>City of Pittsburg Community</p>	<p>See Mitigation Measure 4.4-1(a)</p> <p>During construction</p>	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<ul style="list-style-type: none"> • <i>Prior to any ground disturbance, a USFWS/CDFW-qualified biologist shall conduct a pre-construction survey within the proposed disturbance footprint and a surrounding 250-foot radius. The survey shall establish the presence or absence of San Joaquin kit foxes and/or suitable dens and evaluate use by kit foxes in accordance with USFWS survey guidelines (USFWS 1999). The pre-construction survey shall be conducted no more than 30 days prior to ground disturbance. On the parcel where the activity is proposed, the biologist shall survey the proposed disturbance footprint and a 250-foot radius from the perimeter of the proposed footprint to identify San Joaquin kit foxes and/or suitable dens. Adjacent parcels under different land ownership are not required to be surveyed. The status of all surveyed dens shall be determined and mapped. Written results of pre-construction surveys shall be submitted to USFWS within 5 working days after survey completion and before the start of ground disturbance. Concurrence is</i> 	Development Department CDFW USFWS		

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>not required prior to ground disturbance.</i></p> <ul style="list-style-type: none"> • <i>If San Joaquin kit foxes and/or suitable dens are identified in the survey area, the measures described below shall be implemented.</i> <ul style="list-style-type: none"> o <i>If a San Joaquin kit fox den is discovered in the proposed development footprint, the den shall be monitored for 3 days by a USFWS/CDFW-qualified biologist using a tracking medium or an infrared beam camera to determine if the den is currently being used.</i> o <i>Unoccupied dens shall be destroyed immediately to prevent subsequent use.</i> o <i>If a natal or pupping den is found, USFWS and CDFW shall be notified immediately. The den shall not be destroyed until the pups and adults have vacated and then only after further consultation with USFWS and CDFW.</i> 			

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<ul style="list-style-type: none"> o <i>If kit fox activity is observed at the den during the initial 3-day monitoring period, the den shall be monitored for an additional 5 consecutive days from the time of the first observation to allow any resident animals to move to another den while den use is actively discouraged. For dens other than natal or pupping dens, use of the den can be discouraged by partially plugging the entrance with soil such that any resident animal can easily escape. Once the den is determined to be unoccupied it may be excavated under the direction of the biologist. Alternatively, if the animal is still present after 5 or more consecutive days of plugging and monitoring, the den may have to be excavated when, in the judgment of the biologist, it is temporarily vacant (i.e., during the animal's normal foraging activities).</i> 			

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<ul style="list-style-type: none"> <i>If dens are identified in the survey area outside the proposed disturbance footprint, exclusion zones around each den entrance or cluster of entrances shall be demarcated. The configuration of exclusion zones should be circular, with a radius measured outward from the den entrance(s). Ground disturbance activities shall not occur within the exclusion zones. Exclusion zone radii for potential dens shall be at least 50 feet and shall be demarcated with four to five flagged stakes. Exclusion zone radii for known dens shall be at least 100 feet and shall be demarcated with staking and flagging that encircles each den or cluster of dens but does not prevent access to the den by kit fox.</i> <p><i>San Joaquin Pocket Mouse</i></p> <p>4.4-3(c) <i>Grading and vegetation clearing activities shall be conducted in a uniform direction to allow mobile animals, such as San Joaquin pocket mouse, the ability to escape the disturbance area into adjacent undisturbed habitat, and to prevent creating fragmented islands of habitat that would eventually be cleared/graded. The language of this</i></p>	City Engineer	Prior to issuance of grading permit	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>mitigation shall be included, via notation, on any grading plans approved within the Draft Master Plan development area.</i></p> <p><i>American Badger</i></p> <p>4.4-3(d) <i>A pre-construction survey for potential den sites shall be conducted by a qualified biologist no more than four weeks before commencement of initial ground disturbance activities. If an occupied den is found (and if young are not present), then any badgers present shall be removed from the den either by trapping or the use of exclusionary devices. Prior to implementation, the removal method shall be approved by CDFW. If trapped, the badgers shall be moved to other suitable habitat. Once any badgers are trapped or excluded, the dens shall be excavated by hand and refilled to prevent reoccupation. Exclusion shall continue until the badgers are successfully excluded from the site, as determined by a qualified biologist. Badgers shall not be relocated if it is determined by the biologists that young are or may be present.</i></p>	<p>City of Pittsburg Community Development Department</p> <p>CDFW</p>	<p>No more than four weeks prior to commencement of initial ground disturbance activities</p>	
4.4-4	Have a substantial adverse effect, either directly or through habitat modifications,	<p>4.4-4(a) <i>Implement Mitigation Measure 4.4-1(a).</i></p> <p>4.4-4(b) <i>Prior to any ground disturbance, a USFWS/CDFW-approved biologist shall</i></p>	<p>See Mitigation Measure 4.4-1(a)</p> <p>USFWS</p>	<p>See Mitigation Measure 4.4-1(a)</p>	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	on California tiger salamanders.	<p><i>identify potential breeding habitat for CTS. If the project fills or surrounds suitable breeding habitat, the project proponent shall notify USFWS, CDFW, and the East Contra Costa County Habitat Conservancy of the presence and condition of potential breeding habitat, as described below. Preconstruction surveys are not required.</i></p> <p><i>Written notification to USFWS, CDFW, and the East Contra Costa County Habitat Conservancy, including photos and breeding habitat assessment, is required prior to disturbance of any suitable breeding habitat. The project proponent shall also notify these parties of the approximate date of removal of the breeding habitat at least 30 days prior to this removal to allow USFWS or CDFW staff to translocate individuals, if requested. USFWS or CDFW must notify the project proponent of their intent to translocate CTS within 14 days of receiving notice from the project proponent. The applicant must allow USFWS or CDFW access to the site prior to construction if they request it. Restrictions under this Plan on the nature of the disturbance or the date of the disturbance do not exist unless CDFW or USFWS notify the project proponent of their intent to translocate individuals within the required time period.</i></p>	<p>CDFW</p> <p>East Contra Costa County Habitat Conservancy</p>	<p>Prior to any ground disturbance</p>	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>In this case, the project proponent must coordinate the timing of disturbance of the breeding habitat to allow USFWS or CDFW to translocate the individuals. USFWS and CDFW shall be allowed 45 days to translocate individuals from the date the first written notification was submitted by the project proponent (or a longer period agreed to by the project proponent, USFWS, and CDFW).</i>			
4.4-5	Have a substantial adverse effect, either directly or through habitat modifications, on California red-legged frogs.	4.4-5 <i>Implement Mitigation Measure 4.4-1(a).</i>	See Mitigation Measure 4.4-1(a)	See Mitigation Measure 4.4-1(a)	
4.4-6	Have a substantial adverse effect, either directly or through habitat modifications, on western pond turtle.	4.4-6 <i>Implement Mitigation Measure 4.4-1(a).</i>	See Mitigation Measure 4.4-1(a)	See Mitigation Measure 4.4-1(a)	
4.4-8	Have a substantial adverse effect, either directly or through habitat modifications, on western bumble bee.	4.4-8 <i>Implement Mitigation Measure 4.4-1(a).</i>	See Mitigation Measure 4.4-1(a)	See Mitigation Measure 4.4-1(a)	
4.4-12	Indirect impacts on adjacent lands.	4.4-12(a) <i>Implement Mitigation Measure 4.1-3.</i> 4.4-12(b) <i>Prior to Improvement Plan approval, the project applicant shall prepare a list of</i>	See Mitigation Measure 4.1-3 City of Pittsburg Community	See Mitigation Measure 4.1-3	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>recommended and prohibited landscaping plants for homes and common areas within the project site. The list shall be subject to review and approval by the City of Pittsburg Community Development Department. The list shall include a plant palette composed of non-invasive species and shall list invasive plant species that residents may not plant on the project site. The list of prohibited plants shall be compiled in cooperation with a qualified restoration specialist and distributed to future occupants of the project site as part of the Covenants, Conditions, and Restrictions (CC&R) applicable to future residential development.</i></p>	Development Department	Prior to approval of Improvement Plans	
		<p>4.4-12(c) <i>In deed disclosures, the project applicant shall notify all property owners/buyers of the potential interactions that may occur between pets and native wildlife. The disclosures shall discuss the presence of native animals (e.g., coyote, bobcat, mountain lion) that could prey on pets, and state that the property owners and/or residents shall not take any actions against native animals should they prey on pets that are allowed outdoors (unless danger of attacks on humans is present). The property owners shall be informed of the importance of keeping pets inside or within fenced yards for the pet's protection, as well as to</i></p>	City of Pittsburg Community Development Department	Prior to subsequent final map approvals	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>protect nearby sensitive biological resources. The property owners shall also be informed of the importance of properly storing trash and not feeding wildlife so as not to attract non-native wildlife that could prey on native species.</i>			
4.4-14	Conflict with an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan.	4.4-14 <i>Implement Mitigation Measure 4.4-1(a).</i>	See Mitigation Measure 4.4-1(a)	See Mitigation Measure 4.4-1(a)	
4.4-15	Cumulative loss of biological resources.	4.4-15 <i>Implement Mitigation Measures 4.4-1(a) through 4.4-14.</i>	See Mitigation Measures 4.4-1(a) through 4.4-14	See Mitigation Measures 4.4-1(a) through 4.4-14	
4.5 Cultural and Tribal Resources					
4.5-2	Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 1564.5, directly or indirectly destroy a unique paleontological resource or unique geologic features, or disturb any human remains, including those	4.5-2(a) <i>In the event that any prehistoric subsurface archeological features or deposits, including locally darkened soil (“midden”), that could conceal cultural deposits, animal bone, obsidian and/or mortars are discovered during earth-moving activities, all work within 100 feet of the resource shall be halted, and the applicant shall consult with a qualified archeologist. Representatives of the City and the qualified archeologist shall coordinate to determine the appropriate</i>	City of Pittsburg Representative Qualified Archeologist	In the event that any prehistoric subsurface archeological features or deposits are discovered during earth-moving activities	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	interred outside of formal cemeteries.	<p><i>course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation.</i></p> <p>4.5-2(b) <i>If a human bone or bone of unknown origin is found during earth-moving activities, all work shall stop within 100 feet of the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-internment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.</i></p> <p>4.5-2(c) <i>If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.</i></p> <p><i>If a Native American archeological, ethnographic, or a spiritual resource is discovered, all identification and treatment shall be conducted by qualified archeologists, who are certified by the</i></p>	<p>City of Pittsburg Community Development Department</p> <p>Contra Costa County Coroner</p> <p>NAHC, if the remains are determined to be Native American</p> <p>Appropriate Native American Representatives</p>	<p>If human bone or bone of unknown origin is found during earth- moving activities</p> <p>If a Native American site is discovered</p>	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and are Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions.</i></p> <p><i>In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment is to be carried out by qualified historical archeologists, who shall meet either Register of Professional Archeologists (RPA), or 36 CFR 61 requirements.</i></p> <p>4.5-2(d) <i>The applicant shall retain the services of a professional paleontologist/archaeologist to educate the construction crew that will be conducting grading and excavation at the project site. The education shall consist of an introduction to the geology of the project site and the kinds of fossils, archeological, and/or Native American resources that may be encountered, as well as what to do in case of a discovery.</i></p>	City of Pittsburg Community Development Department	Prior to commencement of construction activities	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>Should any paleontological resources be unearthed by the construction crew, such as vertebrate fossils (e.g., teeth, bones), an unusually large or dense accumulation of intact invertebrates, or well-preserved plant material (e.g., leaves), then ground-disturbing activity shall be diverted to another part of the project site and the paleontologist shall be called on-site to assess the find and, if significant, recover the find in a timely matter. Finds determined significant by the paleontologist shall then be conserved and deposited with a recognized repository, such as the University of California Museum of Paleontology. The alternative mitigation would be to leave the significant finds in place, determine the extent of significant deposit, and avoid further disturbance of the significant deposit. Proof of the construction crew awareness training shall be submitted to the City's Community Development Department in the form of a copy of training materials and the completed training attendance roster.</i></p>			
4.5-3	Directly or indirectly disturb or destroy a unique tribal cultural resource, such as a site, feature, place, cultural landscape, sacred place or object with cultural	4.5-3 <i>Implement Mitigation Measures 4.5-2(a) through 4.5-2(d).</i>	See Mitigation Measures 4.5-2(a) through 4.5-2(d)	See Mitigation Measures 4.5-2(a) through 4.5-2(d)	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	value to a California Native American tribe.				
4.6 Geology, Soils, and Seismicity					
4.6-1	The project site is subject to seismic risks including fault rupture, strong ground shaking, and liquefaction that could adversely affect future development.	<p>4.6-1 <i>As part of any future development application, the project applicant shall undertake a design-level geotechnical report that will include a subsurface exploration of soil borings and/or cone penetration tests within the development areas and laboratory soil testing to provide data for preparation of specific recommendations regarding grading, foundations, and drainage for the proposed construction. A California Registered Civil Engineer or Geotechnical Engineer shall produce a design-level geotechnical engineering report subject to prior review and written approval by the City Engineer. The report shall address the following:</i></p> <ol style="list-style-type: none"> 1. <i>The magnitude of remedial grading needed for the site;</i> 2. <i>Construction of high cut slopes and relatively deep fills;</i> 3. <i>The existence of adverse bedrock bedding;</i> 4. <i>The potential presence of artificial, undocumented fills;</i> 5. <i>The potential presence of compressible alluvial soils;</i> 	City Engineer	As part of any future development application	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>6. <i>The liquefaction potential within alluvial-filled valley areas;</i></p> <p>7. <i>The anticipated effects of local groundshaking on the proposed development; and</i></p> <p>8. <i>Identification of the extent of liquefaction and lateral spreading in the potential development area.</i></p> <p><i>Furthermore, the design-level geotechnical engineering report shall include project design measures and engineering techniques to avoid risks to people and structures from identified liquefaction and lateral spreading; address structures, structural foundations, and grading practices consistent with the CBC and any applicable City building and grading standards; and address both construction and operation of the project, as applicable. Design measures and engineering techniques may include, at a minimum, the following:</i></p> <ul style="list-style-type: none"> <i>• Recommendations for strengthened foundations to resist excessive differential settlement associate with seismically-induced liquefaction;</i> <i>• Removal and replacement of potentially liquefiable soils; and/or</i> 			

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<ul style="list-style-type: none"> Densify potentially liquefiable soils with an in-situ ground improvement technique. <p>The Design Level Geotechnical Report shall identify the portions of the project site that cannot be graded and developed to meet CBC standards. Development shall not be allowed within those areas. The report shall be completed by a consultant selected and hired by the City of Pittsburg. The developer shall be responsible for the full cost of the report. Prior to the issuance of any Grading Permit and approval of a Tentative Map, the City Engineer shall review the Design Level Geotechnical Report and determine that the proposed grading conforms to the CBC.</p> <p>Prior to issuance of building permits, the City shall site-inspect to ensure that construction is in accordance with the approved plans and incorporates all required design measures and engineering techniques, and that such measures perform as identified in the design-level geotechnical engineering report and conforms to the standards of the CBC.</p>			
4.6-2	Implementation of the project could result in substantial erosion or loss of topsoil.	4.6-2 As part of any future development application, the project applicant shall submit an erosion control plan subject to prior review and written approval by the	City Engineer	As part of any future development application	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>City Engineer to limit the erosion effects during construction of the proposed project. Measures shall be identified to limit and control the amount of erosion, and the transport of soils or sediment off of the construction site. Measures could include, but are not limited to:</i></p> <ul style="list-style-type: none"> • <i>Hydro-seeding exposed soils;</i> • <i>Placement of erosion control measures within drainageways and ahead of drop inlets;</i> • <i>The temporary lining (during construction activities) of drop inlets with “filter fabric” (a specific type of geotextile fabric);</i> • <i>The placement of straw wattles along slope contours and back-of-curb prior to installation of landscaping;</i> • <i>Directing subcontractors to a single designation “wash-out” location (as opposed to allowing them to wash-out in any location they desire);</i> • <i>The use of siltation fences; and</i> • <i>The use of sediment basins and dust palliatives.</i> 			
4.6-3	Implementation of the project could result in risks to people and	4.6-3 <i>The design-level geotechnical engineering report required by Mitigation Measure 4.6-1 shall address the potential for</i>	City Engineer	As part of any future	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	structures associated with compressible soil, undocumented fill, expansive soils, and/or corrosive soil.	<p><i>compressible soil, undocumented fill, corrosive soil, and expansive soil on the project site and shall identify engineering techniques to reduce any identified impacts to less than significance. The techniques shall include but not be limited to the following:</i></p> <ul style="list-style-type: none"> • <i>Undocumented fill - the over-excavation of a minimum of three feet of soil to remove existing non-engineered fill in order to place engineered fill;</i> • <i>Corrosive soil – If on-site soil is found to be corrosive to concrete, preventative measures such as protective treatment of concrete surfaces or the use of corrosion resistant materials shall be included in site design; and</i> • <i>Expansive soil – The use of post-tensioned concrete mat foundations or similarly stiffened foundations systems which are designed to resist the deflections associated with soil expansion.</i> <p><i>The Design Level Geotechnical Report shall identify the portions of the project site that cannot be graded and developed to meet CBC standards. Development shall</i></p>		development application	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>not be allowed within those areas. The report shall be completed by a consultant selected and hired by the City of Pittsburg. The developer shall be responsible for the full cost of the report. Prior to the issuance of any Grading Permit and approval of a Tentative Map, the City Engineer shall review the Design Level Geotechnical Report and determine that the proposed grading conforms to the CBC.</i></p> <p><i>Prior to issuance of building permits, the City shall site-inspect to ensure that construction is in accordance with the approved plans and incorporates all required design measures and engineering techniques, and that such measures perform as identified in the design-level geotechnical engineering report to address compressible soil, undocumented fill, corrosive soil, and expansive soil impacts and conforms to the CBC.</i></p>			
4.6-4	Implementation of the project could result in risks to people and structures associated with landslides.	<p>4.6-4(a) <i>The design-level geotechnical engineering report required by Mitigation Measure 4.6-1 shall address the existing landslides and the potential for landslides to occur throughout the project site. In addition, the design-level geotechnical engineering report shall include and address the following:</i></p>	City Engineer	As part of any future development application	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<ol style="list-style-type: none"> 1. Characterization and remediation of existing large-scale landslides; 2. Description of the proximity of the project site and development areas to existing graded parcels; 3. Settlement and deflection of deep fills; and 4. Potential erosion of high cut slopes and fill slopes. <p>Furthermore, the design-level geotechnical engineering report shall include design measures to reduce the risks from landslides, which may include, but are not limited to, the following techniques:</p> <ul style="list-style-type: none"> • Graded cut and fill slopes over 15 feet in vertical height should be no steeper than 3H:1V (Horizontal:Vertical). Cut and fill slopes up to 15 feet in vertical height may be constructed at slope gradients no steeper than 2H:1V; • Graded cut and fill slopes exceeding 30 feet in height may be provided with intermediate benches on the slope surface spaced no greater than 30 feet vertically. Benches should be at least at 8 feet wide with a concrete-lined J or V-ditch to intercept surface runoff; 			

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<ul style="list-style-type: none"> • <i>Mass grading should begin with construction of toe keys and subdrains. All fills should be adequately keyed into firm natural materials unaffected by shrinkage cracks. Recommended keyway sizes and locations will be determined by the Geotechnical Engineer and will be approximately shown in the final remedial grading plans. Additionally, where fills are placed along slopes, subexcavated benches should be planned above toe keys as filling progresses. The Geotechnical Engineer will determine the actual size of the keyways during plan review and supplemental recommendations provided during grading. Toe keyways should also be used along where debris benches are recommended in design-level geotechnical studies; and</i> • <i>A Geotechnical Engineer shall prepare all grading and slope stability plans.</i> <p><i>The Design Level Geotechnical Report shall identify the portions of the project site that cannot be graded and developed to meet CBC standards. Development shall</i></p>			

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>not be allowed within those areas. The report shall be completed by a consultant selected and hired by the City of Pittsburg. The developer shall be responsible for the full cost of the report. Prior to the issuance of any Grading Permit and approval of a Tentative Map, the City Engineer shall review the Design Level Geotechnical Report and determine that the proposed grading conforms to the CBC.</i></p> <p><i>Prior to issuance of building permits, the City shall site-inspect to ensure that construction is in accordance with the approved plans and incorporates all required design measures and engineering techniques, and that such measures perform as identified in the design-level geotechnical engineering report to address landsliding and slope stability impacts and compliance with the CBC.</i></p>			
		<p>4.6-4(b) <i>The project applicant shall establish a GHAD encompassing the area within a 1,000-foot radius of the area affected by the 2007 landslide south of Vista Del Mar. Establishment of the GHAD shall ensure that potential future development or grading activity conducted within the vicinity includes proper mitigation techniques to ensure long-term stability of the area and reduce potential impacts</i></p>	City Engineer	As part of any future development application within 1,000 feet of Vista Del Mar	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>related to slope instability. Specific grading techniques to ensure slope stability may include, but are not limited to the techniques outlined in Mitigation Measure 4.6-4(a) of this EIR</i>			
4.6-5	Cumulative increase in the potential for geological related impacts and hazards.	4.6-5 Implement Mitigation Measures 4.6-1(a), 4.6-3, 4.6-4(a), and 4.6-4(b).	See Mitigation Measures 4.6-1(a), 4.6-3, 4.6-4(a), and 4.6-4(b)	See Mitigation Measures 4.6-1(a), 4.6-3, 4.6-4(a), and 4.6-4(b)	
4.7 Hazards and Hazardous Materials					
4.7-1	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	<p><i>Asbestos-Containing Materials</i></p> <p>4.7-1(a) <i>Prior to issuance of a demolition permit for any on-site structures, the project applicant shall provide a detailed assessment to the City Planning Department pertaining to the potential presence of asbestos-containing materials in existing on-site structures to be demolished. If asbestos-containing materials are not detected, further mitigation is not required. If asbestos-containing materials are detected, the applicant shall prepare and implement an asbestos abatement plan consistent with federal, State, and local standards, subject to review and approval by the Bay Area Air Quality Management District and the City Planning Department.</i></p>	<p>City of Pittsburg Planning Department</p> <p>BAAQMD</p>	Prior to issuance of a demolition permit	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>Lead-Based Paint</i></p> <p>4.7-1(b) <i>Prior to issuance of a demolition permit for any on-site structures, the project applicant shall provide a detailed assessment to the City Planning Department pertaining to the potential presence of lead-based paint in existing-on-site structures to be demolished. If lead-based paint is not detected, further mitigation is not required. If lead-based paint is found, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with federal, State, and local regulations. The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing lead paint in accordance with federal, State, and local regulations subject to review and approval by the Bay Area Air Quality Management District and the City Planning Department.</i></p>	City of Pittsburg Planning Department	Prior to issuance of a demolition permit	
		<p><i>Above-Ground Storage Tanks</i></p> <p>4.7-1(c) <i>Prior to issuance of any grading permits, the applicant shall hire a qualified geotechnical engineer to remove and</i></p>	City Engineer	Prior to issuance of a grading permit	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>abandon the two on-site ASTs in accordance with federal, State, and local guidelines, pursuant to review and approval by the City Engineer and the Contra Costa Health Services Department. In addition, an evaluation of the area surrounding the storage tanks for unusual odors, visible discoloration, or other indications of soil contamination shall be conducted. If soils suspected of being contaminated are encountered, they shall be stockpiled on plastic sheeting. Stockpiled soils shall be sampled in accordance with the San Francisco Bay Regional Water Quality Control Board guidelines, and the findings forwarded to the San Francisco Bay Regional Water Quality Control Board for review. Further remediation, if necessary, and disposal of the soils shall be conducted in accordance with State and federal guidelines.</i></p> <p><i>On-Site Water Supply Wells</i></p> <p>4.7-1(d) <i>Prior to initiation of any ground disturbing activities within 50 feet of a well on the project site, the applicant shall hire a licensed well contractor to obtain a well abandonment permit from the Contra Costa Health Services Department, and properly abandon the on-site wells in accordance with regional and local</i></p>	<p>Contra Costa Health Services Department RWQCB</p> <p>City Engineer Contra Costa Health Services Department</p>	<p>Prior to initiation of any ground disturbing activities within 50 feet of a well</p>	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>standards, pursuant to review and approval by the City Engineer and the Contra Costa Health Services Department.</i></p> <p><i>On-Site Septic Systems</i></p> <p>4.7-1(e) <i>Prior to initiation of any ground disturbing activities within 50 feet of a septic tank on the project site, the applicant shall hire a qualified geotechnical engineer to obtain a septic system abandonment permit from the Contra Costa Health Services Department, and properly abandon the on-site septic systems, pursuant to review and approval by the City Engineer and the Contra Costa Health Services Department.</i></p>	<p>City Engineer</p> <p>Contra Costa Health Services Department</p>	<p>Prior to initiation of any ground disturbing activities within 50 feet of a septic tank</p>	
4.7-2	Emit hazardous emissions or handle hazardous materials within one-quarter mile of a school.	4.7-2 <i>Implement Mitigation Measures 4.7-1(a-e).</i>	See Mitigation Measures 4.7-1(a-e)	See Mitigation Measures 4.7-1(a-e)	
4.7-4	Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	4.7-4(a) <i>Development of the proposed project shall include the installation of fire suppression systems (e.g., fire hydrants, fire sprinklers, smoke detectors) and be designed in accordance with the latest requirements of the California Fire Code. All project development plans shall be subject to review by the Contra Costa County Fire Protection District as part of the future discretionary development applications and Building Permit review processes to</i>	Contra Costa County Fire Protection District	Prior to approval of development plans	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>ensure the provisions of the California Fire Code are included in the plans. Fire-resistant roof construction, fire-resistant attachments, vegetative buffer zones, and other fire-safe measures may be required as part of their review.</i></p> <p>4.7-4(b) <i>The Master Plan shall include the following language under Section 2(A)(4):</i></p> <p><i>e) Defensible space in accordance with the guidelines of the California Fire Protection Standards shall be maintained in all portions of the Master Plan Area adjacent to open space areas. If the required defensible space distances cannot be attained, structures within the defensible space shall be constructed with fire-resistant materials and practices.</i></p>	City of Pittsburg Planning Department	Prior to Master Plan approval	
4.8 Hydrology and Water Quality					
4.8-1	Substantially alter the existing drainage pattern of the site or area, or create or contribute runoff water which would exceed the capacity of existing or planned stormwater	4.8-1 <i>As part of any development application, the applicant shall submit a site-specific drainage study which shall identify site design measures, source controls, and stormwater treatment and flow control measures showing that the project runoff will not exceed the capacity of existing and planned stormwater drainage systems and</i>	City Engineer	In conjunction with submittal of any development application	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	drainage systems, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site.	<p><i>will not result in flooding on- or off-site. The study shall include, but not be limited to, the following:</i></p> <ul style="list-style-type: none"> • <i>Calculations of pre-development runoff conditions and post-development runoff conditions, using appropriate engineering methods;</i> • <i>An assessment of downstream drainage and City storm-water facilities impacted by potential project runoff in accordance with General Plan Policy 9-P-21, which requires the following:</i> <ul style="list-style-type: none"> ○ <i>Calculate potential sedimentation and runoff based on the maximum storm event and determine necessary capacity of the downstream drainage system. If the project presents potential downstream sedimentation, runoff, or flooding issues, the drainage study shall require additional mitigation including, but not limited to, limitations on grading, construction only in dry seasons, and funding for downstream improvements, maintenance, and repairs;</i> 			

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<ul style="list-style-type: none"> • Assessment of existing drainage facilities within the project area and an inventory of necessary upgrades, replacements, redesigns, and/or rehabilitation in order to accommodate the proposed project; • Recommendation of appropriate design measures required to meet C.3 requirements, and relevant requirements from Chapter 13.28 of the City's Municipal Code; and • A proposed maintenance program for the on-site drainage system. 			
4.8-2	Violate any water quality standards or waste discharge requirements, provide substantial additional sources of polluted runoff, or otherwise substantially degrade water quality through erosion during construction.	4.8-2 <i>Prior to issuance of grading permits, the contractor shall prepare a Storm Water Pollution Prevention Plan (SWPPP). The developer shall file the Notice of Intent (NOI) and associated fee to the SWRCB. The SWPPP shall serve as the framework for identification, assignment, and implementation of Best Management Practices (BMPs). Construction BMPs included in the SWPPP may include, but are not limited to, the following measures:</i> <ul style="list-style-type: none"> • Silt fencing; • Fiber Rolls; • Vehicle washout areas and trackout control; • Desilting Basins; • Gravel Bag Berms; or 	Director of Public Works/City Engineer	Prior to issuance of grading permits	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<ul style="list-style-type: none"> Storm Drain inlet protection. <p>The contractor shall implement BMPs to reduce pollutants in stormwater discharges to the maximum extent practicable. Property boundaries between the project site and the Concord Hills Regional Park shall be identified, mapped, fenced, and signed for no entry. The SWPPP shall be submitted to the Director of Public Works/City Engineer for review and approval and shall remain on the project site during all phases of construction. Following implementation of the SWPPP, the contractor shall subsequently demonstrate the SWPPP's effectiveness and provide for necessary and appropriate revisions, modifications, and improvements to reduce pollutants in stormwater discharges to the maximum extent practicable.</p>			
4.8-3	Violate any water quality standards or waste discharge requirements, provide substantial additional sources of polluted runoff, or otherwise substantially degrade water quality during operations.	4.8-3 Implement Mitigation Measure 4.8-1.	See Mitigation Measure 4.8-1	See Mitigation Measure 4.8-1	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
4.9 Land Use and Planning					
4.9-1	Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating a significant environmental effect.	<i>4.9-1 Prior to approval of the first tentative map for the project site, the Land Use Map for the proposed project shall be revised to remove development from all areas with elevations in excess of 900 feet. All areas within the project site with elevations in excess of 900 feet shall be designated as Open Space, and, with the exception of areas designated for development of a future water tank, future development shall not be allowed to occur in any areas of the project site with elevations exceeding 900 feet. The revised Land Use Map shall be subject to review and approval by the City of Pittsburg Community Development Department.</i>	City of Pittsburg Community Development Department	Prior to approval of the first Tentative Map	
4.10 Noise					
4.10-2	Expose persons to or generate noise levels in excess of standards established in the General Plan.	<i>4.10-2 As part of any development application, the applicant shall submit a site-specific noise study with an analysis of traffic and any other significant noise generators and recommended measures to reduce the exterior and interior noise levels at all future residences or other sensitive receptors to below 65 dB Ldn and 45 dB Ldn, respectively. Potential measures could include, but would not be limited to, inclusion of noise buffers in site design,</i>	City Engineer	In conjunction with submittal of any development application	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>restriction of two-story homes, or incorporation of noise-insulating building materials such as windows with a sound transmission class rating of 35-38 and resilient channels for walls.</i>			
4.10-3	Construction of the project could cause a substantial temporary increase in ambient noise levels.	<p>4.10-3(a) <i>In compliance with Section 18.82.040 of the City’s Municipal Code, construction hours shall be restricted to 8:00 AM to 5:00 PM. In addition, construction shall not occur on City-observed holidays. Such restrictions shall be noted on grading plans and other construction plans for the review and approval of the City of Pittsburg Community Development Department.</i></p> <p>4.10-3(b) <i>Prior to issuance of any grading permit, the project contractor shall ensure that all equipment to be used in the construction of the project (i.e., owned, leased, and subcontractor vehicles) shall be fitted with factory equipped mufflers and in good working order, subject to review and approval by the City Engineer. The aforementioned requirements shall be noted on the grading plans.</i></p> <p>4.10-3(c) <i>If the project is constructed in phases, construction staging areas and construction activities shall be located as far from prior phases as feasible, as determined by the City Engineer. Such restrictions shall be noted on grading plans</i></p>	<p>City of Pittsburg Community Development Department</p> <p>City Engineer</p> <p>City Engineer City of Pittsburg Community Development Department</p>	<p>Prior to approval of construction plans</p> <p>Prior to issuance of grading permit</p> <p>Prior to approval of construction plans</p>	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>and other construction plans for the review and approval of the City of Pittsburg Community Development Department.</i>			
4.11 Public Services and Utilities					
4.11-1	Result in insufficient water supply available to serve the project from existing entitlements and resources, or require the construction of new water delivery, collection, or treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	<p><i>4.11-1(a) The developer shall provide all necessary documentation required by the CCWD for its application for inclusion of the project site in the CVP. No grading or building permits shall be issued until the project site has been annexed into the CCWD service area and the developer provides the City with a “Will Serve” letter from the CCWD verifying that the project site has been included in the CVP.</i></p> <p><i>4.11-1(b) Prior to final subdivision map approval, per SB 221 (Government Code Section 66473.7), the water supplier (the City of Pittsburg) shall provide a written verification that the water supply for the proposed project is sufficient, to the satisfaction of the CCWD.</i></p>	<p>City of Pittsburg Community Development Department CCWD</p> <p>City of Pittsburg Community Development Department CCWD</p>	<p>Prior to issuance of grading or building permits</p> <p>Prior to final subdivision map approval</p>	
4.11-2	Exceed wastewater treatment requirements of the applicable RWQCB, require the construction of new wastewater delivery, collection, or treatment facilities or expansion	<i>4.11-2(a) The developer shall provide all necessary documentation required by the DDS D for its application for inclusion of the project site in the DDS D’s service area. No grading or building permits shall be issued until the project site has been annexed into the DDS D service area and the developer</i>	<p>City of Pittsburg Community Development Department DDS D</p>	Prior to issuance of grading or building permits	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	of existing facilities, the construction of which could cause significant environmental effects, or require sewer service that may not be available by the area's wastewater treatment provider.	4.11-2(b) <i>In conjunction with the first development application within the Draft Master Plan area, the developer shall provide to the City confirmation from the DDS D that adequate trunk sewer system capacity exists to serve the proposed project.</i>	City of Pittsburg Community Development Department DDS D	In conjunction with the first development application	
4.11-4	Result in substantial adverse physical impacts associated with the provisions of new or physically altered fire protection facilities, and/or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection facilities.	4.11-4 <i>Prior to recordation of a Final Map for any portion of the proposed project site, the project applicant shall provide proof, to the City of Pittsburg Community Development Department, that the proposed project site has been annexed into CFD 2017-1.</i>			
4.12 Recirculated Transportation, Traffic, and Circulation					
4.12-2	Conflict with an applicable plan,	4.12-2(a) <i>As part of future development applications, the project applicant shall pay the fair-</i>	City of Pittsburg Community	In conjunction with the first	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	ordinance or policy establishing measures of effectiveness for the performance of the study intersections under Existing Plus Project Conditions.	<p><i>share fee for the improvements planned in the Capital Improvement Program for the 2015 Update to the Contra Costa CMP (Project 1028). Such improvements would include, but would not necessarily be limited to, the following:</i></p> <ol style="list-style-type: none"> <i>1. The EB SR-4 Ramps/Willow Pass Road intersection shall be signalized, a southbound left turn lane shall be added, the shared southbound through-left lane shall be restriped to be a through lane, and the eastbound approach shall be restriped to be an eastbound left turn lane and a shared eastbound through-right lane; and</i> <i>2. The WB SR-4 Ramps/Willow Pass Road shall be signalized, a northbound left turn lane shall be added, the northbound shared through-left turn lane shall be restriped to be a through lane, and the westbound approach shall be restriped to be two westbound left turn lanes and a shared westbound through-right lane.</i> <p><i>Proof of payment shall be submitted to the City of Pittsburg Community Development Department.</i></p>	Development Department	development application	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>4.12-2(b) <i>As part of future development applications, the project applicant shall pay the fair-share fee for the improvements planned in the Concord CIP (Project 2049). Such improvements would include, but would not necessarily be limited to, the following:</i></p> <ul style="list-style-type: none"> • <i>The southbound approach at the Concord Boulevard and Bailey Road intersection shall be widened and restriped to include a southbound left turn lane, a southbound through lane, and a southbound right turn lane. The northbound approach shall be widened to be a northbound left turn lane and a shared through-right turn lane;</i> • <i>The northbound and southbound approach shall be modified from split phasing to protected phasing; and</i> • <i>The Bailey Road and Myrtle Drive intersection shall be signalized, a southbound left turn lane shall be added, and the shared southbound through-left lane shall be restriped to be a through lane.</i> 	City of Pittsburg Community Development Department	In conjunction with the first development application	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
4.12-3	Conflict with an applicable congestion management program, including, but not limited to, LOS standards, and travel demand measures, or other standards established by a county congestion management agency for designated roadways.	4.12-3 <i>Prior to issuance of building permits, the project applicant shall pay the necessary East Contra Costa Regional Fee. Proof of payment shall be submitted to the Community Development Department.</i>	City of Pittsburg Community Development Department	Prior to issuance of building permits	
4.12-4	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	4.12-4(a) <i>As part of any future development applications, the project applicant shall demonstrate that the project would include bus turnouts, including shelters and bicycle racks, where appropriate. The turnouts, shelters, and bicycle racks shall be constructed with the roadway improvements consistent with General Plan Policy 7-P-29. The final location and design of the turnouts, shelters, and bicycle racks shall be submitted to the City Engineer for review and approval prior to approval of a future tentative subdivision map.</i>	City Engineer	In conjunction with the first development application	
		4.12-4(b) <i>As part of any future development applications, the project applicant shall demonstrate that the project would provide linkages to nearby pedestrian and bicycle facilities consistent with the Design Review</i>	City Engineer	In conjunction with the first development application	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<i>Guidelines provided in the Draft Master Plan. The final location and design of the linkage shall be submitted to the City Engineer for review and approval prior to approval of a future tentative subdivision map.</i>			
4.12-5	Result in a projected future over-capacity freeway condition where current long-range planning studies show an under-capacity condition at a freeway segment under Existing Plus Project Conditions.	4.12-5. <i>Implement Mitigation Measure 4.12-3.</i>	See Mitigation Measure 4.12-3	See Mitigation Measure 4.12-3	
4.12-7	Result in an internal circulation system design that does not meet City standards, substantially increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment), or result in inadequate emergency access.	4.12-7 <i>As part of any future development applications, the project applicant shall submit a circulation plan to the City identifying how many units would be constructed before implementation of the proposed secondary access point at Bailey Road. The circulation plan shall comply with all applicable Contra Costa County Fire District standards related to emergency access.</i>	City of Pittsburg Community Development Department	In conjunction with the first development application	
4.12-8	Conflict with an applicable plan, ordinance or policy establishing measures of	4.12-8(a) <i>Prior to occupancy of the proposed buildings, the project applicant shall complete the following improvements at intersections within the City of Concord,</i>	City Engineer	Prior to occupancy	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	effectiveness for the performance of the study roadway intersections under Long-Term (2035) Plus Project Conditions.	<p><i>subject to coordination with and approval by the City of Concord Traffic Engineering and Transportation Planning Division.</i></p> <ul style="list-style-type: none"> <i>The northbound approach at the Avila Road and Willow Pass Road intersection shall be restriped to include one through lane and one right turn lane;</i> <i>The southbound approach at the Clayton Road and Bailey Road intersection shall be restriped to be a southbound left-turn lane, a shared southbound through/right-turn lane, and a southbound right-turn lane; and</i> <i>The intersection timing splits at the following intersections shall be optimized: Clayton Road/Treat Boulevard (Intersection #39) and Concord Boulevard/Port Chicago Highway (Intersection #48).</i> <p>4.12-8(b) <i>As part of future development applications, the project applicant shall pay the fair-share fee for the improvements planned in the Capital Improvement Program for the 2015 Update to the Contra Costa CMP (Project 1832). Such improvements would include, but would not necessarily be limited to, the following:</i></p>	City of Pittsburg Community Development Department	In conjunction with the first development application	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<ul style="list-style-type: none"> The southbound right turn lane at the WB SR-4 Ramps and Willow Pass Road intersection shall be converted to a free right turn lane. <p>Or</p> <p>If, prior to issuance of building permits, the City's then-current CIP includes the needed improvements, the project applicant shall pay the fair-share fee for the improvements planned in the Pittsburg CIP to the City of Pittsburg Community Development Department.</p> <p>4.12-8(c) As part of future development applications, the project improvement plans shall show that an eastbound left turn lane would be added to the Rio Verde Circle and San Marco Boulevard intersection. Implementation of the required improvements shall be accomplished by way of one of the following methods:</p> <p>If the required improvements are not included in the Pittsburg CIP prior to issuance of building permits, the project shall be responsible for the construction of the improvements. The improvements shall be completed prior to occupancy of the proposed residences. If the improvements</p>	City of Pittsburg Community Development Department	In conjunction with the first development application	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>are subsequently included in an update to the Pittsburg CIP, the project applicant may be subject to fee credits.</i></p> <p><i>Or</i></p> <p><i>If, prior to issuance of building permits, the City's then-current CIP includes the needed improvements, the project applicant shall pay the fair-share fee for the improvements planned in the Pittsburg CIP to the City of Pittsburg Community Development Department.</i></p> <p>4.12-8(d) <i>As part of future development applications, the project improvement plans shall show that the eastbound approach of the EB SR 4 ramps and San Marco Boulevard intersection would be restriped to be an eastbound left turn lane, a shared left-through-right lane, and an eastbound right turn lane. Implementation of the required improvements shall be accomplished by way of one of the following methods:</i></p> <p><i>If the required improvements are not included in the Pittsburg CIP prior to issuance of building permits, the project shall be responsible for the construction of the improvements. The improvements shall be completed prior to occupancy of the first proposed residence. If the improvements</i></p>	City of Pittsburg Community Development Department	In conjunction with the first development application	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>are subsequently included in an update to the Pittsburg CIP, the project applicant may be subject to fee credits.</i></p> <p><i>Or</i></p> <p><i>If, prior to issuance of building permits, the City's then-current CIP includes the needed improvements, the project applicant shall pay the fair-share fee for the improvements planned in the Pittsburg CIP to the City of Pittsburg Community Development Department.</i></p> <p><i>4.12-8(e) As part of future development applications, the project improvement plans shall show that a northbound right turn lane at the W. Leland Road and Bailey Road intersection would be striped and the shared northbound through-right lane would be restriped to be through lane. In addition, the project improvement plans shall show that a southbound right turn overlap phase and a westbound right turn overlap phase would be implemented. Implementation of the required improvements shall be accomplished by way of one of the following methods:</i></p> <p><i>If the required improvements are not included in the Pittsburg CIP prior to issuance of building permits, the project</i></p>	City of Pittsburg Community Development Department	In conjunction with the first development application	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>shall be responsible for the construction of the improvements. The improvements shall be completed prior to occupancy of the first proposed residence. If the improvements are subsequently included in an update to the Pittsburg CIP, the project applicant may be subject to fee credits.</i></p> <p><i>Or</i></p> <p><i>If, prior to issuance of building permits, the City's then-current CIP includes the needed improvements, the project applicant shall pay the fair-share fee for the improvements planned in the Pittsburg CIP to the City of Pittsburg Community Development Department.</i></p> <p>4.12-8(f) <i>As part of future development applications, the project applicant shall pay the fair-share fee for the improvements planned in the Pittsburg CIP (Project S-16) to the City of Pittsburg Community Development Department. Such improvements would include optimization of timing splits at the following intersection:</i></p> <p><i>1. W. Leland Road and Burton Avenue.</i></p>	City of Pittsburg Community Development Department	In conjunction with the first development application	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>Proof of payment shall be submitted to the City of Pittsburg Community Development Department.</i></p> <p>4.12-8(g) <i>As part of future development applications, the project improvement plans shall show that the eastbound left turn phase and westbound left turn phase at the W. Leland and Crestview Drive intersection would be changed from protected to permitting phasing. Implementation of the required improvements shall be accomplished by way of one of the following methods:</i></p> <p><i>If the required improvements are not included in the Pittsburg CIP prior to issuance of building permits, the project shall be responsible for the construction of the improvements. The improvements shall be completed prior to occupancy of the first proposed residence. If the improvements are subsequently included in an update to the Pittsburg CIP, the project applicant may be subject to fee credits.</i></p> <p><i>Or</i></p> <p><i>If, prior to issuance of building permits, the City's then-current CIP includes the needed improvements, the project</i></p>	City of Pittsburg Community Development Department	In conjunction with the first development application	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>applicant shall pay the fair-share fee for the improvements planned in the Pittsburg CIP to the City of Pittsburg Community Development Department.</i></p> <p>4.12-8(h) <i>Implement Mitigation Measure 4.12-2(b).</i></p> <p>4.12-8(i) <i>As part of future development applications, the project applicant shall pay the fair-share fee for the improvements planned in the Pittsburg CIP (Project ST-27) to the City of Pittsburg Community Development Department. Such improvements would include widening of Bailey Road from two lanes two four lanes. Proof of payment shall be submitted to the City of Pittsburg Community Development Department.</i></p>	<p>See Mitigation Measure 4.12-2(b)</p> <p>City of Pittsburg Community Development Department</p>	<p>See Mitigation Measure 4.12-2(b)</p> <p>In conjunction with the first development application</p>	
4.12-9	Impacts related to Central and East County Routes of Regional Significance under Long-Term (2035) Plus Project Conditions.	4.12-9. <i>Implement Mitigation Measure 4.12-3.</i>	See Mitigation Measure 4.12-3	See Mitigation Measure 4.12-3	
4.12-10	Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities	4.12-10 <i>Implement Mitigation Measures 4.12-6(a) and 4.12-6(b).</i>	See Mitigation Measures 4.12-6(a) and 4.12-6(b)	See Mitigation Measures 4.12-6(a) and 4.12-6(b)	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	under Long-Term (2035) Plus Project Conditions.				
4.12-11	Result in a projected future over-capacity freeway condition where current long-range planning studies show an under-capacity condition at a freeway segment under Long-Term (2035) Plus Project Conditions.	<i>4.12-11 Implement Mitigation Measure 4.12-3.</i>	See Mitigation Measure 4.12-3	See Mitigation Measure 4.12-3	
Initial Study					
V. a-d	<p>a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?</p> <p>b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?</p> <p>c. Directly or indirectly destroy a unique</p>	<p><i>V.1 Prior to submittal of a tentative map application within the Faria/Southwest Hills Annexation area, a Cultural and Historical Resources Survey shall be conducted for the project site by a qualified archaeologist and submitted for the City's review and approval. The required analysis and mitigation measures shall be implemented by the project applicant(s) to minimize or avoid impacts to any identified cultural resources to the greatest extent feasible.</i></p> <p><i>V.2 In the event that any prehistoric subsurface archeological features or deposits, including locally darkened soil</i></p>	<p>City of Pittsburg Community Development Department</p> <p>City of Pittsburg Community</p>	<p>Prior to submittal of a tentative map application</p> <p>During construction</p>	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	<p>paleontological resource on site or unique geologic features?</p> <p>d. Disturb any human remains, including those interred outside of formal cemeteries.</p>	<p><i>("midden"), that could conceal cultural deposits, animal bone, obsidian and/or mortars are discovered during earth-moving activities, all work within 100 feet of the resource shall be halted, and the applicant shall consult with a qualified archeologist. Representatives of the City and the qualified archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation.</i></p> <p>V.3</p> <p><i>If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.</i></p> <p><i>If a Native American archeological, ethnographic, or a spiritual resource is discovered, all identification and treatment shall be conducted by qualified archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and are Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions.</i></p>	<p>Development Department</p> <p>City of Pittsburg Community Development Department</p> <p>NAHC, if the remains are determined to be Native American</p>	<p>During construction</p>	

MITIGATION MONITORING AND REPORTING PROGRAM FARIA/SOUTHWEST HILLS ANNEXATIONS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment is to be carried out by qualified historical archeologists, who shall meet either Register of Professional Archeologists (RPA), or 36 CFR 61 requirements.</i></p> <p>V.4</p> <p><i>If a human bone or bone of unknown origin is found during earth-moving activities, all work shall stop within 100 feet of the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-internment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.</i></p>	<p>City of Pittsburg Community Development Department</p> <p>Contra Costa County Coroner</p> <p>NAHC, if the remains are determined to be Native American</p>	<p>During construction</p>	

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Granting an Appeal and)
Approving General Plan Mapping and Text) RESOLUTION 23-
Amendments for the "Faria/Southwest)
Hills Annexation Project, AP-10-717 (GP)")

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, the Faria/Southwest Hills Annexation Project (proposed project) includes applications for a General Plan amendment, change in rezoning designations, adoption of a Master Plan, approval of a development agreement, and initiation of annexation proceedings, for a 606-acre site located in the hills southwest of the existing city limits, including APN's 097-180-002, 097-180-006, 097-190-002, 097-200-002, 097-200-003, 097-230-008 & 097-240-002 (now APN's 091-040-002, 092-010-002 & -006, 092-020-002 & -003, 092-040-008, 092-050-002, and a portion of 092-030-012); and,

WHEREAS, in 2001, the current Pittsburg General Plan was adopted with a planned land use development pattern for the southwest hills (outside current city limits) that included a combination of Low Density Residential, Hillside Low Density Residential, and Open Space. The 2001 General Plan land use map for this specific area has not been amended since its initial adoption; and,

WHEREAS, on November 5, 2005, the voters of the City of Pittsburg approved a ballot initiative entitled, 'Measure P (City of Pittsburg Voter Approved Urban Limit Line and Rezoning Act)', which brought the entire 606-acre Faria project site into the new Urban Limit Line (ULL) boundary and rezoned the property to HPD (Hillside Planned Development) and OS (Open Space) Districts, consistent with existing General Plan residential and open space designations; and,

WHEREAS, on July 8, 2009, the Contra Costa Local Agency Formation Commission (LAFCo) approved an extension of the Pittsburg Sphere of Influence (SOI), as well as the SOIs for the Contra Costa Water District and Delta Diablo, to include the project site; and,

WHEREAS, on September 24, 2010, Louis Parsons, on behalf of Faria Land Investors, filed Annexation Application No. 10-717, requesting that the City initiate proceedings to annex the approximately 606-acre site into the municipal boundary, as well as into the Contra Costa Water District and Delta Diablo service areas; and,

WHEREAS, in 2014, Application No.10-717 was amended to include a rezoning amendment to add an Interim Study Overlay (-S) District to the existing base rezoning designations in order to designate the site as an area where zoning regulations would remain under study until such time when the developer provided a development plan; and,

WHEREAS, in 2017, Application No. 10-717 was revised again to amend the rezoning designations on the site from HPD and OS, to RS-4-P (Single Family Residential, 4,000 square foot minimum lot sizes) and OS-P Districts, with a Master Plan Overlay (-P) in place of the previously proposed Interim Study Overlay (-S) District. The proposal was also amended to include a development agreement and General Plan mapping and text amendments to ensure consistency with the proposed Master Plan. The revised project includes a maximum development scenario of 1,500 new residential units, consistent with existing General Plan policy. The General Plan text amendments proposed include amendment of two goals (4-G-4 and 10-G-6), two policies (4-P-2 and 4-P-11), and deletion of one goal and seven policies (2-G-33, 4-P-10, 4-P-12, 4-P-14, 4-P-20, 4-P-22, 4-P-25 and 4-P-26); and,

WHEREAS, the proposed project is subject to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq.), and the State CEQA Guidelines (14 Cal. Code Regs. Section 15000, et seq.), and on April 17, 2023, the City Council adopted Resolution No. 23-_____, certifying a Revised and Updated Final Environmental Impact Report (RUF EIR) and adopting associated CEQA findings, a Statement of Overriding Considerations (SOC) and Mitigation Monitoring and Reporting Program (MMRP); and,

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

WHEREAS, documents and other materials constituting the record of the proceedings upon which the City's decision and its findings are based, are located at the City of Pittsburg Planning Division, located at 65 Civic Avenue in Pittsburg, California 94565; and,

WHEREAS, on or before April 7, 2023, in accordance with Government Code sections 65090 and 65091, and PMC section 18.14.020, a "Notice of Public Hearing" for the April 17, 2023, City Council 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 the applicant/property owner, all property owners and/or residents within 800-feet of the site, all local service agencies expected to provide future services to the site, and to individuals who had previously filed written request for such notice. In addition, although not required, the notice was also published on www.nextdoor.com ("Nextdoor") and was sent directly to all subscribed members in the following Nextdoor neighborhoods: Oak Hills South, San Marco, San Marco Villas, Toscana and Vista Del Mar; and,

WHEREAS, on April 17, 2023, the City Council held a duly-noticed public hearing on the appeal of the Planning Commission Decision to not Recommend Approval of Planning Application No. 10-717 (GP, RZ, DA, ANNEX), at which time oral and/or written testimony was considered.

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

Section 1:

The recitals set forth above are true and correct statements, and are incorporated herein.

Section 2: Findings

- A. Based on the evidence and oral and written testimony presented at the public hearings, and based on all the information contained in the Planning Division's files on the project, including but not limited to the Revised and Updated Final EIR for the project and the City Council staff report entitled "Appeal of the Planning Commission's Determination to not Recommend for City Council Approval a Development Agreement, Amendments to the General Plan and Rezoning Designations, and Adoption of a Master Plan for the Faria/Southwest Hills Annexation Project. AP-10-717 (GP, RZ, DA)," dated April 17, 2023, the City Council finds that:
- 1) The Revised and Updated Final EIR ("RUFER") for the Faria/Southwest Hills Annexation project (SCH #2017032027), certified by the City Council on April 17, 2023 (Resolution No. 23-____), was prepared in compliance with CEQA (Public Resources Code Section 21000, et seq.), and the State CEQA Guidelines 14 Cal. Code Regs. Section 15000, et seq.). All impacts have been analyzed and mitigated to the extent feasible as set forth in the RUFER prepared for this project, and the City Council has independently reviewed and considered the information contained therein, prior to approving the project.
 - 2) The proposed amendments to the General Plan are in the public interest in that the proposed amendments will be consistent with the 2005 voter-approved Measure P, which brought the property within the ULL, applied the current rezoning designations to the site which allow for development of up to 1,500 new residential units, and established the requirement for a greenbelt buffer for open space and ridgeline preservation along the western edge of the site. The General Plan amendments will increase the open space preservation area by approximately 127 acres and reduce the developable area by approximately 137 acres from what exists in the current General Plan. This change will facilitate implementation of the greenbelt requirements and concentrate future residential development within the valley area in the middle of the site, which could also be considered a more environmentally conscious way of developing the area at the densities proposed, than the land use layout which currently exists in the General Plan.

Section 3: Decision

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

1. Amends General Plan Figure 2-2 (Land Use Diagram) to change the land use designation of the properties described in section 1.A above, from a combination of 'Low Density Residential,' 'Hillside Low Density Residential,' and 'Open Space,' to 'Low Density Residential' and 'Open Space,' as substantially presented in "Exhibit A" of this resolution, as well as modifies all other General Plan exhibits, tables and charts as necessary to reflect the change in land use acreages and maintain internal consistency;
2. Amends the General Plan text for the following goals 4-G-4 and 10-G-6, and policies 4-P-2 and 4-P-11, as shown below (new text shown with underlined font, and text proposed for deletion is shown with ~~strikethrough font~~):

[Urban Design Element]

Goal 4-G-4: Encourage development that preserves unique natural features, such as topography, rock outcroppings, mature trees, creeks, and designated major and minor ridgelines, in the design of hillside neighborhoods.

Policy 4-P-2: As part of the development review process, require design review of proposed hillside development. Encourage ~~Ensure~~ that:

- Hillside development that is clustered in small valleys and behind minor ridgelines, to preserve more prominent views of the southern hills.
- Hillside streets that are designed to allow open views by limiting the building of structures or planting of tall trees along the southern edge or terminus of streets.

Policy 4-P-11: Limit grading of hillside areas over 30 percent slope (see Figure 10-1 *[of the General Plan]*) to elevations less than 900 feet, foothills, knolls, and ridges not classified as major or minor ridgelines (see Figure 4-2 *[of the General Plan]*), unless deemed necessary for slope stability remedial grading, or installation of City infrastructure. ~~During review of development plans, ensure that necessary grading respects significant natural features and visually blends with adjacent properties.~~

[Health and Safety Element]

Goal 10-G-6: Limit development on slopes greater than 30 percent (as delineated on Figure 10-1 *[of the General Plan]*) to lower elevations, foothills, and knolls, unless it can be demonstrated that appropriate soil stability techniques can be implemented.

3. Amends the General Plan text by deleting the following goal and policies:

Goal 2-G-33: Maintain the general character of the hill forms.

Policy 4-P-10: Minimize grading of the hillsides. Amend the City's Zoning Ordinance to allow density bonuses of 10 percent (maximum) for new hillside development that preserves 40 percent of natural hill contours.

Policy 4-P-12: Encourage terracing in new hillside development to be designed in small incremental steps. Extensive flat pad areas should be limited.

Policy 4-P-14: Preserve natural creeks and drainage courses as close as possible to their natural location and appearance.

Policy 4-P-20: Discourage lot orientation that fronts onto the cross-slope of street segments on steep grades.

Policy 4-P-22: Discourage placement of lots that allow the rear of homes to be exposed to lower elevation views.

Policy 4-P-25: During development review, encourage residential rooflines that are oriented in the same direction as the natural hillside slope.

Policy 4-P-26: Reflect the predominant colors and textures within the surrounding landscape in selection of building materials for hillside development. Roof colors should tend toward darker earth tones, so that they are less visible from adjacent or upslope properties.

Section 4: Effective Date.

This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Pittsburg on the 17th day of April, 2023, by the following vote:

AYES:

NOES:

ABSTAINED:

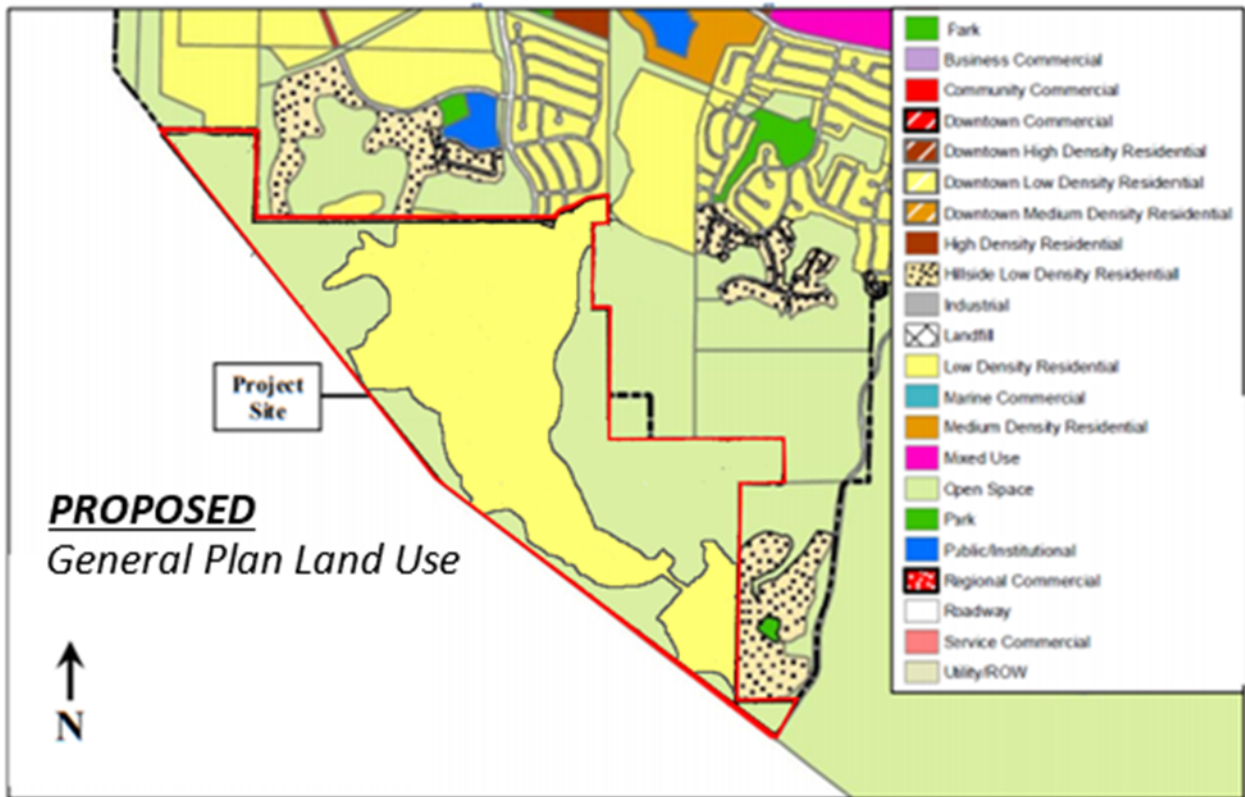
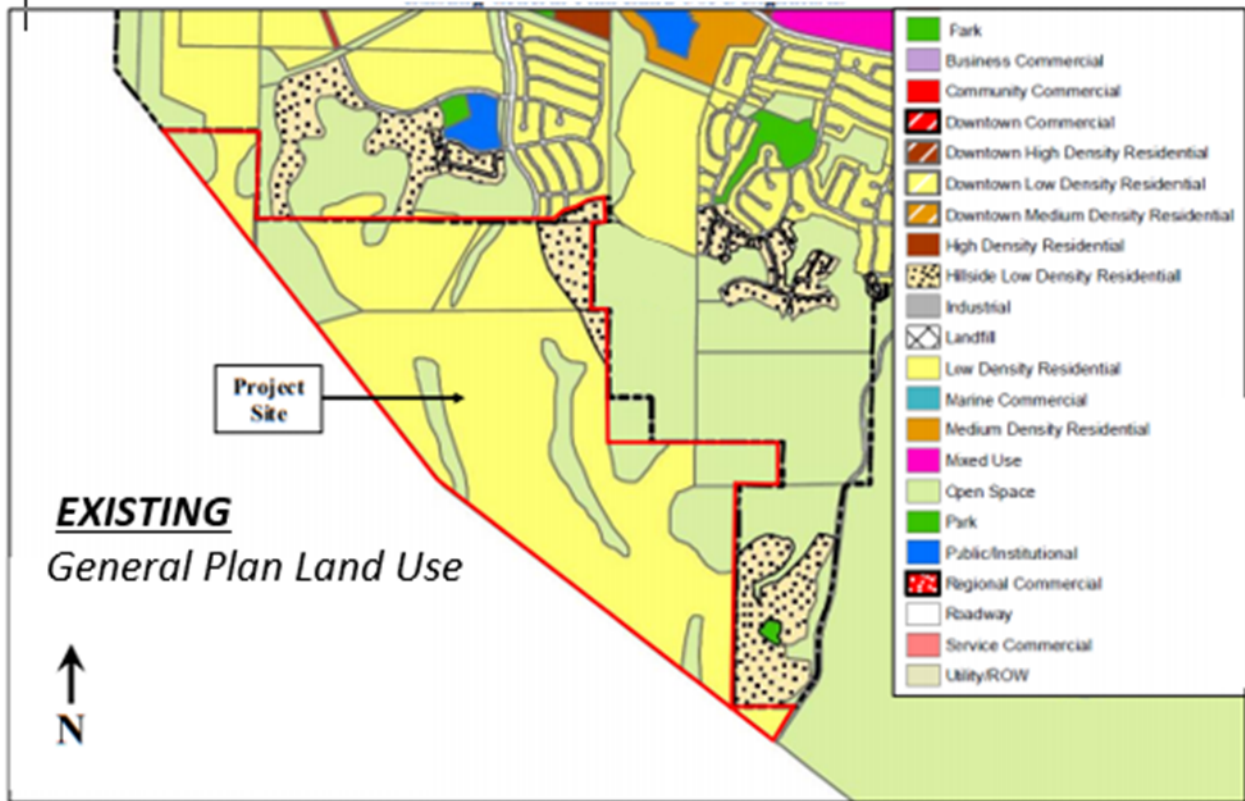
ABSENT:

Shanelle Scales-Preston, Mayor

ATTEST:

Alice E. Evenson, City Clerk

City Council Resolution No. 23-_____
EXHIBIT A



BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Upholding an Appeal and Initiating LAFCO)	
Proceedings to Annex Approximately 606 Acres)	
into the City of Pittsburg, and into the)	RESOLUTION 23-
Delta Diablo and Contra Costa Water District)	
Service Boundaries, for the “ <u>Faria/ Southwest</u> ”)	
<u>Hills Annexation Project, AP-10-717”</u>)	

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, the Faria/Southwest Hills Annexation Project (proposed project) includes a General Plan amendment, change in rezoning designations, adoption of a Master Plan, approval of a development agreement, and initiation of annexation proceedings, for a 606-acre site located in the hills southwest of the existing city limits, including APN’s 097-180-002, 097-180-006, 097-190-002, 097-200-002, 097-200-003, 097-230-008 & 097-240-002 (now APN’s 091-040-002, 092-010-002 & -006, 092-020-002 & -003, 092-040-008, 092-050-002, and a portion of 092-030-012); and,

WHEREAS, in 2001, the current Pittsburg General Plan was adopted with a planned land use development pattern for the southwest hills (outside current city limits) that included a combination of Low Density Residential, Hillside Low Density Residential, and Open Space. The 2001 General Plan land use map for this specific area has not been amended since its initial adoption; and,

WHEREAS, on November 5, 2005, the voters of the City of Pittsburg approved a ballot initiative entitled, ‘Measure P (City of Pittsburg Voter Approved Urban Limit Line and Rezoning Act)’, which brought the entire 606-acre Faria project site into the new Urban Limit Line (ULL) boundary and rezoned the property to HPD (Hillside Planned Development) and OS (Open Space) Districts, consistent with existing General Plan residential and open space designations; and,

WHEREAS, on July 8, 2009, the Contra Costa Local Agency Formation Commission (LAFCo) approved an extension of the Pittsburg Sphere of Influence (SOI), as well as the SOIs for the Contra Costa Water District and Delta Diablo, to include the project site; and,

WHEREAS, on September 24, 2010, Louis Parsons, on behalf of Faria Land Investors, filed Annexation Application No. 10-717, requesting that the city initiate proceedings to annex the approximately 606-acre site into the municipal boundary, as well as into the Contra Costa Water District (CCWD) and Delta Diablo (DD) service areas; and,

WHEREAS, the proposed project is subject to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq.), and the State CEQA Guidelines (14 Cal. Code Regs. Section 15000, et seq.), and on April 17, 2023, the City Council adopted Resolution No. 23-_____, certifying a Revised and Updated Final

Environmental Impact Report (RUF EIR) and adopting associated CEQA findings, a Statement of Overriding Considerations (SOC) and Mitigation Monitoring and Reporting Program (MMRP); and,

WHEREAS, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides that the proceedings for annexation may be initiated by resolution of application (Government Code 56650); and,

WHEREAS, on or before April 7, 2023, in accordance with Government Code sections 65090 and 65091, and PMC section 18.14.020, a "Notice of Public Hearing" for the April 17, 2023, City Council 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 the applicant/property owner, all property owners and/or residents within 800-feet of the site, all local service agencies expected to provide future services to the site, and to individuals who had previously filed written request for such notice. In addition, the notice was also published on www.nextdoor.com ("Nextdoor") and was sent directly to all subscribed members in the following Nextdoor neighborhoods: Oak Hills South, San Marco, San Marco Villas, Toscana and Vista Del Mar; and,

WHEREAS, documents and other materials constituting the record of the proceedings upon which the City's decision and its findings are based, are located at the City of Pittsburg Planning Division, located at 65 Civic Avenue in Pittsburg, California 94565; and,

WHEREAS, on April 17, 2023, the City Council held hearing on the appeal of the Planning Commission Decision to not Recommend Approval of Planning Application No. 10-717 (GP, RZ, DA, ANNEX), at which time oral and/or written testimony was considered; and,

WHEREAS, at the conclusion of the appeal hearing the City Council granted the appeal and adopted a Resolution Certifying the Revised and Updated Final EIR, Approving CEQA Findings, and Adopting a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program for the "Faria/Southwest Hills Annexation Project".

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

Section 1:

The recitals set forth above are true and correct and incorporated herein by reference.

Section 2: Findings

- A. The proposed Faria/Southwest Hills annexation is supported by the passage of the voter approved "Measure P" in 2005, which included the project site within the adopted ULL and rezoned the site for residential and open space uses; by LAFCO actions in 2009 which brought the project site within the SOI for the City and for Delta Diablo and Contra Costa Water District; and by various General Plan and Housing Element goals

and/or policies, including but not limited to the following:

1. General Plan Policy 2-P-1, which supports the pursuit of annexations of land within the City's SOI, as appropriate.
 2. General Plan Policy 2-P-3, which encourages market forces, the status of agricultural preserves, and the availability of urban services to determine appropriate timing for annexation and development of hillside lands.
 3. General Plan Policy 2-P-96, which allows an overall maximum density of 3.0 du/ac of low density residential development on the project site with a maximum number of 1,500 residential units.
 4. General Plan Goal 2-G-5, which promotes a diversity of housing types, including opportunities for hillside estate development, as well as smaller lot, infill, and high-density housing.
 5. Housing Element Policy 13-P-1.2, which encourages the construction of both high end and moderate-income housing in the southern foothills, downtown, along the waterfront, and throughout Pittsburg to provide above moderate-income housing opportunities in the community and to increase economic activity within the City.
- B. The proposal is consistent with the Sphere of Influence of the City of Pittsburg, Delta Diablo and the Contra Costa Water District.
- C. The proposal is made, and it is requested that proceedings be taken pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with section 56000 of the California Government Code.

Section 3: Decision

The City Council authorizes and directs the City Manager to file an application with the Executive Officer of LAFCO, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with section 56000 of the California Government Code, to amend boundaries for the City of Pittsburg, Delta Diablo and the Contra Costa Water District to include the territory shown on Exhibit "A".

Section 3: Effective Date.

This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at the meeting on the 17th day of April, 2023, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Shanelle Scales-Preston, Mayor

ATTEST:

Alice E. Evenson, City Clerk

City Council Resolution No. 23-_____

EXHIBIT 'A'
LEGAL DESCRIPTION
LAFCO ANNEXATION #20-_____
FARIA LAND INVESTORS INC.

ALL THAT REAL PROPERTY SITUATE IN THE UNINCORPORATED AREA OF COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF THE NORTH ½ OF SECTION 21, A PORTION OF THE SOUTHEAST ¼ OF SECTION 21, A PORTION OF THE NORTHWEST ¼ OF SECTION 22, A PORTION OF THE SOUTHWEST ¼ OF SECTION 22, THE SOUTH ½ OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 22, A PORTION OF THE NORTH ½ OF THE SOUTHWEST ¼ OF SECTION 26, A PORTION OF THE NORTHWEST ¼ OF SECTION 27, A PORTION OF THE NORTHEAST ¼ OF SECTION 27, AND A PORTION OF THE NORTH ½ OF THE SOUTHEAST ¼ OF SECTION 27, TOWNSHIP 2 NORTH, RANGE 1 WEST, MOUNT DIABLO BASE AND MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

- 1) BEGINNING AT A FOUND 1 ½" IRON PIPE MARKING THE CORNER COMMON TO SECTIONS 22,23,27 AND 26 OF TOWNSHIP 2 NORTH, RANGE 1 WEST, MOUNT DIABLO BASE AND MERIDIAN, THENCE ALONG THE NORTH LINE OF SECTION 27 NORTH 89°56'06" WEST, 653.54 FEET;
- 2) THENCE LEAVING SAID NORTH LINE OF SECTION 27 SOUTH 01°26'50" WEST, 3316.70 FEET;
- 3) THENCE SOUTH 89°56'06" EAST, 644.83 FEET;
- 4) THENCE NORTH 89°45'21" EAST, 291.51 FEET TO A POINT ON THE WEST LINE OF BAILEY ROAD;
- 5) THENCE ALONG SAID WEST LINE OF BAILEY ROAD SOUTH 33°13'31" WEST, 404.32 FEET;
- 6) THENCE, ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 1475.12 FEET, THROUGH A CENTRAL ANGLE OF 03°50'00", AND AN ARC LENGTH OF 98.69 FEET ;
- 7) THENCE SOUTH 37°03'31" WEST, 97.74 FEET;

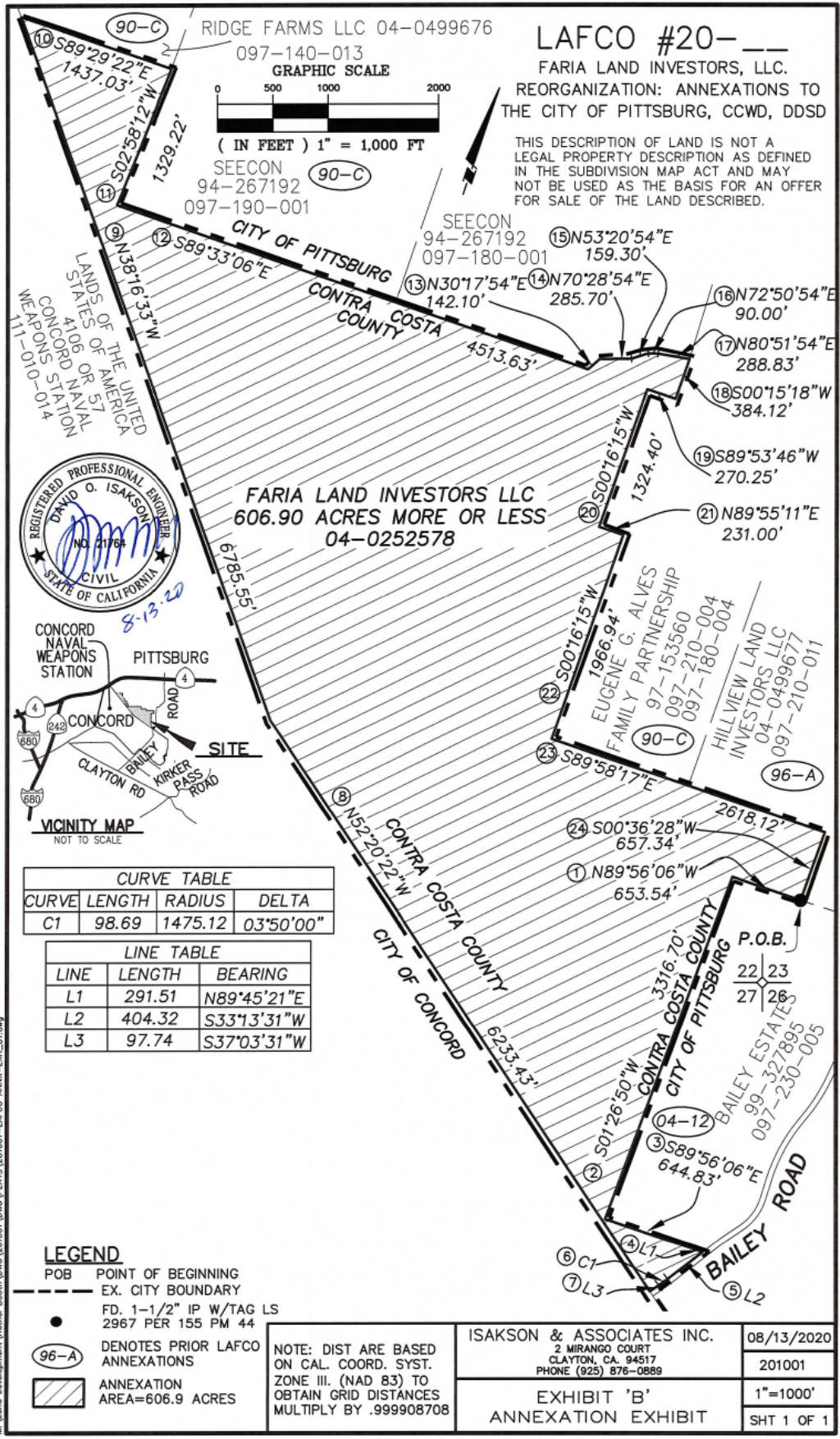
- 8) THENCE LEAVING SAID WEST LINE OF BAILEY ROAD AND ALONG THE EASTERN BOUNDARY LINE OF THE CONCORD NAVAL WEAPONS STATION NORTH 52°20'22" WEST, 6233.43 FEET;
- 9) THENCE NORTH 38°16'33" WEST, 6785.55 FEET;
- 10) THENCE LEAVING SAID WESTERN BOUNDARY LINE SOUTH 89°29'22" EAST, 1437.03 FEET;
- 11) THENCE SOUTH 02°58'12" WEST, 1329.22 FEET;
- 12) THENCE SOUTH 89°33'06" EAST, 4513.63 FEET;
- 13) THENCE NORTH 30°17'54" EAST, 142.10 FEET;
- 14) THENCE NORTH 70°28'54" EAST, 285.70 FEET;
- 15) THENCE NORTH 53°20'54" EAST, 159.30 FEET;
- 16) THENCE NORTH 72°50'54" EAST, 90.00 FEET;
- 17) THENCE NORTH 80°51'54" EAST, 288.83 FEET;
- 18) THENCE SOUTH 00°15'18" WEST, 384.12 FEET;
- 19) THENCE SOUTH 89°53'46" WEST, 270.25 FEET;
- 20) THENCE SOUTH 00°16'15" WEST, 1324.40 FEET;
- 21) THENCE NORTH 89°55'11" EAST, 231.00 FEET;
- 22) THENCE SOUTH 00°16'15" WEST, 1966.94 FEET;
- 23) THENCE SOUTH 89°58'17" EAST, 2618.12 FEET;
- 24) THENCE SOUTH 00°36'28" WEST, 657.34 FEET TO THE **POINT OF BEGINNING.**



CONTAINING 606.9 ACRES OF LAND, MORE OR LESS.

THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED

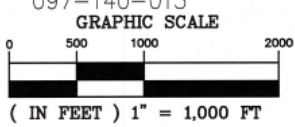
END OF DESCRIPTION



LAFCO #20-__
 FARIA LAND INVESTORS, LLC.
 REORGANIZATION: ANNEXATIONS TO
 THE CITY OF PITTSBURG, CCWD, DSDS

THIS DESCRIPTION OF LAND IS NOT A
 LEGAL PROPERTY DESCRIPTION AS DEFINED
 IN THE SUBDIVISION MAP ACT AND MAY
 NOT BE USED AS THE BASIS FOR AN OFFER
 FOR SALE OF THE LAND DESCRIBED.

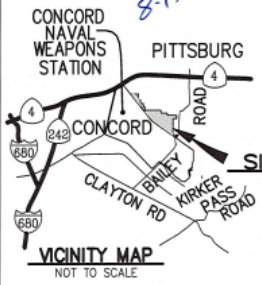
RIDGE FARMS LLC 04-0499676
 097-140-013



SEECON 94-267192
 097-190-001

SEECON 94-267192
 097-180-001

FARIA LAND INVESTORS LLC
 606.90 ACRES MORE OR LESS
 04-0252578



CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	98.69	1475.12	03°50'00"

LINE TABLE		
LINE	LENGTH	BEARING
L1	291.51	N89°45'21"E
L2	404.32	S33°13'31"W
L3	97.74	S37°03'31"W

- LEGEND**
- POB POINT OF BEGINNING
 - EX. CITY BOUNDARY
 - FD. 1-1/2" IP W/TAG LS
2967 PER 155 PM 44
 - DENOTES PRIOR LAFCO ANNEXATIONS
 - ▨ ANNEXATION AREA=606.9 ACRES

NOTE: DIST ARE BASED ON CAL. COORD. SYST. ZONE III. (NAD 83) TO OBTAIN GRID DISTANCES MULTIPLY BY .999908708

ISAKSON & ASSOCIATES INC.
 2 MIRANGO COURT
 CLAYTON, CA. 94517
 PHONE (925) 876-0889

08/13/2020
 201001

EXHIBIT 'B'
 ANNEXATION EXHIBIT

1"=1000'
 SHT 1 OF 1

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Granting an Appeal and Adoption of an)	
Ordinance Amending the Prezoning)	ORDINANCE NO. 23-
Designations for Approximately 606)	
Acres from HPD and OS, to RS-4-P)	
And OS-P, and Adopting a Master Plan)	
For the "Faria/Southwest Hills)	
<u>Annexation Project, AP-10-717 (RZ)")</u>	

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

WHEREAS, the Faria/Southwest Hills Annexation Project (proposed project) includes applications for a General Plan amendment, change in prezoning designations, adoption of a Master Plan, approval of a development agreement, and initiation of annexation proceedings, for a 606-acre site located in the hills southwest of the existing city limits, including APN's 097-180-002, 097-180-006, 097-190-002, 097-200-002, 097-200-003, 097-230-008 & 097-240-002 (now APN's 091-040-002, 092-010-002 & -006, 092-020-002 & -003, 092-040-008, 092-050-002, and a portion of 092-030-012); and,

WHEREAS, in 2001, the current Pittsburg General Plan was adopted with a planned land use development pattern for the southwest hills (outside current city limits) that included a combination of Low Density Residential, Hillside Low Density Residential, and Open Space. The 2001 General Plan land use map for this specific area has not been amended since its initial adoption; and,

WHEREAS, on November 5, 2005, the voters of the City of Pittsburg approved a ballot initiative entitled, 'Measure P (City of Pittsburg Voter Approved Urban Limit Line and Prezoning Act)', which brought the entire 606-acre Faria project site into the new Urban Limit Line (ULL) boundary and prezoned the property to HPD (Hillside Planned Development) and OS (Open Space) Districts, consistent with existing General Plan residential and open space designations; and,

WHEREAS, on July 8, 2009, the Contra Costa Local Agency Formation Commission (LAFCo) approved an extension of the Pittsburg Sphere of Influence (SOI), as well as the Contra Costa Water District and Delta Diablo SOI's, to include the project site; and,

WHEREAS, on September 24, 2010, Louis Parsons, on behalf of Faria Land Investors, filed Annexation Application No. 10-717, requesting that the city initiate proceedings to annex the approximately 606-acre site into the municipal boundary, as well as the SOIs for the Contra Costa Water District and Delta Diablo service areas; and,

WHEREAS, in 2014, Application No.10-717 was amended to include a prezoning amendment to add an Interim Study Overlay (-S) District to the existing base prezoning designations in order to designate the site as an area where zoning regulations would remain under study until such time when the developer provided a development plan; and,

WHEREAS, in 2017, Application No. 10-717 was revised again to amend the

rezoning designations on the site from HPD and OS, to RS-4-P (Single Family Residential, 4,000 square foot minimum lot sizes) and OS-P Districts, with a Master Plan Overlay (-P) in place of the previously proposed Interim Study Overlay (-S) District. The proposal was also amended to include a development agreement and General Plan mapping and text amendments to ensure consistency with the proposed master plan; and,

WHEREAS, the proposed project is subject to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq.), and the State CEQA Guidelines (14 Cal. Code Regs. Section 15000, et seq.), and on April 17, 2023, the City Council adopted Resolution No. 23-_____, certifying a Revised and Updated Final Environmental Impact Report (RUF EIR) and adopting associated CEQA findings, a Statement of Overriding Considerations (SOC) and Mitigation Monitoring and Reporting Program (MMRP); and,

WHEREAS, the proposed rezoning amendment conforms with the applicable General Plan land use designations of *Low Density Residential* and *Open Space*, adopted by the City Council on April 17, 2023, Resolution No. 23-_____, and with applicable goals and policies of the Pittsburg General Plan and Pittsburg Municipal Code (PMC); and,

WHEREAS, on February 14, 2023, after conducting a duly noticed public hearing, the Planning Commission adopted Resolution No. 10215, to not recommend approval of the requested General Plan amendments, rezoning amendments (including adoption of the draft Master Plan), and development agreement for the Faria/Southwest Hills Annexation project; and

WHEREAS, on February 17, 2023, Louis Parsons, applicant for the project, filed an appeal of the Planning Commission's Determination and pursuant to PMC section 18.18.060.D; and

WHEREAS, in accordance with PMC section 18.48.050, before adoption of an ordinance, the City Council shall make findings that the proposed regulation or map amendment is consistent with the policies of the General Plan and the notice and hearing provisions of this title; and,

WHEREAS, in accordance with PMC section 18.72.070, prior to approval of a proposed Master Plan, the City Council must find that the proposed Master Plan:

- 1) Conforms to the General Plan;
- 2) Generally complies with the land use and development regulations of the base zoning district and does not significantly alter the regulations; and
- 3) Can be adequately, reasonably and conveniently served by the public services, utilities and public facilities.

WHEREAS, on or before April 7, 2023, in accordance with Government Code sections 65090 and 65091, and PMC section 18.14.020, a "Notice of Public Hearing" for the April 17, 2023, City Council 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 the applicant/property owner, all property owners and/or residents within 800-feet of the site, all local service agencies expected to

provide future services to the site, and to individuals who had previously filed written request for such notice. In addition, the notice was also published on www.nextdoor.com (“Nextdoor”) and was sent directly to all subscribed members in the following Nextdoor neighborhoods: Oak Hills South, San Marco, San Marco Villas, Toscana and Vista Del Mar; and,

WHEREAS, documents and other materials constituting the record of the proceedings upon which the City’s decision and its findings are based, are located at the City of Pittsburg Planning Division, located at 65 Civic Avenue in Pittsburg, California 94565; and,

WHEREAS, on April 17, 2023, the City Council held a duly-noticed public hearing on the appeal of the Planning Commission Decision to not Recommend Approval of Planning Application No.10-717 (GP, RZ, DA, ANNEX), at which time oral and/or written testimony was considered.

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

Section 1. Findings

A. Based on the evidence and oral and written testimony presented at the public hearings, and based on all the information contained in the Planning Division’s files on the project, including but not limited to the Revised and Updated Final EIR for the project and the City Council staff report entitled “Appeal of the Planning Commission’s Determination to not Recommend for City Council Approval a Development Agreement, Amendments to the General Plan and Rezoning Designations, and Adoption of a Master Plan for the Faria/Southwest Hills Annexation Project. AP-10-717 (GP, RZ, DA),” dated April 17, 2023, the City Council finds that:

- 1) On or before April 7, 2023, in accordance with Government Code sections 65090 and 65091, and PMC section 18.14.020, a “Notice of Public Hearing” for the April 17, 2023, City Council 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 the applicant/property owner, all property owners and/or residents within 800-foot of the site, all local service agencies expected to provide future services to the site, and to individuals who had previously filed written request for such notice. In addition, although not required, the notice was also published on www.nextdoor.com (“Nextdoor”) and was sent directly to all subscribed members in the following Nextdoor neighborhoods: Oak Hills South, San Marco, San Marco Villas, Toscana and Vista Del Mar.
- 2) The Revised and Updated Final EIR (“RUF EIR”) for the Faria/Southwest Hills Annexation project (SCH #2017032027), certified by the City Council on April 17, 2023 (Resolution No. 23-____), was prepared in compliance with CEQA (Public Resources Code Section 21000, et seq.), and the State CEQA Guidelines 14 Cal. Code Regs. Section 15000, et seq.). All impacts have been analyzed and mitigated to the extent feasible as set forth in the RUF EIR

prepared for this project, and the City Council has independently reviewed and considered the information contained therein, prior to approving the project.

Pre-zoning Designation Changes

- 3) The proposed rezoning amendment and Master Plan are consistent and conforms with General Plan, in that the project site is located in the Southwest Hills Subarea of the General Plan, and has been envisioned since the General Plan adoption in 2001, as accommodating a combination of Residential and Open Space uses with a maximum of 1,500 residential units to be spread across the entire 606 acre site (see General Plan policy 2-P-96). The proposed rezoning amendments are within the Pittsburg Planning Area, the voter approved Urban Limit Line, and the Pittsburg Sphere of Influence, and they will facilitate implementation of General Plan policy 2-P-91, by concentrating all future development to the center of the site within the natural valley-like area located between two existing prominent ridgelines, and thereby establishing a greenbelt buffer along the western edge of the site to be preserved as open space. Upon annexation of the site into the City, the RS-4-P zoning will allow construction of homes consistent with General Plan goals/policies including 2-G-4, 2-G-5, 2-P-73, 2-P-75, Housing G-1, and Housing P-1.2, P-1.2.B and P-1.2.D, and will provide expanded housing opportunities for the City's moderate and above-moderate income households, thereby helping to balance the City's housing stock and improve the resident-consumer tax base in the City. The rezoning amendment and Master Plan will be consistent with General Plan policies as further set forth in Attachment 6 (Applicable General Plan Goals and Policies) to the April 17, 2023 Staff Report.
- 4) The proposed Master Plan will comply with the land use and development regulations of the base zoning districts of RS-4 (Single Family Residential with 4,000 square foot minimum lot sizes) and OS (Open Space) and does not significantly alter the regulations.
- 5) The proposed Master Plan can be adequately, reasonably and conveniently served by public services, utilities and public facilities, of which this growth has been contemplated for that last 20 years by multiple planning documents including the General Plan, the City's sewer and water system master plans, as well as other long range planning documents for stormwater drainage/treatment, recreational needs/facilities, and regional growth and transportation.

Section 2. Decision

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

- 1) Amends the Zoning Map, as referenced in Pittsburg Municipal Code, Title 18 (Zoning Ordinance) section 18.04.020, to change the rezoning of the properties described above, from a combination of HPD (Hillside Planned Development) and OS Districts, to RS-4-P (Single Family Residential with 4,000 square foot minimum lot size and a Master Plan Overlay) and OS-P

(Open Space with a Master Plan Overlay) Districts as substantially presented in "Exhibit A" of this resolution;

- 2) Approves a Master Plan, as substantially presented in Exhibit "B" of this resolution.

Section 3. Severability

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

Section 4. Publication

The ordinance shall be posted and published in accordance with the California Government Code.

The foregoing ordinance was introduced at a meeting of the City Council of the City of Pittsburg held on April 17, 2023, and was adopted and ordered published at a meeting of the City Council held on _____, by the following vote:

AYES:

NOES:

ABSTAINED:

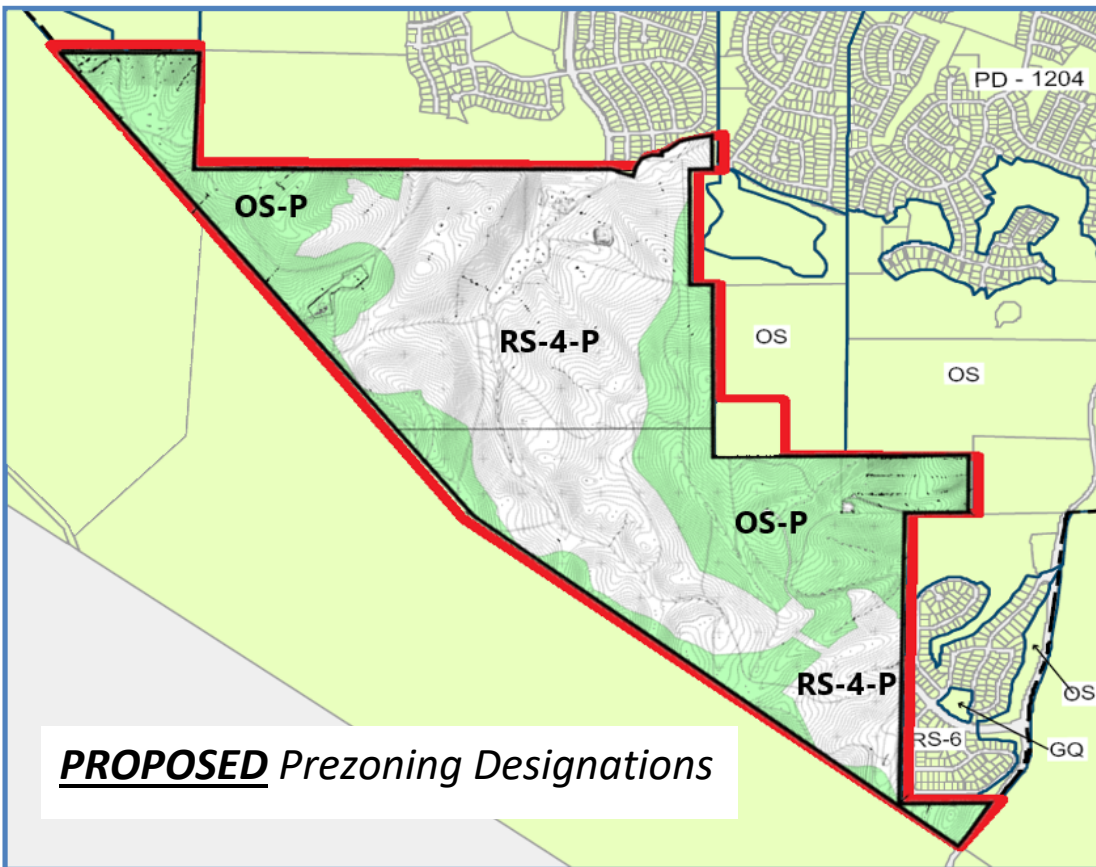
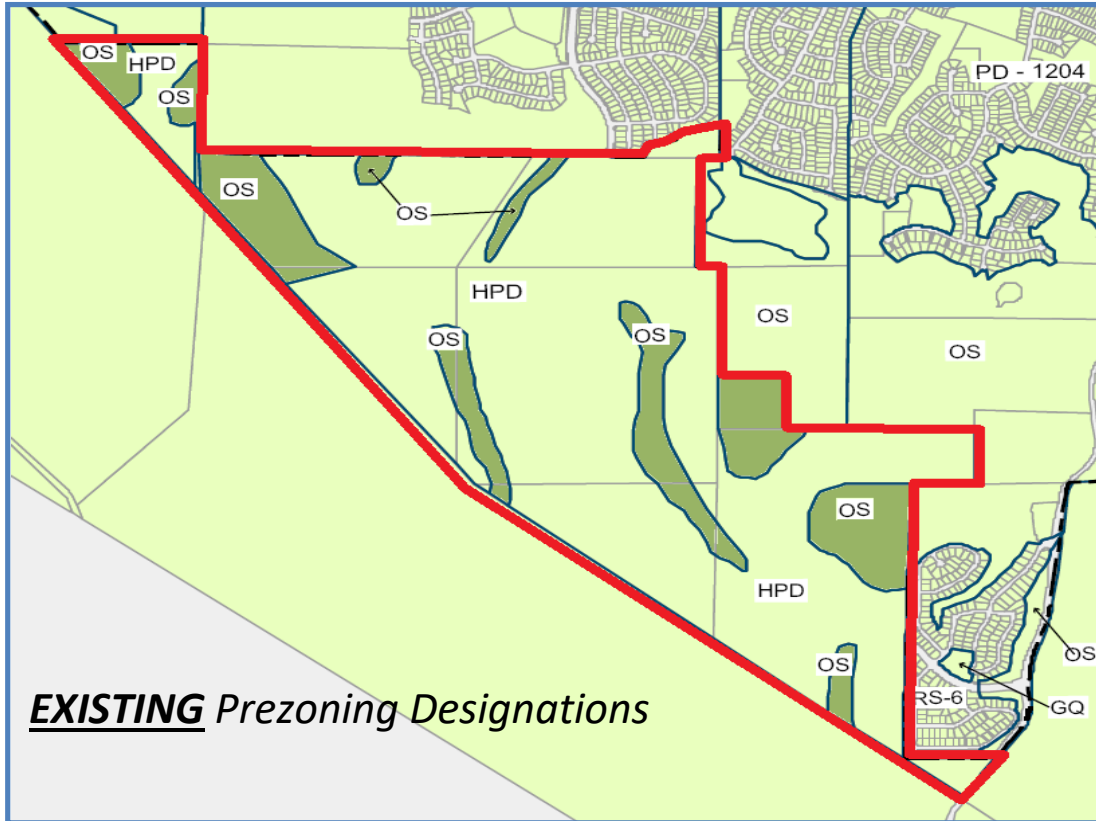
ABSENT:

Shanelle Scales-Preston, Mayor

ATTEST:

Alice E. Evenson, City Clerk

City Council Ordinance No. 23-_____
EXHIBIT "A"



Faria Property Master Plan

For Faria/Southwest Hills Reclassification from HPD and OS Rezoning Districts, to RS-4-P and OS-P Rezoning Overlay Districts

This Master Plan document is organized in the following manner:

- Section 1 describes the intent of the Master Plan Overlay District, and the area which it would govern.
- Section 2 includes a Land Use Map and defines the permitted uses, density and property development regulations.
- Section 3 defines Design Review Guidelines that will govern the master plan area and subsequent development activities.
- Section 4 outlines the project phasing and subsequent entitlements.

Section 1. Purpose, Location and Boundaries.

In accordance with Pittsburg Municipal Code (PMC), Chapter 18.72, the purpose of this master plan overlay district is to:

- a) ensure orderly planning for the development of a large, unsubdivided area in the city's sphere of influence consistent with the general plan;
- b) maintain an environmental equilibrium consistent with existing vegetation, soils, geology, topography, and drainage patterns;
- c) avoid premature or inappropriate development that would result in incompatible uses or create public service demands exceeding the capacity of existing or planned facilities; and
- d) encourage sensitive site planning and design.

The master plan overlay district is located in the southwest hills and encompasses approximately 607 acres of land (see Figure 1). The district is generally bounded by Bailey Road and the approved but not yet constructed, "Bailey Estates" subdivision to the east; the Concord City Limits and recently closed Concord Naval Weapons Station (CNWS) property to the south and west; and the San Marco and Vista Del Mar residential subdivisions (substantially developed) along the northern boundary and other open space areas along the northeastern boundary.

Upon City approval of this master plan, a request to annex the Faria property into the City limits would be filed with the Contra Costa Local Agency Formation Commission (LAFCo). Following annexation, entitlement applications would be submitted to the City for review and approval. It is anticipated that the initial entitlement process would include review of a subdivision map and design review for new construction. This

process is expected to take two or more years due to the City's discretionary review requirements and the California Environmental Quality Act (CEQA) processing requirements. Once the entitlement process is completed, the tentative subdivision map and construction documentation would be finalized for City review and approval. This process could take an additional six to twelve months. Once the construction documents are approved construction would commence. The entire process from entitlement to completion of initial construction could take approximately four years. Single family homes at San Marco (immediately north of the site) are anticipated to be fully completed by the year 2020, leaving the Faria property as the next logical place for development to occur in the Pittsburg Southwest Hills area.

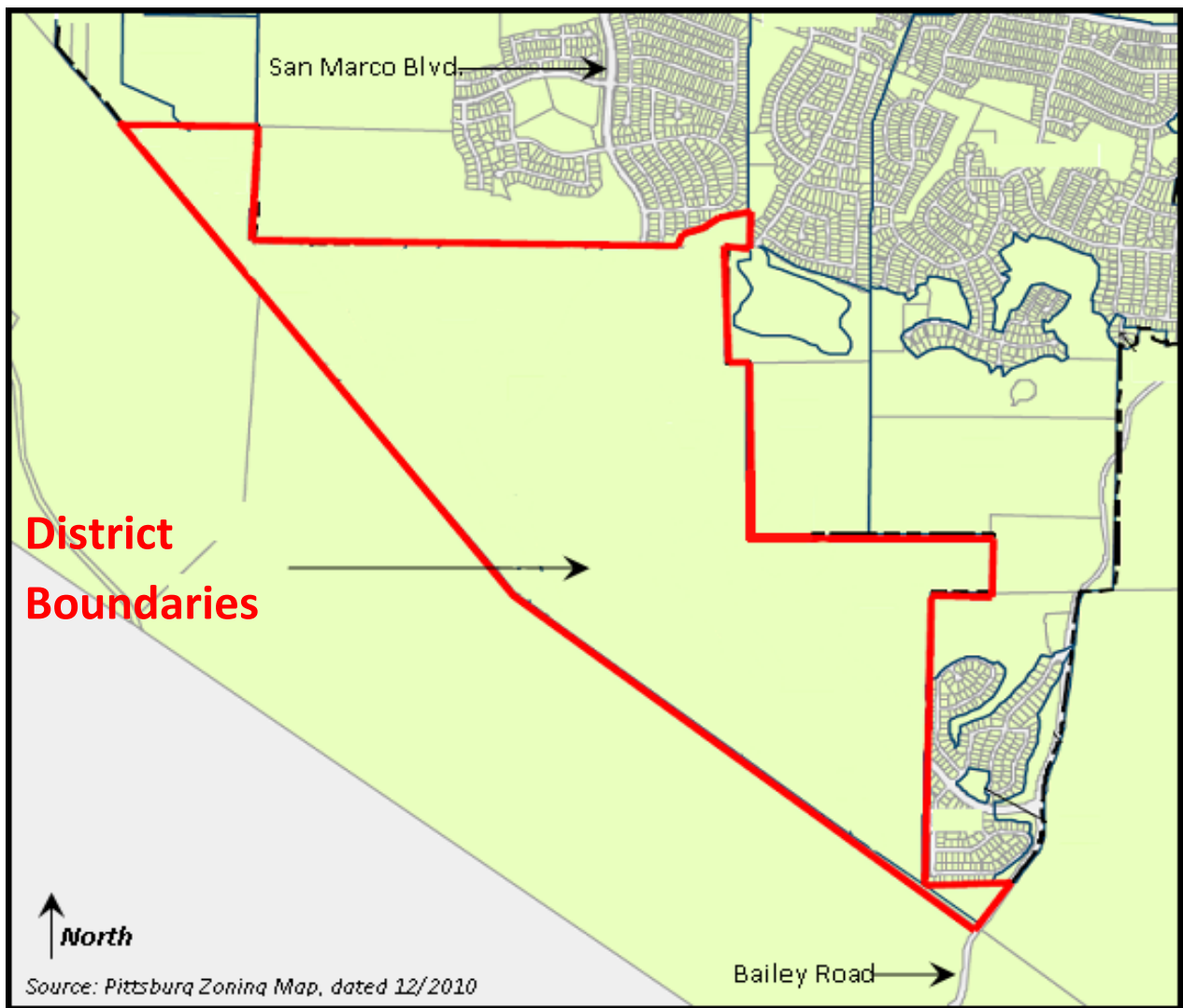


Fig 1. District Boundaries

Section 2. Land Use & Development Regulations

Proposed areas of development and areas of preservation (labeled as “Undeveloped Area”) are shown in Exhibit A of this Master Plan. The master plan area includes a total of 341 acres for residential development and 265 acres of preservation as open space. The master plan would permit development on the approximate 606-acre project site as follows:

A. Residential Development

1. Allowable Uses. The land use regulations within each of the residential neighborhoods shall be the same as RS-4 District, PMC section 18.50.010. Neighborhood serving commercial land uses, as identified in PMC 18.50.010, shall be allowable within the master plan area with a use permit.
2. Residential Density. The project site is divided into two residential areas: (1) 209 acres at a density of 3-5 dwelling units per gross acre, and (2) 132 acres at a density of 1-3 dwelling units per gross acre; however, in no event shall the total number of dwelling units within the master plan area exceed 1,500 units, as dictated by General Plan policy 2-P-96.
3. Property Development Regulations. Property Development Regulations set forth in PMC Schedule 18.50.105 shall apply to all residential development permitted by this master plan, except where specified below.
 - a) Height and form of main structures on sloped lots. For terraced structures built on sloped lots, a maximum height of thirty-five feet (35') is permitted. Building height is measured from any point along the finished grade (Fig. 2).

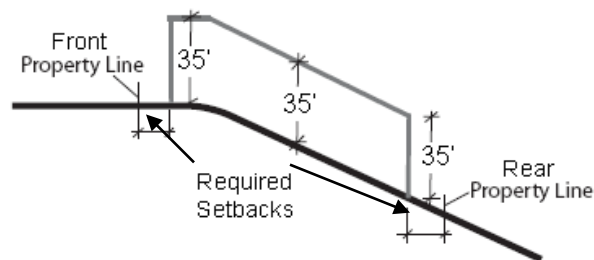


Fig. 2

- b) Deck sizes and heights for structures on sloped lots. Where decks are provided as a primary private outdoor space, they shall be a minimum of six feet (6') in length (measured parallel to the adjacent wall of the structure) to

provide adequate usable area and to effectively break-up the mass of large structures. The support posts or columns for any deck that extend out over a downslope shall not exceed a vertical height of twelve feet (12'), as measured from the bottom of the deck to the finished grade.

- c) Flag lots. Flag lots are allowed in order to reduce environmental impacts, minimize roadway cut-and-fill, and create a better view protection. Flag lot driveways shall be designed to break up the long expanse of concrete paving with different materials, textures, and/or colors. Determination of flag lot widths and front lot lines shall be conducted in accordance with PMC 18.80.015.

4. Landscaping. In addition to the requirements of Section 18.84.300, subdivision landscaping shall comply with the following standards:

- a) Slopes adjacent to collector or arterial streets shall be landscaped and irrigated.
- b) Street trees shall be planted at a minimum of one tree every forty feet (40') along all streets. Street trees shall not be less than six feet (6') in height, as measured from the ground surface after planting.
- c) Fire resistant landscaping shall be provided and maintained within one hundred feet (100') of an exposed elevation of a structure. An exposed elevation is one or two sides of a structure that have direct exposure to unimproved open space areas, natural grasslands or agricultural lands.
- d) Codes, covenants and restrictions shall be filed and recorded with the Contra Costa County Recorder prior to the sale of any residence requiring maintenance of any fire resistant landscaping on private property.

5. Viewshed Analysis. A viewshed analysis shall be required in conjunction with any request for development to ensure impacts from nearby public vantage points, as well as neighboring properties, are minimized to the maximum extent practicable.

B. Open Space/Green Belt/Resource Conservation Area:

1. Allowable Uses.

- a) Pittsburg-Concord Greenbelt Buffer. No development shall be permitted within the green belt area, as required by General Plan policy 2-P-91.
- b) Open Space/Resource Conservation Areas. The land use regulations for open space areas not in a state of permanent preservation shall be the same as OS District, PMC section 18.58.020. Water storage tanks, trails and/or vehicular access roadways deemed necessary to provide adequate water supply and access to residential development areas shall be permitted.

2. Property Development Regulations. Property Development Regulations set forth in PMC 18.58.030 shall apply to all open space areas.

C. Site Development Standards Applicable to All Areas:

- 1. Trails. Subdivisions shall be designed to incorporate a pedestrian trail system to interconnect neighborhoods and provide safe routes to schools, parks, and public open space within a one-mile radius of the subdivision. All trails must have public access.
- 2. Fences and walls. In addition to the requirements of Section 18.84.205-235, fences and walls shall comply with the following:
 - a) Safety fences. Where barbed wire fences are used around the perimeter of designated open space areas within a project, a second fence shall be constructed on the developed side of the barbed wire to minimize potential injury to people.
 - b) Chain link. Chain link fences are prohibited on residential lots.
 - c) Retaining walls. All retaining walls shall be engineered and constructed of reinforced concrete or masonry, or interlocking modular block.
 - d) Entrance gates. Gates to residential neighborhoods that are intended to be opened only by residents and other designated users are prohibited.

- e) Single lot security gates. Where security gates are utilized for single estate lots, materials shall be visually permeable.

3. Outdoor lighting.

- a) Residential private lighting. All lights attached to buildings shall provide a soft “wash” of light against the wall and shall not spill onto adjacent properties. Other exterior lighting shall be designed and installed in such a manner that the light source is shielded from view off the site.
- b) Street lighting. All street lighting shall use “full cutoff” luminaires which allow no direct light emissions above a horizontal plane through the luminaires’ lowest light –emitting part (See Fig.2). Light poles and fixtures shall be of an ornamental type and low-level street lighting shall be used where feasible.

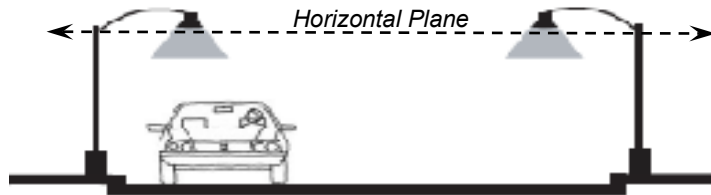


Fig. 3

- 4. Other Development Regulations. All other development regulations not covered by this master plan, shall be as prescribed in PMC Title 18, where appropriate.

Section 3. Design Review Guidelines

The Design Review Guidelines provided below are generally derived from existing General Plan policies and they are grouped into six main categories for ease of reference (with the applicable policies referenced in parentheses at the end of each guideline). The policies are intended to provide guidance for future plan review and development within the master plan area.

- A. Neighborhood and Subdivision Design
- B. Circulation
- C. Grading Design
- D. Fence and Wall Design
- E. Site Design, Architectural & Building Materials
- F. Landscaping

A. Neighborhood and Subdivision Design

1. Encourage hillside 'estate' development along the outer edges of the master plan area. 2-G-5
2. Encourage the use of flag lots with common driveways in sloped areas as a means of encourage terracing of buildings and minimizing roadway cut-and-fill (Fig.4). 4-P-16

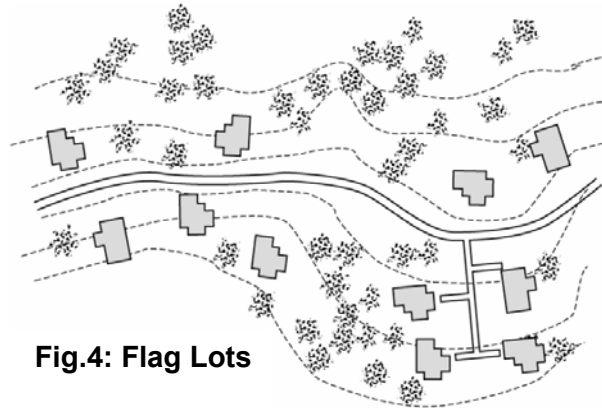


Fig.4: Flag Lots

Figure 4-4: Flag Lots

4. Design the layout of new park facilities in accordance with the natural features of the land. Where possible, preserve such natural features as creeks and drainage ponds, rock outcroppings, and significant topographic features. 8-P-9
5. Design diverse and distinctive neighborhoods that build on the patterns of the natural landscape and provide a sense of connection with surrounding uses. 4-G-17
6. Avoid placement of lots that allow the rear of homes to be viewed from public vantage points, such as parks, trails, roadways or open space areas. Where backyards may be visible from public view, provide additional screening by using natural slopes, berms and additional vegetation.
7. Vary building setbacks/orientations for new residential developments to reflect the natural contours of the hillside (Fig.5).
8. Development along the outer edges of the master plan should face outwards towards the rural landscape (preventing a solid wall of residential backyard fences). 4-P-7, 4-P-19
9. Encourage green building designs and techniques. Houses should be sited so that portions of the roofs would be suitable for solar collectors (roof should face within 15 degrees of true south).

10. Provide open space amenities such as a green belt, park and/or trails alongside ridges, creeks and/or storm drainage.
11. Utilize creeks and/or storm drainage as a shared natural community resource by incorporating them into the subdivision design and maximizing public access.
12. Protect unique environmental features, such as large rock outcroppings, mature trees, creeks and ridgelines, and incorporate them into the subdivision design. 4-G-4
13. Enhance views from individual residences by staggering lots (Fig.6).
14. Any large parcels with lot sizes greater than 10,000 square feet should be planned for those areas near ridges and in view sheds. Such lots should be designed with exclusive estate style homes that are placed to minimize grading while also providing some usable exterior living space around the house.
15. In terms of neighborhood design, reserve sites near ridges and in view sheds for unique, estate-style homes, with special effort given to provide unique design.

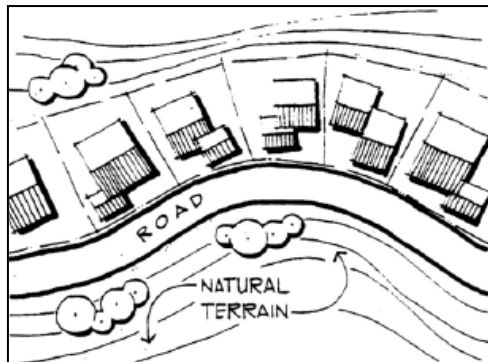


Fig. 5

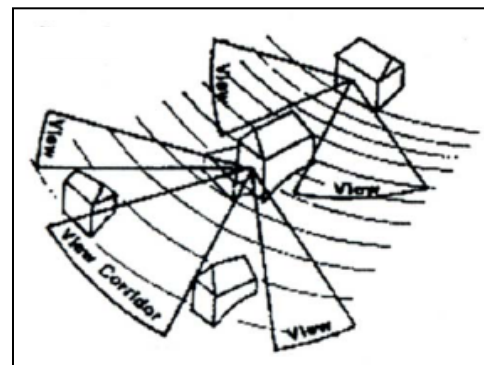


Fig. 6

B. Circulation

1. Prioritize pedestrian circulation. Develop linear parks, public trails and/or trailheads to connect pedestrians to schools, commercial centers, parks, other neighborhoods and local and regional open space areas, including those planned within the Concord Naval Weapons Station Reuse area. 8-G-3, 8-P-21, 2-P-90, 4-P-30
2. Ensure San Marco Boulevard is extended through the master plan are and through the future Bailey Estates Subdivision, to connect up to Bailey Road.

3. Maximize access for fire and emergency response personnel by providing through-roads and multiple connection points between neighborhoods. 2-P-27, 4-P-83
4. Provide on-street parking along hillside roads in parking bays where topography allows. 4-P-31
5. Allow streets with sidewalks on only one side in hillside areas where topography may be challenging. 4-P-85

C. Grading Design

1. Utilize geological hazard abatement districts (GHADs) in hillside areas to ensure that geotechnical mitigation measures are maintained over the long-term, and that financial risks are equitably shared among owners and not borne by the City. 10-P-11
2. Design new development on unstable slopes (as designated in General Plan Figure 10) to avoid potential soil creep and debris flow hazards. Avoid concentrating runoff within swales and gullies, particularly where cut-and-fill has occurred. 10-P-8
3. Limit grading of hillside areas over 30 percent slope (see General Plan Figure 10-1), to elevations less than 900 feet. 4-P-11
4. Design 'cut and fill' slopes visible to the general public to be contour rounded in order to replicate an un-graded natural terrain. Limit all engineered slopes to 3:1, unless an engineering geologist can establish that a steeper slope can perform satisfactorily over the long term. 10-P-3
5. Replant 'cut and fill' slopes with native, non-invasive species. 9-P-9, 10-P-3
6. Place manufactured slopes behind buildings where they will not be visible to the general public.
7. Design lots so that lot lines are at the top of slopes with adequate property line setback from the slope to provide for required vertical slope rounding.
8. Ensure driveways are constructed to be at least 20 feet long. For courtyard style developments without standard driveways, garage access aprons should be no longer than three feet. 4-P-16
9. Design concrete storm drainage ditches to blend with the surrounding environment by reflecting the predominant colors and textures of the surrounding

environment (examples include providing colored concrete or lining ditches with rocks or other natural materials). Screen ditches from lower elevations by building up the adjoining bench, to a slope of at least 5%.

10. Design slopes at the boundary of project areas to match the elevation of the approved grade of the adjoining property, outside of a project boundary. Where no approved map exists for an adjoining property, design projects to match the existing elevation of the adjoining property, outside the project boundary.

D. Site Design, Architectural & Building Materials

1. Permit second units (accessory dwellings) in single-family residential developments in accordance with State law. 2-P-17
2. When sloped lots are utilized, site structures so that the long axis of the building runs parallel with hillside contours (Fig.7) and the slope of roof lines and gables run parallel with the hillside slope (Fig.8).

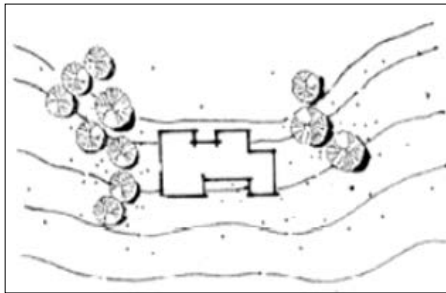


Fig. 7

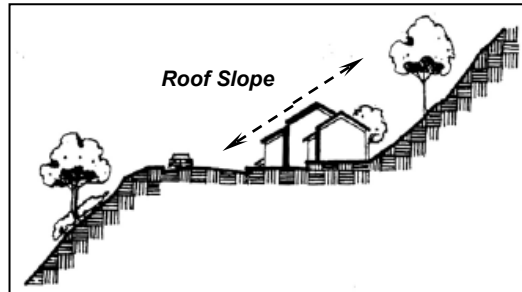


Fig. 8

3. Design driveways serving multiple parcels (flag lots or courtyards) to break up the long expanse of concrete with different materials, textures, or colors. Encourage the use of permeable materials such as grasscrete, grass, stone, stamped concrete pavers or decomposed granite for driveways (Fig.9)

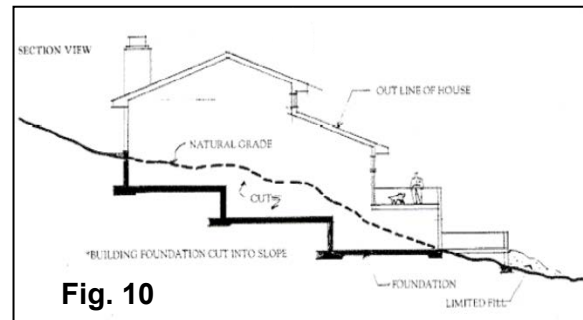


Fig. 9

4. Design buildings with natural looking materials that reflect the predominant colors and textures of the surrounding landscape.

5. Use darker earth tones for roofing colors to ensure they are less visible to adjacent or up-slope properties.
6. Encourage terrain-neutral colors for structures that are visible from major roadways or open space areas. White or light exterior colors with a reflection factor of more than sixty percent (60%) should not be used except as trim that constitutes no more than ten percent (10%) of the building surface. Codes, covenants and restrictions should be filed prior to the sale of any residence restricting future colors of structures to those in the approved color palette.
7. Avoid large expanse of flat, blank walls, especially on the downhill side of a downhill lot; this is also meant for side elevations, particularly on corner lots.
8. Break building massing and rooflines into smaller components. 4-P-3
9. 'Step' building forms to conform to site topography where appropriate. (Fig. 10)

10. Screen decks that extend out from a building with natural landscaping between the building wall and the outer skirt of the deck.



11. Provide a variety of home styles with a minimum of three exterior styles available for each model within each development phase.

This is to be implemented by use of different architectural details and by varying building materials, roof slopes, window and trim treatments.

12. Large estate-style homes should include unique designs with 360-degree architecture, providing special attention to architectural details, materials and beautifying elements applied to all sides of the house, not just the front façade. Special design consideration should also be given to homes, as they could also be viewed from below and above.

E. Fence & Wall Design

1. Use natural looking building materials for fences and retaining walls in order to reflect the predominant colors and textures of the surrounding environment and to promote a rural feeling (Fig.11).



Fig. 11

2. Design fences/walls that abut designated rural open space areas to be visually permeable. Chain link fencing is discouraged. 4-P-7
3. Design fences and walls adjacent to arterials and collector streets to incorporate visual interest through variation in placement, use of planters, differing materials, use of natural materials, and modulation of the wall plane.
4. Break up retaining walls (e.g. undulating sections or landscaped screening), rather than one continuous blank wall (Fig. 12).
5. Build single retaining walls no taller than four feet (4') in height, where located within ten feet (10') of a public right-of-way. If additional height is necessary, build multiple walls (with landscaping in between) no taller than three feet (3') in height with minimum horizontal step-backs of three feet (3') between each wall segment (Fig. 13).

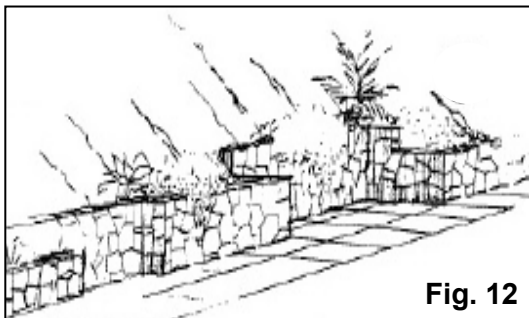


Fig. 12

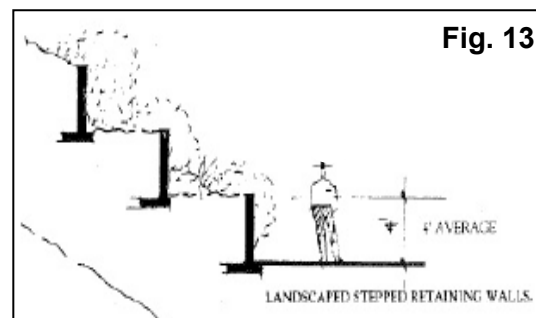


Fig. 13

F. Vegetation

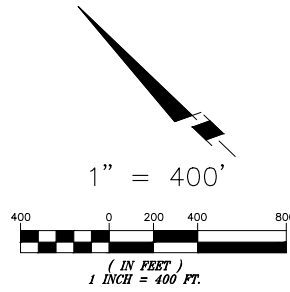
1. Use irregular planting to achieve a natural and 'rural' appearance in landscape areas. 4-P-6
2. Plant native, non-invasive and fire resistant street trees, complimentary shrubbery and other vegetation along collector and arterial roadways consistent with the landscape ordinance. Street trees should be planted adjacent to the curb to provide a buffer between pedestrian sidewalks and vehicular streets. 4-P-85
3. Plant trees and other shrubbery to be individually spaced to allow for maintenance that would not form a means of transmitting fire from native growth to nearby structures. Limit the use of plants that develop large volumes of foliage and branches, deciduous bark, or dry undergrowth.

Section 4. Project Phasing & Subsequent Entitlements

After the project is annexed by the City of Pittsburg, based on the zoning and density proposed as part of this Master Plan, the applicant would submit a Tentative Subdivision Map and detailed plans for Design Review approval to the City of Pittsburg. It is also anticipated that a Development Agreement would be completed with the City of Pittsburg.

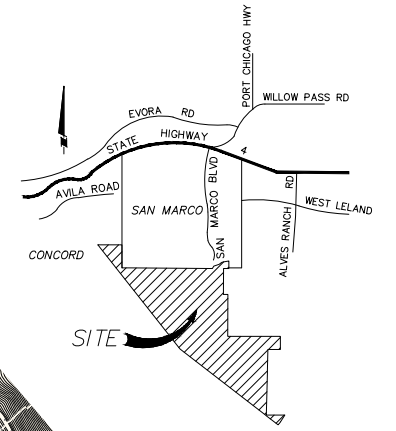
GENERAL NOTES:

1. OWNERS: FARIA LAND INVESTORS INC.
4061 PORT CHICAGO HIGHWAY, SUITE H
CONCORD, CA. 94524-4113
(925) 682-6419
2. CIVIL ENGINEER: ISAKSON & ASSOCIATES
2255 YGNACIO VALLEY ROAD SUITE C
WALNUT CREEK, CA 94598
(925) 937-9333
3. TOTAL AREA: 606.3 AC
4. ASSESSORS PARCELS: 097-180-002 & -006
097-190-002
097-200-002 & -003
097-230-004
097-240-002
097-230-008



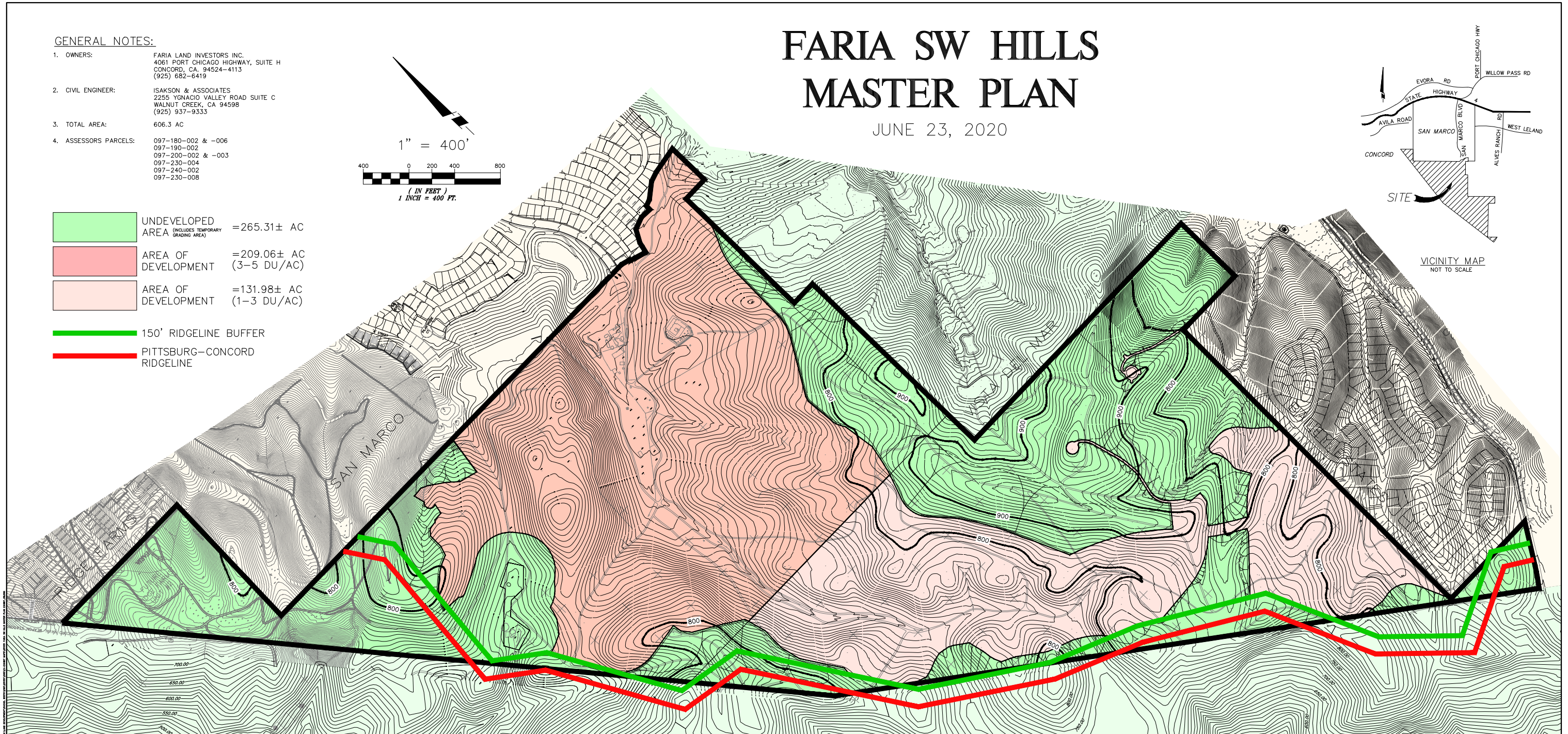
FARIA SW HILLS MASTER PLAN

JUNE 23, 2020



VICINITY MAP
NOT TO SCALE

- UNDEVELOPED AREA (INCLUDES TEMPORARY GRADING AREA) =265.31± AC
- AREA OF DEVELOPMENT (3-5 DU/AC) =209.06± AC
- AREA OF DEVELOPMENT (1-3 DU/AC) =131.98± AC
- 150' RIDGELINE BUFFER
- PITTSBURG-CONCORD RIDGELINE



BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Granting an Appeal and Adoption of an)
Ordinance Approving a Development)
Agreement for the "Faria/Southwest)
Hills Annexation Project, AP-10-717")

ORDINANCE NO. 23-

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

WHEREAS, the Faria/Southwest Hills Annexation Project (proposed project) includes applications for a General Plan amendment, change in rezoning designations, adoption of a Master Plan, approval of a development agreement, and initiation of annexation proceedings, for a 606-acre site located in the hills southwest of the existing city limits, including APN's 097-180-002, 097-180-006, 097-190-002, 097-200-002, 097-200-003, 097-230-008 & 097-240-002 (now APN's 091-040-002, 092-010-002 & -006, 092-020-002 & -003, 092-040-008, 092-050-002, and a portion of 092-030-012); and,

WHEREAS, in 2001, the current Pittsburg General Plan was adopted with a planned land use development pattern for the southwest hills (outside current city limits) that included a combination of Low Density Residential, Hillside Low Density Residential, and Open Space. The 2001 General Plan land use map for this specific area has not been amended since its initial adoption; and,

WHEREAS, on November 5, 2005, the voters of the City of Pittsburg approved a ballot initiative entitled, 'Measure P (City of Pittsburg Voter Approved Urban Limit Line and Rezoning Act)', which brought the entire 606-acre Faria project site into the new Urban Limit Line (ULL) boundary and rezoned the property to HPD (Hillside Planned Development) and OS (Open Space) Districts, consistent with existing General Plan residential and open space designations; and,

WHEREAS, on July 8, 2009, the Contra Costa Local Agency Formation Commission (LAFCo) approved an extension of the Pittsburg Sphere of Influence (SOI), as well as the SOIs for the Contra Costa Water District and Delta Diablo, to include the project site; and,

WHEREAS, on September 24, 2010, Louis Parsons, on behalf of Faria Land Investors, filed Annexation Application No. 10-717, requesting that the City initiate proceedings to annex the approximately 606-acre site into the municipal boundary, as well as into the Contra Costa Water District and Delta Diablo service areas; and,

WHEREAS, in 2014, Application No.10-717 was amended to include a rezoning amendment to add an Interim Study Overlay (-S) District to the existing base rezoning designations in order to designate the site as an area where zoning regulations would remain under study until such time when the developer provided a development plan; and,

WHEREAS, in 2017, Application No. 10-717 was revised again to amend the rezoning designations on the site from HPD and OS, to RS-4-P (Single Family Residential, 4,000 square foot minimum lot sizes) and OS-P Districts, with a Master Plan Overlay (-P) in place of the previously proposed Interim Study Overlay (-S) District. The proposal was also

amended to include a development agreement and General Plan mapping and text amendments to ensure consistency with the proposed Master Plan; and,

WHEREAS, the proposed project is subject to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq.), and the State CEQA Guidelines (14 Cal. Code Regs. Section 15000, et seq.), and on April 17, 2023, the City Council adopted Resolution No. 23-_____, certifying a Revised and Updated Final Environmental Impact Report (RUFÉIR) and adopting associated CEQA findings, a Statement of Overriding Considerations (SOC) and Mitigation Monitoring and Reporting Program (MMRP); and,

WHEREAS, state law (Government Code section 65865) authorizes cities to enter into development agreements in connection with development projects; and

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

WHEREAS, on February 14, 2023, after conducting a duly noticed public hearing, the Planning Commission adopted Resolution No. 10215, to not recommend approval of the requested General Plan amendments, rezoning amendments (including adoption of the draft Master Plan), and development agreement for the Faria/Southwest Hills Annexation project; and

WHEREAS, on February 17, 2023, Louis Parsons, applicant for the project, filed an appeal of the Planning Commission's Determination pursuant to PMC Section 18.18.060.D; and

WHEREAS, pursuant to City Council Resolution No. 96-8371, the City Council may adopt an ordinance approving a development agreement if it finds that:

- 1) the development agreement is consistent with the General Plan and any applicable specific plan; and
- 2) the development agreement will promote the public health, safety, and general welfare.

WHEREAS, on or before April 7, 2023, in accordance with Government Code sections 65090 and 65091, and PMC section 18.14.020, a "Notice of Public Hearing" for the April 17, 2023, City Council 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 the applicant/property owner, all property owners and/or residents within 800-feet of the site, all local service agencies expected to provide future services to the site, and to individuals who had previously filed written request for such notice. In addition, the notice was also published on www.nextdoor.com ("Nextdoor") and was sent directly to all subscribed members in the following Nextdoor neighborhoods: Oak Hills South, San Marco, San Marco Villas, Toscana and Vista Del Mar; and,

WHEREAS, documents and other materials constituting the record of the proceedings upon which the City's decision and its findings are based, are located at the City of Pittsburg Planning Division, located at 65 Civic Avenue in Pittsburg, California 94565; and,

WHEREAS, on April 17, 2023, the City Council held a duly-noticed public hearing on the appeal of the Planning Commission Decision to not Recommend Approval of Planning Application No.10-717 (GP, RZ, DA, ANNEX), at which time oral and/or written testimony was considered.

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

Section 1. Findings

- A. Based on the evidence and oral and written testimony presented at the public hearings, and based on all the information contained in the Planning Division's files on the project, including but not limited to the Revised and Updated Final EIR for the project and the City Council staff report entitled "Appeal of the Planning Commission's Determination to not Recommend for City Council Approval a Development Agreement, Amendments to the General Plan and Rezoning Designations, and Adoption of a Master Plan for the Faria/Southwest Hills Annexation Project. AP-10-717 (GP, RZ, DA)," dated April 17, 2023, the City Council finds that:
- 1) The Revised and Updated Final EIR ("RUF EIR") for the Faria/Southwest Hills Annexation project (SCH #2017032027), certified by the City Council on April 17, 2023 (Resolution No. 23-____), was prepared in compliance with CEQA (Public Resources Code Section 21000, et seq.), and the State CEQA Guidelines 14 Cal. Code Regs. Section 15000, et seq.). All impacts have been analyzed and mitigated to the extent feasible as set forth in the RUF EIR prepared for this project, and the City Council has independently reviewed and considered the information contained therein, prior to approving the project.
 - 2) The proposed development agreement is consistent with the General Plan, in that the project site is located in the Southwest Hills Subarea of the General Plan and has been envisioned since the General Plan adoption in 2001 as accommodating a combination of Residential and Open Space uses, with a maximum of 1,500 residential units to be spread across the entire 606 acre site (see General Plan policy 2-P-96).
 - 3) The proposed development agreement will promote the public health, safety, and general welfare, in that it would help facilitate a greater amount of open space preservation in the southwest hills than what was previously envisioned by the 2001 General Plan. The development agreement also requires the applicant to comply with additional measures above and beyond those required by the PMC, including (but not limited to): 1) payment of fees to assist in the financing of unmet local and regional traffic improvement needs; 2) payment of in-lieu fees to fulfill inclusionary housing obligation under PMC Chapter 18.86; 3) inclusion of at least 75 single-story houses spread throughout the future project; 4) payment of \$200,000 to expand the City's

security camera network; 5) payment of a \$2,000,000 community benefit fee; 6) payment of \$100,000 to construct monument entry signs to the City; 7) installation of basic home security systems into each future house; 8) annexation of the site into all applicable Community Facilities Districts (CFDs) for park maintenance, off-site stormwater facilities, police and other emergency services, and fire facilities, fire safety and emergency services; and 9) support for creation of a new district to support ongoing lighting and landscaping needs for the area.

- 4) Pursuant to PMC Section 18.86.080(C), the project site is not suitable for affordable housing. Imposing a requirement for affordable housing on the site would be inconsistent with the good zoning practices underlying the project design, which increases the open space preservation area by approximately 127 acres more than what the current General Plan has planned by placing residential uses in a focused area of the site. The current project design and scope thus results in a more environmentally conscious development of the area. In addition, the site is not suitable for affordable housing because it lacks proximity to schools and the Bay Area Rapid Transit (BART) system, both of which are important to fostering affordable housing uses.

Section 2. Decision

Based on the findings and the authority set forth above, the City Council hereby approves a development agreement, as substantially presented in Exhibit "A" of this ordinance.

Section 3. Severability

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

Section 4. Publication

The ordinance shall be posted and published in accordance with the California Government Code.

The foregoing ordinance was introduced at a special meeting of the City Council of the City of Pittsburg held on April 17, 2023, and was adopted and ordered published at a meeting of the City Council held on _____, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Shanelle Scales-Preston, Mayor

ATTEST:

Alice E. Evenson, City Clerk

THE FOLLOWING DOCUMENT WAS
CORRECTED ON APRIL 14, 2023 AT 6:15 PM
IN ORDER TO ENSURE CONSISTENCY WITH
THE VERSION THAT WAS PROVIDED TO AND
CONSIDERED BY THE PLANNING
COMMISSION ON FEBRUARY 14, 2023.

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Faria Land Investors, LLC
4021 Port Chicago Hwy.
Concord, CA 94520
Attention: Albert D. Seenno, III

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

(Space Above This Line Reserved for Recorder's Use)

**DEVELOPMENT AGREEMENT
BETWEEN
THE CITY OF PITTSBURG, CALIFORNIA
AND
FARIA LAND INVESTORS, LLC
(Faria/Southwest Hills)**

TABLE OF CONTENTS

	<u>Page</u>
ARTICLE I	
DEFINITIONS	3
ARTICLE II	
EFFECTIVE DATE; TERM	5
Section 2.01	Effective Date5
Section 2.02	Term5
ARTICLE III	
OBLIGATIONS OF DEVELOPER	5
Section 3.01	Obligations of Developer Generally5
Section 3.02	Facility Reserve Charges.....5
Section 3.03	Water Infrastructure5
Section 3.04	Applicable Fees5
Section 3.05	Applicable Fee Adjustments6
Section 3.06	City Local Traffic Mitigation Fee6
Section 3.07	Regional Traffic Fee6
Section 3.08	Fees, Assessments and/or Taxes to be Paid by Developer6
Section 3.09	Affordable Housing7
Section 3.10	C.3 Facilities7
Section 3.11	Security Improvements8
Section 3.12	School Facilities Impact Mitigation.....8
Section 3.13	Installation of Full Trash Capture Devices.....8
Section 3.14	Single Story Homes.....8
Section 3.15	Community Benefit Payment.....8
Section 3.16	Monument Signs9
Section 3.17	Interconnect Point.....9
Section 3.18	Enhanced Infrastructure Financing District.....9
Section 3.19	Public Recreational Facility.....9
Section 3.20	Complete Streets.....9
Section 3.21	Neighborhood Parks.....9
Section 3.22	Establishment of Maintenance or Other Type of District.....9
Section 3.23	Mitigation Measures.....9
ARTICLE IV	
OBLIGATIONS OF CITY	9
Section 4.01	Obligations of City Generally9
Section 4.02	Availability of Public Services10
Section 4.03	Developer’s Right to Rebuild10
Section 4.04	Reimbursement of Infrastructure Costs10
Section 4.05	Park Fee Credit.....11
ARTICLE V	
COOPERATION - IMPLEMENTATION	11
Section 5.01	Processing Application for Subsequent Approvals11
Section 5.02	Timely Submittals by Developer12
Section 5.03	Timely Processing by City12
Section 5.04	Other Government Permits.....12
Section 5.05	Southwest Hills Geologic Hazard Abatement District.....13
Section 5.06	Lighting and Landscaping District, Park Maintenance.....13

TABLE OF CONTENTS
(continued)

Page

Section 5.07	Police Services CFD	13
Section 5.08	Fire Services CFD	13
Section 5.09	Parkland Dedication in Lieu Fee	14
Section 5.10	Assessment Districts or Other Funding Mechanisms	14
Section 5.11	Warranty Bonds	14
ARTICLE VI	STANDARDS, LAWS AND PROCEDURES GOVERNING THE PROJECT	14
Section 6.01	Vested Right to Develop	14
Section 6.02	Permitted Uses Vested by This Agreement.....	15
Section 6.03	Applicable Law.....	15
Section 6.04	Uniform Codes.....	15
Section 6.05	Moratorium and Conflicting Enactments.....	15
Section 6.06	Life of Subdivision Maps, Development Approvals, and Permits	15
Section 6.07	State and Federal Law.....	16
Section 6.08	Timing of Project Construction and Completion	16
Section 6.09	Exempting Fees, Mitigation Measures and Similar Requirements Imposed by Outside Agencies.....	17
Section 6.10	City’s Joint-Inspection Jurisdiction.....	17
ARTICLE VII	AMENDMENT	17
Section 7.01	Amendment to Project Approvals, Subsequent Approvals	17
Section 7.02	Amendment of this Agreement	18
ARTICLE VIII	ASSIGNMENT, TRANSFER AND NOTICE	18
Section 8.01	Assignment of Interests, Rights and Obligations.....	18
Section 8.02	Transfer Agreements	19
Section 8.03	Non-Assuming Transferees	19
Section 8.04	Notice of Compliance Generally	20
ARTICLE IX	COOPERATION IN THE EVENT OF LEGAL CHALLENGE	20
Section 9.01	Cooperation	20
Section 9.02	Cure; Reapproval.....	21
ARTICLE X	DEFAULT; REMEDIES; TERMINATION	22
Section 10.01	Defaults.....	22
Section 10.02	Termination	22
Section 10.03	Periodic Review	23
Section 10.04	Excusable Delay; Extension of Time of Performance.....	24
Section 10.05	Legal Action	24
Section 10.06	California Law	24
Section 10.07	Resolution of Disputes	24
Section 10.08	Attorneys’ Fees.....	25
Section 10.09	Default by City or Developer.....	25

TABLE OF CONTENTS
(continued)

Page

ARTICLE XI	NO AGENCY, JOINT VENTURE OR PARTNERSHIP	25
ARTICLE XII	SUBSEQUENT APPROVAL REVIEW, TRAIL CONNECTIONS, SCHOOL JURISDICTION	25
Section 12.01	Review of Subsequent Approval Entitlement Applications.....	25
Section 12.02	Trail Connections.....	26
Section 12.03	School District Jurisdiction.....	26
Section 12.04	Active Transportation Plan.....	26
ARTICLE XIII	MISCELLANEOUS	26
Section 13.01	Incorporation of Recitals and Introductory Paragraph	26
Section 13.02	Enforceability	26
Section 13.03	Findings	27
Section 13.04	Severability	27
Section 13.05	Other Necessary Acts	27
Section 13.06	Construction.....	27
Section 13.07	Other Miscellaneous Terms	27
Section 13.08	Covenants Running with the Land	27
Section 13.09	Notices	28
Section 13.10	Entire Agreement, Counterparts and Exhibits	28
Section 13.11	Recordation of Development Agreement.....	29

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the “**Agreement**”) is entered into as of the Effective Date between FARIA LAND INVESTORS, LLC, a California limited liability company (“**Developer**”), and the CITY OF PITTSBURG, a California municipal corporation (“**City**”), pursuant to California Government Code § 65864 *et seq.* The Effective Date is _____, 2023.

RECITALS

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

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

C. Developer has a legal interest in certain real property consisting of approximately 607 acres, as more particularly described in the **Exhibit A** attached hereto (the “**Property**” or “**Project**”), and as diagrammed in the attached **Exhibit A-1** (the “**Project Site**”). The Property is located within the spheres-of-influence for the City, Delta Diablo (“**Delta Diablo**”) and Contra Costa Water District (“**CCWD**”) and is within the City’s voter-approved Urban Limit Line (“**ULL**”).

D. Developer filed applications with the City requesting (1) initiation of annexation into the City, the CCWD service area and DDSD service area; (2) amendment of the pre-zoning designations of the Project Site from HPD (Hillside Planned Development) and OS (Open Space), to RS-4-P (Single Family Residential, 4,000 square foot minimum lot sizes) and OS-P Districts, with a Master Plan Overlay (-P) in place of the previously proposed Interim Study Overlay (-S) District; (3) approval of a master plan for the site which includes a land use map corresponding to the pre-zoning designations, development regulations, design review guidelines, and a general circulation system; (4) amendment of the General Plan to modify two goals and two policies relevant to the project site, remove an existing General Plan goal and seven policies related to development in the southwest hills, and change the existing General Plan land use patterns for the project site to match the master plan land use map; and (5) approval of this Development Agreement.

E. On January 31, 2023, the City released a Revised and Updated Final Environmental Impact Report (RUFER), prepared pursuant to CEQA.

F. On _____, the Planning Commission adopted Resolution No. _____ recommending approval of the request for general plan amendment, annexation initiation, pre-zoning amendments, master plan and development agreement as set forth in Recital D above.

G. On _____, the City Council adopted Resolution Nos. _____ and _____ approving (1) the General Plan amendments requested for the project; and (2) a petition for annexation into the City, the CCWD service area and DDS D service area.

H. On _____, the City Council adopted Ordinance No. _____ approving (1) amendment of the pre-zoning designations of the Project Site from HPD and OS to RS-4-P and OS-P Districts, with a Master Plan Overlay (-P) in place of the previously proposed Interim Study Overlay (-S) District; and (2) the Faria/Southwest Hills Master Plan. The approvals and development policies described in these Recitals, together with this Agreement, are collectively referred to herein as the “**Project Approvals.**”

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

1. Developer’s commitment that it will comply with Pittsburg Municipal Code (PMC) 18.86.080 by paying fees in lieu of constructing affordable housing units, as set forth in Section 3.09 of this Agreement.

2. The inclusion of the Project Site into the City’s existing Community Facilities District 2007-1 and a lighting and landscaping district or similar assessment district, at no cost to the City, in order to provide funding for certain landscape and lighting costs, as set forth in Section 5.06 of this Agreement. Developer shall fund all costs associated with creation and annexation into CFDs.

3. The expansion of the City’s Southwest Pittsburg Geologic Hazard Abatement District (the “Southwest Pittsburg GHAD”) or the establishment of a new GHAD, at no cost to City or any GHAD, to provide for, among other things, geologic hazard abatement, maintenance of detention basins, grassland maintenance, fire protection, erosion control within portions of the project Site, as set forth in Section 5.05 of this Agreement.

4. The inclusion of the Project Site into the City’s existing police services Community Facilities District 2004-1, at no cost to the City, in order to provide for police and other emergency services to the Project Site, as set forth in Section 5.07 of this Agreement.

5. The inclusion of the Project Site into the City’s existing fire services Community Facilities District 2017-1, at no cost to the City, in order to provide emergency fire services to the Project Site, as set forth in Section 5.08 of this Agreement.

6. Payment of an In-Lieu Parkland Dedication Fee, as applicable and approved by the City, in order to fund the development of public park facilities, as more particularly set forth in Section 5.09 of this Agreement.

7. Contribution to the City of the sum of Two Million Dollars (\$2,000,000) for improvements to existing community facilities or for reimbursement of City expenses related to the construction of community facilities, including but not limited to, the California Theater, sports facilities, or the Marina Center, as more particularly set forth in Section 3.15 below.

J. In exchange for the benefits to City described in the preceding Recital I and others set forth herein, Developer will receive by this Agreement assurances that it may

proceed with the long-term phased development of the Project in accordance with the “Applicable Law” (defined herein), and therefore desires to enter into this Agreement.

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

L. The City Council, on _____, 2023, at a duly noticed public meeting adopted Ordinance No. 23-_____, approving and authorizing the execution of this Agreement.

AGREEMENT

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

ARTICLE I DEFINITIONS

“**Administrative Agreement Amendment**” shall have that meaning set forth in Section 7.02 of this Agreement.

“**Administrative Project Amendment**” shall have that meaning set forth in Section 7.01 of this Agreement.

“**Agreement**” shall mean this development agreement.

“**Applicable Fees**” shall have that meaning set forth in Section 3.04 of this Agreement.

“**Applicable Law**” shall have that meaning set forth in Section 6.03 of this Agreement.

“**Buildout**” shall mean the City’s issuance to Developer of the last certificate of occupancy required for any portion of the Project Site.

“**Certificate of Annexation**” shall mean the certification of completion of annexation issued by the Executive Officer of the Contra Costa County Local Agency Formation Commission.

“**CEQA**” shall mean the California Environmental Quality Act, Public Resources Code § 21000, et seq.

“**Changes in the Law**” shall have that meaning set forth in Section 6.07 of this Agreement.

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

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

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

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

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

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

“**Developer**” shall mean Faria Land Investors, LLC, a California limited liability company.

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

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

“**Funding Mechanisms**” shall have that meaning set forth in Section 3.08 of this Agreement.

“**General Plan**” shall mean the local planning document adopted by the City of Pittsburg pursuant to Government Code section 65300 et seq., as may be amended from time to time.

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

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

“**LLD**” shall have that meaning set forth in Section 5.06 of this Agreement.

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

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

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

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

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

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

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

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

“**Subsequent Approvals**” shall mean those certain other land use approvals, entitlements, and permits other than the Project Approvals that are necessary or desirable for the Project. The Subsequent Approvals may include, without limitation, the following: amendments of the Project Approvals, tentative subdivision maps, final subdivision maps, design review approvals, improvement agreements, use permits, grading permits, building permits, lot line adjustments, sewer and water connection permits, certificates of occupancy, subdivision maps, PD Plans, rezonings, general plan amendments, development agreements, permits, subdivisions and any amendments to, or repealing of, any of the foregoing.

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

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

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

ARTICLE II EFFECTIVE DATE; TERM

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

Section 2.02 **Term**. The term of this Agreement shall commence upon the Effective Date and continue for a period of thirty-five (35) years (the “**Term**”).

ARTICLE III OBLIGATIONS OF DEVELOPER

Section 3.01 **Obligations of Developer Generally**. The parties acknowledge and agree that the City’s agreement to perform and abide by the covenants and obligations of City set forth in this Agreement is a material consideration for Developer’s agreement to perform and abide by its long-term covenants and obligations, as set forth herein. As material consideration for the long-term assurances and vested rights provided by this Agreement and as a condition of approval to one or more of the Project Approvals, Developer agrees to each of the following:

Section 3.02 **Facility Reserve Charges**. Developer agrees to pay City’s Facility Reserve Charges (“FRC”) as set or modified by the City Council from time to time. Developer shall reserve the right to review any FRC Fee Study conducted by the City.

Section 3.03 **Water Infrastructure**. Developer shall comply with the current Water System Master Plan, as may be amended from time to time. Construction timing of required facilities shall be determined by the City Engineer.

Section 3.04 **Applicable Fees**. City may levy development fees and charges during the term of this Agreement relative to the development of the Project Site which are in force and effect as of the Effective Date, as more particularly described and according to the payment schedule set forth on **Exhibit B** (“**Applicable Fees**”). Unless otherwise provided in this

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

Section 3.05 **Applicable Fee Adjustments.** Developer shall pay fees and charges consistent with Section 3.04 above, and the applicable adjustments currently authorized with such fees, and as modified from time to time by the City, whether such adjustment or modification is an increase or decrease. Developer retains the right to challenge the imposition of any new fees not referenced in this Agreement or the modification, amendment or adjustment of the fees set forth in Sections 3.02, 3.03 and all Applicable Fees pursuant to Government Code § 66000 *et seq.*, not already authorized by ordinances, resolutions, or policies in place at the time of this Agreement's execution. Should the City Council approve a new AB 1600 fee study and/or authorize a decrease in any of the Applicable Fees during the term of this Agreement by ordinance or by resolution, Developer shall have the option, at its sole discretion, to pay the lower fee, as may be adjusted by the applicable CPI or ENR, unless otherwise bound by separate contract or memorandum of understanding with City. In no event shall Developer receive retroactive adjustments for lower fees.

Section 3.06 **City Local Traffic Mitigation Fee.** Developer shall pay the City Local Traffic Mitigation Fee (LTMF), which fee is necessary to finance unmet City traffic improvement needs in the amount in effect as of the Effective Date and subject to adjustment in accordance with Resolution No. 07-10917 with credit for certain improvements constructed by Developer per Section 4.04 below. If the City Council approves a new AB 1600 fee study and/or authorizes a decrease in any of the Applicable Fees during the term of this Agreement by ordinance or by resolution, Developer shall have the option, at its sole discretion, to pay the lower fee, as may be adjusted by the applicable CPI or ENR, unless otherwise bound by separate contract or memorandum of understanding with City. In no event shall Developer receive retroactive adjustments for lower fees.

Section 3.07 **Regional Traffic Fee.** Developer shall pay the East Contra Costa Regional Fee and Financing Authority (ECCRFA) Regional Transportation Development Impact Mitigation Fee (PMC Chapter 15.102; the "RTDIM") amount in effect when the Developer obtains a building permit. The RTDIM will be automatically increased or decreased on January 1 of each year based on the percent change in the Engineering News Record Construction Costs Index-San Francisco Bay Area for the one-year period ending Sept. 30 of the preceding year. Developer shall pay the fees prior to issuance of a Building Permit. If no Building Permit is required, then Developer shall pay the fees at a time consistent with PMC Section 15.102 in the amount in effect when the Project commences pursuant to PMC Section 15.102.

Section 3.08 **Fees, Assessments and/or Taxes to be Paid by Developer.**

Developer agrees to pay its fair share of any levies imposed by any assessment district, landscaping and lighting district, community facilities district, tax-exempt financing mechanisms, or other funding mechanisms related to public safety; traffic; sewer; water; fire; the prevention, mitigation, abatement, or control of geologic hazards; or other infrastructure improvements (including, without limitation, design, acquisition, construction and maintenance costs) (collectively, "**Funding Mechanisms**") within the Project Site, provided that such Funding Mechanism is referenced herein and/or was legally created pursuant to applicable law.

Section 3.09 **Affordable Housing.** Pursuant to PMC section 18.86.080(c),

Developer shall pay to the City fee(s) in lieu of constructing affordable units (the "In Lieu Fee"). The In Lieu Fee(s) shall be set by the City by resolution or other action of the City Council and may be amended from time to time so that the fee amounts are equal to the cost of developing a comparable market rate unit on-site and may be amended from time to time.

The In Lieu Fee(s) shall be paid upon issuance of the first building permit for the Project. If the Developer elects to construct the project in phases pursuant to Section 6.08 of this Agreement and building permit(s) are issued for only part of the Project, the In Lieu Fee(s) amount shall be based only on the number of units then permitted for construction and shall be due payable upon issuance of the first building permit for each phase.

The Developer shall be required to pay the In Lieu Fee(s) established by City Council resolution and in effect at the time each building permit is issued. The Developer hereby agrees not to contest the current In Lieu Fee(s) or changes to the established In Lieu Fee(s) for the duration of this Agreement. For purposes of fee calculation, Developer shall pay the In Lieu Fee(s) for an "Owner Project."

(a) **Inclusionary Housing Ordinance.** Notwithstanding any provision of this Agreement, in the event that the City has rescinded its previously adopted inclusionary housing ordinance and not replaced it with another affordable housing or similar ordinance, or such ordinance has been declared illegal, Developer shall not be obligated to comply with the provisions for affordable housing set forth in this Agreement.

Section 3.10 **C.3 Facilities.** The Developer shall submit a complete Stormwater Control Plan and Report for each phase of the Project. Developer may construct or participate in the funding of offsite C.3 facilities on land owned by the City or others, if available, provided the construction of such off-site facilities is consistent with the then current Regional Water Quality Control Board permit and approved by the City Engineer. The C.3 treatment facility(ies) shall be adequately sized to treat the stormwater runoff from the associated drainage management areas and supporting calculations and plans shall be submitted to the Engineering Division for review prior to issuance of a grading permit. In the event it is determined that the runoff cannot be treated off-site, the Developer shall treat the runoff, or a portion thereof, onsite at a facility adequately sized and designed to meet the treatment and flow control needs. The treatment facility(ties) shall be constructed with each respective phase of the project, as approved by the City Engineer in writing. Should the C.3 regulations be revised in the future such that the size of the facilities may be decreased, Developer shall have the right to reduce the size of the proposed facilities following written approval by the City

Manager and may seek entitlements to develop the eliminated property(ies). Any allowed offsite facilities constructed for compliance with C.3 provisions shall be completed prior to the final inspection or certificate of occupancy required for the last phase of construction.

Section 3.11 **Security Improvements.**

(a) Developer shall pay to the City the actual cost incurred by the City (not to exceed an amount equal to Two Hundred Thousand Dollars [\$200,000] increased annually by the Construction Cost Index by Engineering News-Record, with the first increase implemented in January 2023 reflecting 2022 increases) towards funding the acquisition and installation of security camera(s) in the southwest Pittsburg area. The security cameras will be installed at the discretion and under the supervision of the City's Police Chief. Developer shall pay such costs within thirty (30) days of receipt of invoice.

(b) Developer shall install a basic home security system in the Project homes (defined herein as, at a minimum, entry sensors on the first-floor windows and doors, as well as any required appurtenances necessary for proper function, including but not limited to base stations and keypads). Developer shall provide one year of professional monitoring service to new homeowners. The monitoring service shall be at the election of the new homeowner.

Section 3.12 **School Facilities Impact Mitigation.** Developer shall pay in lieu school impact fees in accordance with Government Code §§ 65995 et seq.

Section 3.13 **Installation of Full Trash Capture Devices.** Developer shall install full trash capture devices in all inlets within the project site that discharge directly to the City's storm drain conveyance system without prior treatment. The full trash capture device installed shall be chosen from the State Water Board's approved list of devices.

Section 3.14 **Single-story homes.** Developer agrees that at least five percent (5%) of the single-family homes within the Project shall be single story. The design and amenities of the single-story homes shall be consistent with the remaining homes in the Project.

Section 3.15 **Community Benefit Payment.** Upon the earlier of: 1) issuance of the 100th development permit (including but not limited to grading and building permits), 2) two (2) years of issuance of the first development permit, or 3) five (5) years of the date of this Agreement, Developer shall contribute the sum of Two Million Dollars (\$2,000,000; increased annually by the Construction Cost Index by Engineering News-Record, with the first increase implemented in January 2023 reflecting 2022 increases) to the City for improvements to existing community facilities or for reimbursement of City expenses related to the construction of community facilities, including but not limited to, the California Theater, sports facilities, or the Marina Center. The location and scope of improvements shall be at the sole discretion of the City and shall be subject to CEQA review, as applicable.

Section 3.16 **Monument Signs.** Within three hundred and sixty (360) days from the issuance of the Certificate of Annexation, Developer shall, at a cost not to exceed One Hundred Thousand Dollars (\$100,000.00; increased annually by the Construction Cost Index by Engineering News-Record, with the first increase implemented in January 2023 reflecting 2022 increases), install decorative non-electronic monument signs identifying entry into the City of

Pittsburg at one or more of the following locations: (i) Southside of State Route 4, west of the San Marco Villas apartments; (ii) East side of Bailey Road, on APN: 092-030-011; and (iii) East side of Kirker Pass/Railroad Avenue, north of the Pittsburg City limits. The City shall determine the final design and location of the monument signs in its sole discretion and shall procure the land (fee title or easement) where the monument signs will be installed, if necessary. The City shall promptly review and process the proposed signage plans submitted by Developer and agrees that such signs shall all be similar in size and style. The City shall reserve the right to dedicate the entire amount to the installation of fewer than the three signs noted above, and neither the Developer or City shall be obligated to install any further signage.

Section 3.17. **Interconnection Point.** Upon receipt by Developer of a written notice from the City of an interconnection point near the Project, Developer shall install the necessary conduit within the Project joint trenches to allow for the installation of necessary electrical infrastructure to be installed, operated and maintained by the Pittsburg Power Company (PPC). All electrical service to the Project will be provided by the PPC. Nothing herein shall limit or delay Developer from proceeding with development of its Project.

Section 3.18. **Enhanced Infrastructure Financing District (“EIFD”).** City may, at its sole discretion, pursue the establishment of an EIFD within the City as a mechanism for, among other things, funding infrastructure improvements within the City that serve the Project and may also serve other properties. Developer agrees to use its best reasonable efforts to support the City’s establishment of an EIFD provided such EIFD does not increase the applicable tax rate for the Project.

Section 3.19. **Establishment of maintenance or similar types of districts.** Upon establishment by the City of maintenance or similar types of districts to help fund the maintenance of Project specific infrastructure, Developer shall agree to annex any then undeveloped portion of the Project into said districts. Nothing herein shall prohibit Developer from reviewing, commenting on or opposing the proposed assessments associated with the establishment of such districts.

Section 3.20 **Complete Streets.** Developer shall ensure all improvements to public streets are developed and designed pursuant to Contra Costa Transportation Authority’s (CCTA) “complete streets” guidelines.

Section 3.23 **Mitigation Measures.** Developer shall implement, at its sole cost, all mitigation measures contained within the final Mitigation Monitoring and Reporting Program (“MMRP”) adopted by the City Council on _____.

**ARTICLE IV
OBLIGATIONS OF CITY**

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

Section 4.02 **Availability of Public Services.**

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

(b) **Construction Water.** City shall make construction water available to the Project allowing the Project access to the City's existing water supply infrastructure, at a location reasonably determined by the City, at Developer's cost and on those terms and conditions and charges customarily applied by City to similar projects consistent with City standards. Developer shall provide backflow prevention for all points of connection to the City's potable supply system and the volume of water consumed shall be tracked with the use of a City-issued hydrant meter. City shall also allow Developer to install such temporary construction water pipelines and related infrastructure as reasonably necessary to provide construction water to the Project site for Developer's use in any and all Project grading and construction operations, as long as such water is unrelated to potable use.

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

Section 4.04 **Reimbursement of Infrastructure Costs.**

(a) **Reimbursement.** Unless otherwise provided for herein, to the extent Developer incurs costs related to the planning and construction of traffic infrastructure, water delivery infrastructure, the off-site water tank, pump station, sewer infrastructure or other public infrastructure required by City or this Agreement for the Project that exceed the Project's fair share obligation for such infrastructure, City shall reimburse Developer for the City's portion of such costs (including any management fees provided for in this Agreement), subject to City's prior verification through inspection of the construction that is subject to such reimbursement and upon final acceptance of the infrastructure by the City. This reimbursement shall be paid within sixty (60) days after City's final acceptance or at such other time as mutually agreed upon in writing by the parties. Developer shall be entitled to a management fee of five percent (5%) for City's share of approved infrastructure costs, including but not limited to design and special inspection costs. The management obligations of Developer hereunder shall include contracting and managing the construction of the infrastructure, retaining copies of records, photographs and "as built" for the improvement(s) as well as attending meetings and providing necessary reports as reasonably requested by City.

(b) **City's Authorization of Reimbursement.** Notwithstanding any other provision of this Section, or of this Agreement, or of VTM provisions, City shall not be responsible to reimburse or credit Developer for any costs, including as referenced in

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

Section 4.05 **Park In-Lieu Fees.** Developer and City agree that the park in-lieu fee amount will be Ten and 89/100ths Dollars (\$10.89) per square foot (unless City adopts a lower fee in which case the lower fee shall apply), increased annually by the Construction Cost Index by Engineering News-Record, with the first increase implemented in January 2023 reflecting 2022 increases.

ARTICLE V COOPERATION — IMPLEMENTATION

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

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

(b) **Basis for Denial.** City may deny an application for a Subsequent Approval only if such application does not comply with this Agreement or Applicable Law, defined below in Section 6.03, or does not substantially comply with the Project Approvals (provided, however, that inconsistency with the Project Approvals shall not constitute grounds for denial of a Subsequent Approval which is requested by Developer as an amendment to that Project Approval). City may approve an application for such a Subsequent Approval subject to any conditions necessary to bring the Subsequent Approval into compliance with this Agreement or Applicable Law, or as is necessary to make this Subsequent Approval consistent with the Project Approvals. If City denies any application for a Subsequent Approval, City shall specify in writing the reasons for such denial and may suggest a modification which would be approved by City.

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

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

Section 5.04 **Other Government Permits.** At Developer's sole discretion and in accordance with Developer's construction schedule, Developer shall apply for such other permits and approvals as may be required by other governmental or quasi-governmental entities in connection with the development of, or the provision of services to, the Project. City shall cooperate with Developer in its efforts to timely obtain such permits and approvals and shall, from time to time, at the request and sole expense of Developer, use its best efforts to ensure the timely availability of such permits and approvals.

Section 5.05 **Southwest Hills Geologic Hazard Abatement District (GHAD).** Developer agrees to take all steps necessary to either expand the existing Southwest Pittsburg Geologic Hazard Abatement District (the "Southwest Pittsburg GHAD") or to establish a new GHAD, at no cost to City or to the GHAD, to provide for, among other things, geologic hazard abatement, maintenance of detention basins, grassland maintenance, fire protection, and

erosion control within portions of the Project Site. City shall cooperate with Developer in these efforts. Unless otherwise required by law, the parties intend that the Project Site shall be assessed by the Southwest Pittsburg GHAD or a new GHAD upon the respective GHAD's acceptance of the GHAD Area identified in the Project Approvals.

Section 5.06 **Lighting and Landscaping District.**

(a) At the request of City, Developer shall cooperate in and not challenge the formation of a new lighting and landscaping district, community facilities district, or similar assessment mechanism established for the purposes of maintaining lighting and landscaping improvements throughout the Project, that City determines is needed to fund landscape and lighting maintenance and to ensure the orderly development of the Project. Any and all costs associated with the establishment of this district shall be borne by City. In the event the City does not establish a new district prior to issuance of a building permit for one or more phases of the Project, Developer agrees to annex the Project Site into the City's existing Lighting and Landscaping District, as established pursuant to City Resolution No. 88-7324. The parties agree that the lighting and landscaping district assessment described herein shall finance, among other things, the maintenance of any and all landscape improvements and the maintenance of the parks.

(b) Developer agrees to annex the Project Site into the City's Community Facilities District 2007-1 for park maintenance and the City's Community Facilities District 2016-1 for maintenance of C.3 facilities and, to the extent permitted by law, that the Project shall be assessed in a manner consistent with the provisions herein.

(c) Developer agrees that the base assessment applies to the Project and is subject to increase, provided any such increase of the base assessment imposed uniformly or similarly situated properties by City in a manner consistent with State law. Developer further agrees that the base assessment shall be levied upon recordation of each of the Project's final maps.

Section 5.07 **Police Services CFD.** Developer agrees to annex the Project Site into the City's existing police services Community Facilities District 2004-1, as adopted pursuant to Resolution No. 04-10071 (the "**Police Services District**") at no cost to the City, in order to provide for police and other emergency services to the Project Site. This process shall be completed, to the reasonable satisfaction of the City Manager and the City Attorney, before filing the first final map on the Project. Each legal residential lot located on the Project Site will be required to pay the levy by the Police Services District no earlier than the issuance of a building permit for such lot.

Section 5.08 **Fire Services CFD.** Developer agrees to annex the Project Site into the City's existing fire protection services Community Facilities District 2017 1, as adopted pursuant to Resolution No. 17-13311 (the "**Fire Facilities and Fire Safety and Emergency Services District**") at no cost to the City, in order to provide for fire protection services in the City for the Contra Costa Fire Protection District and acquisition or replacement of equipment primarily situated in the fire stations located in the City. This annexation process shall be completed, to the reasonable satisfaction of the City Manager and the City Attorney, for each phase of the development after the recordation of a final map for such phase and prior to

issuance of the first building permit in such phase. Each legal residential lot located on the Project Site will be required to pay the levy by the Fire Services District no earlier than the issuance of a building permit for such lot.

Section 5.09 **Parkland Dedication In-Lieu Fee.** Developer shall meet its Park Dedication requirements with either a dedication of land or payment of an in-lieu fee, or combination of both in accordance with PMC 17.32.020 Park Dedication.

Section 5.10 **Assessment Districts or Other Funding Mechanisms.**

(a) City understands that City's long-term assurances to Developer concerning fees, taxes and assessments related to the Project are a material consideration for Developer agreeing to process the siting of the Project in its present location and to pay the fees, taxes and assessments described in this Agreement. City shall retain the ability to initiate or process applications for the formation of new assessment districts or other Funding Mechanisms, as defined in Sections 3.08 and 5.06 of this Agreement, covering all or any portion of the Project site. Notwithstanding the foregoing, Developer retains all its rights to oppose the formation or proposed assessment of any new assessment district, Funding Mechanism, or any and all increases thereto, or to request or pursue assessment credits or reductions, unless otherwise provided for herein or unless such assessment, Funding Mechanism or related increases are in place and legally effective as of the date of this Agreement's Effective Date.

(b) At the request of Developer, City shall cooperate in the formation of, or annexation to, those assessment districts, landscaping and lighting districts, community facilities districts, tax-exempt financing mechanisms, or other Funding Mechanisms that Developer and City determine are needed to fund infrastructure improvements and to ensure the orderly development of the Project, at no cost to the City. City shall diligently and expeditiously process applications by Developer necessary to establish such Funding Mechanisms as long as (i) the application complies with law, (ii) is consistent with City's standards, and (iii) provides for a lien to value ratio and other financial terms that are reasonably acceptable to City, and which will result in no commitment of City. City shall diligently seek to sell any bonds to be issued and secured by such assessments upon the best terms reasonably available in the marketplace. Any and all costs associated with this Section shall be borne and/or advanced by Developer.

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

ARTICLE VI STANDARDS, LAWS AND PROCEDURES GOVERNING THE PROJECT

Section 6.01 **Vested Right to Develop.** Developer shall have a vested right to develop the Project on the Project Site in substantial conformance with the terms and conditions of this Agreement, the Project Approvals (as and when issued), the Subsequent

Approvals (as and when issued), and amendments thereto as shall, from time to time, be approved pursuant to this Agreement. Nothing in this Section 6.01 shall be deemed to eliminate or diminish the requirement of Developer to obtain any required Subsequent Approvals.

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

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

Section 6.04 **Uniform Codes.** Notwithstanding any other provision of this Agreement, City may apply to the Project Site, at any time during the Term, the then current Uniform Building Code and other uniform construction codes as properly modified by City and uniformly applied on a citywide basis, and City’s then current design and construction standards for road and storm drain facilities. In no event shall any such uniform code or standard be adopted for the purpose of preventing or otherwise limiting construction of all or any part of the Project.

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

Section 6.06 **Life of Subdivision Maps, Development Approvals, and Permits.** To the extent consistent with Applicable Law, the term of any subdivision map or any other map, permit, rezoning or other land use entitlement approved as a Project Approval or Subsequent Approval shall automatically be extended for the duration of this Agreement,

including any extensions. The term of this Agreement and any subdivision map or other Project Approval or Subsequent Approval shall not include any period of time during which any applicable development moratorium (including, but not limited to, a water or sewer moratorium) or the actions of other public agencies that regulate land use, development or the provision of services to the land, prevents, prohibits or delays the construction of the Project. The term of this Agreement and any subdivision map or other Project Approval or Subsequent Approval shall not include any period of time during which any applicable court order or other legal requirement prevents the processing of any Subsequent Approval or prevents any Project development activities

Section 6.07 **State and Federal Law.** As provided in California Government Code § 65869.5, if any state or federal laws or regulations, enacted after this Agreement's Effective Date prevent or preclude compliance with one or more provisions of this Agreement ("**Changes in the Law**"), such provision of the Agreement shall be modified or suspended as may be necessary to comply with Changes in the Law, and City and Developer shall take such action as may be required pursuant to this Agreement including, without limitation, Article V and Section 10.05. Not in limitation of the foregoing, nothing in this Agreement shall preclude City from imposing on Developer any fee specifically required by State or Federal laws and regulations.

Section 6.08 **Timing of Project Construction and Completion.**

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

(b) The parties agree that Developer shall be able to develop in accordance with Developer's own time schedule as such schedule may exist from time to time, and Developer shall determine which part of the Project Site to develop first, and at Developer's chosen schedule. In particular, and not in limitation of any of the foregoing, since the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo*, 37 Cal.3d 465 (1984), that the failure of the parties therein to consider and expressly provide for the timing of development resulted in a later-adopted initiative restricting the timing of development to prevail over such parties' agreement, it is the parties' desire to avoid that result by acknowledging that Developer shall have the right to develop the Project in such order and at such rate and at such times as Developer deems appropriate within the exercise of its subjective business judgment. Developer's rights under this Section 6.08(b) shall be subject to the requirement that adequate infrastructure to serve each phase of the Project is constructed concurrently with such phase.

The City Manager shall reasonably determine what infrastructure will be required to serve each phase of the Project, which determination shall be consistent with Applicable Law.

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

Section 6.09 **Exempting Fees, Mitigation Measures and Similar Requirements Imposed by Outside Agencies.** Notwithstanding any other provision of this Agreement, the City agrees to exclude Developer from any and all discretionary collection agreements regarding fees, mitigation measures and similar requirements including, but not limited to, development impact fees, which other public agencies request the City to impose at City's discretion on the Project or on the Project Site after the Effective Date through the Term of this Agreement. This Section 6.09 shall not prohibit the City from imposing on Developer any fee, mitigation measure or similar requirement or obligation that is required by a local or regional agency in accordance with local, regional, State or Federal obligations and implemented by the City in cooperation with such local, regional, state or federal agency, provided such fee, mitigation measure or similar requirement or obligation is imposed in a similar manner on similarly situated properties within the City as, for example, collection of the Regional Transportation Development Impact Fee.

Section 6.10 **City's Joint-Inspection Jurisdiction.** Developer acknowledges that City has joint inspection jurisdiction within other third-party governmental entities within any and all City rights-of-way and easements.

ARTICLE VII AMENDMENT

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

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

of structures that do not substantially alter the design concepts of the Project, variations in the location or installation of utilities and other infrastructure connections or facilities that do not substantially alter the design concepts of the Project, and minor adjustments to the Project Site diagram or Project Site legal description shall be treated as Administrative Project Amendments.

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

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

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

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

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

ARTICLE VIII ASSIGNMENT, TRANSFER AND NOTICE

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

Section 8.02 **Transfer Agreements.**

(a) In connection with the transfer or assignment by Developer of all or any portion of the Project (other than a transfer or assignment by Developer to an affiliated party, any deed of trust beneficiary or mortgagee, or a “Non-Assuming Transferee” (as defined in Section 8.03), Developer and the transferee shall enter into a written agreement (a “**Transfer Agreement**”) regarding the respective interests, rights and obligations of Developer and the transferee in and under the Agreement, the Project Approvals, and the Subsequent Approvals. Such Transfer Agreement may (i) release Developer from obligations under the Agreement, the Project Approvals, or the Subsequent Approvals that pertain to that portion of the Project being transferred or assigned, as described in the Transfer Agreement, provided that the transferee expressly assumes such obligations, (ii) transfer to the transferee vested rights to improve that portion of the Project being transferred and (iii) address any other matter deemed by Developer to be necessary or appropriate in connection with the transfer or assignment.

(b) Any Transfer Agreement shall be binding on Developer, City and the transferee and, unless otherwise provided for in Section 8.03 of this Agreement, shall require the City’s prior written consent, which consent shall not be unreasonably withheld. Failure by City to respond within thirty (30) days of a written request by Developer for City’s consent shall be deemed City’s approval of the Transfer Agreement in question. City may refuse to give its consent only if, in light of the proposed transferee’s reputation and financial resources, such transferee would not in City’s reasonable determination be able to perform the obligations proposed to be assumed by such transferee. Such determination shall be made by the City Manager and is appealable to the City Council. In no event, however, shall City refuse to give its consent to a proposed transferee pursuant to this Section 8.02(b) if such transferee has a net worth of at least Ten Million Dollars (\$10,000,000) increased annually by the Construction Cost Index by Engineering News-Record, with the first increase implemented in January 2023 reflecting 2022 increases and documented in a manner reasonably acceptable to City. Upon recordation of any Transfer Agreement in the Official Records of Contra Costa County, Developer shall automatically be released from those obligations assumed by the transferee therein.

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

Section 8.03 **Non-Assuming Transferees.** Except as otherwise required by Developer in Developer’s sole discretion, the burdens, obligations and duties of Developer under this Agreement shall terminate with respect to, and neither a Transfer Agreement nor City’s consent shall be required in connection with (i) any single residential parcel conveyed to a purchaser, (ii) any property transferred as fewer than ten (10) lots to a single retail builder or (iii) any property that has been established as one or more separate legal parcels for office, commercial, open space, park, school or other nonresidential uses. The transferee in such a transaction and its successors (“**Non-Assuming Transferees**”) shall be deemed to have no obligations under this Agreement, but shall continue to benefit from the vested rights provided

by this Agreement for the duration of the Term. Nothing in this Section 8.03 shall exempt any property transferred to a Non-Assuming Transferee from payment of applicable fees and assessments or compliance with applicable conditions of approval.

Section 8.04 **Notice of Compliance Generally.** Subject to City's finding that the facts contemplated by clauses (i) through (iii) herein are true and accurate, within thirty (30) days following any written request which Developer may make from time to time, City shall execute and deliver to Developer (or to any party requested by Developer) a written "**Notice of Compliance,**" in recordable form, duly executed and acknowledged by City, that certifies that (i) this Agreement is unmodified and in full force and effect, or if there have been modifications hereto, that this Agreement is in full force and effect as modified and stating the date and nature of such modifications, (ii) there are no current uncured defaults under this Agreement or specifying the dates and nature of any such default, and (iii) any other information reasonably requested by Developer. City's failure to deliver such notice within such time period shall constitute a conclusive presumption against City that this Agreement is in full force and effect without modification except as may be represented by the Developer and that there are no uncured defaults in the performance of the Developer, except as may be represented by the Developer. Developer shall have the right at Developer's sole discretion, to record the Notice of Compliance.

ARTICLE IX COOPERATION IN THE EVENT OF LEGAL CHALLENGE

Section 9.01 **Cooperation.**

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

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

employees, agents, or consultants. Developer may select its own legal counsel to represent Developer's interests at Developer's sole cost and expense.

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

Section 9.02 **Cure; Reapproval.**

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

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

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

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

ARTICLE X
DEFAULT; REMEDIES; TERMINATION

Section 10.01 **Defaults.** Any failure by either party to perform any term or provision of this Agreement, which failure continues uncured for a period of thirty (30) days following written notice of such failure from the other party (the “**Complaining Party**”) (unless such period is extended by mutual written consent), shall constitute a default under this Agreement. The Complaining Party’s notice (“**Default Notice**”) shall specify the nature of the alleged failure and, may specify the manner in which the failure satisfactorily may be cured by the other party (the “**Defaulting Party**”). Any failures or delays by a Complaining Party in asserting any of its rights and remedies as to any default shall not operate as a waiver of a default or of any such rights or remedies. Delays by a Complaining Party in asserting any of its rights and remedies shall not deprive the Complaining Party of its right to institute and maintain any actions or proceedings, which it may deem necessary to protect, assert, or enforce any such rights or remedies. If the nature of the alleged failure is such that it cannot reasonably be cured within such 30-day period, then no fault shall be deemed to have occurred if: (a) the cure shall be commenced at the earliest practicable date following receipt of the Default Notice; (b) the cure is diligently prosecuted to completion at all times thereafter; (c) at the earliest practicable date (if no event later than thirty (30) days after the Defaulting Party’s receipt of the Default Notice), the Defaulting Party provides written notice to the Complaining Party that the cure cannot practicably be completed within such 30-day period; and (d) the cure is completed at the earliest practicable date. In no event shall Complaining Party be precluded from exercising remedies if a default is not cured within one hundred twenty (120) days after the Notice of Default is given. Complaining Party shall not send notice to any third party, including, but not limited to, bonding and surety companies, until such time as the cure opportunities set forth above have expired unless otherwise required by applicable law. Upon the occurrence of a default under this Agreement, the Complaining Party may institute legal proceedings to enforce the terms of this Agreement or, in the event of a material default, terminate this Agreement. If the default is cured consistent with this Section, then no default shall exist and the Complaining Party shall take no further action.

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

Section 10.03 **Periodic Review.**

(a) **Conducting the Periodic Review.** Throughout the Term of this Agreement, at least once every twelve (12) months following the execution of this Agreement, City shall review the extent of good-faith compliance by Developer with the terms of this Agreement. This review (the “**Periodic Review**”) shall be conducted by the City Manager or his/her designee and shall be limited in scope to compliance with the terms of this Agreement pursuant to California Government Code § 65865.1. Developer also agrees to pay City annually the greater of Five Thousand Dollars (\$5,000) or the actual cost of Periodic Review Fee (not to exceed Ten Thousand Dollars (\$10,000)). The Five Thousand Dollars (\$5,000) shall be increased annually thereafter by the Construction Cost Index by Engineering News-Record, with the first increase implemented in January 2023 reflecting 2022 increases. Such Periodic Review Fee shall only be paid in the years in which a Periodic Review is actually conducted.

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

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

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

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

Section 10.04 **Excusable Delay; Extension of Time of Performance.** In addition to specific provisions of this Agreement, neither party shall be deemed to be in default where delays in performance or failures to perform are due to, and a necessary outcome of, war, insurrection, terrorism, strikes or other labor disturbances, walk-outs, riots, floods, earthquakes, fires, casualties, acts of God, restrictions imposed or mandated by other governmental entities (including new or supplemental environmental regulations), enactment of conflicting State or Federal laws or regulations, or judicial decisions. Neither party shall be deemed to be in default where delays in performance or failure to perform are due to a court order arising out of or related to litigation attacking the validity of this Agreement, the Project Approvals, the Subsequent Approvals, or any permit, ordinance, entitlement or other action of a governmental agency other than City necessary for the development of the Project. Developer shall not be deemed to be in default where delays in performance or failure to perform are not due to Developer's inability to obtain materials, power or public facilities (such as water or sewer service) to the Project and unrelated to Developer's actions or inactions and beyond Developer's control. Upon the properly noticed request of either party hereto, as required by **Section 13.09**, an extension of time for the performance of any obligation whose performance has been so prevented or delayed will be set forth in writing. The term of any such extension shall be equal to the period of the excusable delay, or longer, as may be mutually agreed upon in writing.

Section 10.05 **Legal Action.** Either party may, in addition to any other rights or remedies, institute legal action to cure, correct, or remedy any default, enforce any covenant or agreement herein, enjoin any threatened or attempted violation thereof, or enforce by specific performance the obligations and rights of the parties hereto. Developer specifically agrees that it has no authority under this Agreement or otherwise to seek monetary damages against the City for any alleged default or breach of this Agreement by the City and agrees that in no event shall monetary damages be available against the City for any alleged default or breach by the City.

Section 10.06 **California Law.** This Agreement shall be construed and enforced in accordance with the laws of the State of California.

Section 10.07 **Resolution of Disputes.** With regard to any dispute involving development of the Project, the resolution of which is not provided for by this Agreement or Applicable Law, Developer shall, at City's request, meet with City. The parties to any such meetings shall attempt in good faith to resolve any such disputes. If the parties are then unable to resolve their dispute, either party may commence mediation by providing to JAMS, or its successor, and the other party a written request for mediation, setting forth the subject of the dispute and the relief requested. The parties will cooperate with JAMS and with one another in selecting a mediator from JAMS' panel of neutrals, and in scheduling the mediation proceedings. The parties covenant that they will participate in the mediation in good faith, and that they will share equally in its costs. All offers, promises, conduct and statements, whether oral or written, made in the course of the mediation by any of the parties, their agents, employees, experts and attorneys, and by the mediator and any JAMS employees, are confidential, privileged and inadmissible for any purpose, including impeachment, in any litigation or other proceeding involving the parties, provided that evidence that is otherwise admissible or discoverable shall not be rendered inadmissible or non-discoverable as a result of its use in the mediation. Either party may seek equitable relief prior to the mediation to

preserve the status quo pending the completion of that process. Except for such an action to obtain equitable relief, neither party may commence a civil action with respect to the matters submitted to mediation until after the completion of the initial mediation session, or ninety (90) days after the date of filing the written request for mediation, whichever occurs first. Mediation may continue after the commencement of a civil action, if the parties both agree in writing. The provisions of this Section 10.07 may be enforced by any Court of competent jurisdiction, and the party seeking enforcement shall be entitled to an award of all costs, fees and expenses, including attorney's fees, to be paid by the party against whom enforcement is ordered. Nothing in this Section 10.07 shall in any way be interpreted as requiring that Developer and City and/or City's designee reach agreement with regard to those matters being addressed, nor shall the outcome of these meetings be binding in any way on City or Developer unless expressly agreed to in writing by the parties to such meetings.

Section 10.08 **Attorneys' Fees.** In any legal action or other proceeding brought by either party to enforce or interpret a provision of this Agreement, the prevailing party is entitled to reasonable attorneys' fees and any related other costs incurred in that proceeding in addition to any other relief to which it is entitled.

Section 10.09 **Default by City or Developer.** In the event City or Developer defaults under the terms of this Agreement, City or Developer shall have all rights and remedies provided herein and under law, except that Developer specifically agrees that it has no authority under this Agreement or otherwise to seek monetary damages against the City for any alleged default or breach of this Agreement by the City and agrees that in no event shall monetary damages be available against the City for any alleged default or breach by the City.

ARTICLE XI NO AGENCY, JOINT VENTURE OR PARTNERSHIP

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

required to construct the Public Improvements and that City maintain no proprietary interest in the overall Project.

ARTICLE XII
SUBSEQUENT APPROVAL REVIEW, TRAIL CONNECTIONS, SCHOOL JURISDICTION

Section 12.01 **Review of Subsequent Approval Entitlement Applications.** City and Developer agree that the Project shall encourage hillside ‘estate’ development to the greatest extent possible in an effort to maximize property values and create a diverse housing product in the City of Pittsburg. The Developer has proposed a base zoning designation of RS-4 (Single Family Residential, 4,000 square foot minimum lot size) and the corresponding development standards as outlined in the Master Plan to allow for a certain amount of flexibility in development of the hillside areas. The Parties further acknowledge the importance of review of Subsequent Approvals by the City Council. As such, the Parties agree that the City Manager may, at his/her discretion, elect to have to any entitlement application(s) necessary for Subsequent Approvals related to the Project brought before the Planning Commission also be brought before the City Council, and that the City Manager may take all necessary steps, including but not limited to, filing any appropriate documentation, to implement this section.

Section 12.02 **Trail Connections.** Developer acknowledges that East Bay Regional Park District (“EBRPD”) anticipates creating a Concord Hills Regional Park (“Regional Park”) adjacent to the Property. Developer shall provide one or more trails and one or more staging areas within the Project which will be designed to connect with the Regional Park trail network west of the Project should one be developed. The location, size and timing of the construction of such trail(s) and staging area(s) will be subject to City approval and coordination with EBRPD.

Section 12.03 **School District Jurisdiction.** At no cost to Developer, Developer shall support and cooperate with any effort made by the Pittsburg Unified School District and the Mt. Diablo Unified School District to amend the school district boundaries for the Project.

Section 12.04 **Active Transportation Plan.** Developer shall comply with the guidance and provisions of the current Pittsburg Active Transportation Plan, as may be amended, in its build-out of the Project.

ARTICLE XIII
MISCELLANEOUS

Section 13.01 **Incorporation of Recitals and Introductory Paragraph.** The Recitals contained in this Agreement, and the introductory paragraph preceding the Recitals, are hereby incorporated into this Agreement as if fully set forth herein.

Section 13.02 **Enforceability.** City and Developer agree that unless this Agreement is amended or terminated pursuant to the provisions of this Agreement, this Agreement shall be enforceable by any party hereto notwithstanding any change hereafter enacted or adopted (whether by ordinance, resolution, initiative, or any other means) in any applicable general plan, specific plan, zoning ordinance, subdivision ordinance, or any other land use ordinance or building ordinance, resolution or other rule, regulation or policy adopted by City that changes, alters or amends the rules, regulations and policies applicable to the development of the Project

Site at the time of the approval of this Agreement as provided by California Government Code § 65866. In the event of any conflict between the provisions of this Agreement and Applicable Law, the Project Approvals or any Subsequent Approval, this Agreement and applicable law shall prevail.

Section 13.03 **Findings.** City hereby finds and determines that execution of this Agreement furthers public health, safety and general welfare and that the provisions of this Agreement are consistent with the General Plan.

Section 13.04 **Severability.** If any term or provision of this Agreement, or the application of any term or provision of this Agreement to a particular situation, is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining terms and provisions of this Agreement, or the application of this Agreement to other situations, shall continue in full force and effect unless amended or modified by mutual consent of the parties. Notwithstanding the foregoing, if any material provision of this Agreement, or the application of such provision to a particular situation, is held to be invalid, void or unenforceable, either City or Developer may (in their sole and absolute discretion) terminate this Agreement by providing written notice of such termination to the other party.

Section 13.05 **Other Necessary Acts.** Each party shall execute and deliver to the other all such other further instruments and documents as may be reasonably necessary to carry out the Project Approvals, Subsequent Approvals and this Agreement and to provide and secure to the other party the full and complete enjoyment of its rights and privileges hereunder.

Section 13.06 **Construction.** Each reference in this Agreement to this Agreement or any of the Project Approvals or Subsequent Approvals shall be deemed to refer to the Agreement, Project Approval or Subsequent Approval as it may be amended from time to time, whether or not the particular reference refers to such possible amendment. This Agreement has been reviewed and revised by legal counsel for both City and Developer, and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement.

Section 13.07 **Other Miscellaneous Terms.** The singular shall include the plural; the masculine gender shall include the feminine; “shall” is mandatory; “may” is permissive. If there is more than one signer of this Agreement, the signer obligations are joint and several.

Section 13.08 **Covenants Running with the Land.** All of the provisions contained in this Agreement shall be binding upon the parties and their respective heirs, successors and assigns, representatives, lessees, and all other persons acquiring all or a portion of the Project, or any interest therein, whether by operation of law or in any manner whatsoever. All of the provisions contained in this Agreement shall be enforceable as equitable servitudes and shall constitute covenants running with the land pursuant to California law including, without limitation, California Civil Code § 1468. Each covenant herein to act or refrain from acting is for the benefit of or a burden upon the Project, as appropriate, runs with the Project Site and is binding upon the owner of all or a portion of the Project Site and each successive owner during its ownership of such property.

Section 13.09 **Notices.** Any notice or communication required hereunder between City or Developer must be in writing, and may be given either personally, by email to the City Manager and City Attorney (with original forwarded by regular U.S. Mail), by registered or certified mail (return receipt requested), or by Federal Express or other similar courier promising overnight delivery. If personally delivered, a notice shall be deemed to have been given when delivered to the party to whom it is addressed. If given by email transmission, a notice or communication shall be deemed to have been given and received upon actual physical receipt of the entire document by the receiving party's email program. Notices transmitted by email after 5:00 p.m. on a normal business day or on a Saturday, Sunday or holiday shall be deemed to have been given and received on the next normal business day. If given by registered or certified mail, such notice or communication shall be deemed to have been given and received on the first to occur of (i) actual receipt by any of the addressees designated below as the party to whom notices are to be sent, or (ii) five (5) days after a registered or certified letter containing such notice, properly addressed, with postage prepaid, is deposited in the United States mail. If given by Federal Express or similar courier, a notice or communication shall be deemed to have been given and received on the date delivered as shown on a receipt issued by the courier. Any party hereto may at any time, by giving ten (10) days written notice to the other party hereto, designate any other address in substitution of the address to which such notice or communication shall be given. Such notices or communications shall be given to the parties at their addresses set forth below:

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

With Copies to: City Attorney
City of Pittsburg
Civic Center
65 Civic Avenue
Pittsburg, CA 94565-2830

If to Developer, to: Albert D. Seeno, III
Faria Land Investors, LLC
4021 Port Chicago Hwy.
Concord, CA 94520

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

Section 13.10 **Entire Agreement, Counterparts and Exhibits.** This Agreement is executed in two (2) duplicate counterparts, each of which is deemed to be an original. This Agreement consists of 30 pages and four exhibits which constitute in full, the final and exclusive understanding and agreement of the parties and supersedes all negotiations or previous agreements of the parties with respect to all or any part of the subject matter hereof. All waivers

of any provisions of this Agreement shall be in writing and signed by the appropriate authorities of City and Developer. The following exhibits are attached to this Agreement and incorporated herein for all purposes:

- EXHIBIT A - Legal Description
- EXHIBIT A-1 - Project Site Diagram
- EXHIBIT B - Applicable Fees

Section 13.11 **Recordation of Development Agreement.** Pursuant to California Government Code § 65868.5, no later than ten (10) days after City enters into this Agreement, the City Clerk shall record an executed copy of this Agreement, or Memorandum thereof, in the Official Records of the County of Contra Costa. The parties agree to cooperate as to preparation, execution, and recording of a Memorandum hereof.

[SIGNATURES FOLLOW ON NEXT PAGE]

//

//

//

//

//

//

//

//

//

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

CITY:

CITY OF PITTSBURG,
a California municipal corporation

By: _____
Name: Garrett Evans
Title: City Manager

APPROVED AS TO FORM:

By: _____
Donna Mooney
City Attorney

DEVELOPER:

FARIA LAND INVESTORS, LLC,
a California limited liability company

By: _____
Name: _____
Title: _____

EXHIBIT A

LEGAL DESCRIPTION

(TO FOLLOW)

(TO FOLLOW)

(TO FOLLOW)



EXHIBIT A-1
PROJECT SITE DIAGRAM

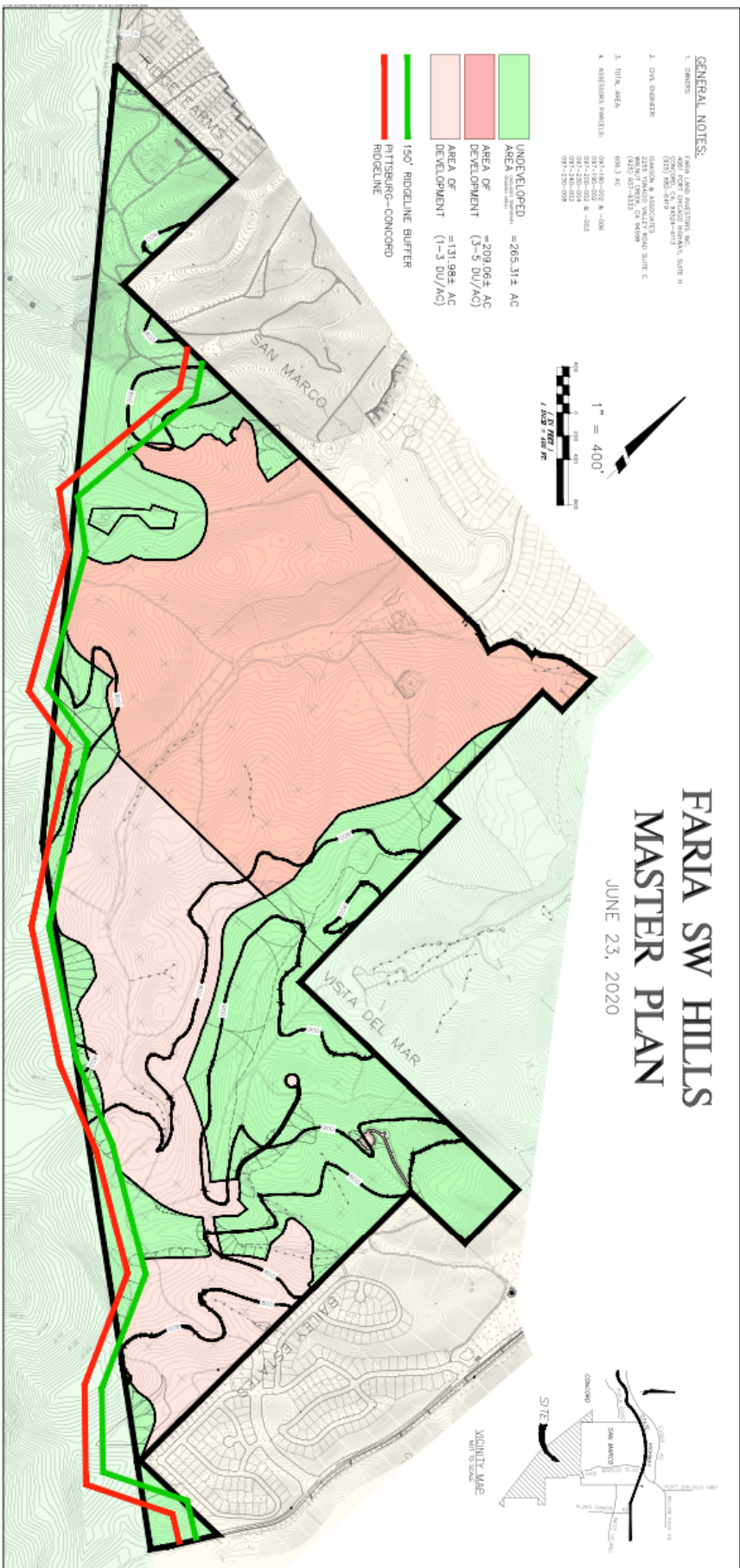


EXHIBIT B
APPLICABLE FEES

Building Division

Row #	Fee Description
1	Building Permit Fee Minimum
2	Building Permit Fees (Alterations and Repairs)
3	Building Permits Fees (New Commercial)
4	Building Permits Fees (New Industrial)
5	Building Permits Fees (New SFR Dwellings)
6	Building Permits Fees (New SFR Private Garages)
7	Building Permits Fees (New SFR decks / porches)
Above SFR valuation calculation to remain constant. Table B to be adjusted by the prior year ENR 20-City Construction Cost Index every January 1st.	
8	Reroof (Residential) - 1st 20 square
9	Reroof (Residential) - each additional 10 square
10	Reroof (Commercial)
	All Inclusive Permit Fees:
11	All Inclusive Permit Fees (Kitchen Alteration)
12	All Inclusive Permit Fees (Bathroom Alteration)
13	All Inclusive Permit Fees (Bathroom Alteration Each Additional)
14	All Inclusive Permit Fees (Window/Door Replacement)
15	All Inclusive Permit Fees (Window/Door Replacement)
16	All Inclusive Permit Fees (Window Replacement)
17	Plumbing Fee (Primary)
18	Plumbing Fee (Supplemental)
19	Water Heater Replacement
20	Re-piping - Supply Lines
21	Sewer Line Repair/Replace
22	Conversion to Tankless Water Heater Permit
23	Seismic Gas Valve
24	Electrical Fee (Primary)
25	Electrical Fee (Supplemental)
26	Electrical Service Upgrade - (200 amps or <)
27	Electrical Service Upgrade - (> 200 amps)
28	New Service (Pedestal)
29	Temporary Power
30	E. V. Charger - Residential
31	E. V. Charger - Commercial
32	Mechanical Fee (Primary)

33	Mechanical Fee (Supplemental)
34	Accessory Dwelling Units
35	Junior Accessory Dwelling Units
Mechanical Permits - Residential (Single-family and duplexes)	
36	Heating and/or Cooling Equipment (including ducts)
37	Wall Furnace
38	Kitchen Hood and Bathroom Vents
Mechanical Permits - Commercial & Multi-Family	
39	HVAC Unit (includes all associated sub-permits)
40	Air Handler Unit
41	Vent System
42	Exhaust Hood Replacement
43	Insulation/ Energy Fee Per New Construction > 500 sf.
44	Swimming Pool Permit (Residential Fee)
45	Swimming Pool Permit (Commercial Fee)
46	Sign Permit (New Installation)
47	Sign Replacement (Channel Signage)
48	Sign Replacement (Channel Signage)
49	Sign Replacement (Monument Signage)
50	Sign Replacement (Projecting Signage)
51	Sign Replacement (Transom Signage)
52	Sign Replacement (Freestanding Signage)
53	Demolition (Residential)
54	Demolition (Commercial)
55	Moved Building Permit / Manufactured Home
56	Solar Building Permit-Solar Panels & Pool Heaters
57	Solar Building Permit-Solar Panels & Pool Heaters
58	Solar Building Permit-Solar Panels & Pool Heaters
59	Commercial Photovoltaic Permit
Plan Review Fees:	
60	Building Plan Review Fee
61	Expedited Plan Review
62	Foundation Only
63	Review In Excess of (2)
64	Fire and Termite Repair w/ Scope of Work
65	Energy Plan Review Fee (Commercial - New Construction)
66	Energy Plan Review Fee (Residential - New Construction)
67	Energy Plan Review Fee (Residential - Development Model)
68	Plumbing Plan Review Fee
69	Electrical Plan Review Fee
70	Mechanical Plan Review Fee
71	Swimming Pool Plan Review Fee (Custom)

72 Swimming Pool Plan Review Fee (Standardized Plans and Calculations)

73 Over Counter Plan Review Fee

74 Production Housing - Plan Review Fee

Residential Rental Property Inspection Fee Schedule:

75 Initial Annual Inspection Fee and Registration Fee

76 Annual Program Fee

77 Annual Program Fee Completed Electronically (On Line)

An initial verification inspection is conducted at the first time a property is placed into inventory. A renewal inspection is conducted each year thereafter or on the fourth year for properties that are self inspected by the owner.

Additional Inspection Fees:

78 Building

79 Plumbing, Electrical, Mechanical, etc.

80 Requested Special Inspection

81 Code Compliance Permit (Residence)

82 Code Compliance Permit (Commercial)

83 Code Compliance Permit (Work without a permit)

84 Code Compliance Permit (Work without a permit)

85 Stop work fee

86 Code Compliance Permit (Reinstate Expired Permit - Final Inspection Only)

87 Code Compliance Permit (Reinstate Expired Permit - Second Inspection due to corrections)

88 Code Compliance Permit (Reinstate Expired Permit - Inspections beyond final remaining)

89 30 day Temporary Certificate of Occupancy

90 Garage Conversion

Administrative Fees:

91 Fire Protection Collection Fee

92 Fire District Facilities Admin Fee (Single Family)

93 Fire District Facilities Admin Fee (Multi-Family)

94 Fire District Facilities Admin Fee (Office)

95 Fire District Facilities Admin Fee (Commercial)

96 Fire District Facilities Admin Fee (Industrial)

Other Fees:

97 Water Meter – Purchase

98 Construction Water – pre-metered internal use

99 Copies

100 Document Imaging Fee (Subdivisions = BP Models Only)

101 Document Imaging Fee (Building Permit Fee)

102 Accessibility Fee (Non-Res Building Permit Fee)

103 NPDES Management Fee (Building Permit Fee)

104 Release of Tax Lien

105 Postage / Handling – Permits

106 Inspection outside of normal business hours

107	Re-inspection Fee
108	Inspections for which no fee is specifically indicated
109	Technology fee of permit and R.I.P enrollment fees
Building Standards Administration Fee (Mandated by State of California)	
110	Permit Valuation - \$1 - \$25,000
111	Permit Valuation - \$25,001 - \$50,000
112	Permit Valuation - \$50,001 - \$75,000
113	Permit Valuation - \$75,001 - \$100,000
114	Every \$25,000 or fraction thereof above \$100,000
Strong Motion Instrumental and Seismic Hazard Mapping (Mandated by State of California)	
115	Category 1 (Residential 1 - 3 stories Building Permits over \$5,000)
116	Category 2 (Commercial and Residential over 3 stories Building Permits over \$2,381)
117	Category 1 Permits under \$5,000 and Category 2 Permits under \$2,381

Building Division - Table I Plumbing Permit Fees - California Plumbing Code (C.P.C.)

Row #	Fee Description
Permit Issuance	
1	Filing Fee
2	Filing Fee (Supplementary)
Plan Review	
3	Plan review fees for plumbing work shall be equal to 100% of Plumbing Permit
4	Additional plan review required by changes, additions or revisions to approved plans shall be assessed hourly
5	When plan check goes beyond a second review the applicant may be charged for subsequent reviews on an hourly basis or per the consultant's fee.
System Fee Schedule	
6	Residential construction (SFR and MFR > 500 sq. ft.
7	Commercial construction - Complete Building
8	Commercial construction - Shell only
9	Commercial construction - Vanilla Shell only
10	Commercial construction - Tenant Improvement
11	Commercial construction - Tenant Improvement (Restaurant)
12	Alterations or Additions residential and commercial
13	Trade Specific (Plumbing Only)
Other Inspection And Fees	
14	Inspection outside of normal business hours
15	Re-inspection Fee
16	Inspections for which no fee is specifically indicated

Building Division - Table II

Electrical Permit Fees - California Electrical Code (C.E.C.)

Row #	Fee Description
Permit Issuance	
1	Filing Fee
2	Filing Fee (Supplementary)
Plan Review	
3	Plan review fees for electrical work shall be equal to 100% of Electrical Permit
4	Additional plan review required by changes, additions or revisions to approved plans shall be assessed hourly
5	When plan check goes beyond a second review the applicant may be charged for subsequent reviews on an hourly basis or per the consultant's fee.
System Fee Schedule	
6	Residential construction (SFR and MFR > 500 sq. ft.
7	Commercial construction - Complete Building
8	Commercial construction - Shell only
9	Commercial construction - Vanilla Shell only
10	Commercial construction - Tenant Improvement
11	Commercial construction - Tenant Improvement (Restaurant)
12	Alterations or Additions residential and commercial
13	Trade Specific (Electrical Only)
Other Inspection And Fees	
14	Inspection outside of normal business hours
15	Re-inspection Fee
16	Inspections for which no fee is specifically indicated

Building Division - Table III

Mechanical Permit Fees - California Mechanical Code (C.M.C.)

Row #	Fee Description
Permit Issuance	
1	Filing Fee
2	Filing Fee (Supplementary)
Plan Review	
3	Plan review fees for electrical work shall be equal to 100% of Mechanical Permit
4	Additional plan review required by changes, additions or revisions to approved plans shall be assessed hourly
5	When plan check goes beyond a second review the applicant may be charged for subsequent reviews on an hourly basis or per the consultant's fee.
System Fee Schedule	

6	Residential construction (SFR and MFR > 500 sq. ft.
7	Commercial construction - Complete Building
8	Commercial construction - Shell only
9	Commercial construction - Vanilla Shell only
10	Commercial construction - Tenant Improvement
11	Commercial construction - Tenant Improvement (Restaurant)
12	Alterations or Additions residential and commercial
13	Trade Specific (Mechanical Only)
Other Inspection And Fees	
14	Inspection outside of normal business hours
15	Re-inspection Fee
16	Inspections for which no fee is specifically indicated

Building Division - Table IV

Fees Collected For Other Agencies & Departments

Row #	Fee Description
Water Meter Purchase (City of Pittsburg Public Works)	
AMR Meters:	
1	5/8" x 3/4"
2	1-inch
3	1 1/2-inch
4	2-inch
5	1 1/2-inch turbine
6	2-inch turbine
7	3-inch turbine
8	4-inch turbine
Non-AMR Meters:	
9	5/8" x 3/4"
10	1-inch
11	1 1/2-inch
12	2-inch
Other Meters (not listed above)	
<i>Fees shall increase each July 1st based on the April twelve month average percentage increase in the San Francisco-Oakland-San Jose All Urbank Workers Consumer Price Index.</i>	
Fire Protection Facilities Fee (Contra Costa County Fire Protection District) - Effective November 1, 2019 (Contra Costa County Ordinance No. 2019-21)	
Residential	
13	Single-Family

14	Multi-Family
	Nonresidential
15	Office
16	Commercial
17	Industrial
Fire Protection Facilities Deferred Fee (Contra Costa County Fire Protection District) - Effective June 18, 2007 (Resolution 07-10816)	
	Residential
18	Single-Family
19	Multi-Family
	Nonresidential
20	Office
21	Commercial
22	Industrial
Fire District Administration Fee (Contra Costa County Fire Protection District) - Effective November 1, 2019 (Contra Costa County Ordinance No. 2019-21)	
	Residential
23	Single-Family
24	Multi-Family
	Nonresidential
25	Office
26	Commercial
27	Industrial
Fire District Administration Fee (City of Pittsburg)	
28	Residential - Single-Family
29	Residential - Multi-Family
30	Nonresidential
Building Standards Administration Fee (Mandated by State of California)	
	Permit Valuation
31	\$1 - \$25,000
32	\$25,001 - \$50,000
33	\$50,001 - \$75,000
34	\$75,001 - \$100,000
35	Every \$25,000 or fraction thereof above \$100,000
Strong Motion Instrumentation and Seismic Hazard Mapping (Mandated by State of California)	
36	Category 1
37	Category 2
38	Category 1 Permits under \$5,000
39	Category 2 Permits under \$2,381

Planning

Row #	Fee Description
1	Accessory Dwelling Unit
2	Annexation Review
3	Appeal
4	Certificate of Compatibility (mobile/manufactured houses)
5	Commercial/Retail Permit
6	Design Review (administrative, awnings, color change)
7	Design Review (all other administrative)
8	Design Review - SFR Subdivision 5-50 Lots
9	Design Review - SFR Subdivision >50 lots
10	Design Review - MFR Base Fee 1-50 units
11	Design Review - MFR 50+
12	Design Review - New Wireless Telecomm Facility & Comm Bldg Remodel <5k s.f.
13	Design Review - Commercial Structure
14	Development Agreements
15	Environmental - Consultant Study (Pass Through)
16	Environmental - EIR (Pass Thru)
17	Environmental - Initial Study or Environmental Assessment
18	Environmental - Negative Declaration
19	Environmental - Notice of Determination (Pass Thru)
20	Environmental - F&G w/ND/no impacts (Pass Thru)
21	Environmental - F&G w/ND +impacts (Pass Thru)
22	Extension of Approval
23	Fence Height Exception/Tree Removal Permit
24	General Plan Amendment
25	Habitat Conservation Plan Administration
26	Home Occupation Permit
27	Minor Modifications - Existing wireless telecom facilities
28	Outdoor Dining Permit

29	Preliminary Plan Review
30	Rezoning Request
31	Sign Review - Freestanding (Admin)
32	Sign Review - Wall Sign (Admin)
33	Sign Review - Sign Program
34	Sign Review - Sign Exception
35	Sign Review - Temporary Signs
36	Sign Review - Billboard
37	Subdivision Minor
38	Special Projects
39	Subdivision Major
40	Temp Activity Permit
41	Use Permit - Existing Bldg & Non-sensitive
42	Use Permit - New Const and/or Sensitive
43	Variance Review – Standard
44	Zoning Administrator Approval (large day care home, small recycling facility, home occupation permit, telecommunications collocation)
45	Zoning Code Amendment
46	Zoning Compliance Letter
Planning Document Charges:	
47	Copy Fee - Black/White
48	Copy Fee - Color Print
49	General Plan Update
50	Penalty of Returned Checks

Engineering

(Fund 110 - General Fund)

Row #	Fee Description
1	Copies
2	Copies
3	Documents (36" wide paper)
4	Document (18" wide paper)
5	Construction Bid Packages
6	Parcel Map Waiver
7	Minor Subdivision Map Check
8	Major Subdivision Map processing fee - Base Fee
9	Subdivision Improvement Plan Check
10	Subdivision Improvement Inspection (\$0-\$500k)
11	Subdivision Improvement Inspection (\$500,001 - \$5M)
12	Subdivision Improvement Inspection (> \$5 million)
13	Encroachment Permit Plan Review
14	Encroachment Permit Inspection
15	Grading Plan Review
16	Grading Inspection
17	Development Agreement Preparation
18	Address Change/New Add.
19	Street Name Change
20	Flood Zone Verification
21	Transportation Permit (2 day permit)
22	Transportation Permit (Annual)
23	Plan Check - Single Parcel (SF)
24	Inspection - Single Parcel (SF)
25	Plan Check - Single Parcel (MF)
26	Inspection - Single Parcel (MF)

27	Plan Check - Single Parcel (Acreage)
28	Inspection - Single Parcel (Acreage)
29	Sewer Inspection Deposit
30	Storm Drain Inspection Deposit
31	Geographical Information System (Residential - Base)
32	Geographical Information System (Commercial)
NPDES Plan Review (SWPPP and/or C.3 Storm water Control Plan)	
33	10,000 sf to 1 acre or Risk Factor 1
34	>1 acre or Risk Factor 2 and 3
35	NPDES Inspection Risk Factor 1
36	NPDES Inspection Risk Factor 2 and 3
37	Work Without Permit Investigation
Engineering Document Charges	
38	Water Master Plan
39	Waste Water Master Plan
40	CIP (Capital Improvement Project)
41	Grading Erosion Sediment Ordinance
42	City's Specs and Details (Pkg. of 2)
43	City's Specs (Pkg. of 1)
44	City's Detail (Pkg. of 1)
45	Document Imaging Fees

A) When the developer submits plans, maps, or other documents for plan review, deposits equal to one half of the total estimated Engineering Improvements and or Grading Plan Review Fees shall be made to the Engineering Department. The Plan Check Fees are based upon the Engineer's Estimate, which shall also be provided at the time the plans are submitted. The deposit(s) shall be credited toward the final fee(s) as determined at engineering permit issuance based upon the final, approved Engineer's Estimate. The deposit shall be paid to the Engineering Department at the time of the developer's first plan submittal - (revised 2009)

- B) A new three-tiered fee structure is ADOPTED. This will eliminate the previous 8.75% flat fee.
- C) For estimates based on cubic yards of material to be moved, see Engineering Fees chart for alternative calculation.
- D) These costs only represent the Engineering costs. This is a multi-department activity, which will be charged by an hourly rate from all participating

departments, which includes salary, benefits and overhead. A deposit may be required prior to beginning the work.

E) Transportation Permit Fee rate set by State of California in accordance with CVC 35795(b)(1).
 F) The Countywide Construction General Permit for NPDES categorizes construction projects according to three risk levels according to project sediment risk and receiving water risk. Risk Level 1 are those projects issued permits by the Regional Water Quality Control Board prior to July 1, 2010. These projects are subject to minimum Best Management Practices (BMP) and visual monitoring only. Risk Level 2 projects have been determined to present a high sediment risk and low receiving water risk, or, a low sediment risk and high receiving water risk. Risk Level 3 projects have been determined to have both a high sediment risk and high receiving water risk. Risk Level 2 and 3 projects are required to implement BMPs and may be required to conduct sampling of storm water runoff to determine whether sediment and pH levels are within acceptable tolerances. If exceeded, the project site may be subject to more stringent controls and extended monitoring activities. Actual costs include staff time and time and materials for outside expenses. Surplus funds collected to be returned to applicant.

Additional deposits may be required.

G) MAJOR SUBDIVISION MAP PROCESSING FEE

<u>1ST - 3 FINAL MAP CHECKS</u>		<u>4TH Final Map Check</u>
<i>5-50 LOTS</i>	<i>\$4,000</i>	<i>\$4,000 + \$800 each additional map check</i>
<i>51-150 LOTS</i>	<i>\$4,500</i>	<i>\$4,500 + \$1,065 each additional map check</i>
<i>151 OR MORE</i>	<i>\$5,000</i>	<i>\$5,000 + \$1,330 each additional map check</i>

Note: If an Engineering study is contracted out (i.e., Traffic Study) on behalf of a project applicant, a 25% overhead charge may be used in lieu of staff time being tracked and charged directly.

Engineering GRADING FEE CHARGES

PLAN CHECK FEE:			
0-50 cy	\$328		
51 - 1,500 cu yd	\$589	0.1800 per cu yd	in excess of 50 cu yds
1501 - 5,000 cu yd	\$1,149	0.1600 per cu yd	in excess of 1,500 cu yds
5,001 - 10,000 cu yd	\$1,849	0.1400 per cu yd	in excess of 5,000 cu yds
10,001 - 100,000 cu yd	\$6,349	0.0500 per cu yd	in excess of 10,000 cu yds
100,001 - 200,000 cu yd	\$10,349	0.0400 per cu yd	in excess of 100,000 cu yds
200,001 - 1,000,000 cu yd	\$19,949	0.0120 per cu yd	in excess of 200,000 cu yds
1,000,001 cu yd AND OVER	\$19,949	0.0040 per cu yd	in excess of 1,000,000 cu yds

INSPECTION FEE:			
0-50 cy	\$344		
51 - 1,500 cu yd	\$721	0.2600 per cu yd	in excess of 50 cu yds
1501 - 5,000 cu yd	\$1,484	0.2180 per cu yd	in excess of 1,500 cu yds
5,001 - 10,000 cu yd	\$2,484	0.2000 per cu yd	in excess of 5,000 cu yds
10,001 - 100,000 cu yd	\$9,144	0.0740 per cu yd	in excess of 10,000 cu yds
100,001 - 200,000 cu yd	\$15,144	0.0600 per cu yd	in excess of 100,000 cu yds
200,001 - 1,000,000 cu yd	\$29,544	0.0180 per cu yd	in excess of 200,000 cu yds
1,000,001 cu yd AND OVER	\$29,544	0.0060 per cu yd	in excess of 1,000,000 cu yds

If grading quantity is not available in cubic yards, the charge will be as follows:

2.5% of the Engineer's estimate for Plan Check

3% of the Engineer's estimate for Inspection

Public Works - Water Service Charges

Row #	Fee Description
1	New Utility Account Set-up
2	Meter Shut Off and/or Meter Turn On
3	Meter Shut Off and/or Meter Turn On -for Pulled Meter
4	Meter Tampering fee
5	After hours turn-ons
6	Verify meter reads (VMR/AMR)
7	Fire hydrant meter - check or field read
8	Field Test - Water Meter
9	Sewer Back-up (customer's lateral)
10	Bacteriological Testing - first
11	Bacteriological Testing - additional
12	New Hydrant Account Set-up
13	NSF
14	ACH Reject
15	Credit Card Fraud
16	Write-off/Collection Processing
17	Meter Replacement due to tampering/damage
18	Illegal Hook-Up
19	Trip Charge
<p>Effective February 2020, in accordance with Senate Bill 998 reconnection fee limits for low income customers (below the 200% federal poverty limit), the following fee charges as a result of low income customers being shut-off for non-payment shall be established as follows:</p>	
20	Meter Shut Off (low income only)
21	Meter Turn On (low income only)
22	Meter Turn On-After Hours (low income only)

Attachment 6
Applicable General Plan Goals and Policies
 Faria/Southwest Hills annexation Project, AP-10-717 (GP, RZ, DA)

General Plan Goal or Policy	Analysis
Land Use Element – Citywide	
2-G-5: Promote a diversity of housing types, including opportunities for hillside estate development, as well as smaller lot, infill, and high-density housing.	Consistent. Implemented with the proposed Master Plan.
2-G-8: Ensure that hillside development enhances the built environment, improves safety through slope stabilization, is respectful of topography and other natural constraints, and preserves ridgelines and viewsheds.	Consistent. Implemented with the proposed Master Plan.
2-G-9: Exercise leadership in securing development and preserving open space consistent with the General Plan in portions of the Planning Area that will ultimately be inside the city boundaries.	Consistent. The proposed project would result in more open space land than what currently exists in the General Plan.
2-P-4: Consider amendments to the current Sphere of Influence for properties along the eastern and western edges of the City, to take advantage of providing City services for the development of adjacent vacant lands.	Consistent. Project area is within the Sphere of Influence.
2-P-6: Ensure provision of community amenities within planned development projects, including parks and recreation facilities, streetscaping and pedestrian paths, transit facilities, parking areas, and public safety facilities. Ensure construction of amenities at a time that is in balance with the needs of the development.	Consistent. Implemented with the proposed Master Plan.
2-P-15: Ensure minimum residential densities, in accordance with the ranges stipulated in this Plan.	Consistent.
2-P-22: Ensure that all General Plan policies apply to hillside land irrespective of zoning – whether Planned Development or any other base district.	Consistent. Proposed General Plan amendments (as described in the project description) would ensure consistency with this policy.
2-P-23: Restrict development on minor and major ridgelines (as identified in Figure 4-2). Encourage residential construction on flatter natural slopes or non-sensitive graded areas that reduce environmental and visual impacts. Minimize cut-and-fill of natural hillsides.	Consistent. There are no designated minor or major ridgelines on the site.

General Plan Goal or Policy	Analysis
<p>2-P-24: Prohibit new development on designated ridgelines. Ensure that residential developers cluster housing units to reduce both environmental and visual impact of hillside development.</p>	<p>Consistent. There are no designated minor or major ridgelines on the site. Proposed development area would be focused to the valley-like area in the center of the site, minimizing the potential for visual impacts</p>
<p>2-P-26: Ensure that new hillside development utilizes fire-resistant building materials, per the Uniform Building Code. Require that all residential units adjacent to open slopes maintain a 30-ft setback with fire-resistant landscaping.</p>	<p>Consistent. The Master Plan requires maintenance of a 100-ft setback with fire resistant landscaping,</p>
<p>*2-P-27: Minimize single-access residential neighborhoods in the hills; maximize access for fire and emergency response personnel.</p>	<p>Consistent. Implemented with the proposed Master Plan.</p>
<p>Land Use Element – Southwest Hills</p>	
<p>2-G-33: Maintain the general character of the hill forms.</p>	<p>Proposed for Deletion.</p>
<p>2-G-34: Encourage development of higher-end, low-density residential</p>	<p>Consistent. Proposed project densities would not exceed 5 units per acre.</p>
<p>2-P-85: Ensure extension of West Leland Road and San Marco Boulevard through the area, as shown on the General Plan Diagram, as a condition of any new approval in the area.</p>	<p>Consistent. Proposed Master Plan would require San Marco Blvd. to extend south through the site.</p>
<p>2-P-90: Ensure that all new development in Southwest Hills provides trailheads and linkages into the multi-use trail system planned to extend from West Leland Road to Oak Hills Park.</p>	<p>Consistent. Implemented with the proposed Master Plan.</p>
<p>2-P-91: Ensure as part of the development review process that any future subdivision in the southwest hills that is adjacent to the 2005 Pittsburg voter approved urban limit line, establishes a greenbelt buffer within the City's urban limit line between the proposed development and the urban limit line. The greenbelt buffer shall include all land between the City of Concord border and the first set of ridges, including the tops of these same ridges which generally run parallel to the common border. The City will consider, in conjunction with subdivision applications on these properties and related environmental analysis, general plan and/or the transfer of lost development rights as a result of these greenbelts to other portions of these properties, while not increasing the overall number of units permitted on these properties.</p>	<p>Consistent. While no subdivision or site specific development plan has been proposed at this time, the land use and rezoning amendments proposed, together with the Master Plan, would implement this policy by establishing the required greenbelt buffer along the western edge of the site through new Open Space designations.</p>

General Plan Goal or Policy	Analysis
<p>2-P-93: Allow Low Density residential development west of Bailey Road, as shown on the General Plan Diagram. Ensure that such development is minimally visible from Bailey Road and mitigates any impacts to creeks and wetlands in the area.</p>	<p>Consistent. Implemented with the proposed Master Plan.</p>
<p>2-P-96: Allow an overall maximum density of 3.0 du/ac within the Low Density Residential areas south of the San Marco project and outside the present Sphere of Influence line with a maximum number of 1500 residential units.</p>	<p>Consistent. As proposed, the developable areas for residential use would be reduced; however, the project would still allow for buildout of up to 1,500 units, consistent with this policy.</p>
Growth Management Element	
<p>3-G-2: Realize the opportunities afforded by establishment of the Voter Approved Urban Limit Line to allow the City to grow in such a way as to diversify and expand the employment base, develop a range of housing opportunities, increase the depth of municipal fiscal resources, enhance the quality of urban life for all Pittsburg residents and prohibit urban development beyond the Voter Approved Urban Limit Line.</p>	<p>Consistent. The project would allow development of new higher-end single family homes in the southwest hills, within the Voter Approved Urban Limit Line.</p>
<p>3-G-5: Ensure that new residential, commercial and industrial growth within the Voter-Approved Urban Limit Line pays its share of the costs for the construction of facilities needed to serve that growth.</p>	<p>Consistent. Implemented primarily through the terms of the proposed Development Agreement.</p>
<p>3-G-10: Foster development of a variety of housing types, densities and prices to balance the City's housing stock and meet the City's regional fair share housing needs for people of all income levels. (Housing Element Goal 13-G-1)</p>	<p>Consistent. According to the current Regional Housing Needs Allocation (RHNA), there is a need for more above-moderate income housing within the City.</p>
<p>3-P-1: Allow urban and suburban development only in areas where public facilities and infrastructure (police, fire, parks, water, sewer, storm drainage, and community facilities) are available or can be provided.</p>	<p>Consistent.</p>
Urban Design Element	
<p>4-G-1: Retain views of major and minor ridgelines within the southern hills, as designated in Figure 4-2.</p>	<p>Consistent. There are no designated minor or major ridgelines on the site; however, the existing ridgelines on the east and west side of the site would be preserved as open space.</p>

General Plan Goal or Policy	Analysis
<p>4-G-2: Preserve minor ridgelines south of State Route 4 as open space to provide screening for hillside development.</p>	<p>Consistent. There are no designated minor or major ridgelines on the site; however, the existing ridgelines on the east and west side of the site would be preserved as open space.</p>
<p>4-G-3: Ensure that new residential development in the southern hills provides adequate transition between urban and open space uses on the City's edge.</p>	<p>Consistent. Project includes establishment of a greenbelt buffer along the western edge of the site.</p>
<p>4-G-4: Encourage development that preserves unique natural features, such as topography, rock outcroppings, mature trees, creeks, and ridgelines, in the design of hillside neighborhoods.</p>	<p>Modification Proposed: Encourage development that preserves unique natural features, such as topography, rock outcroppings, mature trees, creeks, and <u>designated major and minor ridgelines</u>, in the design of hillside neighborhoods.</p>
<p>4-G-5: Encourage a sense of rural character in the design and construction of hillside development, including extensive landscaping, rooftop terraces, sloping rooflines, and use of natural materials.</p>	<p>Consistent. Implemented by the proposed Master Plan.</p>
<p>*4-P-1: Require ridge setbacks for all new hillside development. Building pads should be located at least 150 feet away from the crest of a major ridgeline (measured horizontally from the centerline), as designated in Figure 4-3.</p>	<p>Consistent. There are no designated minor or major ridgelines on the site; however, the project would meet the 150-foot setback requirement along its western edge.</p>
<p>*4-P-2: As part of the development review process, require design review of proposed hillside development. Ensure that:</p> <ul style="list-style-type: none"> • Hillside development is clustered in small valleys and behind minor ridgelines, to preserve more prominent views of the southern hills. • Hillside streets are designed to allow open views by limiting the building of structures or planting of tall trees along the southern edge or terminus of streets. 	<p>Modification Proposed: As part of the development review process, require design review of proposed hillside development. <u>Encourage</u> Ensure that:</p> <ul style="list-style-type: none"> • Hillside development <u>that</u> is clustered in small valleys and behind minor ridgelines, to preserve more prominent views of the southern hills. • Hillside streets <u>that</u> are designed to allow open views by limiting the building of structures or planting of tall trees along the southern edge or terminus of streets.
<p>4-P-3: As part of the development review process, limit building heights and massing where views of the hills from adjacent properties and public spaces could be preserved.</p>	<p>Consistent. Implemented by the proposed Master Plan.</p>

General Plan Goal or Policy	Analysis
<p>4-P-5: Design and install entry features at the entrances to the City, implemented through the City’s Capital Improvement Program. Use landscaping, signs, lighting, and other visual features to announce the gateway along regional roadways.</p>	<p>Consistent. Implemented by the proposed Development Agreement.</p>
<p>4-P-6: Ensure that developers of new residential projects in the southern hills plant trees and other vegetation along collector and arterial roadways, in order to maintain the sense of “rural” open space at the City’s southern boundary.</p>	<p>Consistent. Implemented by the proposed Master Plan.</p>
<p>4-P-7: Ensure that design treatment of new development at the City’s southern boundary retains a rural feel by:</p> <ul style="list-style-type: none"> • Discouraging the use of solid walls along these edges (fences must be visually permeable; however, discourage use of chain link in front and side yards); • Using materials and design to promote a rural feeling (for example, wooden or other rustic materials); and • Encouraging development at the outer edge of the City to face outwards toward the rural landscape (preventing a solid wall of residential back yard fences). 	<p>Consistent. Implemented by the proposed Master Plan.</p>
<p>4-P-10: Minimize grading of the hillsides. Amend the City’s Zoning Ordinance to allow density bonuses of 10 percent (maximum) for new hillside development that preserves 40 percent of natural hill contours.</p>	<p>Proposed for Deletion</p>
<p>*4-P-11: Limit grading of hillside areas over 30 percent slope (see Figure 10-1) to elevations less than 900 feet, foothills, knolls, and ridges not classified as major or minor ridgelines (see Figure 4-2). During review of development plans, ensure that necessary grading respects significant natural features and visually blends with adjacent properties.</p>	<p><i>Modification Proposed:</i> Limit grading of hillside areas over 30 percent slope (see Figure 10-1 [of the General Plan]) to elevations less than 900 feet, foothills, knolls, and ridges not classified as major or minor ridgelines (see Figure 4-2 [of the General Plan]), <u>unless deemed necessary for slope stability remedial grading, or installation of City infrastructure.</u> During review of development plans, ensure that necessary grading respects significant natural features and visually blends with adjacent properties.</p>
<p>4-P-12: Encourage terracing in new hillside development to be designed in small incremental steps. Extensive flat pad areas should be limited.</p>	<p>Proposed for Deletion</p>

General Plan Goal or Policy	Analysis
*4-P-14: Preserve natural creeks and drainage courses as close as possible to their natural location and appearance.	Proposed for Deletion
*4-P-15: Minimize the visual prominence of hillside development by taking advantage of existing site features for screening, such as tree clusters, depressions in topography, setback hillside plateau areas, and other natural features.	Consistent. There are no designated minor or major ridgelines on the site; however, the existing ridgelines on the east and west side of the site would be preserved as open space.
4-P-16: Allow flag lots with common driveways within hillside neighborhoods, in order to encourage terracing of buildings while minimizing roadway cut-and-fill (see Figure 4-4).	Consistent. Implemented by the proposed Master Plan.
*4-P-17: Encourage clustering of Hillside Low-Density units in the Southern Hills, with resulting pockets of open space adjacent to major ridgelines and hillside slopes. Allow density bonuses of 10 percent (maximum) for preservation of 60 percent or more of a project's site area as open space.	Consistent. Implemented by the proposed project land use lay out with residential areas in the center valley and open space on the outer edges of the site.
4-P-19: Encourage lot configuration such that perimeter walls and fences along arterial corridors within the southern hills are not needed.	Consistent. Implemented by the proposed Master Plan.
4-P-20: Discourage lot orientation that fronts onto the cross-slope of street segments on steep grades.	Proposed for Deletion
4-P-21: Encourage single-loaded streets parallel to steep slopes, with placement of lots on the uphill side of the street, such that homes front down-slope and allow open vistas from the public street.	Consistent. Implemented by the proposed Master Plan.
4-P-22: Discourage placement of lots that allow the rear of homes to be exposed to lower elevation views.	Proposed for Deletion
*4-P-24: Building forms should be "stepped" to conform to site topography. Encourage use of rooftop terraces and decks atop lower stories.	Consistent. Building type allowed by the proposed Master Plan.
*4-P-25: During development review, encourage residential rooflines that are oriented in the same direction as the natural hillside slope.	Proposed for Deletion

General Plan Goal or Policy	Analysis
4-P-26: Reflect the predominant colors and textures within the surrounding landscape in selection of building materials for hillside development. Roof colors should tend toward darker earth tones, so that they are less visible from adjacent or upslope properties.	Proposed for Deletion
4-P-27: Maximize water conservation, fire resistance, and erosion control in landscape design through use of sturdy, native species. Use irregular planting on graded slopes to achieve a natural appearance.	Consistent. Implemented by the proposed Master Plan.
*4-P-28: Encourage developers to align and construct streets along natural grades. Minimize visibility of streets from other areas within the City (see Figure 4-7).	Consistent. Implemented by the proposed Master Plan.
4-P-29: Encourage the construction of split roadways on steep hillsides, where appropriate.	Consistent. Implemented by the proposed Master Plan.
*4-P-30: Ensure that all residential developers provide multi-use trails or trailheads connecting to local schools and parks, commercial centers, and regional open spaces.	Consistent. Implemented by the proposed Master Plan.
4-P-31: Provide on-street parking along hillside roads in parking bays where topography allows.	Consistent. Implemented by the proposed Master Plan.
Transportation Element	
7-P-13: Upgrade or extend the hillside access routes from Bailey Road, Buchanan Road, Kirker Pass Road, and proposed San Marco Boulevard, as development potential warrants.	Consistent. Extension of San Marco Blvd would be required by the proposed Master Plan.
*7-P-14: Increase access to alternative north-south routes providing connection to State Route 4, other than Railroad Avenue.	Consistent. Extension of San Marco Blvd would be required by the proposed Master Plan.
*7-P-41: Ensure the provision of multi-use trails or trailheads within new hillside developments, preferably connecting to the regional trail network.	Consistent. Implemented by the proposed Master Plan.
Open Space, Youth and Recreation Element	
8-G-3: Promote a local trail and linear park system to provide access to regional open space areas, as well as connections between neighborhoods.	Consistent. Implemented by the proposed Master Plan.

General Plan Goal or Policy	Analysis
<p>*8-P-2: Pursue the development of park and recreation facilities within reasonable walking distance of all homes.</p>	<p>Consistent. Implemented by the proposed Master Plan.</p>
<p>8-P-9: Design the layout of new park facilities in accordance with the natural features of the land. Where possible, preserve such natural features as creeks and drainage ponds, rock outcroppings, and significant topographic features.</p>	<p>Consistent. Implemented by the proposed Master Plan.</p>
<p>8-P-21: Encourage new residential development in hillside areas to develop public trails and/or trailheads providing connections to other regional and local open spaces.</p>	<p>Consistent. Implemented by the proposed Master Plan.</p>
<p>Resource Conservation Element</p>	
<p>*9-P-1: Ensure that development does not substantially affect special status species, as required by State and federal agencies and listed in Table 9-1. Conduct assessments of biological resources as required by CEQA prior to approval of development within habitat areas of identified special status species, as depicted in Figure 9-1.</p>	<p>Consistent.</p>
<p>9-P-6: In order to preserve viewsheds of the southern hills, preserve major ridgelines (shown in Figure 9-1) throughout the Planning Area. Revise the Municipal Code per Policy 4-P-1: building pads and structural elements shall be located at least 150 feet away from (horizontally) the crest of a major ridgeline.</p>	<p>Consistent. There are no designated minor or major ridgelines on the site; however, the project would meet the 150-foot setback requirement along its western edge.</p>
<p>*9-P-7: During the design of hillside residential projects, encourage clustering of housing to preserve large, unbroken blocks of open space, particularly within sensitive habitat areas. Encourage the provision of wildlife corridors to ensure the integrity of habitat linkages.</p>	<p>Consistent. Implemented by the proposed Master Plan.</p>
<p>*9-P-9: Establish creek setbacks along riparian corridors, extending a minimum of 50 to 150 feet laterally on each side of the creek bed. Setback buffers for habitat areas of identified special status species and wetlands may be expanded as needed to preserve ecological resources.</p>	<p>Consistent. Implemented by the proposed Master Plan.</p>
<p>Health and Safety Element</p>	

General Plan Goal or Policy	Analysis
<p>*10-P-3: Regulate the grading and development of hillside areas for new urban land uses. Ensure that such new uses are constructed to reduce erosion and land sliding hazards:</p> <ul style="list-style-type: none"> • Limit cut slopes to 3:1, except where an engineering geologist can establish that a steeper slope would perform satisfactorily over the long term. • Encourage use of retaining walls or rock-filled crib walls as an alternative to high cut slopes. • Ensure revegetation of cut-and-fill slopes to control erosion. <p>Ensure blending of cut-and-fill slopes within existing contours, and provision of horizontal variation, in order to mitigate the artificial appearance of engineered slopes.</p>	<p>Consistent. Implemented by the proposed Master Plan.</p>
<p>*10-P-8: During development review, ensure that new development on unstable slopes (as designated in Figure 10-1) is designed to avoid potential soil creep and debris flow hazards. Avoid concentrating runoff within swales and gullies, particularly where cut-and-fill has occurred.</p>	<p>Consistent. Implemented by the proposed Master Plan.</p>
<p>*10-P-11: Form geological hazard abatement districts (GHADs) prior to development approval in unstable hillside areas (as designated in Figure 10-1) to ensure that geotechnical mitigation measures are maintained over the long-term, and that financial risks are equitably shared among owners and not borne by the City.</p>	<p>Consistent. Implemented by the proposed Master Plan.</p>
Housing Element	
<p>13-G-1: Foster development of a variety of housing types, densities, and prices to balance the City’s housing stock and meet Pittsburg’s regional fair share housing needs for people of all income levels.</p>	<p>Consistent.</p>
<p>13-P-1.2: Encourage the construction of both high end and moderate-income housing in the southern foothills, downtown, along the waterfront, and throughout Pittsburg to provide above moderate-income housing opportunities in the community and to increase economic activity within the city.</p>	<p>Consistent. Implemented by the proposed Master Plan.</p>

General Plan Goal or Policy	Analysis
<p>13-P-1.2.A: Establish minimum lot sizes when pre-zoning the foothills to accommodate large homes. Provide flexible lot sizes on up to 50% of the lots, when requested, in conjunction with a density bonus and long-term affordable housing agreement.</p>	<p>Consistent. Implemented by the proposed Master Plan.</p>
<p>13-P-1.2.B: Ensure subdivisions in the foothills include an adequate supply of estate-sized lots for estate size homes.</p>	<p>Consistent. Implemented by the proposed Master Plan.</p>
<p>13-P-1.2.D: Support the development of moderate and above moderate income housing within existing City limits such as high end condominiums, townhouses, and single-family units with premium views and amenities throughout the city to increase economic activity within these areas.</p>	<p>Consistent. Implemented by the proposed Master Plan.</p>



March 27, 2023

MEMORANDUM

To: Rod Stinson, Raney Planning & Management

From: Iris Priestaf, PhD
Maureen Reilly, PE

Re: Response to Comments on Water Supply Analysis for Faria/Southwest Hills Annexation, City of Pittsburg, California

In July 2022, Todd Groundwater provided a peer review of the Water Supply Assessment and subsequent updates (WSAs) for the Faria/Southwest Hills Annexation Project (Todd Groundwater, 2022). This peer review found that the WSAs (prepared by West Yost Associates in 2015, 2019 and 2022) provided successive evaluations of water demand and supply for the Project, and appropriately relied on respective Urban Water Management Plans (UWMPs). The WSAs reasonably concluded that the City of Pittsburg (City) can provide water supply to satisfy the Project water demand (including reasonable application of water conservation measures during prolonged drought).

The peer review recommended clarification of the location of the Project relative to City and CCWD service areas, cumulative water demand of this Project and others, and current availability of water supply from the City. These recommendations were addressed in an August 2022 update prepared by West Yost Associates. We reviewed that update memorandum and found that it adequately summarized the water supply assessment process and addressed our comments. In our opinion, the WSA and its update memoranda satisfy the requirements and intent of California Water Code Section 10910 (also termed Senate Bill 610), as guided by the California Department of Water Resources (DWR).

On February 14, 2023, the City of Pittsburg Planning Commission received a comment letter from Shute, Mihaly & Weinberger LLP representing Save Mount Diablo. This memorandum addresses Section III A of the comment letter pertaining to the water supply analysis, specifically, the situation of the Project relative to the City service area boundaries and projected water demands of the City, and the appropriateness of using UWMP water demand and supply analyses to assess availability of City water supply for Project water demand.

City Service Area

The Project site is in the City's Sphere of Influence and Urban Limit Line but not in the City limits. The Project itself includes annexation into the City limits and City's water service area.

The comment letter indicates that 2015 and 2020 UWMPs do not include the Project with quotes that the UWMP "reports solely on the City's service area" and suggests that application of UWMP analysis to areas currently outside the service area (i.e., the Project) is faulty. However, these partial quotes are presented without context. The context is a limited, direct response to a specific requirement in the DWR UWMP Guidebook¹ to choose one of two reporting options. Section 2.4 of the DWR Guidebook indicates that urban water agencies may choose:

- 1) Individual Reporting- An agency develops an UWMP that reports solely on its distribution service area [emphasis added] or
- 2) Regional Reporting- A water supplier becomes part of a regional group that may develop either Regional Urban Water Management Plan (RUWMP) or a Regional Alliance.

The City of Pittsburg UWMPs simply chose and quoted the first of the two DWR Guidebook options. Moreover, the comment letter does not quote the entire sentence. In Section 2.2, the 2020 UWMP includes the complete statement that it "reports solely on the City's service area and is not a part of a regional alliance or regional urban water management plan (RUWMP)."

Given this narrow context, it is inappropriate to infer that the City's analysis and reporting are limited to projects within the service area and are intended to exclude future boundary changes and to differentiate projects currently outside the service area. On the contrary, the 2020 UWMP further explains in Section 3.1.2 that "the water service area is a subset of the Pittsburg Planning Area, which is a larger area that extends beyond the City limits to the Sphere of Influence and is generally undeveloped. A portion of this undeveloped planning area, defined by the Urban Limit Line approved in 2007, is planned for eventual service by the City as development continues." In addition, the 2020 UWMP includes two future land use plans from the City's 2040 General Plan, both of which include the Project area and all other City growth within the 2040 General Plan planning area.

¹ Since 1983 passage of the Urban Water Management Planning Act, DWR has provided sequential UWMP Guidebooks and associated workbooks and tables; the most recent is Urban Water Management Plan Guidebook 2020, final March 2021.

UWMP and WSA Analyses

Senate Bill 610 Water Code Section 10910(c)(3) requires that the water assessment include a discussion describing whether the public water system's total projected water supplies will meet the projected water demand associated with the proposed project, in addition to the public water system's existing and planned future uses. The WSAs for the Project provide that discussion, appropriately relying on UWMP water supply and demand analyses and describing Project water demands with update to 2020.

Review of the UWMPs and WSAs shows that all have predicted increases in water demand based on expected population growth rather than specific projects in the UWMP boundary. The 2015 UWMP specifically states that it relies on population growth projections from the Association of Bay Area Governments (ABAG) to estimate future development in the City. This methodology is acknowledged in the Draft EIR for the Project, which notes that the 2015 UWMP analyzes the City's overall potential addition of 34,000 total residents and estimates a total increase in water demand of 3,900 AFY between 2010 and 2035. The 2015 WSA uses the same methodology for the Project, assuming a buildout population of 4,800 future residents, applying a water use factor, and estimating a water demand of 572 AFY. This methodology is consistent with UWMP Water Code Section 10635(a) requiring that the assessment be based primarily on projected population estimates.

WSAs are required to be prepared based on a water supplier's most recent adopted UWMP and therefore the 2015 WSA was updated in May 2022 to incorporate the 2020 UWMP (adopted by the City in 2021). The 2022 WSA applies the same water demand methodology as in 2015 but updates the information on population projections and water demand rates. The 2022 WSA indicates that application to the Project of the methodology used in the City's 2020 UWMP results in a projected water demand of 663 AFY. This is based on a projected population of 4,935 people with a per capita water use of 120 gallons per capita per day. This estimate can be accommodated in the City's projected water demand.

Consistent with Senate Bill 610, the 2022 WSA presents water demand and supply projections for normal, single dry and multiple dry years out to 2045. The WSA predicts minor water supply shortages in the fourth and fifth years of a five-year drought but indicates that these water supply shortages can be addressed with implementation of the City's Water Shortage Contingency Plan. The 2022 WSA update determines, based on projections provided in the 2020 UWMP, that the City is capable of serving the Project and other projected City growth through 2045 and thereby confirms the findings and conclusions of the 2015 WSA and DEIR.

The methodology used in the WSAs is appropriate and consistent with SB610. While necessarily referring to the City's service area, the 2020 UWMP recognizes the larger planning area for population and water demand projections. The Project water demand is appropriately described and quantified. This demand can be encompassed within overall water demand and supply projections of the City and is not additive. Additional analysis is not needed.

REFERENCES

Todd Groundwater, Peer Review of Water Supply Assessments for Faria/Southwest Hills Annexation, Pittsburg, California, July 20, 2022.

West Yost Associates, Water Supply Assessment for Faria/Southwest Hills Annexation EIR – Updated Evaluation and Response to Peer Review Comments, August 30, 2022.

April 4, 2023

John Funderburg, Assistant Director of Planning
City of Pittsburg, Planning Division
65 Civic Avenue
Pittsburg, CA 94565

Subject: Faria/Southwest Hills Annexation Project

Dear Mr. Funderburg:

Raney Planning & Management, Inc. (Raney) prepared the Faria/Southwest Hills Annexation Project (proposed project) Draft Environmental Impact Report (EIR) in 2018. According to the California Department of Forestry and Fire Protection (CALFIRE) Fire and Resource Assessment Program in 2018, the project site was not located in or adjacent to a State Responsibility Area (SRA) or a Very High Fire Hazard Severity Zone (FHSZ), and was identified as being within a Moderate to High FHSZ. CALFIRE has since updated State Fire Maps as of November 2022, and now identify the site as being within a High to Very High FHSZ.¹

Risks related to wildfire associated with the proposed project were evaluated in the Hazards and Hazardous Materials chapter of the Draft EIR. Therefore, regardless of the update to State Fire Maps, the EIR identified wildfire as a potential impact and provided mitigation to reduce the impact to a less-than-significant level. A summary of the wildfire impacts identified within the Draft EIR and the associated mitigation measures, as well as future CEQA review and associated requirements, is presented below.

As presented in the 2018 Draft EIR, the project site currently contains and is adjacent to designated open space. The Draft Master Plan Area and surrounding undeveloped land is predominantly open grassland. Additionally, open space would be interspersed throughout the proposed development area, which would further intermix the proposed urban residential developments with wildlands. The proposed project would introduce new people and structures to the area, which would create additional wildland urban interface areas within the City. Accordingly, the 2018 Draft EIR concluded that future development related to implementation of the Draft Master Plan could be susceptible to wildland and urban-interface fire hazards and, thus, required mitigation to reduce the impact to a less-than-significant level.

Specifically, implementation of Mitigation Measure 4.7-4(a) would require that development of the proposed project include the installation of fire suppression systems (e.g., fire hydrants, fire sprinklers, smoke detectors) and be designed in accordance with the latest requirements of the California Fire Code and fire safety requirements of the Contra Costa County Fire Protection District, subject to review for compliance by the Contra Costa County Fire Protection District. Fire sprinklers, vegetative buffer zones, and other fire-safe measures may be required as part of their

¹ California Department of Forestry and Fire Protection. *Fire Hazard Severity Zones Maps*. Available at: <https://calfire-forestry.maps.arcgis.com/apps/webappviewer/index.html?id=4466cf1d2b9947bea1d4269997e86553>. Accessed March 2023

review. In addition, Mitigation Measure 4.7-4(b) requires the project to maintain defensible space in accordance with the guidelines of the California Fire Protection Standards in all portions of the Master Plan Area adjacent to open space areas. Wildland fires in the immediate vicinity of the proposed project would be ground fires (i.e., grass fires versus large stand-replacing crown fires in heavily wooded areas) and, thus, defensible space would act to deter the speed of ground fire into the development. If the required defensible space distances cannot be attained, structures within the defensible space shall be constructed with fire-resistant materials and practices. Compliance with the required mitigation measures set forth within the 2018 Draft EIR would ensure that the potential hazards associated with wildland fires to the proposed buildings and structures would be reduced.

Furthermore, landscaping within the proposed project would be required to adhere to City of Pittsburg Municipal Code Section 18.84.300, which advises that landscaping plantings be selected for fire resistance, where appropriate. Section 2(A)(4)(c) of the Draft Master Plan requires that fire resistant landscaping be maintained within 100 feet of structures that are exposed to wildlands, open spaces, or agricultural lands. The maintenance of fire-resistant landscaping adjacent to exposed structures would reduce the likelihood that fires would spread from wildlands to adjacent developed areas.

Future project entitlement processing, including Tentative Map approvals, would require additional project-level CEQA review. The project-specific review would be conducted at the time of application submittal, using the most current Appendix G CEQA Checklist (which now includes Section XX Wildfire). Therefore, impacts related to wildfire were addressed as required at the time in the Draft EIR and would be reviewed prior to Tentative Map approval.

If you have any questions regarding the contents of this document, please do not hesitate to contact me at (916) 372-6100, or via email at rods@raneymanagement.com.

Best Regards,

Rod Stinson

Vice President

phone. (916) 372-6100

1501 Sports Drive, Suite A Sacramento, CA 95834

fax. (916) 419-6108

www.raneymanagement.com



BEFORE THE PLANNING COMMISSION OF THE CITY OF PITTSBURG

In the Matter of:

Resolution not Recommending City) Resolution No. 10215
Council Approval of General Plan)
Amendments, Rezoning Amendments,)
Master Plan and Development Agreement)
for the "Faria/Southwest Hills Annexation,)
AP-10-717 (GP, RZ, DA).")

The Planning Commission DOES RESOLVE as follows:

Section 1. Background

- A. In 2001, the Pittsburg General Plan was adopted with a planned land use development pattern for the southwest hills (outside current city limits) that included a combination of Low Density Residential, Hillside Low Density Residential, and Open Space. The 2001 General Plan land use map for this area has not been amended since its initial adoption.
- B. On November 5, 2005, the voters of the City of Pittsburg approved a ballot initiative entitled, 'Measure P (City of Pittsburg Voter Approved Urban Limit Line and Rezoning Act)', which established a new Urban Limit Line (ULL) for the City of Pittsburg and rezoned certain properties, including the entire 607-acre Faria project site (see Section 1.E below for a description of the property), to HPD (Hillside Planned Development) and OS (Open Space) Districts, consistent with existing General Plan residential and open space designations.
- C. On May 3, 2006, the City entered into a Memorandum of Understanding (May 3, 2006 MOU) with Altec Homes, Inc., Albert D. Seeno, III, and Albert D. Seeno, Jr., which called for the City to conduct a General Plan Study in order to, among other things, establish guidelines for the development of a permanent greenbelt along the inner edges of the voter-approved ULL in the southwest hills.
- D. On January 16, 2007, the City Council adopted Resolution No. 07-10700, which included a new General Plan policy, 2-P-91, that was added to ensure that a greenbelt buffer would be established on the Faria project site, in accordance with the terms of the 2005 Measure P and the May 3, 2006 MOU.
- E. On September 24, 2010, Louis Parsons, on behalf of Faria Land Investors, filed Annexation Application No. 10-717, requesting that the City initiate proceedings to annex approximately 607 acres of land into the municipal boundary. As mentioned above, the property is located in the hills southwest of the existing City limits and is rezoned HPD (Hillside Planned Development) District and OS (Open Space) District. APN's 097-180-002, 097-180-006, 097-190-002, 097-200-002, 097-200-003, 097-230-008 & 097-240-002.
- F. Between 2010 and 2011, environmental review was conducted for the proposed

annexation and a draft Initial Study and Mitigated Negative Declaration was circulated for public comment. Upon review of public comments, it was determined that some project changes and additional environmental review would be necessary for the proposed annexation.

- G. In 2014, the project was modified to include a request for amended rezoning for an Interim Study Overlay (-S) District, to designate the site as an area where zoning regulations would remain under study until such time when the developer provided a proposed development plan. The 2010 initial study was updated to reflect the revised project proposal, and a Notice of Preparation (NOP) of a programmatic environmental impact report (EIR) was prepared and released for public review.
- H. After substantial comments were received on the 2014 NOP, the project was revised again to incorporate the currently proposed Master Plan Overlay (-P) District, in place of the Interim Study Overlay (-S) District. Along with this change in the project, the approach for the environmental analysis was modified to study project-level impacts (rather than the more general programmatic-level impacts) to the greatest extent feasible, assuming a maximum development scenario of 1,500 new residential units as envisioned in the General Plan.
- I. On March 8, 2017, a new NOP for the revised project was circulated for a 30-day public review period ending on April 7, 2017, and on April 4, 2017, a public scoping session was held.
- J. On October 10, 2018, the Draft EIR (SCH# 2017032027) was released for a 45-day public review period that was extended to November 30, 2018, and a public workshop on the Draft EIR was held on November 15, 2018. Based on the comments received regarding the Draft EIR, the City determined that recirculation of Chapter 4.12, pertaining to Transportation, Traffic, and Circulation, was necessary to comply with requirements of the California Environmental Quality Act (CEQA), Public Resources Code § 21000, et seq. .
- K. On October 17, 2019, a Partially Recirculated Draft EIR was released for a 45-day public review period from October 18, 2019 to December 2, 2019.
- L. On July 17, 2020, the Final EIR, consisting of both the Draft EIR and Partially Recirculated Draft EIR, comments received on both documents, responses to those comments, and revisions made to the Draft and Partially Recirculated Draft EIR, was finalized and released for public review in compliance with Public Resources Code Section 21092.5.
- M. On July 28, 2020, following a duly noticed public hearing, the Planning Commission adopted Resolution No. 10154, recommending City Council approval of the request for a General Plan amendment, annexation initiation, pre-zoning amendments (including the proposed master plan) and development agreement.
- N. On February 22, 2021, the City Council adopted Resolution Nos. 13906 and 13907 approving: 1) the General Plan amendments requested for the project; and 2) a petition for annexation into the City, the Contra Costa Water District (CCWD)

service area and Delta Diablo Sanitation District (DDSD) service area.

- O. On March 15, 2021, the City Council adopted Ordinance No. 21-1484 approving: 1) amendment of the pre-zoning designations of the Project Site from HPD and OS to Single Family Residential, 4,000 Square Foot Minimum Lot Size with a Master Plan Overlay (RS-4-P) and Open Space with a Master Plan Overlay (OS-P) Districts, with a Master Plan Overlay in place of the previously proposed Interim Study Overlay District; 2) the Faria/Southwest Hills Master Plan; and 3) a Development Agreement.
- P. In March 2021, the non-profit organization Save Mount Diablo (SMD) filed a Petition for Writ of Mandate challenging the approval of the project based on CEQA, among other theories. The lawsuit, entitled Save Mount Diablo v. City of Pittsburg, et al., was filed in Contra Costa Superior Court.
- Q. On February 10, 2022, the Court issued a Statement of Decision in the action, rejecting the majority of SMD's allegations, apart from a limited number of items, and ordering that a, "Writ of Mandate shall issue compelling the City to set aside the Project approvals and the certification of the FEIR." The limited number of items requiring further consideration are detailed below.
- R. On June 16, 2022, the Court issued a Peremptory Writ of Mandate ("Writ") commanding the City to set aside the 2021 project approvals within 75 days of service of the Writ.
- S. On August 15, 2022, the City Council adopted Resolution No. 22-14158, repealing and setting aside Project approvals for the Project in compliance with the Writ.
- T. In response to the Writ described above, the City has prepared a Revised and Updated Final Environmental Impact Report (RUF EIR) to address the few items determined by the Court to require further analysis by the Court. The RUF EIR has been prepared to address, through the inclusion of new memoranda, the inadequacies of the original Final EIR, as determined by the Court. The new memoranda demonstrate that the analyses and conclusions prepared and presented in the Draft EIR and Partially Recirculated Draft EIR are supported by substantial evidence, and the conclusions remain valid. Specifically, the following issues identified by the Court have been further addressed: (1) ADUs have been eliminated as a requirement under the Development Agreement, and thus no analysis of environmental impacts associated with construction or operation of the ADUs is required, (2) the level of detail included in mitigation to address potential air quality and greenhouse gas (GHG) emission impacts has been addressed, (3) the baseline description of biological resources has been confirmed, and (4) the adequacy of the Draft EIR's water usage analysis has been confirmed.. The RUF EIR contains revisions to the Final EIR based on the new memoranda, and staff has determined that the update information does not constitute "significant new information" that would require recirculation. Instead, the additional technical reports and memoranda support and reaffirm the conclusions in the EIR.
- U. Government Code section 65358 provides that the legislative body of a local

government agency may amend its general plan, in whole or in part, if it finds that the amendment would be in the public interest. No more than four general plan amendments to each required element may be adopted within one calendar year. For the 2023 calendar year, the City Council has not adopted any amendments to the General Plan Land Use Element to date.

- V. The California Government Code and Pittsburg Municipal Code (PMC) identify the Planning Commission as the advisory body to the City Council on amendments to the General Plan. Government Code section 65353(a) requires that the Commission conduct at least one public hearing prior to making its recommendation on a proposed General Plan amendment.

- W. PMC section 18.16.020 identifies the Planning Commission as the advisory body to the City Council on proposed changes to the zoning map (including changes in rezoning designations and adoption of a master plan). Prior to making a recommendation, the Planning Commission must find, in accordance with PMC 18.48.030 and 18.72.070, that:
 - 1. The change proposed is consistent with the objectives, policies, general land uses and programs specified in the General Plan and applicable specific plan;
 - 2. A community need is demonstrated for the change proposed;
 - 3. Its adoption will be in conformity with public convenience, general welfare and good zoning practice;
 - 4. The proposed master plan will comply with the land use and development regulations of the base zoning district and does not significantly alter the regulations; and
 - 5. The proposed master plan can be adequately, reasonably and conveniently served by public services, utilities and public facilities.

- X. Pursuant to Government Code section 65867, the Planning Commission must hold a public hearing on an application for a development agreement and pursuant to City Council Resolution No. 96-8371, the Planning Commission must make a recommendation on a development agreement prior to City Council consideration. The City Council may adopt the ordinance approving a development agreement if it finds that:
 - 1. the development agreement is consistent with the General Plan and any applicable specific plan; and
 - 2. the development agreement will promote the public health, safety, and general welfare.

- Y. On or before February 4, 2023, in accordance with Government Code sections 65090 and 65091, and PMC section 18.14.020, a "Notice of Public Hearing" for the February 14, 2023, public hearing on this item was published in the East County

Times; posted at City Hall and in the "Public Notices" section of the city website; was mailed via first class or electronic mail to the applicant/property owner, all property owners and/or residents within 800-feet of the site, all local service agencies expected to provide future services to the site, and to individuals and groups who had previously filed written request for such notice. In addition, all though not required, the notice was also published on www.nextdoor.com ("Nextdoor") and was sent directly to all subscribed members in the following Nextdoor neighborhoods: Oak Hills South, San Marco, San Marco Villas, Toscana and Vista Del Mar.

- Z. On February 14, 2023, the Planning Commission held a public hearing on Planning Application No. 10-717 (GP, RZ, DA), at which time all persons had an opportunity to and did present oral and/or written testimony, which was considered by the Planning Commission.

Section 2. Findings

- A. Based on the full administrative record before the Planning Commission, including but not limited to the Planning Commission Staff Report entitled, "Recommendation for City Council Approval of a Development Agreement, Amendments to the General Plan and Rezoning Designations, and Adoption of a Master Plan for the Faria/Southwest Hills Annexation Project. AP-10-717 (GP, RZ, DA),"; 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; reports, technical studies, analyses, and memoranda; and 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 Planning Commission cannot make the Findings to recommend adoption of the resolution and ordinance by City Council.

Section 3. Recommendation

The Planning Commission hereby recommends that the City Council not adopt a resolution and ordinance for the requested entitlements.

Section 4. Effective Date

This resolution shall take effect immediately upon its adoption.

On motion by Commissioner Robinson, seconded by Commissioner Kobata, the foregoing resolution was passed and adopted the 14th day of February 2023, by the Planning Commission of the City of Pittsburg, California by the following vote:

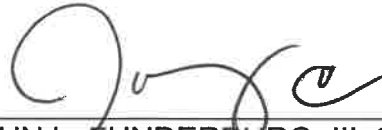
AYES: Robinson, Popova, Kobata, Smith

NAYES: Jackson

ABSENT: Foster

RECUSED: Tolliver

I hereby certify that the above Resolution No. 10215 was adopted by the Planning Commission of the City of Pittsburg on February 14, 2023.



JOHN L. FUNDERBURG, III, SECRETARY
PITTSBURG PLANNING COMMISSION



4061 Port Chicago Highway Suite H
Concord, CA 94520
(925) 682-6419 Phone
(925) 689-2047 Fax

CITY CLERK
FEB 17 2023
3:49 pm SN

TRANSMITTAL

TO: City of Pittsburg
65 Civic Ave.
Pittsburg, CA 94565

DATE: 2/17/23

ATTENTION: Melaine Venenciano – City Clerk

RE: Southwest Hills/Faria Annexation – Application No. AP-10-717 – GP, RZ, DA

WE ARE FORWARDING:

QUANTITY	DATE	DESCRIPTION
1	N/A	Declaration of Appeal of Planning Commission Recommendation
1	2/16/23	Check No.123578 in the Amount of \$1,600.00

DELIVERED VIA:

HAND DELIVERY

COMMENTS:

Melaine,

Please see enclosed Declaration of Appeal and Appeal fee pertaining to Planning Commission’s 2/14/23 recommendation of Application AP-10-717-GP, RZ, DA. Contact Louis Parsons with any questions.

Thank you,

Robbin Valenzuela
Executive Assistant to Louis Parsons

Cc: Jordan Davis
John Funderburg
Donna Mooney



**City of Pittsburg
Planning Department
65 Civic Avenue, Pittsburg, CA 94565
Phone: (925) 252-4920, Fax: (925) 252-4814**

DECLARATION OF APPEAL

Name: FARIA LAND INVESTORS, LLC - LOUIS PARSONS Phone No.: 925-250-7101
 Address: 4021 PORT CHICAGO HWY
 City: CONCORD State: CA Zip: 94520

Appealed By: Applicant
 Interested Party (Please specify.): _____

Project Name: MASTER PLAN FOR FARIA SOUTHWEST HILLS ANNEXATION Application No. (s): AP-10-717 GP, RZ, DA

Appealing Decision Of: City Staff
 Zoning Administrator
 Planning Commission

Date of Decision: 2/14/23

Action Being Appealed: Code/Policy Interpretation

Resolution No. _____

Other PC Recommendation

Specify reason(s) for appeal: (may attach additional page(s), if needed).

WE ARE APPEALING THE PLANNING COMMISSION RECOMMENDATION. WE AGREE WITH STAFF'S RECOMMENDATION. APPLICANT REQUESTS A DENIED HEARING FOR CITY COUNCIL TO CONSIDER THE ABOVE REFERENCED PROJECT IN ACCORDANCE WITH PITTSBURG MUNICIPAL CODE
 Signature of Appellant _____

FOR STAFF USE ONLY:
 Resolution No(s): _____ Date Received: _____
 Deadline for Appeal: _____ Scheduled for: _____
 Applicant Fee/Receipt No.: _____ Interested Party Fee/Receipt No: _____



NOTICE OF PUBLIC HEARING

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

DATE: April 17, 2023
TIME: 7:00 p.m.
PLACE: City Council Chamber at City Hall
65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Faria/Southwest Hills Annexation Project, AP-10-717 (GPA, RZ, DA, ANNEX).

Appeal of the Planning Commission's Determination to not Recommend for City Council Approval a Development Agreement, Amendments to the General Plan and Rezoning Designations, and Adoption of a Master Plan for the Faria/Southwest Hills Annexation Project. The proposed Master Plan would allow for development of approximately 341 acres of residential use and require approximately 265 acres to be preserved for open space, where the current General Plan allows for up to 478 acres of residential use and 129 acres of open space. Proposed amendments would not change existing maximum development potential (1,500 single family units), but rather would focus the development to the center of the site within the valley area. The proposed project also includes certification of a Revised and Updated Final Environmental Impact Report (FEIR), adoption of associated California Environmental Quality Act (CEQA) findings, Statement of Overriding Considerations, a Mitigation Monitoring and Reporting Program (MMRP), and a subsequent request for the City to initiate proceedings to annex the property to the City of Pittsburg. The project site is located in the hills southwest of the existing city limits and is commonly known as the Faria property

PROJECT PLANNER: John Funderburg, (925) 252-4043 or jfunderburg@pittsburgca.gov

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. Also, project information and the Revised and Updated FEIR are available on-line at [Faria/Southwest Hills Annexation Project | City of Pittsburg \(pittsburgca.gov\)](http://Faria/Southwest Hills Annexation Project | City of Pittsburg (pittsburgca.gov))

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 prior to the meeting or provided orally 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.

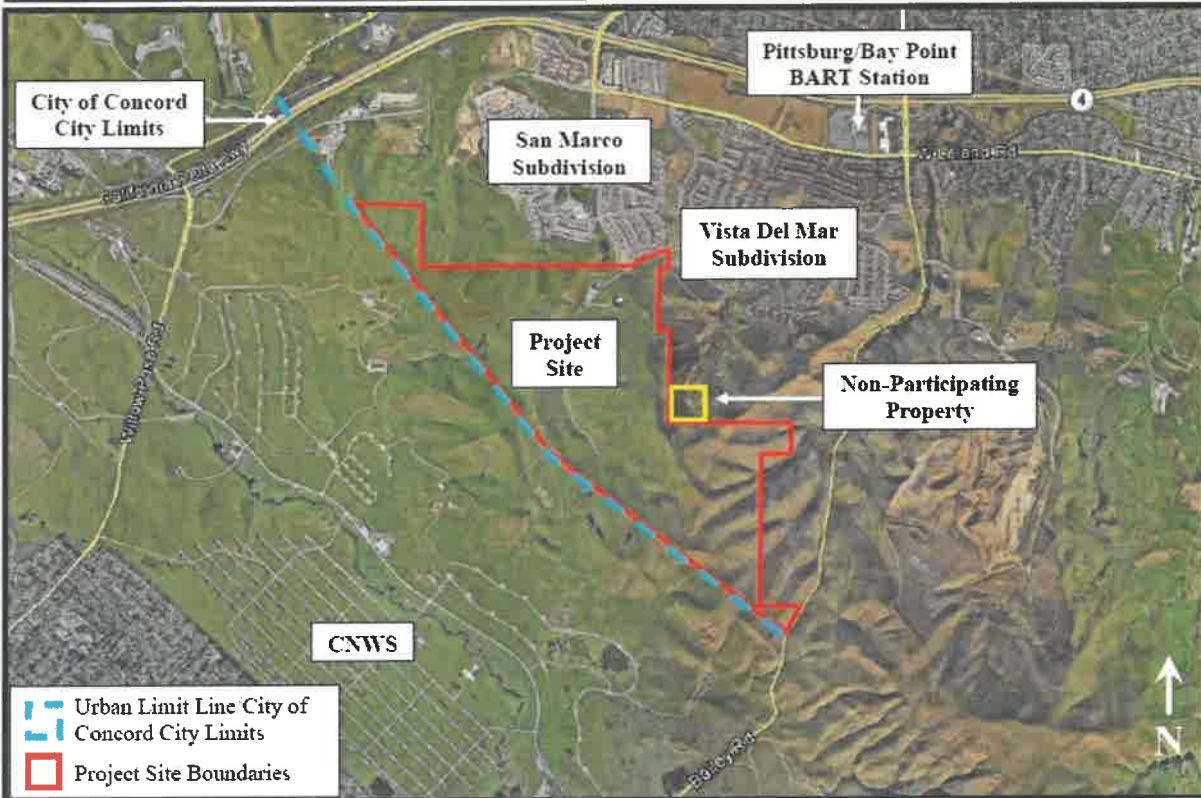
Pursuant to Section 65009 of the California Government Code, if you challenge this matter in court, you may be limited to those issues you or someone else raised at the public hearing described in this notice, or in written correspondence on the matter delivered to this agency at, or prior to the public 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.

*Para información en español:
(925) 252-4920*


John Funderburg, Assistant Director of Planning

Project Title: Faria/Southwest Hills General Plan Annexation Project, AP-10-717

Location: Southwest of the existing city limits; APNs 097-180-002, 097-180-006, 097-190-002, 097-200-002, 097-200-003, 097-230-008 & 097-240-002.



Attachment 12
Revised and Updated Final EIR



Available online at [Faria/Southwest Hills Annexation Project | City of Pittsburg \(pittsburgca.gov\)](https://pittsburgca.gov)

Attachment 13
Partially Recirculated Draft EIR



Available online at [Faria/Southwest Hills Annexation Project | City of Pittsburg \(pittsburgca.gov\)](https://pittsburgca.gov)

**Attachment 14
Draft EIR**



Available online at [Faria/Southwest Hills Annexation Project | City of Pittsburg \(pittsburgca.gov\)](https://pittsburgca.gov)

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In The Matter of:

Certification of the Revised and Updated Final)
EIR, and Adoption of CEQA Findings, a)
Statement of Overriding Considerations, and)
a Mitigation and Monitoring Reporting Program)
for the "Faria/Southwest Hills Annexation)
Project, AP-10-717")

RESOLUTION 23-

The Pittsburg City Council FINDS AND DETERMINES as follows:

WHEREAS, the Faria/Southwest Hills Annexation Project (proposed project) includes applications for a General Plan amendment, change in rezoning designations, adoption of a Master Plan, approval of a development agreement, and initiation of annexation proceedings, for a 606-acre site located in the hills southwest of the existing city limits, including APN's 097-180-002, 097-180-006, 097-190-002, 097-200-002, 097-200-003, 097-230-008 & 097-240-002 (now APN's 091-040-002, 092-010-002 & -006, 092-020-002 & -003, 092-040-008, 092-050-002, and a portion of 092-030-012); and,

WHEREAS, in 2001, the current Pittsburg General Plan was adopted with a planned land use development pattern for the southwest hills (outside current city limits) that included a combination of Low Density Residential, Hillside Low Density Residential, and Open Space. The 2001 General Plan land use map for this area has not been amended since its initial adoption; and,

WHEREAS, on November 5, 2005, the voters of the City of Pittsburg approved a ballot initiative entitled, 'Measure P (City of Pittsburg Voter Approved Urban Limit Line and Rezoning Act)', which established a new Urban Limit Line (ULL) for the City of Pittsburg and rezoned certain properties, including the entire 606-acre Faria project site (as described above), to HPD (Hillside Planned Development) and OS (Open Space) Districts, consistent with existing General Plan residential and open space designations; and,

WHEREAS, on July 8, 2009, the Contra Costa Local Agency Formation Commission (LAFCo) approved an extension of the Pittsburg Sphere of Influence (SOI), as well as the SOIs for the Contra Costa Water District and Delta Diablo SOI, to include the project site; and,

WHEREAS, on September 24, 2010, Louis Parsons, on behalf of Faria Land Investors, LLC, filed Annexation Application No. 10-717, requesting that the City initiate proceedings to annex the approximately 606-acre site into the municipal boundary, as well as into the Contra Costa Water District and Delta Diablo service areas; and,

WHEREAS, the City has discretionary authority over the project and is identified as the lead agency under the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq.) and the State CEQA Guidelines (14 Cal. Code Regs.

Section 15000, et seq.) because it is the public agency with the authority and principal responsibility for reviewing, considering, and potentially approving the proposed project. An Initial Study was prepared for the proposed project and released for public review in 2011. Extensive comments were received on the Initial Study, requesting further analysis in an Environmental Impact Report (EIR); and,

WHEREAS, in 2014, the project was modified to include a request for amended rezoning for an Interim Study Overlay (-S) District, to designate the site as an area where zoning regulations would remain under study until such time when the developer provided a development plan. The 2011 Initial Study was updated to reflect the revised project proposal. The revised Initial Study preliminarily analyzed the amended project and its potential impacts. Through this Initial Study, it was determined that the project could potentially have adverse impacts in the areas of aesthetics, agriculture and forest resources, air quality, biological resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, transportation and circulation, utilities and services systems, and mandatory findings of significance. All other areas of potential environmental impact were determined to have no potential unmitigable adverse impacts under the project and were eliminated from further analysis. This Initial Study is included in Appendix C of the Draft EIR; and,

WHEREAS, on March 10, 2014, in accordance with Section 15082 of the State CEQA Guidelines, a Notice of Preparation (NOP) of the Draft EIR was released for a 30-day public review. During the NOP review period, a public scoping meeting was held on April 3, 2014, to receive verbal comments on the scope of the EIR; and,

WHEREAS, after substantial comments were received on the 2014 NOP, the project was revised again to incorporate the currently proposed Master Plan Overlay (-P) District, in place of the Interim Study Overlay (-S) District. Along with this change in the project, the approach for the environmental analysis was modified to study project-level impacts (rather than only more general programmatic-level impacts) to the greatest extent feasible, assuming a maximum development scenario of 1,500 new residential units as envisioned in the General Plan; and

WHEREAS, on March 8, 2017, a new NOP for the revised project was circulated to the public, local, state and federal agencies, and other interested parties for 30 days to solicit comments on the project and scope of the EIR. After releasing the 2017 NOP, a public scoping session was held on April 4, 2017, to receive additional comments. All concerns raised in response to the NOP were considered during preparation of the Draft EIR. The NOP and full text of comments on the NOP are presented in Appendix B of the Draft EIR; and,

WHEREAS, in accordance with Public Resources Code (PRC) Section 21080(d), an EIR was prepared to analyze the potential impacts of the project. On October 10, 2018, the Draft EIR (SCH# 2017032027) was released for a 45-day public review period that was extended to November 30, 2018, and a public workshop on the Draft EIR was held on November 15, 2018. The Draft EIR contains a description of the project, description of the environmental setting, identification of project impacts and mitigation measures for impacts

found to be potentially significant, and an analysis of project alternatives. The Draft EIR was provided to interested public agencies and the public and was made available for review at City offices and on the City's website. A total of 123 comment letters were received from state and local agencies and other interested parties regarding the Draft EIR; and,

WHEREAS, based on the comments received regarding the Draft EIR, the City determined that recirculation of Chapter 4.12, pertaining to Transportation, Traffic, and Circulation, was necessary to comply with CEQA; and,

WHEREAS, on October 17, 2019, a Partially Recirculated Draft EIR was released for a 45-day public review period from October 18, 2019 to December 2, 2019; and

WHEREAS, on July 17, 2020, the Final EIR was released for public review; and, the Final EIR, consisting of both the Draft EIR and Partially Recirculated Draft EIR, comments received on both documents, responses to those comments, and revisions made to the Draft and Partially Recirculated Draft EIR, was finalized and released for public review in compliance with Public Resources Code Section 21092.5; and

WHEREAS, on July 28, 2020, following a duly noticed public hearing, the Planning Commission adopted Resolution No. 10154, recommending City Council approval of the request for a General Plan amendment, annexation initiation, pre-zoning amendments (including the proposed Master Plan) and development agreement; and.

WHEREAS, on February 22, 2021, the City Council adopted Resolution Nos. 13906 and 13907 approving: 1) the General Plan amendments requested for the project; and 2) a petition for annexation into the City, the Contra Costa Water District (CCWD) service area and Delta Diablo Sanitation District (DDSD) service area; and

WHEREAS, on March 15, 2021, the City Council adopted Ordinance No. 21-1484 approving: 1) amendment of the pre-zoning designations of the Project Site from HPD and OS to Single Family Residential, 4,000 Square Foot Minimum Lot Size with a Master Plan Overlay (RS-4-P) and Open Space with a Master Plan Overlay (OS-P) Districts, with a Master Plan Overlay in place of the previously proposed Interim Study Overlay District; 2) the Faria/Southwest Hills Master Plan; and 3) a Development Agreement; and

WHEREAS, on March 2021, the non-profit organization Save Mount Diablo (SMD) filed a Petition for Writ of Mandate challenging the approval of the project based on CEQA, among other theories. The lawsuit, entitled Save Mount Diablo v. City of Pittsburg, et al., was filed in Contra Costa Superior Court; and

WHEREAS, on February 10, 2022, the Court issued a Statement of Decision in the action, rejecting the majority of SMD's allegations, apart from a limited number of items, and ordering that a, "Writ of Mandate shall issue compelling the City to set aside the Project approvals and the certification of the FEIR." The limited number of items requiring further consideration are detailed below; and

WHEREAS, on June 16, 2022, the Court issued a Peremptory Writ of Mandate (Writ) commanding the City to set aside the 2021 project approvals within 75 days of service of the Writ; and

WHEREAS, on August 15, 2022, the City Council adopted Resolution No. 22-14158, repealing and setting aside project approvals for the project in compliance with the Writ; and.

WHEREAS, in response to the Writ described above, the City has prepared a Revised and Updated Final Environmental Impact Report (RUF EIR) to address the few items determined by the Court to require further analysis. The RUF EIR has been prepared to address, through the inclusion of new memoranda and supporting analysis and data, the inadequacies of the original Final EIR, as determined by the Court. The new memoranda demonstrates that the analyses and conclusions prepared and presented in the Draft EIR and Partially Recirculated Draft EIR are supported by substantial evidence, and the conclusions remain valid. Specifically, the following issues identified by the Court have been further addressed: (1) ADUs have been eliminated as a requirement under the development agreement, and thus no analysis of environmental impacts associated with construction or operation of the ADUs is required, (2) the level of detail included in mitigation to address potential air quality and greenhouse gas (GHG) emission impacts has been addressed, (3) the baseline description of biological resources has been confirmed, and (4) the adequacy of the Draft EIR's water usage analysis has been confirmed. The RUF EIR contains revisions to the Final EIR based on the new memoranda. The updated information does not constitute "significant new information" that would require recirculation of the EIR. Instead, the additional technical reports and memoranda support and reaffirm the conclusions in the EIR; and

WHEREAS, the RUF EIR and its associated Mitigation Monitoring and Reporting Program (MMRP) has been available to the public since January 31, 2023, when they were posted on the City's website at (<https://www.pittsburgca.gov/services/community-development/planning/advanced-planning-special-projects/faria-southwest-hills-annexation>), and also have been available for public review and inspection at Pittsburg City Hall; and

WHEREAS, the City subsequently clarified information in the MMRP, and posted an updated MMRP on the City's website on March 2, 2023; and

WHEREAS, the RUF EIR identifies the potential for significant effects on the environment from implementation of the project, most of which can be substantially reduced through mitigation measures; therefore, CEQA Guidelines section 15091 requires that approval of the project must include findings. These required findings are set forth in Exhibit A, Section 1, below, and incorporated herein as though set forth in full; and,

WHEREAS, significant effects related to aesthetics, air quality and greenhouse gas emissions, public services and utilities, and transportation, traffic and circulation identified in the RUF EIR cannot be lessened to a level of less than significant; therefore, CEQA Guidelines sections 15091 and 15093 require that approval of the project must include findings and a Statement of Overriding Considerations (which states that significant

adverse project effects are acceptable because expected project benefits outweigh unavoidable adverse environmental impacts). These required findings are set forth in Exhibit A, Section 2; Exhibit B; and Exhibit C, below, all of which are incorporated herein as though set forth in full; and

WHEREAS, CEQA Section 21081.6 requires the preparation and adoption of an MMRP for any project for which mitigation measures have been imposed to ensure compliance with the adopted mitigation measures. The MMRP is set forth in Exhibit D, below, which is incorporated herein as though set forth in full; and

WHEREAS, on or before April 7, 2023, in accordance with Government Code sections 65090 and 65091, and PMC section 18.14.020, a "Notice of Public Hearing" for the April 17, 2023, City Council 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 the applicant/property owner, all property owners and/or residents within 800-feet of the site, all local service agencies expected to provide future services to the site, and to individuals who had previously filed written request for such notice. In addition, all though not required, the notice was also published on www.nextdoor.com ("Nextdoor") and was sent directly to all subscribed members in the following Nextdoor neighborhoods: Oak Hills South, San Marco, San Marco Villas, Toscana and Vista Del Mar; and,

WHEREAS, on April 17, 2023, the City Council held a duly-noticed public hearing on the appeal of the Planning Commission Decision to not Recommend Planning Application No. 10-717 (GP, RZ, DA, ANNEX), at which time oral and/or written testimony was considered; and

WHEREAS, documents and other materials constituting the record of the proceedings upon which the City's decision and its findings are based, are located at the City of Pittsburg Planning Division, located at 65 Civic Avenue in Pittsburg, California 94565.

NOW, THEREFORE, the City Council DOES RESOLVE as follows:

Section 1: Recitals.

The recitals set forth above are true and correct statements, and they are hereby incorporated by reference, in their entirety, in these findings.

Section 2: Certification of the EIR (RUF EIR).

- A. The project was processed, including but not limited to all public notices, in the time and manner prescribed by state and local law, including CEQA and the State CEQA Guidelines.
- B. The EIR for this project consists of the Draft EIR, dated October 2018; the Partially Recirculated Draft EIR, dated December 2019; the Revised and Updated Final EIR

dated March 2023; and all appendices thereto, collectively referred to as the RUF EIR. The RUF EIR is incorporated by this reference.

- C. Agencies and interested members of the public have been afforded ample notice and opportunity to comment on the project and the RUF EIR. Prior to taking action, the City Council has heard, been presented with, reviewed, and considered the information and data in the administrative record, including oral and written testimony.
- D. Based on the evidence and oral and written testimony presented at the public hearings, and based on all the information contained in the Planning Division's files on the project, including but not limited to the RUF EIR for the project and the City Council staff report entitled "Appeal of the Planning Commission's Determination to not Recommend for City Council Approval a Development Agreement, Amendments to the General Plan and Rezoning Designations, and Adoption of a Master Plan for the Faria/Southwest Hills Annexation Project. AP-10-717 (GP, RZ, DA)," dated April 17, 2023, the City Council hereby declares, finds, and certifies that:
1. The City Council has independently considered the administrative record before it.
 2. The RUF EIR has been completed in compliance with CEQA and fully analyzes and discloses the potential impacts of the proposed project, and that those impacts have been mitigated or avoided to the extent feasible for the reasons set forth in the Exhibits hereto.
 3. The RUF EIR was presented to the City Council. The City Council has reviewed and considered the information in the RUF EIR, and the RUF EIR reflects the independent judgment of the City Council.
 4. Information presented in written and oral testimony does not constitute new information requiring recirculation of the RUF EIR under CEQA. None of the information, including written comments submitted by Shute, Mihaly & Weinberger on behalf of SMD, has deprived the public of a meaningful opportunity to comment upon a substantial environmental impact of the proposed project or a feasible mitigation measure or alternative that the City has declined to implement.
 5. The RUF EIR is hereby certified as being in compliance with CEQA. The EIR adequately describes the project, its environmental impacts, reasonable alternatives, and appropriate mitigation measures.

Section 3: Adoption of Findings, Statement of Overriding Considerations, and Mitigation, Monitoring and Reporting Program.

- A. The City Council adopts the following with respect to the project:

1. Mitigation Findings Pursuant to CEQA Guidelines Section 15091, as set forth in Exhibit A to this resolution and incorporated herein by reference.
2. Findings Concerning Alternatives, as set forth in Exhibit B to this resolution and incorporated herein by reference.
3. Statement of Overriding Considerations, as set forth in Exhibit C to this resolution and incorporated herein by reference.
4. Mitigation Monitoring Reporting Program, attached as Exhibit D to this resolution and incorporated herein by reference.

Section 4: Notice of Determination.

The City Council hereby directs staff to file a Notice of Determination as set forth in Public Resources Code Section 21152.

Section 5: Effective Date.

This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Pittsburg on the 17th day of April, 2023, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

Shanelle Scales-Preston, Mayor

ATTEST:

Alice E. Evenson, City Clerk

Exhibit A

Findings Pursuant to CEQA Guidelines Section 15091 For Approval of the Faria/Southwest Hills Annexation Project

SECTION 1: FINDINGS ON POTENTIALLY SIGNIFICANT IMPACTS THAT ARE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

Aesthetics

Impact 4.1-3. Creation of new sources of substantial light or glare that would adversely affect day or nighttime views in the area.

Mitigation Measure 4.1-3. In conjunction with the submittal of any development applications for future development on the project site, the applicant shall prepare and submit a detailed lighting plan showing that light would not trespass onto adjacent properties to the City of Pittsburg Community Development Department for review and approval as part of the development review process. The lighting plan shall include, but not necessarily be limited to, the following provisions:

- Shield or screen lighting fixtures to direct the light downward and prevent light from spilling onto adjacent properties and nearby open space areas within the City of Concord;
- Place and shield or screen flood and area lighting needed for construction activities and/or security so as not to disturb adjacent residential areas and passing motorists;
- For public lighting, prohibit the use of light fixtures that are of unusually high intensity or brightness (e.g., harsh mercury vapor, low-pressure sodium, or fluorescent bulbs) or that blink or flash; and
- Use appropriate building materials (such as low-glare glass, low-glare building glaze or finish, neutral, earth-toned colored paint and roofing materials), shielded or screened lighting, and appropriate signage to prevent light and glare from adversely affecting motorists on nearby roadways.

Finding: The above feasible mitigation measure will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring that future lighting would not trespass onto adjacent properties (Draft EIR pages 4.1-32 through -33). Applicable land use and development regulations, including outdoor lighting regulations that would apply to all future development occurring under buildout of the proposed project site, are memorialized in the Draft Master Plan. (See, e.g., Regulation C.3.a and Regulation C.3.b; see also Draft EIR pages 4.1-32 through -33.)

Furthermore, future development would be subject to other applicable regulations included in the Pittsburg Municipal Code (PMC) related to light and glare. For example, Section 18.56.090(l) of the PMC includes regulations requiring redirection and/or shielding of exterior lighting so as to prevent direct illumination of roadways

and light spillage onto adjacent properties, while Section 18.56.090(M)(6) requires that street lighting in residential areas be designed to emit the minimum light intensity required to provide public safety. (Draft EIR page 4.1-33.)

Biological Resources

Impact 4.4-1. Have a substantial adverse effect, either directly or through habitat modifications, on special-status plant species.

Mitigation Measure 4.4-1(a). Prior to the issuance of grading or construction permits for each phase of development of the project, the applicant shall pay the applicable ECCC HCP/NCCP per-acre Development Fee in effect for Zone II in compliance with Section 15.108.070 of the Pittsburg Municipal Code. The Development Fee will cover the development of habitat that primarily includes annual grassland. At the discretion of the East Contra Costa County Habitat Conservancy, the fee may also be required for the 72.9 acres of Open Space that would be temporarily disturbed by grading. Payment of the Development Fee would address the loss of potential habitat of special-status plant species associated with grasslands. The fees would be used in part to protect these affected special-status plant species by bringing existing populations of the species under protection.

Alternately, the project applicant may, in accordance with the terms of Pittsburg Municipal Code Chapter 15.108, offer to dedicate land or create and restore wetlands in lieu of some or all of the mitigation fees. All applicable mitigation fees shall be paid, or an “in-lieu-of fee” agreement executed, prior to the issuance of a grading permit for the project.

The Pittsburg Community Development Department and the Contra Costa County Conservancy shall approve the final method of compliance with the ECCC HCP/NCCP provisions.

Mitigation Measure 4.4-1(b). Prior to the issuance of grading or construction permits for each phase of development of the project, additional rare plant surveys shall be conducted for bent-flowered fiddleneck, big tarplant, round-leaved filaree, Mt. Diablo fairy-lantern, Mt. Diablo buckwheat, fragrant fritillary, Diablo helianthella, Brewer’s western flax, showy golden madia, Mt. Diablo cottonweed, woodland woollythreads, adobe navarretia, shining navarretia, and rock sanicle. The surveys shall be appropriately timed and shall cover all potentially suitable on-site habitats. If none of the species occurs in the project development area, further mitigation is not required.

Mitigation Measure 4.4-1(c). If any of the above species occurs in the project development area, future development plans shall be designed to avoid such species, to the maximum extent feasible. If avoidance of the identified species is unavoidable, the project applicant shall notify the East Contra Costa County Habitat Conservancy of the construction schedule so as to allow the East Contra Costa County Habitat Conservancy the option to salvage the population(s) in accordance with HCP/NCCP Conservation Measure 3.10 (Plant Salvage when Impacts are

Unavoidable) described below. In addition, the project applicant shall confirm with the East Contra Costa County Habitat Conservancy that the take limits of the HCP/NCCP for the species identified in Impact 4.4-1 have not been breached (at the time of writing this EIR, the take limits have not been breached for the special-status plant species in question).

Perennial Covered Plants

Where removal of covered plant species cannot be avoided by approved covered activities, such as construction activities associated with development of the project site, the East Contra Costa County Habitat Conservancy has the option of salvaging the covered plants. Salvage methods for perennial species shall be tested for whole individuals, cuttings, and seeds. Salvage measures shall include the evaluation of techniques for transplanting as well as germinating seed in garden or greenhouse and then transplanting to suitable habitat sites in the field. Techniques shall be tested for each species, and appropriate methods shall be identified through research and adaptive management. Where plants are transplanted or seeds distributed to the field they shall be located in preserves in suitable habitat to establish new populations. Field trials shall be conducted to evaluate the efficacy of different methods and determine the best methods to establish new populations. New populations shall be located such that they constitute separate populations and do not become part of an existing population of the species, as measured by the potential for genetic exchange among individuals through pollen or propagule (e.g., seed, fruit) dispersal. Transplanting within the preserves shall only minimally disturb existing native vegetation and soils. Supplemental watering may be provided as necessary to increase the chances of successful establishment, but must be removed following initial population establishment. See also All Covered Plants below.

Annual Covered Plants

For annual covered plants, mature seeds shall be collected from all individuals for which removal cannot be avoided (or if the population is large, a representative sample of individuals). If storage is necessary, seed storage studies shall be conducted to determine the best storage techniques for each species. If needed, studies shall be conducted on seed germinated and plants grown to maturity in garden or greenhouse to propagate larger numbers of seed. Seed propagation methods shall ensure that genetic variation is not substantially affected by propagation (i.e., selection for plants best adapted to cultivated conditions). Field studies shall be conducted through the Adaptive Management Program to determine the efficacy and best approach to dispersal of seed into suitable habitat. Where seeds are distributed to the field, they shall be located in preserves in suitable habitat to establish new populations. If seed collection methods fail (e.g., due to excessive seed predation by insects), alternative propagation techniques will be necessary. See also All Covered Plants below.

All Covered Plants

All salvage operations shall be conducted by the East Contra Costa County Habitat Conservancy. To ensure enough time to plan salvage operations, project proponents shall notify the East Contra Costa County Habitat Conservancy of their schedule for removing the covered plant population.

The East Contra Costa County Habitat Conservancy may conduct investigations into the efficacy of salvaging seeds from the soil seed bank for both perennial and annual species. The soil seed bank may add to the genetic variability of the population. Covered species may be separated from the soil through garden/greenhouse germination or other appropriate means. Topsoil taken from impact sites shall not be distributed into preserves because of the risk of spreading new nonnative and invasive plants to preserves. For salvage operations, the East Contra Costa County Habitat Conservancy shall transplant new populations such that they constitute separate populations and do not become part of an existing population of the species, as measured by the potential for genetic exchange among individuals through pollen or propagule (e.g., seed, fruit) dispersal. Transplanting or seeding “receptor” sites (i.e., habitat suitable for establishing a new population) should be carefully selected on the basis of physical, biological, and logistical considerations (Fiedler and Laven 1996); some examples of these are listed below.

- Historic range of the species;
- Soil type;
- Soil moisture;
- Topographic position, including slope and aspect;
- Site hydrology;
- Mycorrhizal associates (this may be important for Mount Diablo manzanita);
- Presence or absence of typical associated plant species; and
- Presence or absence of herbivores or plant competitors. Site accessibility for establishment, monitoring, and protection from trampling by cattle or trail users.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring participation in and compliance with the ECCC HCP/NCCP, which provides a mechanism to adequately mitigate impacts to special-status plant species (Draft EIR pages 4.4-42 through -46).

Impact 4.4-2. Have a substantial adverse effect, either directly or through habitat modifications, on special-status bird species, including those covered under the East Contra Costa County HCP/NCCP, such as Swainson’s hawk, tricolored blackbird, burrowing owl, and golden eagle.

Golden Eagle

Mitigation Measure 4.4-2(a). Implement Mitigation Measure 4.4-1(a).

Mitigation Measure 4.4-2(b). The project shall implement the following avoidance measures for potential effects on golden eagles during construction:

- Based on the potential for active nests, prior to implementation of construction activities, including tree removal, a qualified biologist shall conduct a pre-construction survey to establish whether an active golden eagle nest is present on the project site or within 0.5 mile of the project site to the extent the biologist can gain access. If an active nest is not present, further mitigation is not required. If an occupied nest is present, minimization requirements and construction monitoring shall be required, as detailed below.
- Construction activities shall be prohibited within 0.5 mile of active nests. Nests can be built and active at almost any time of the year, although mating and egg incubation occurs late January through August, with peak activity in March through July. If site-specific conditions or the nature of the construction activity (e.g., steep topography, dense vegetation, limited activities) indicate that a smaller buffer could be appropriate or that a larger buffer should be implemented, the East Contra Costa County Habitat Conservancy shall coordinate with CDFW/USFWS to determine the appropriate buffer size.
- Construction monitoring shall ensure that no construction activities occur within the buffer zone established around an active nest. Construction monitoring shall ensure that direct effects to golden eagles are avoided.

Swainson's Hawk

Mitigation Measure 4.4-2(c). Implement Mitigation Measure 4.4-1(a).

Mitigation Measure 4.4-2(d). The project applicant shall implement the following avoidance measures for potential effects on Swainson's hawk nests during construction:

- Prior to ground disturbing activities during the nesting season (March 15 through September 15), a qualified biologist shall conduct a pre-construction survey no more than one month prior to construction to establish whether occupied Swainson's hawk nests occur on or within 1,000 feet of the area of proposed construction. If occupied nests are not found, then further mitigation is not required.
- If occupied nests are found, project construction activity shall not occur within a 1,000-foot buffer zone distance from the nest unless a lesser buffer zone is approved by the City in consultation with CDFW. During the nesting season, construction activities shall be avoided within the established buffer zone to prevent nest abandonment. Construction monitoring shall be required to ensure that the established buffer zone is adhered to. If young fledge prior to September 15, construction activities can proceed normally without a buffer zone. If an active nest site is present but shielded from view and noise by other development or other features, the City may waive this avoidance measure (establishment of a buffer zone) if approved by the CDFW.

Burrowing Owl

Mitigation Measure 4.4-2(e). Implement Mitigation Measure 4.4-1(a).

Mitigation Measure 4.4-2(f). The project applicant shall implement the following measures to avoid or minimize impacts to western burrowing owl:

- No more than 14 days prior to initiation of ground disturbing activities, the project applicant shall retain a qualified burrowing owl biologist to conduct a take avoidance survey of the proposed project site, any off-site improvement areas, and all publicly accessible potential burrowing owl habitat within 500 feet of the project construction footprint. The survey shall be performed in accordance with the applicable sections of the March 7, 2012, CDFW's Staff Report on Burrowing Owl Mitigation guidelines. If the survey does not identify any nesting burrowing owls on the proposed project site, further mitigation is not required. The take avoidance survey shall be submitted to the City of Pittsburg Community Development Department for review. The survey periods and number of surveys are identified below:
 - o If construction related activities commence during the non-breeding season (1 September to 31 January), a minimum of one take avoidance survey shall be conducted of that phase and all publicly accessible potential burrowing owl habitat within 500 feet of the construction footprint of that phase.
 - o If construction related activities commence during the early breeding season (1 February to 15 April), a minimum of one take avoidance survey shall be conducted of that phase and all publicly accessible potential burrowing owl habitat within 500 feet of the construction footprint of that phase.
 - o If construction related activities commence during the breeding season (16 April to 30 August), a minimum of three take avoidance surveys shall be conducted of that phase and all publicly accessible potential burrowing owl habitat within 500 feet of the construction footprint of that phase. If construction related activities commence after 15 June, at least one of the three surveys shall be completed after 15 June.
 - o Because the owls are known to occur nearby and may take up occupancy on a site under construction, the take avoidance survey shall be conducted prior to the start of any new phase, and/or if construction-related activity is delayed or suspended for more than 30 days.
- If active burrowing owl dens are found within the survey area in an area where disturbance would occur, the project applicant shall implement measures consistent with the applicable portions of the March 7, 2012, CDFW's Staff Report on Burrowing Owl Mitigation guidelines. If needed, as determined by the biologist, the formulation of avoidance and minimization approaches would be developed in coordination with the CDFW. The avoidance and minimization approaches would likely include burrow avoidance buffers during the nesting season (February to August). For burrowing owls present on-site, outside of the nesting season, passive exclusion of owls from the burrows could be utilized under a CDFW-approved burrow exclusion plan.

Mitigation Measure 4.4-2(g). If active owl burrows are present and the project would impact active burrows, the project applicant shall provide compensatory mitigation for the permanent loss of burrowing owl habitat at a ratio of 2.5 acres of higher quality owl habitat for every one acre of suitable owl habitat disturbed. The calculation of habitat loss may exclude acres currently occupied by hardscape or structures. Such mitigation may include the permanent protection of land that is deemed to be suitable burrowing owl habitat through a conservation easement deeded to a non-profit conservation organization or public agency with a conservation mission, or the purchase of burrowing owl conservation bank credits from a CDFW-approved burrowing owl conservation bank. A record of the compensatory mitigation provided by the project applicant shall be submitted to the City of Pittsburg Community Development Department prior to initiation of ground disturbing activities.

Tricolored Blackbird and Other Special-Status Avian Species

Mitigation Measure 4.4-2(h). Implement Mitigation Measure 4.4-1(a).

Mitigation Measure 4.4-2(i). If construction activities commence anytime during the nesting/breeding season of native bird species potentially nesting on or near the project site (typically February through August in the project region), a pre-construction survey for nesting birds shall be conducted by a qualified biologist within two weeks of the commencement of construction activities.

If active nests are found in areas that could be directly affected or are within 500 feet of construction and would be subject to prolonged construction-related noise, a no-disturbance buffer zone shall be created around active nests during the breeding season or until a qualified biologist determines that all young have fledged. The size of the buffer zones and types of construction activities restricted within them shall be a minimum of 500 feet for raptors, and a minimum of 50 feet for other species, and may be enlarged by taking into account factors such as the following:

- Noise and human disturbance levels at the construction site at the time of the survey and the noise and disturbance expected during the construction activity;
- Distance and amount of vegetation or other screening between the construction site and the nest; and
- Sensitivity of individual nesting species and behaviors of the nesting birds.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring participation in the ECCC HCP/NCCP, which provides a mechanism to adequately mitigate impacts to birds covered under the ECCC HCP/NCCP, including Swainson's hawk, tricolored blackbird, burrowing owl, and golden eagle (Draft EIR pages 4.4-46 through -52).

Impact 4.4-3. Have a substantial adverse effect, either directly or through habitat modifications, on special-status mammals, including San Joaquin kit fox, San Joaquin pocket mouse, American badger, and special-status bats.

San Joaquin Kit Fox, San Joaquin pocket mouse, and American Badger

Mitigation Measure 4.4-3(a). Implement Mitigation Measure 4.4-1(a).

San Joaquin Kit Fox

Mitigation Measure 4.4-3(b). The project shall implement the following avoidance measures for potential effects on San Joaquin kit fox during construction:

- Prior to any ground disturbance, a USFWS/CDFW-qualified biologist shall conduct a pre-construction survey within the proposed disturbance footprint and a surrounding 250-foot radius. The survey shall establish the presence or absence of San Joaquin kit foxes and/or suitable dens and evaluate use by kit foxes in accordance with USFWS survey guidelines (USFWS 1999). The pre-construction survey shall be conducted no more than 30 days prior to ground disturbance. On the parcel where the activity is proposed, the biologist shall survey the proposed disturbance footprint and a 250-foot radius from the perimeter of the proposed footprint to identify San Joaquin kit foxes and/or suitable dens. Adjacent parcels under different land ownership are not required to be surveyed. The status of all surveyed dens shall be determined and mapped. Written results of pre-construction surveys shall be submitted to USFWS within 5 working days after survey completion and before the start of ground disturbance. Concurrence is not required prior to ground disturbance.
- If San Joaquin kit foxes and/or suitable dens are identified in the survey area, the measures described below shall be implemented.
 - If a San Joaquin kit fox den is discovered in the proposed development footprint, the den shall be monitored for 3 days by a USFWS/CDFW-qualified biologist using a tracking medium or an infrared beam camera to determine if the den is currently being used.
 - Unoccupied dens shall be destroyed immediately to prevent subsequent use.
 - If a natal or pupping den is found, USFWS and CDFW shall be notified immediately. The den shall not be destroyed until the pups and adults have vacated and then only after further consultation with USFWS and CDFW.
 - If kit fox activity is observed at the den during the initial 3-day monitoring period, the den shall be monitored for an additional 5 consecutive days from the time of the first observation to allow any resident animals to move to another den while den use is actively discouraged. For dens other than natal or pupping dens, use of the den can be discouraged by partially plugging the entrance with soil such that any resident animal can easily escape. Once the den is determined to be unoccupied it may be excavated under the direction of the biologist. Alternatively, if the animal is still present after 5 or more consecutive days of plugging and monitoring, the den may have to be excavated when, in the judgment of the biologist, it is temporarily vacant (i.e., during the animal's normal foraging activities).

- If dens are identified in the survey area outside the proposed disturbance footprint, exclusion zones around each den entrance or cluster of entrances shall be demarcated. The configuration of exclusion zones should be circular, with a radius measured outward from the den entrance(s). Ground disturbance activities shall not occur within the exclusion zones. Exclusion zone radii for potential dens shall be at least 50 feet and shall be demarcated with four to five flagged stakes. Exclusion zone radii for known dens shall be at least 100 feet and shall be demarcated with staking and flagging that encircles each den or cluster of dens but does not prevent access to the den by kit fox.

San Joaquin Pocket Mouse

Mitigation Measure 4.4-3(c). Grading and vegetation clearing activities shall be conducted in a uniform direction to allow mobile animals, such as San Joaquin pocket mouse, the ability to escape the disturbance area into adjacent undisturbed habitat, and to prevent creating fragmented islands of habitat that would eventually be cleared/graded. The language of this mitigation shall be included, via notation, on any grading plans approved within the Draft Master Plan development area.

American Badger

Mitigation Measure 4.4-3(d). A pre-construction survey for potential den sites shall be conducted by a qualified biologist no more than four weeks before commencement of initial ground disturbance activities. If an occupied den is found (and if young are not present), then any badgers present shall be removed from the den either by trapping or the use of exclusionary devices. Prior to implementation, the removal method shall be approved by CDFW. If trapped, the badgers shall be moved to other suitable habitat. Once any badgers are trapped or excluded, the dens shall be excavated by hand and refilled to prevent reoccupation. Exclusion shall continue until the badgers are successfully excluded from the site, as determined by a qualified biologist. Badgers shall not be relocated if it is determined by the biologists that young are or may be present.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring participation in the ECCC HCP/NCCP, which provides a mechanism to adequately mitigate impacts to the San Joaquin kit fox. Additionally, while the American badger and San Joaquin pocket mouse are not covered species under the ECCC HCP/NCCP, the on-site grassland foraging habitat potentially used by both species is the same type and acreage of habitat whose loss would be mitigated by payment of the Development Fee pursuant to the HCP/NCCP, or execution of an “in-lieu-of fee” agreement (Draft EIR pages 4.4-53 through -56).

Impact 4.4-4. Have a substantial adverse effect, either directly or through habitat modifications, on California tiger salamanders.

Mitigation Measure 4.4-4(a). Implement Mitigation Measure 4.4-1(a).

Mitigation Measure 4.4-4(b). Prior to any ground disturbance, a USFWS/CDFW–approved biologist shall identify potential breeding habitat for CTS. If the project fills or surrounds suitable breeding habitat, the project proponent shall notify USFWS, CDFW, and the East Contra Costa County Habitat Conservancy of the presence and condition of potential breeding habitat, as described below. Preconstruction surveys are not required.

Written notification to USFWS, CDFW, and the East Contra Costa County Habitat Conservancy, including photos and breeding habitat assessment, is required prior to disturbance of any suitable breeding habitat. The project proponent shall also notify these parties of the approximate date of removal of the breeding habitat at least 30 days prior to this removal to allow USFWS or CDFW staff to translocate individuals, if requested. USFWS or CDFW must notify the project proponent of their intent to translocate CTS within 14 days of receiving notice from the project proponent. The applicant must allow USFWS or CDFW access to the site prior to construction if they request it. Restrictions under this Plan on the nature of the disturbance or the date of the disturbance do not exist unless CDFW or USFWS notify the project proponent of their intent to translocate individuals within the required time period. In this case, the project proponent must coordinate the timing of disturbance of the breeding habitat to allow USFWS or CDFW to translocate the individuals. USFWS and CDFW shall be allowed 45 days to translocate individuals from the date the first written notification was submitted by the project proponent (or a longer period agreed to by the project proponent, USFWS, and CDFW).

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring participation in the ECCC HCP/NCCP, which provides a mechanism to adequately mitigate impacts to the California tiger salamanders (Draft EIR pages 4.4-57 through -58).

Impact 4.4-5. Have a substantial adverse effect, either directly or through habitat modifications, on California red-legged frogs.

Mitigation Measure 4.4-5. Implement Mitigation Measure 4.4-1(a).

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring participation in the ECCC HCP/NCCP, which provides a mechanism to adequately mitigate impacts to the California red-legged frog (Draft EIR pages 4.4-58 through -59).

Impact 4.4-6. Have a substantial adverse effect, either directly or through habitat modifications, on western pond turtle.

Mitigation Measure 4.4-6. Implement Mitigation Measure 4.4-1(a).

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring

participation in the ECCC HCP/NCCP, which provides a mechanism to adequately mitigate impacts to the western pond turtle (Draft EIR pages 4.4-59 through -60).

Impact 4.4-8. Have a substantial adverse effect, either directly or through habitat modifications, on western bumble bee.

Mitigation Measure 4.4-8. Implement Mitigation Measure 4.4-1(a).

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level. While the western bumble bee is not a covered species under the ECCC HCP/NCCP, the on-site grassland foraging habitat potentially used by the species is the same type and acreage of habitat whose loss would be mitigated by payment of the Development Fee pursuant to the HCP/NCCP, or execution of an “in-lieu-of fee” agreement. Therefore, payment of Development fees or execution of an “in-lieu of fee” agreement for covered ECCC HCP/NCCP species would provide similar mitigation for western bumble bee (Draft EIR pages 4.4-60 through -61).

Impact 4.4-12. Indirect impacts on adjacent lands.

Mitigation Measure 4.4-12(a). Implement Mitigation Measure 4.1-3.

Mitigation Measure 4.4-12(b). Prior to Improvement Plan approval, the project applicant shall prepare a list of recommended and prohibited landscaping plants for homes and common areas within the project site. The list shall be subject to review and approval by the City of Pittsburg Community Development Department. The list shall include a plant palette composed of non-invasive species and shall list invasive plant species that residents may not plant on the project site. The list of prohibited plants shall be compiled in cooperation with a qualified restoration specialist and distributed to future occupants of the project site as part of the Covenants, Conditions, and Restrictions (CC&R) applicable to future residential development.

Mitigation Measure 4.4-12(c). In deed disclosures, the project applicant shall notify all property owners/buyers of the potential interactions that may occur between pets and native wildlife. The disclosures shall discuss the presence of native animals (e.g., coyote, bobcat, mountain lion) that could prey on pets, and state that the property owners and/or residents shall not take any actions against native animals should they prey on pets that are allowed outdoors (unless danger of attacks on humans is present). The property owners shall be informed of the importance of keeping pets inside or within fenced yards for the pet’s protection, as well as to protect nearby sensitive biological resources. The property owners shall also be informed of the importance of properly storing trash and not feeding wildlife so as not to attract non-native wildlife that could prey on native species.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring that lighting would not trespass onto adjacent properties, offering recommended and

prohibited landscaping plant types, and educating property owners (Draft EIR pages 4.4-63 through -66).

Furthermore, as stated in the Draft EIR, the portion of the Concord Naval Weapons Station that borders the project site to the south would be maintained as a park and open space by the East Bay Regional Park District. Maintaining this open space would provide opportunities for continued northwest-southeast wildlife movement in the area. Additionally, according to the ECCC HCP/NCCP, the project site is identified as being within the “lower” level of acquisition effort area in regards to “Needed Regional Connections with ECCC HCP/NCP System under the Maximum Urban Development Area.” Thus, the project would not be considered to substantially interfere with the regional movement of wildlife species. (Final EIR page 2-5.)

Impact 4.4-14. Conflict with an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan.

Mitigation Measure 4.4-14. Implement Mitigation Measure 4.4-1(a).

Finding: The above feasible mitigation measure will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring payment of the applicable ECCC HCP/NCCP per-acre Development Fee in effect for Zone II (Draft EIR page 4.4-67).

Impact 4.4-15. Cumulative loss of biological resources.

Mitigation Measure 4.4-15. Implement Mitigation Measures 4.4-1(a) through 4.4-14.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring participation in the ECCC HCP/NCCP, which provides a mechanism to adequately mitigate the project’s contribution to cumulative impacts to potentially-occurring sensitive species listed in the ECCC HCP/NCCP. The proposed project’s individual impacts to species not covered under the ECCC HCP/NCCP would be mitigated to a less-than-significant level with the mitigation measures listed above (Draft EIR pages 4.4-68 through -69).

Cultural and Tribal Resources

Impact 4.5-2. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 1564.5, directly or indirectly destroy a unique paleontological resource or unique geologic features, or disturb any human remains, including those interred outside of formal cemeteries.

Mitigation Measure 4.5-2(a). In the event that any prehistoric subsurface archeological features or deposits, including locally darkened soil (“midden”), that could conceal cultural deposits, animal bone, obsidian and/or mortars are discovered during earth-moving activities, all work within 100 feet of the resource shall be halted, and the applicant shall consult with a qualified archeologist. Representatives of the

City and the qualified archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation.

Mitigation Measure 4.5-2(b). If a human bone or bone of unknown origin is found during earth-moving activities, all work shall stop within 100 feet of the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-internment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.

Mitigation Measure 4.5-2(c). If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.

If a Native American archeological, ethnographic, or a spiritual resource is discovered, all identification and treatment shall be conducted by qualified archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and are Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions.

In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment is to be carried out by qualified historical archeologists, who shall meet either Register of Professional Archeologists (RPA), or 36 CFR 61 requirements.

Mitigation Measure 4.5-2(d). The applicant shall retain the services of a professional paleontologist/archaeologist to educate the construction crew that will be conducting grading and excavation at the project site. The education shall consist of an introduction to the geology of the project site and the kinds of fossils, archeological, and/or Native American resources that may be encountered, as well as what to do in case of a discovery.

Should any paleontological resources be unearthed by the construction crew, such as vertebrate fossils (e.g., teeth, bones), an unusually large or dense accumulation of intact invertebrates, or well-preserved plant material (e.g., leaves), then ground-disturbing activity shall be diverted to another part of the project site and the paleontologist shall be called on-site to assess the find and, if significant, recover the find in a timely matter. Finds determined significant by the paleontologist shall then be conserved and deposited with a recognized repository, such as the University of California Museum of Paleontology. The alternative mitigation would be to leave the significant finds in place, determine the extent of significant deposit, and avoid further disturbance of the significant deposit. Proof of the construction crew awareness

training shall be submitted to the City's Community Development Department in the form of a copy of training materials and the completed training attendance roster.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring appropriate handling of any encountered prehistoric subsurface archeological features, human remains, or Native American site, and educating the construction crew on resource discovery protocols (Draft EIR pages 4.5-14 through -17). Impact 4.5-3. Directly or indirectly disturb or destroy a unique tribal cultural resource, such as a site, feature, place, cultural landscape, sacred place or object with cultural value to a California Native American tribe.

Mitigation Measure 4.5-3. Implement Mitigation Measures 4.5-2(a) through 4.5-2(d).

Finding: The above feasible mitigation measure will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring appropriate handling of any encountered prehistoric subsurface archeological features, human remains, or Native American site, and educating the construction crew on resource discovery protocols (Draft EIR page 4.5-17).

Geology and Soils

Impact 4.6-1. The project site is subject to seismic risks including fault rupture, strong ground shaking, and liquefaction that could adversely affect future development.

Mitigation Measure 4.6-1. As part of any future development application, the project applicant shall undertake a design-level geotechnical report that will include a subsurface exploration of soil borings and/or cone penetration tests within the development areas and laboratory soil testing to provide data for preparation of specific recommendations regarding grading, foundations, and drainage for the proposed construction. A California Registered Civil Engineer or Geotechnical Engineer shall produce a design-level geotechnical engineering report subject to prior review and written approval by the City Engineer. The report shall address the following:

1. The magnitude of remedial grading needed for the site;
2. Construction of high cut slopes and relatively deep fills;
3. The existence of adverse bedrock bedding;
4. The potential presence of artificial, undocumented fills;
5. The potential presence of compressible alluvial soils;
6. The liquefaction potential within alluvial-filled valley areas;
7. The anticipated effects of local groundshaking on the proposed development;
and
8. Identification of the extent of liquefaction and lateral spreading in the potential development area.

Furthermore, the design-level geotechnical engineering report shall include project design measures and engineering techniques to avoid risks to people and structures from identified liquefaction and lateral spreading; address structures, structural foundations, and grading practices consistent with the CBC and any applicable City building and grading standards; and address both construction and operation of the project, as applicable. Design measures and engineering techniques may include, at a minimum, the following:

- Recommendations for strengthened foundations to resist excessive differential settlement associated with seismically-induced liquefaction;
- Removal and replacement of potentially liquefiable soils; and/or
- Densify potentially liquefiable soils with an in-situ ground improvement technique.

The Design Level Geotechnical Report shall identify the portions of the project site that cannot be graded and developed to meet CBC standards. Development shall not be allowed within those areas. The report shall be completed by a consultant selected and hired by the City of Pittsburg. The developer shall be responsible for the full cost of the report. Prior to the issuance of any Grading Permit and approval of a Tentative Map, the City Engineer shall review the Design Level Geotechnical Report and determine that the proposed grading conforms to the CBC.

Prior to issuance of building permits, the City shall site-inspect to ensure that construction is in accordance with the approved plans and incorporates all required design measures and engineering techniques, and that such measures perform as identified in the design-level geotechnical engineering report and conforms to the standards of the CBC.

Finding: The above feasible mitigation measure will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by requiring preparation of, and implementation of the recommendations within, a design-level geotechnical report that includes clear performance standards and timelines for implementation (Draft EIR pages 4.6-16 through -19).

Impact 4.6-2. Implementation of the project could result in substantial erosion or loss of topsoil.

Mitigation Measure 4.6-2. As part of any future development application, the project applicant shall submit an erosion control plan subject to prior review and written approval by the City Engineer to limit the erosion effects during construction of the proposed project. Measures shall be identified to limit and control the amount of erosion, and the transport of soils or sediment off of the construction site. Measures could include, but are not limited to:

- Hydro-seeding exposed soils;
- Placement of erosion control measures within drainageways and ahead of drop inlets;

- The temporary lining (during construction activities) of drop inlets with “filter fabric” (a specific type of geotextile fabric);
- The placement of straw wattles along slope contours and back-of-curb prior to installation of landscaping;
- Directing subcontractors to a single designation “wash-out” location (as opposed to allowing them to wash-out in any location they desire);
- The use of siltation fences; and
- The use of sediment basins and dust palliatives.

Finding: The above feasible mitigation measure will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by requiring preparation and implementation of an erosion control plan that includes clear performance standards and timelines for implementation (Draft EIR pages 4.6-19 through -20).

Impact 4.6-3. Implementation of the project could result in risks to people and structures associated with compressible soil, undocumented fill, expansive soils, and/or corrosive soil.

Mitigation Measure 4.6-3. The design-level geotechnical engineering report required by Mitigation Measure 4.6-1 shall address the potential for compressible soil, undocumented fill, corrosive soil, and expansive soil on the project site and shall identify engineering techniques to reduce any identified impacts to less than significance. The techniques shall include but not be limited to the following:

- Undocumented fill - the over-excavation of a minimum of three feet of soil to remove existing non-engineered fill in order to place engineered fill;
- Corrosive soil – If on-site soil is found to be corrosive to concrete, preventative measures such as protective treatment of concrete surfaces or the use of corrosion resistant materials shall be included in site design; and
- Expansive soil – The use of post-tensioned concrete mat foundations or similarly stiffened foundations systems which are designed to resist the deflections associated with soil expansion.

The Design Level Geotechnical Report shall identify the portions of the project site that cannot be graded and developed to meet CBC standards. Development shall not be allowed within those areas. The report shall be completed by a consultant selected and hired by the City of Pittsburg. The developer shall be responsible for the full cost of the report. Prior to the issuance of any Grading Permit and approval of a Tentative Map, the City Engineer shall review the Design Level Geotechnical Report and determine that the proposed grading conforms to the CBC.

Prior to issuance of building permits, the City shall site-inspect to ensure that construction is in accordance with the approved plans and incorporates all required design measures and engineering techniques, and that such measures perform as identified in the design-level geotechnical engineering report to address compressible soil, undocumented fill, corrosive soil, and expansive soil impacts and conforms to the CBC.

Finding: The above feasible mitigation measure will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring implementation of all recommendations within the design-level geotechnical report that includes clear performance standards and timelines for implementation (Draft EIR pages 4.6-21 through -23).

Impact 4.6-4. Implementation of the project could result in risks to people and structures associated with landslides.

Mitigation Measure 4.6-4(a). The design-level geotechnical engineering report required by Mitigation Measure 4.6-1 shall address the existing landslides and the potential for landslides to occur throughout the project site. In addition, the design-level geotechnical engineering report shall include and address the following:

1. Characterization and remediation of existing large-scale landslides;
2. Description of the proximity of the project site and development areas to existing graded parcels;
3. Settlement and deflection of deep fills; and
4. Potential erosion of high cut slopes and fill slopes.

Furthermore, the design-level geotechnical engineering report shall include design measures to reduce the risks from landslides, which may include, but are not limited to, the following techniques:

- Graded cut and fill slopes over 15 feet in vertical height should be no steeper than 3H:1V (Horizontal:Vertical). Cut and fill slopes up to 15 feet in vertical height may be constructed at slope gradients no steeper than 2H:1V;
- Graded cut and fill slopes exceeding 30 feet in height may be provided with intermediate benches on the slope surface spaced no greater than 30 feet vertically. Benches should be at least at 8 feet wide with a concrete-lined J or V-ditch to intercept surface runoff;
- Mass grading should begin with construction of toe keys and subdrains. All fills should be adequately keyed into firm natural materials unaffected by shrinkage cracks. Recommended keyway sizes and locations will be determined by the Geotechnical Engineer and will be approximately shown in the final remedial grading plans. Additionally, where fills are placed along slopes, subexcavated benches should be planned above toe keys as filling progresses. The Geotechnical Engineer will determine the actual size of the keyways during plan review and supplemental recommendations provided during grading. Toe keyways should also be used along where debris benches are recommended in design-level geotechnical studies; and
- A Geotechnical Engineer shall prepare all grading and slope stability plans.

The Design Level Geotechnical Report shall identify the portions of the project site that cannot be graded and developed to meet CBC standards. Development shall not be allowed within those areas. The report shall be completed by a consultant selected and hired by the City of Pittsburg. The developer shall be responsible for the full cost of the report. Prior to the issuance of any Grading Permit and approval of a Tentative

Map, the City Engineer shall review the Design Level Geotechnical Report and determine that the proposed grading conforms to the CBC.

Prior to issuance of building permits, the City shall site-inspect to ensure that construction is in accordance with the approved plans and incorporates all required design measures and engineering techniques, and that such measures perform as identified in the design-level geotechnical engineering report to address landsliding and slope stability impacts and compliance with the CBC.

Mitigation Measure 4.6-4(b). The project applicant shall establish a GHAD encompassing the area within a 1,000-foot radius of the area affected by the 2007 landslide south of Vista Del Mar. Establishment of the GHAD shall ensure that potential future development or grading activity conducted within the vicinity includes proper mitigation techniques to ensure long-term stability of the area and reduce potential impacts related to slope instability. Specific grading techniques to ensure slope stability may include, but are not limited to, the techniques outlined in Mitigation Measure 4.6-4(a) of this EIR.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring implementation of all recommendations within the design-level geotechnical report that includes clear performance standards and timelines for implementation (Draft EIR pages 4.6-23 through -26).

Impact 4.6-5. Cumulative increase in the potential for geological related impacts and hazards.

Mitigation Measure 4.6-5. Implement Mitigation Measures 4.6-1(a), 4.6-3, 4.6-4(a), and 4.6-4(b).

Finding: The above feasible mitigation measure will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by requiring preparation of, and implementation of the recommendations within, a design-level geotechnical report as well as preparation and implementation of an erosion control plan that includes clear performance standards and timelines for implementation (Draft EIR pages 4.6-27 through -28).

Hazards and Hazardous Materials

Impact 4.7-1. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Asbestos-Containing Materials

Mitigation Measure 4.7-1(a). Prior to issuance of a demolition permit for any on-site structures, the project applicant shall provide a detailed assessment to the City Planning Department pertaining to the potential presence of asbestos-containing

materials in existing on-site structures to be demolished. If asbestos-containing materials are not detected, further mitigation is not required. If asbestos-containing materials are detected, the applicant shall prepare and implement an asbestos abatement plan consistent with federal, State, and local standards, subject to review and approval by the Bay Area Air Quality Management District and the City Planning Department.

Lead-Based Paint

Mitigation Measure 4.7-1(b). Prior to issuance of a demolition permit for any on-site structures, the project applicant shall provide a detailed assessment to the City Planning Department pertaining to the potential presence of lead-based paint in existing-on-site structures to be demolished. If lead-based paint is not detected, further mitigation is not required. If lead-based paint is found, all loose and peeling paint shall be removed and disposed of by a licensed and certified lead paint removal contractor, in accordance with federal, State, and local regulations. The demolition contractor shall be informed that all paint on the buildings shall be considered as containing lead. The contractor shall take appropriate precautions to protect his/her workers, the surrounding community, and to dispose of construction waste containing lead paint in accordance with federal, State, and local regulations subject to review and approval by the Bay Area Air Quality Management District and the City Planning Department.

Above-Ground Storage Tanks

Mitigation Measure 4.7-1(c). Prior to issuance of any grading permits, the applicant shall hire a qualified geotechnical engineer to remove and abandon the two on-site ASTs in accordance with federal, State, and local guidelines, pursuant to review and approval by the City Engineer and the Contra Costa Health Services Department. In addition, an evaluation of the area surrounding the storage tanks for unusual odors, visible discoloration, or other indications of soil contamination shall be conducted. If soils suspected of being contaminated are encountered, they shall be stockpiled on plastic sheeting. Stockpiled soils shall be sampled in accordance with the San Francisco Bay Regional Water Quality Control Board guidelines, and the findings forwarded to the San Francisco Bay Regional Water Quality Control Board for review. Further remediation, if necessary, and disposal of the soils shall be conducted in accordance with State and federal guidelines.

On-Site Water Supply Wells

Mitigation Measure 4.7-1(d). Prior to initiation of any ground disturbing activities within 50 feet of a well on the project site, the applicant shall hire a licensed well contractor to obtain a well abandonment permit from the Contra Costa Health Services Department, and properly abandon the on-site wells in accordance with regional and local standards, pursuant to review and approval by the City Engineer and the Contra Costa Health Services Department.

On-Site Septic Systems

Mitigation Measure 4.7-1(e). Prior to initiation of any ground disturbing activities within 50 feet of a septic tank on the project site, the applicant shall hire a qualified geotechnical engineer to obtain a septic system abandonment permit from the Contra Costa Health Services Department, and properly abandon the on-site septic systems, pursuant to review and approval by the City Engineer and the Contra Costa Health Services Department.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring appropriate handling of potentially hazardous materials during construction and demolition (Draft EIR pages 4.7-6 through -10).

Impact 4.7-2. Emit hazardous emissions or handle hazardous materials within one-quarter mile of a school.

Mitigation Measure 4.7-2. Implement Mitigation Measures 4.7-1(a-e).

Finding: The above feasible mitigation measure will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring appropriate handling of potentially hazardous materials during construction and demolition (Draft EIR page 4.7-10).

Impact 4.7-4. Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Mitigation Measure 4.7-4(a). Development of the proposed project shall include the installation of fire suppression systems (e.g., fire hydrants, fire sprinklers, smoke detectors) and be designed in accordance with the latest requirements of the California Fire Code. All project development plans shall be subject to review by the Contra Costa County Fire Protection District as part of the future discretionary development applications and Building Permit review processes to ensure the provisions of the California Fire Code are included in the plans. Fire-resistant roof construction, fire-resistant attachments, vegetative buffer zones, and other fire-safe measures may be required as part of their review.

Mitigation Measure 4.7-4(b). The Master Plan shall include the following language under Section 2(A)(4):

- e) Defensible space in accordance with the guidelines of the California Fire Protection Standards shall be maintained in all portions of the Master Plan Area adjacent to open space areas. If the required defensible space distances cannot be attained, structures within the defensible space shall be constructed with fire-resistant materials and practices.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by requiring installation of appropriate fire suppression systems (Draft EIR pages 4.7-11 through -13).

Hydrology and Water Quality

Impact 4.8-1. Substantially alter the existing drainage pattern of the site or area or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site.

Mitigation Measure 4.8-1. As part of any development application, the applicant shall submit a site-specific drainage study which shall identify site design measures, source controls, and stormwater treatment and flow control measures showing that the project runoff will not exceed the capacity of existing and planned stormwater drainage systems and will not result in flooding on- or off-site. The study shall include, but not be limited to, the following:

- Calculations of pre-development runoff conditions and post-development runoff conditions, using appropriate engineering methods;
- An assessment of downstream drainage and City storm-water facilities impacted by potential project runoff in accordance with General Plan Policy 9-P-21, which requires the following:
 - Calculate potential sedimentation and runoff based on the maximum storm event and determine necessary capacity of the downstream drainage system. If the project presents potential downstream sedimentation, runoff, or flooding issues, the drainage study shall require additional mitigation including, but not limited to, limitations on grading, construction only in dry seasons, and funding for downstream improvements, maintenance, and repairs;
- Assessment of existing drainage facilities within the project area and an inventory of necessary upgrades, replacements, redesigns, and/or rehabilitation in order to accommodate the proposed project;
- Recommendation of appropriate design measures required to meet C.3 requirements, and relevant requirements from Chapter 13.28 of the City's Municipal Code; and
- A proposed maintenance program for the on-site drainage system.

Finding: The above feasible mitigation measure will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by requiring preparation of a site-specific drainage study and implementation of the proposed maintenance program (Draft EIR pages 4.8-16 through -18).

Impact 4.8-2. Violate any water quality standards or waste discharge requirements, provide substantial additional sources of polluted runoff, or otherwise substantially degrade water quality through erosion during construction.

Mitigation Measure 4.8-2. Prior to issuance of grading permits, the contractor shall prepare a Storm Water Pollution Prevention Plan (SWPPP). The developer shall file the Notice of Intent (NOI) and associated fee to the SWRCB. The SWPPP shall serve as the framework for identification, assignment, and implementation of Best Management Practices (BMPs). Construction BMPs included in the SWPPP may include, but are not limited to, the following measures:

- Silt fencing;
- Fiber Rolls;
- Vehicle washout areas and trackout control;
- Desilting Basins;
- Gravel Bag Berms; or
- Storm Drain inlet protection.

The contractor shall implement BMPs to reduce pollutants in stormwater discharges to the maximum extent practicable. Property boundaries between the project site and the Concord Hills Regional Park shall be identified, mapped, fenced, and signed for no entry. The SWPPP shall be submitted to the Director of Public Works/City Engineer for review and approval and shall remain on the project site during all phases of construction. Following implementation of the SWPPP, the contractor shall subsequently demonstrate the SWPPP's effectiveness and provide for necessary and appropriate revisions, modifications, and improvements to reduce pollutants in stormwater discharges to the maximum extent practicable.

Finding: The above feasible mitigation measure will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by requiring preparation and implementation of a Storm Water Pollution Prevention Plan and implementation of BMPs, such as silt fencing, and fiber rolls, to reduce pollutants in stormwater discharges to the maximum extent practicable (Draft EIR pages 4.8-18 through -20).

Impact 4.8-3. Violate any water quality standards or waste discharge requirements, provide substantial additional sources of polluted runoff, or otherwise substantially degrade water quality during operations.

Mitigation Measure 4.8-3. Implement Mitigation Measure 4.8-1.

Finding: The above feasible mitigation measure will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by requiring preparation of a site-specific drainage study and implementation of the proposed maintenance program (Draft EIR pages 4.8-20 through -21).

Land Use and Planning

Impact 4.9-1. Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating a significant environmental effect.

Mitigation Measure 4.9-1. Prior to approval of the first tentative map for the project site, the Land Use Map for the proposed project shall be revised to remove development from all areas with elevations in excess of 900 feet. All areas within the project site with elevations in excess of 900 feet shall be designated as Open Space, and, with the exception of areas designated for development of a future water tank, future development shall not be allowed to occur in any areas of the project site with elevations exceeding 900 feet. The revised Land Use Map shall be subject to review and approval by the City of Pittsburg Community Development Department.

Finding: The above feasible mitigation measure will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring that the proposed project would be consistent with all applicable land use plans, policies, and regulations of agencies with jurisdiction over the project, including (but not limited to) the Cortese-Knox Hertzberg Local Government Reorganization Act of 2000 and Contra Costa County Local Agency Formation Commission Policies (c), (d), (f), (h), (n), and (o) (Draft EIR pages 4.9-18 through 4.9-23).

Noise

Impact 4.10-2. Expose persons to or generate noise levels in excess of standards established in the General Plan.

Mitigation Measure 4.10-2. As part of any development application, the applicant shall submit a site-specific noise study with an analysis of traffic and any other significant noise generators and recommended measures to reduce the exterior and interior noise levels at all future residences or other sensitive receptors to below 65 dB Ldn and 45 dB Ldn, respectively. Potential measures could include, but would not be limited to, inclusion of noise buffers in site design, restriction of two-story homes, or incorporation of noise-insulating building materials such as windows with a sound transmission class rating of 35-38 and resilient channels for walls.

Finding: The above feasible mitigation measure will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by requiring preparation of, and implementation of the recommendations included within, a site-specific noise study (Draft EIR page 4.10-16).

Impact 4.10-3. Construction of the project could cause a substantial temporary increase in ambient noise levels.

Mitigation Measure 4.10-3(a). In compliance with Section 18.82.040 of the City's Municipal Code, construction hours shall be restricted to 8:00 AM to 5:00 PM. In addition, construction shall not occur on City-observed holidays. Such restrictions shall be noted on grading plans and other construction plans for the review and approval of the City of Pittsburg Community Development Department.

Mitigation Measure 4.10-3(b). Prior to issuance of any grading permit, the project contractor shall ensure that all equipment to be used in the construction of the project (i.e., owned, leased, and subcontractor vehicles) shall be fitted with factory equipped

mufflers and in good working order, subject to review and approval by the City Engineer. The aforementioned requirements shall be noted on the grading plans.

Mitigation Measure 4.10-3(c). If the project is constructed in phases, construction staging areas and construction activities shall be located as far from prior phases as feasible, as determined by the City Engineer. Such restrictions shall be noted on grading plans and other construction plans for the review and approval of the City of Pittsburg Community Development Department.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring construction noise occurs in allowable hours, equipment is properly maintained, and that construction phases are coordinated appropriately (Draft EIR pages 4.10-16 through -18).

Public Services and Utilities

Impact 4.11-1. Result in insufficient water supply available to serve the project from existing entitlements and resources, or require the construction of new water delivery, collection, or treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Mitigation Measure 4.11-1(a). The developer shall provide all necessary documentation required by the CCWD for its application for inclusion of the project site in the CVP. No grading or building permits shall be issued until the project site has been annexed into the CCWD service area and the developer provides the City with a “Will Serve” letter from the CCWD verifying that the project site has been included in the CVP.

Mitigation Measure 4.11-1(b). Prior to final subdivision map approval, per SB 221 (Government Code Section 66473.7), the water supplier (the City of Pittsburg) shall provide a written verification that the water supply for the proposed project is sufficient, to the satisfaction of the CCWD.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring that a “Will Serve” letter from CCWD is received prior to development (Draft EIR pages 4.11-26 through -29). CCWD has the capacity to serve the proposed project, and although deficits may occur in single- or multiple-dry years, the response to recent drought-related supply curtailments has shown that the City and CCWD could adequately respond to drought conditions and provide sufficient water supplies to the project (Draft EIR page 4.11-29).

Impact 4.11-2. Exceed wastewater treatment requirements of the applicable RWQCB, require the construction of new wastewater delivery, collection, or treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects, or require sewer service that may not be available by the area’s wastewater treatment provider.

Mitigation Measure 4.11-2(a). The developer shall provide all necessary documentation required by the DDSD for its application for inclusion of the project site in the DDSD's service area. No grading or building permits shall be issued until the project site has been annexed into the DDSD service area and the developer provides the City with a "Will Serve" letter from the DDSD.

Mitigation Measure 4.11-2(b). In conjunction with the first development application within the Draft Master Plan Area, the developer shall provide to the City confirmation from the DDSD that adequate trunk sewer system capacity exists to serve the proposed project.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by ensuring that a "Will Serve" letter from DDSD is received prior to development (Draft EIR pages 4.11-29 through -31). According to the Sanitary Sewer System technical memorandum prepared for the proposed project by Isakson & Associates Inc., development of the proposed project would not result in any new capacity deficiencies at buildout (Draft EIR page 4.11-30).

Transportation, Traffic, and Circulation

Impact 4.12-4. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

Mitigation Measure 4.12-4(a). As part of any future development applications, the project applicant shall demonstrate that the project would include bus turnouts, including shelters and bicycle racks, where appropriate. The turnouts, shelters, and bicycle racks shall be constructed with the roadway improvements consistent with General Plan Policy 7-P-29. The final location and design of the turnouts, shelters, and bicycle racks shall be submitted to the City Engineer for review and approval prior to approval of a future tentative subdivision map.

Mitigation Measure 4.12-4(b). As part of any future development applications, the project applicant shall demonstrate that the project would provide linkages to nearby pedestrian and bicycle facilities consistent with the Design Review Guidelines provided in the Draft Master Plan. The final location and design of the linkage shall be submitted to the City Engineer for review and approval prior to approval of a future tentative subdivision map.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by requiring all future development to include provision of circulation-related facilities, as necessary, and to provide connections to nearby pedestrian and bicycle facilities (Recirculated Draft EIR pages 4.12-71 through -73).

Impact 4.12-7. Result in an internal circulation system design that does not meet City standards, substantially increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment), or result in inadequate emergency access.

Mitigation Measure 4.12-7. As part of any future development applications, the project applicant shall submit a circulation plan to the City identifying how many units would be constructed before implementation of the proposed secondary access point at Bailey Road. The circulation plan shall comply with all applicable Contra Costa County Fire District standards related to emergency access.

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by requiring submittal of a circulation plan to ensure adequate emergency access (Recirculated Draft EIR pages 4.12-78 through -79).

Impact 4.12-10. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities under Long-Term (2035) Plus Project Conditions.

Mitigation Measure 4.12-10. Implement Mitigation Measures 4.12-4(a) and 4.12-4(b).

Finding: The above feasible mitigation measures will avoid or substantially lessen the significant environmental impact described to a less-than-significant level by requiring all future development to include adequate infrastructure, including bus turnouts, shelters, bicycle racks, and linkages to nearby pedestrian and bicycle facilities, consistent with existing General Plan policies and the Design Review Guidelines included in the Draft Master Plan. (Recirculated Draft EIR page 4.12-103).

SECTION 2:
FINDINGS ON POTENTIALLY SIGNIFICANT, UNAVOIDABLE IMPACTS

Aesthetics

Impact 4.1-2. Substantial degradation of the existing visual character or quality of the project site and/or the site's surroundings.

Mitigation Measure: None feasible.

Finding: Feasible mitigation to reduce the alteration of the natural topography of the project site is not available at this time. Therefore, the impact would remain significant and unavoidable (Draft EIR pages 4.1-19 through -32). No other mitigation measures were recommended to the City during the public comment period for the Draft EIR. Specific benefits of the project outweigh these significant impacts, as further set forth in the Statement of Overriding Considerations in Exhibit C, below.

Air Quality and Greenhouse Gas Emissions

Impact 4.3-1. Generation of short-term construction-related criteria air pollutant emissions in excess of 54 lbs/day for ROG, NO_x, and PM_{2.5} and 82 lbs/day for PM₁₀.

Mitigation Measure 4.3-1. Prior to issuance of a grading permit, the project applicant shall show on the grading plans via notation that the contractor shall ensure that all off-road heavy-duty diesel-powered equipment larger than 100 horsepower (e.g., rubber tired dozers, excavators, graders, scrapers, pavers, paving equipment, and cranes) to be used for each phase of construction of the project (i.e., owned, leased, and subcontractor vehicles) shall meet USEPA emissions standards for Tier 4 engines or equivalent. The grading plans shall be submitted for review and approval by the City Engineer.

Finding: The above feasible mitigation measure will substantially lessen the significant environmental impact described by reducing construction emissions of NO_x. However, NO_x emissions would remain in excess of the applicable threshold of significance of 54 lbs/day. Additional feasible mitigation does not exist to reduce the NO_x emissions to below the applicable threshold of significance, and the impact would remain significant and unavoidable (Draft EIR pages 4.3-32 through -34). No other mitigation measures were recommended to the City during the public comment period for the Draft EIR. The applicant has agreed to all mitigation measures included in the Draft EIR. Specific benefits of the project outweigh these significant impacts, as further set forth in the Statement of Overriding Considerations in Exhibit C, below.

Impact 4.3-2. Generation of operational criteria air pollutant emissions in excess of 54 lbs/day for ROG, NO_x, and PM_{2.5} and 82 lbs/day for PM₁₀ and conflict with or obstruct implementation of the 2017 Clean Air CAP, and/or the 2001 Ozone Attainment Plan.

Mitigation Measure 4.3-2. In conjunction with the submittal of each application for any development within the proposed project area, a project-level, detailed air quality analysis shall be performed. The analysis shall include, but not be limited to, quantification of operational criteria air pollutant emissions, a determination of operational air quality impacts, and identification of mitigation measures necessary to reduce any significant impacts in such a manner that ROG and NO_x emissions associated with project operations would not exceed the BAAQMD 54lbs/day thresholds of significance. Mitigation measures shall be developed in coordination with the BAAQMD and shall include, those measures set forth in Mitigation Measure 4.3-5(a) and the following measures listed below:

- Use zero-VOC paints, finishes, and adhesives only;
- Install smart meters and programmable thermostats;
- Improve bike and pedestrian network (complete sidewalks, connection to adjacent areas, connection to bike network, etc.);
- Implement bicycle and pedestrian facilities such as bike lanes, routes, and paths, bike parking, sidewalks, and benches;
- Promote ridesharing, transit, bicycling, and walking for work trips;
- Promote use of public electric vehicle charging infrastructure;
- Provide traffic calming features;
- Pre-wire homes for photovoltaic systems;
- Use water efficient landscapes and native/drought-tolerant vegetation; and
- Provide electrical outlets outside of homes to allow for use of electrically powered landscaping equipment.

If off-site mitigation measures are proposed, the applicant must be able to show that the emission reductions from identified projects are real, permanent through the duration of the project, enforceable, and are equal to the pollutant type and amount of the project impact being offset. BAAQMD recommends that off-site mitigation projects occur within the nine-county Bay Area in order to reduce localized impacts and capture potential co-benefits. If BAAQMD has established an off-site mitigation program at the time a development application is submitted, as an off-site mitigation measure, the applicant may choose to enter into an agreement with BAAQMD and pay into the established off-site mitigation program fund, where BAAQMD would commit to reducing the type and amount of emissions identified in the agreement.

The analysis and proposed mitigation measures shall be reviewed as part of the development review process.

Finding: The above feasible mitigation measure will substantially lessen the significant environmental impact described by reducing operational emissions of ROG and NO_x. However, until further project-level design details are available and a project-level air quality analysis can be performed to show otherwise, the impact is assumed to remain significant and unavoidable (Draft EIR pages 4.3-34 through -37). No other mitigation measures were recommended to the City during the public comment period for the Draft EIR.

The applicant has agreed to all mitigation measures included in the Draft EIR. Specific benefits of the project outweigh these significant impacts, as further set forth in the Statement of Overriding Considerations in Exhibit C, below.

Impact 4.3-4. Generation of cumulative criteria air pollutant emissions in excess of 10 tons/year for ROG, NO_x, and PM_{2.5} and 15 tons/yr for PM₁₀.

Mitigation Measure 4.3-4. Implement Mitigation Measure 4.3-2.

Finding: The above feasible mitigation measure will substantially lessen the significant environmental impact described by reducing operational emissions of ROG and NO_x. However, until further project-level design details are available and a project-level air quality analysis can be performed to show otherwise, the impact is assumed to remain significant and unavoidable (Draft EIR pages 4.3-41 through -42). No other mitigation measures were recommended to the City during the public comment period for the Draft EIR. The applicant has agreed to all mitigation measures included in the Draft EIR. Specific benefits of the project outweigh these significant impacts, as further set forth in the Statement of Overriding Considerations in Exhibit C, below.

Impact 4.3-5. Generation of a cumulatively considerable contribution to GHG emissions in excess of 1,100 MTCO₂e/yr or 4.6 MTCO₂e/SP/yr by 2020, 660 MTCO₂e/yr or 2.76 MTCO₂e/SP/yr by 2030, or an 80 percent reduction from 1990 levels by 2050.

Mitigation Measure 4.3-5(a). In conjunction with the submittal of each application for any development within the proposed project area, a project-level, detailed air quality analysis shall be performed. The analysis shall include, but not be limited to, quantification of operational criteria air pollutant emissions, a determination of operational air quality impacts, and identification of mitigation measures necessary to reduce any significant impacts in such a manner that project GHG emissions would not exceed 2.76 MTCO₂e/SP/yr threshold of significance. Mitigation measures shall be developed in coordination with BAAQMD and shall include, but not be limited to, BAAQMD's recommended mitigation measures as follows:

- Use of cool roof materials;
- Planting of shade trees;
- Improvement of bike network (connection to adjacent areas, connection to bike network, etc.);
- Improvement of pedestrian network (complete sidewalks, connection to adjacent areas, etc.);
- Extension of transit service into project site.
- Implementation of bicycle facilities;
- Community-based traveling;
- Participation in bike sharing programs;
- Providing of charging stations and preferential parking spots for electric vehicles;
- Minimizing the use of cul-de-sacs and incomplete roadway segments;
- Installation of energy star appliances;

- Installation of solar water heating;
- Exceeding minimum CALGreen standards (e.g., adopt Tier 1 or Tier 2 voluntary measures);
- Providing community composting facilities or curb-side food waste services;
- Elimination of natural gas infrastructure; and
- Reduction of VMT by 15 percent per capita consistent with SB 743 targets and OPR technical guidance.

Mitigation Measure 4.3-5(b). The project-level air quality analysis required by Mitigation Measure 4.3-5 (a) shall include an analysis of project-level GHG emissions. Such project level analyses shall include, but not be limited to, quantification of GHG emissions, as well as determination of operational GHG emission impacts which shall be evaluated prior to any tentative map approval and in accordance with the BAAQMD CEQA Guidelines adopted in April 2022, which align with the State's 2030 and 2045 carbon targets. The project-level GHG emissions shall be reduced through the implementation of the mitigation measures identified in Mitigation Measure 4.3-5 (a) designed to reduce operational GHG emissions. During future project-level reviews, the effectiveness of each implementation measure shall be quantified using the methodology shown in the 2022 Ramboll Report or using other methods supported by substantial evidence in light of project-level details included in the subject application. The City shall deem all measures in Mitigation Measure 4.3-5(a) feasible or presumptively feasible unless the applicant can demonstrate otherwise with substantial evidence.

Finding: Implementation of the above feasible mitigation measures would reduce the significant impact associated with the generation of GHG emissions. However, unless subsequent GHG emissions analysis can be performed to show otherwise, the impact is assumed to remain cumulatively considerable and significant and unavoidable (Draft EIR 4.3-42 through -45). No other mitigation measures were recommended to the City during the public comment period for the Draft EIR. The applicant has agreed to all mitigation measures included in the Draft EIR. Specific benefits of the project outweigh these significant impacts, as further set forth in the Statement of Overriding Considerations in Exhibit C, below.

Public Services and Utilities

Impact 4.11-4. Result in substantial adverse physical impacts associated with the provisions of new or physically altered fire protection facilities, and/or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection facilities.

Mitigation Measure 4.11-4. Prior to recordation of a Final Map for any portion of the proposed project site, the project applicant shall provide proof, to the City of Pittsburg Community Development Department, that the proposed project site has been annexed into CFD 2017-1.

Finding: The above feasible mitigation measures will lessen the significant environmental impact described, as inclusion of the project site within CFD 2017-1 would ensure that special taxes would be assessed on future development within the project site, which would support the provision of emergency medical and fire protection services. However, the project site is located outside of the 1.5-mile response time radius of the nearest fire station, and mitigation that would establish project consistency with the location criteria goals prescribed in General Plan Policy 11-P-26 does not exist. No other mitigation measures were recommended to the City during the public comment period for the Draft EIR to address this impact. The applicant has agreed to all mitigation measures included in the Draft EIR. Specific benefits of the project outweigh these significant impacts, as further set forth in the Statement of Overriding Considerations in Exhibit C, below.

Impact 4.11-10. Development of the proposed project, in combination with future buildout in the City of Pittsburg, would increase demand for additional public services and utilities.

Mitigation Measure: None feasible.

Finding: The proposed project's incremental contribution to increases in demand for fire protection services would be considered significant and unavoidable (Draft EIR pages 4.11-40 through -42). No other mitigation measures were recommended to the City during the public comment period for the Draft EIR. Specific benefits of the project outweigh these significant impacts, as further set forth in the Statement of Overriding Considerations in Exhibit C, below.

Transportation, Traffic, and Circulation

Impact 4.12-2. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the study intersections under Existing Plus Project Conditions.

Mitigation Measure 4.12-2(a). As part of future development applications, the project applicant shall pay the fair-share fee for the improvements planned in the Capital Improvement Program for the 2015 Update to the Contra Costa CMP (Project 1028). Such improvements would include, but would not necessarily be limited to, the following:

1. The EB SR-4 Ramps/Willow Pass Road intersection shall be signalized, a southbound left turn lane shall be added, the shared southbound through-left lane shall be restriped to be a through lane, and the eastbound approach shall be restriped to be an eastbound left turn lane and a shared eastbound through-right lane; and
2. The WB SR-4 Ramps/Willow Pass Road shall be signalized, a northbound left turn lane shall be added, the northbound shared through-left turn lane shall be restriped to be a through lane, and the westbound approach shall be restriped to be two westbound left turn lanes and a shared westbound through-right lane.

Proof of payment shall be submitted to the City of Pittsburg Community Development Department.

Mitigation Measure 4.12-2(b). As part of future development applications, the project applicant shall pay the fair-share fee for the improvements planned in the Concord CIP (Project 2049). Such improvements would include, but would not necessarily be limited to, the following:

- The southbound approach at the Concord Boulevard and Bailey Road intersection shall be widened and restriped to include a southbound left turn lane, a southbound through lane, and a southbound right turn lane. The northbound approach shall be widened to be a northbound left turn lane and a shared through-right turn lane;
- The northbound and southbound approach shall be modified from split phasing to protected phasing; and
- The Bailey Road and Myrtle Drive intersection shall be signalized, a southbound left turn lane shall be added, and the shared southbound through-left lane shall be restriped to be a through lane.

Finding: The above feasible mitigation measures would reduce some impacts to the intersections found to operate unacceptably. However, impacts at the following study intersections would remain significant and unavoidable (Recirculated Draft EIR pages 4.12-47 through -66):

- EB SR 4 Ramps/Willow Pass Road (Intersection #2);
- WB SR 4 Ramps/Willow Pass Road (Intersection #3);
- W. Leland Road/San Marco Boulevard (Intersection #6);
- WB SR-4 Ramps/San Marco Boulevard (Intersection #18); and
- Concord Boulevard and Bailey Road (Intersection #35).

No other mitigation measures were recommended to the City during the public comment period for the Draft EIR. The applicant has agreed to all mitigation measures included in the Draft EIR. Specific benefits of the project outweigh these significant impacts, as further set forth in the Statement of Overriding Considerations in Exhibit C, below.

Impact 4.12-3. Conflict with an applicable congestion management program, including, but not limited to, LOS standards, and travel demand measures, or other standards established by a county congestion management agency for designated roadways.

Mitigation Measure 4.12-3. Prior to issuance of building permits, the project applicant shall pay the necessary East Contra Costa Regional Fee. Proof of payment shall be submitted to the Community Development Department.

Finding: While implementation of the above feasible mitigation measure would alleviate some of the impacts associated with unacceptable delay index, the City of Pittsburg would not be able to guarantee the construction of any improvements on the freeway. As such, even with mitigation, the impact is significant and unavoidable

(Recirculated Draft EIR pages 4.12-66 through -71). No other mitigation measures were recommended to the City during the public comment period for the Draft EIR. The applicant has agreed to all mitigation measures included in the Draft EIR. Specific benefits of the project outweigh these significant impacts, as further set forth in the Statement of Overriding Considerations in Exhibit C, below.

Impact 4.12-5. Result in a projected future over-capacity freeway condition where current long-range planning studies show an under-capacity condition at a freeway segment under Existing Plus Project Conditions.

Mitigation Measure 4.12-5. Implement Mitigation Measure 4.12-3.

Finding: While implementation of the above feasible mitigation measure would reduce the above impact, the necessary improvements would require cooperation and coordination with Caltrans and CCTA. Therefore, because the City of Pittsburg would not be able to guarantee the construction of any improvements on the freeway, the impact remains significant and unavoidable. (Recirculated Draft EIR pages 4.12-73 through -76). No other mitigation measures were recommended to the City during the public comment period for the Draft EIR. The applicant has agreed to all mitigation measures included in the Draft EIR. Specific benefits of the project outweigh these significant impacts, as further set forth in the Statement of Overriding Considerations in Exhibit C, below.

Impact 4.12-8. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the study roadway intersections under Long-Term (2035) Plus Project Conditions.

Mitigation Measure 4.12-8(a). Prior to occupancy of the proposed buildings, the project applicant shall complete the following improvements at intersections within the City of Concord, subject to coordination with and approval by the City of Concord Traffic Engineering and Transportation Planning Division.

- The northbound approach at the Avila Road and Willow Pass Road intersection shall be restriped to include one through lane and one right turn lane;
- The southbound approach at the Clayton Road and Bailey Road intersection (Intersection #40) shall be restriped to be a southbound left-turn lane, a shared southbound through/right-turn lane, and a southbound right-turn lane; and
- The intersection timing splits at the following intersections shall be optimized: Clayton Road/Treat Boulevard (Intersection #39) and Concord Boulevard/Port Chicago Highway (Intersection #48).

Mitigation Measure 4.12-8(b). As part of future development applications, the project applicant shall pay the fair-share fee for the improvements planned in the Capital Improvement Program for the 2015 Update to the Contra Costa CMP (Project 1832). Such improvements would include, but would not necessarily be limited to, the following:

- The southbound right turn lane at the WB SR-4 Ramps and Willow Pass Road intersection shall be converted to a free right turn lane.

Or

If, prior to issuance of building permits, the City's then-current CIP includes the needed improvements, the project applicant shall pay the fair-share fee for the improvements planned in the Pittsburg CIP to the City of Pittsburg Community Development Department.

Mitigation Measure 4.12-8(c). As part of future development applications, the project improvement plans shall show that an eastbound left turn lane would be added to the Rio Verde Circle and San Marco Boulevard intersection. Implementation of the required improvements shall be accomplished by way of one of the following methods:

If the required improvements are not included in the Pittsburg CIP prior to issuance of building permits, the project shall be responsible for the construction of the improvements. The improvements shall be completed prior to occupancy of the proposed residences. If the improvements are subsequently included in an update to the Pittsburg CIP, the project applicant may be subject to fee credits.

Or

If, prior to issuance of building permits, the City's then-current CIP includes the needed improvements, the project applicant shall pay the fair-share fee for the improvements planned in the Pittsburg CIP to the City of Pittsburg Community Development Department.

Mitigation Measure 4.12-8(d). As part of future development applications, the project improvement plans shall show that the eastbound approach of the EB SR 4 ramps and San Marco Boulevard intersection would be restriped to be an eastbound left turn lane, a shared left-through-right lane, and an eastbound right turn lane. Implementation of the required improvements shall be accomplished by way of one of the following methods:

If the required improvements are not included in the Pittsburg CIP prior to issuance of building permits, the project shall be responsible for the construction of the improvements. The improvements shall be completed prior to occupancy of the first proposed residence. If the improvements are subsequently included in an update to the Pittsburg CIP, the project applicant may be subject to fee credits.

Or

If, prior to issuance of building permits, the City's then-current CIP includes the needed improvements, the project applicant shall pay the fair-share fee for the improvements planned in the Pittsburg CIP to the City of Pittsburg Community Development Department.

Mitigation Measure 4.12-8(e). As part of future development applications, the project improvement plans shall show that a northbound right turn lane at the W. Leland Road and Bailey Road intersection would be striped, and the shared northbound through-right lane would be restriped to be through lane. In addition, the project improvement plans shall show that a southbound right turn overlap phase and a westbound right turn overlap phase would be implemented. Implementation of the required improvements shall be accomplished by way of one of the following methods:

If the required improvements are not included in the Pittsburg CIP prior to issuance of building permits, the project shall be responsible for the construction of the improvements. The improvements shall be completed prior to occupancy of the first proposed residence. If the improvements are subsequently included in an update to the Pittsburg CIP, the project applicant may be subject to fee credits.

Or

If, prior to issuance of building permits, the City's then-current CIP includes the needed improvements, the project applicant shall pay the fair-share fee for the improvements planned in the Pittsburg CIP to the City of Pittsburg Community Development Department.

Mitigation Measure 4.12-8(f). As part of future development applications, the project applicant shall pay the fair-share fee for the improvements planned in the Pittsburg CIP (Project S-16) to the City of Pittsburg Community Development Department. Such improvements would include optimization of timing splits at the following intersection:

1. W. Leland Road and Burton Avenue.

Proof of payment shall be submitted to the City of Pittsburg Community Development Department.

Mitigation Measure 4.12-8(g). As part of future development applications, the project improvement plans shall show that the eastbound left turn phase and westbound left turn phase at the W. Leland and Crestview Drive intersection would be changed from protected to permitting phasing. Implementation of the required improvements shall be accomplished by way of one of the following methods:

If the required improvements are not included in the Pittsburg CIP prior to issuance of building permits, the project shall be responsible for the construction of the improvements. The improvements shall be completed prior to occupancy of the first proposed residence. If the improvements are subsequently included in an update to the Pittsburg CIP, the project applicant may be subject to fee credits.

Or

If, prior to issuance of building permits, the City's then-current CIP includes the needed improvements, the project applicant shall pay the fair-share fee for the improvements planned in the Pittsburg CIP to the City of Pittsburg Community Development Department.

Mitigation Measure 4.12-8(h). Implement Mitigation Measure 4.12-2(b).

Mitigation Measure 4.12-8(i). As part of future development applications, the project applicant shall pay the fair-share fee for the improvements planned in the Pittsburg CIP (Project ST-27) to the City of Pittsburg Community Development Department. Such improvements would include widening of Bailey Road from two lanes to four lanes. Proof of payment shall be submitted to the City of Pittsburg Community Development Department.

Finding: Implementation of the above feasible mitigation measure would reduce some of the potentially significant impacts associated to study intersections. Nonetheless, because several intersections are located outside of the City of Pittsburg's jurisdiction, completion of the proposed improvements cannot be guaranteed. Therefore, the project impact would remain significant and unavoidable. (Recirculated Draft EIR pages 4.12-79 through -98). No other mitigation measures were recommended to the City during the public comment period for the Draft EIR. The applicant has agreed to all mitigation measures included in the Draft EIR. Specific benefits of the project outweigh these significant impacts, as further set forth in the Statement of Overriding Considerations in Exhibit C, below.

Impact 4.12-9. Impacts related to Central and East County Routes of Regional Significance under Long-Term (2035) Plus Project Conditions.

Mitigation Measure 4.12-9. Implement Mitigation Measure 4.12-3.

Finding: Two freeway segments would not meet the MTSO criteria for Routes and Regional Significance and, thus, the project could be inconsistent with the Cortese-Knox Hertzberg Local Government Reorganization Act of 2000 and Contra Costa County Local Agency Formation Commission Policy (g). While implementation of Mitigation Measure 4.12-3 would reduce the above impact, the necessary improvements would require cooperation and coordination with Caltrans and CCTA. Therefore, because the City of Pittsburg would not be able to guarantee the construction of any improvements on the freeway, the impact remains significant and unavoidable. (Recirculated Draft EIR pages 4.12-98 through -103). No other mitigation measures were recommended to the City during the public comment period for the Draft EIR. The applicant has agreed to all mitigation measures included in the Draft EIR. Specific benefits of the project outweigh these significant impacts, as further set forth in the Statement of Overriding Considerations in Exhibit C, below.

Impact 4.12-11. Result in a projected future over-capacity freeway condition where current long-range planning studies show an under-capacity condition at a freeway segment under Long-Term (2035) Plus Project Conditions.

Mitigation Measure 4.12-11. Implement Mitigation Measure 4.12-3.

Finding: While implementation of the above feasible mitigation measure would reduce the above impact, the necessary improvements would require cooperation and coordination with Caltrans and CCTA. Therefore, because the City of Pittsburg would not be able to guarantee the construction of any improvements on the freeway, the impact remains significant and unavoidable. (Recirculated Draft EIR pages 4.12-103 through -109). No other mitigation measures were recommended to the City during the public comment period for the Draft EIR. The applicant has agreed to all mitigation measures included in the Draft EIR. Specific benefits of the project outweigh these significant impacts, as further set forth in the Statement of Overriding Considerations in Exhibit C, below.

SECTION 3:
ADDITIONAL FINDINGS

1. The City Council finds and determines there was procedural compliance with the mandates of CEQA and that the Final EIR provides adequate, good faith, and reasoned responses to all comments raising significant environmental issues.

2. CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR, but before certification of the Final EIR. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The CEQA Guidelines provide examples of significant new information under this standard. The City recognizes that the Revised and Updated Final EIR incorporates information obtained by the City since the Draft EIR was completed, and contains additions, clarifications, modifications, and other changes. With respect to this information, the City Council finds that the clarifications do not cause the project to result in new or substantially more severe adverse environmental effects, or otherwise require recirculation of the EIR.

3. In making its determination to certify the Revised and Updated Final EIR and to approve the project, the City Council recognizes that a range of technical and scientific opinion exists with respect to the environmental issues. The City Council has reviewed and considered, as a whole, the evidence and analysis presented in the Draft EIR and Partially Recirculated Draft EIR, the evidence and analysis presented in the comments on the Draft EIR and Partially Recirculated Draft EIR, the evidence and analysis presented in the Revised and Updated Final EIR, the information submitted on the Revised and Updated Final EIR, and the reports prepared by the experts who prepared the EIR, the City’s consultants, the applicants’ consultants, and by staff, addressing those comments. The City Council has gained a comprehensive and well-rounded understanding of the environmental issues presented by the project. In turn, this understanding has enabled the City Council to make its decisions after weighing and considering the various viewpoints on these important issues. Accordingly, the City Council certifies that its findings are based on full appraisal of all of the evidence contained in the Revised and Updated Final EIR, as well as the evidence and other information in the record addressing the Revised and Updated Final EIR.

4. These findings provide the written analysis and conclusions of the City Council regarding the environmental impacts of the project and the mitigation measures identified in the Revised and Updated Final EIR and adopted by the City Council as conditions of approval for the project. In making these findings, the City Council has considered the opinions of other agencies and members of the public, including opinions that disagree with some of the thresholds of significance and analysis used in the Revised and Updated Final EIR. The City Council finds that the analysis and determination of significance thresholds are judgments within the discretion of the City Council; the analysis and significance thresholds used in the Revised and Updated Final EIR are supported by substantial evidence in the record, including the expert opinion of the EIR preparers and City consultants and staff; and the significance thresholds used in the Revised and

Updated Final EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the project.

Findings Concerning Alternatives

CEQA Guidelines Section 15126.6(a) specifies that the EIR identify alternatives to the project that “would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant environmental effects of the project.” “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, and social factors. In addition, consistent with PRC Section 21002, a project should not be approved if feasible alternatives would substantially lessen the project’s significant effects. Significant unavoidable impacts were identified for the project related to aesthetics, air quality and greenhouse gas emissions, public services and utilities, and transportation, traffic and circulation. The following findings determine that none of the alternatives would substantially lessen the significant and unavoidable impacts resulting from the proposed project, and two alternatives would not fully meet the project’s objectives to:

- Ensure orderly planning for the development of a large, undeveloped area in the City’s SOI consistent with the General Plan;
- Maintain an environmental equilibrium consistent with existing vegetation, soils, geology, topography, and drainage patterns;
- Avoid premature or inappropriate development that would result in incompatible uses or create public service demands exceeding the capacity of existing or planned facilities; and
- Encourage sensitive site planning and design.

Alternative 1: No Project (No Build) Alternative

The No Project (No Build) Alternative is described and analyzed on pages 6-8 through 6-10 of the Draft EIR. The No Project (No Build) Alternative to the proposed project is defined as the continuation of the existing conditions of the project site, which is currently occasionally grazed, mostly vacant land, with two existing residential structures.

Finding: This alternative is infeasible and rejected for the following separate and independent reasons, each of which alone justifies rejection of the alternative:

1. The City Council finds that the No Project Alternative is rejected as an alternative because it is inconsistent with the current General Plan land use map, the intent of the 2005 voter approved Measure P, and the following existing General Plan goals/policies in support of housing development on the site:
 - a. General Plan, Goal 2-G-34, “Encourage development of higher-end, low-density residential [in the Southwest Hills].”
 - b. General Plan, Policy 2-P-93, “Allow Low Density residential development west of Bailey Road, as shown on the General Plan Diagram. Ensure that such development is minimally visible from Bailey Road and mitigates any impacts to creeks and wetlands in the area.”

- c. General Plan, Policy 2-P-96, “Allow an overall maximum density of 3.0 du/ac within the Low Density Residential areas south of the San Marco project and outside the present Sphere of Influence line with a maximum number of 1500 residential units.”
 - d. General Plan, Goal 3-G-2, “Realize the opportunities afforded by establishment of the Voter Approved Urban Limit Line to allow the City to grow in such a way as to diversify and expand the employment base, develop a range of housing opportunities, increase the depth of municipal fiscal resources, enhance the quality of urban life for all Pittsburg residents and prohibit urban development beyond the Voter Approved Urban Limit Line.”
 - e. Housing Element, Goal 13-G-1, “Foster development of a variety of housing types, densities, and prices to balance the City’s housing stock and meet Pittsburg’s regional fair share housing needs for people of all income levels.”
 - f. Housing Element, Policy 13-P-1.2, “Encourage the construction of both high end and moderate-income housing in the southern foothills, downtown, along the waterfront, and throughout Pittsburg to provide above moderate-income housing opportunities in the community and to increase economic activity within the city.”
 - g. Housing Element, Policy 13-P-1.2.D, “Support the development of moderate and above moderate income housing within existing City limits such as high end condominiums, townhouses, and single-family units with premium views and amenities throughout the city to increase economic activity within these areas.”
2. The City Council finds that the No Project Alternative is rejected as an alternative because it would not meet most of the basic objectives identified for the project (Draft EIR pages 6-8 through 6-9).

Alternative 2: Mixed Use Alternative

The Mixed-Use Alternative is described and analyzed on pages 6-10 through 6-15 of the Draft EIR. The Mixed Use Alternative would include approximately 50,000 square feet (sf) of commercial building floor area on approximately 15 acres, which would include one grocery store and several smaller flexible commercial spaces. The residential unit count would be up to 1,250 units. Development of the Mixed Use Alternative would generally be located in the same development areas as indicated in the Draft Master Plan.

Finding: This alternative is infeasible and rejected for the following separate and independent reasons, each of which alone justifies rejection of the alternative:

- 1. The City Council finds that the Mixed Use Alternative is rejected as an alternative because it would not meet all of the objectives identified for the project, and it would not substantially lessen any of the significant and unavoidable impacts that are anticipated to result due to the implementation of the proposed project (Draft EIR

pages 6-10 through 6-15). Furthermore, the Mixed Use Alternative would result in greater impacts associated with hazards and hazardous materials than the proposed project (Draft EIR page 6-13).

Alternative 3: Clustered Development Alternative

The Clustered Development Alternative is described and analyzed on pages 6-15 through 6-23 of the Draft EIR. The Clustered Development Alternative would include the construction of 750 single-family residences; however, the units would be clustered such that the area of development would reduce from what would occur under the proposed project to approximately 300 acres focused in the low-lying areas of the site.

Finding: This alternative is infeasible and rejected for the following separate and independent reasons, each of which alone justifies rejection of the alternative:

1. The City Council recognizes that the State of California is currently facing a severe housing shortage and housing affordability crisis.
2. The City Council recognizes that the City of Pittsburg 2015-2023 Housing Element, adopted by the City Council on May 4, 2015, includes specific goals to guide the City's approach to housing, including "Fostering development of a variety of housing types, densities, and prices to balance the city's housing stock and meet Pittsburg's regional fair share housing needs for people of all income levels." (Housing Element page 5-8.) The Housing Element also includes a series of policies for the City Council to support this goal including:
 - Encouraging the construction of both high end and moderate-income housing in the southern foothills and throughout Pittsburg to provide moderate-income housing opportunities in the community and to increase economic activity within the city (Housing Element page 5-10).
 - Meeting Pittsburg's fair share of housing regional needs (Housing Element page 5-13).
3. The City Council recognizes that Pittsburg specifically, in relation to the surrounding Contra Costa County, faces a unique need for single family housing to account for population growth over the next 20 years. Pittsburg's population growth is expected to be 1.3% per year from 2010 to 2040, and the city's population growth is at a faster rate than Contra Costa County in general. Pittsburg is expected to grow to approximately 91,600 residents and 27,510 households by 2040. (Housing Element page 2-2.) Pittsburg households also tend to be larger than Contra Costa County households in general, and Pittsburg families are more likely to contain more persons than Contra Costa County families overall. (Housing Element page 2-12.)
4. The City Council recognizes that it has not yet completed all housing production required pursuant to the City of Pittsburg's Regional Housing Needs Assessment (RHNA) under SB 35.

5. The City Council finds that the Clustered Development Alternative is rejected as an alternative because it would result in only slightly fewer impacts than the proposed project, and would not eliminate any of the significant and unavoidable impacts that are anticipated to result due to the implementation of the proposed project (Draft EIR pages 6-15 through 6-23). The City Council finds that although the Clustered Development Alternative would eliminate some environmental effects relating to Geology, Soils, and Seismicity, these effects are already mitigated to less than significant levels under the proposed project (Draft EIR pages 4.6 -25 and 6-19).
6. The City Council finds that the Clustered Development Alternative is rejected as an alternative because it would achieve the slight reduction in impacts by substantially lowering the maximum potential single-family residences of the proposed project to 750 units, reducing the housing capacity of the project by one-half in contravention of the goals and policies of the Housing Element, and substantially reducing the project's potential lower-income housing to improve the City's progress under SB 35.

Alternative 4: Reduced Intensity Alternative

The Reduced Intensity Alternative is described and analyzed on pages 6-23 through 6-30 of the Draft EIR. The Reduced Intensity Alternative would include the construction of 1,000 single-family residences in the same development areas as indicated in the Draft Master Plan.

Finding: This alternative is infeasible and rejected for the following separate and independent reasons, each of which alone justifies rejection of the alternative:

1. The City Council recognizes that the State of California is currently facing a severe housing shortage and housing affordability crisis.
2. The City Council recognizes that the City of Pittsburg 2015-2023 Housing Element, adopted by the City Council on May 4, 2015, includes specific goals to guide The City's approach to housing, including "Fostering development of a variety of housing types, densities, and prices to balance the city's housing stock and meet Pittsburg's regional fair share housing needs for people of all income levels." (Housing Element page 5-8.) The Housing Element also includes a series of policies for the City Council to support this goal including:
 - Encouraging the construction of both high end and moderate-income housing in the southern foothills and throughout Pittsburg to provide moderate-income housing opportunities in the community and to increase economic activity within the city (Housing Element page 5-10).
 - Meeting Pittsburg's fair share of housing regional needs (Housing Element page 5-13).
3. The City Council recognizes that Pittsburg specifically, in relation to the surrounding Contra Costa County, faces a unique need for single family housing to account for

population growth over the next 20 years. Pittsburg's population growth is expected to be 1.3% per year from 2010 to 2040, and the city's population growth is at a faster rate than Contra Costa County in general. Pittsburg is expected to grow to approximately 91,600 residents and 27,510 households by 2040. (Housing Element page 2-2.) Pittsburg households also tend to be larger than Contra Costa County households in general, and Pittsburg families are more likely to contain more persons than Contra Costa County families overall. (Housing Element page 2-12.)

4. The City Council recognizes that it has not yet completed all housing production required pursuant to the City of Pittsburg's Regional Housing Needs Assessment (RHNA) under SB 35.
5. The City Council finds that the Reduced Intensity Alternative is rejected as an alternative because it would result in only slightly fewer impacts than the proposed project, and would not substantially lessen the significant and unavoidable impacts that are anticipated to result due to the implementation of the proposed project (Draft EIR pages 6-23 through 6-30).
6. The City Council finds that the Reduced Intensity Alternative is rejected as an alternative because it would achieve the slight reduction in impacts by substantially lowering the maximum potential single-family residences of the proposed project to 1000 units, reducing the housing capacity of the project by one-third in contravention of the goals and policies of the Housing Element, and substantially reducing the project's potential lower-income housing to improve the City's progress under SB 35.

Statement of Overriding Conditions for Adoption and Approval of the Faria/Southwest Hills Annexation Project

The California Environmental Quality Act (CEQA) requires the decision-making agency to balance the environmental, economic, social, technological, and other benefits of a project against its significant unavoidable environmental effects when determining whether to approve the project. If the benefits of the project outweigh the significant unavoidable environmental effects, then those effects may be considered acceptable. CEQA requires the agency to make written findings supporting the specific reasons for considering a project acceptable when significant environmental effects are unavoidable. The reasons must be based on substantial evidence in the EIR or elsewhere in the administrative record. The reasons for proceeding with the proposed project (project), despite the significant unavoidable environmental effects that may result, are provided in this Statement of Overriding Considerations.

More specifically, Public Resources Code section 21002 provides that, “in the event specific economic, social and other conditions make infeasible such project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof.” In addition, Public Resources Code section 21002.1(c) provides that “[i]f economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency. . .” Finally, CEQA Guidelines section 15093(a) provides that “[i]f the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’”

The Revised Updated and Final Environmental Impact Report (RUF EIR) for the project identifies all of the potential environmental effects of the project, as well as applicable policies and mitigation measures to reduce environmental impacts. The RUF EIR also identifies the environmental effects of the project that will remain significant and unavoidable, even after the imposition of all feasible mitigation measures, because there are no policies, mitigation measures, or alternatives considered available or practical to reduce these impacts to a less-than-significant level. The project will result in significant and unavoidable impacts in the area of aesthetics, air quality and greenhouse gas emissions, public services and utilities, and transportation, traffic, and circulation. In deciding to approve the proposed project, the City has considered each of the following unavoidable or unmitigable significant environmental impacts:

1. Impact 4.1-2. The proposed project could result in substantial degradation of the existing visual character or quality of the project site and/or the site’s surroundings. Specifically, implementation of the proposed project would include grading activities and residential development that would have the potential to substantially degrade the existing visual character or quality of the project site and/or the site’s surroundings.

2. Impact 4.3-1. Implementation of the proposed project could result in generation of short-term construction-related criteria air pollutant emissions in excess of 54 lbs/day for ROG, NO_x, and PM_{2.5} and 82 lbs/day for PM₁₀. Specifically, NO_x emissions related to build-out of the Draft Master Plan would remain in excess of the applicable threshold of significance of 54 lbs/day.
3. Impact 4.3-2. Implementation of the proposed project could result in generation of operational criteria air pollutant emissions in excess of 54 lbs/day for ROG, NO_x, and PM_{2.5} and 82 lbs/day for PM₁₀ and conflict with or obstruct implementation of the 2017 Clean Air CAP, and/or the 2001 Ozone Attainment Plan. Operational emissions of ROG and NO_x from the future development could exceed the applicable thresholds of significance and conflict with regional air quality plans. Because project-level design details are unavailable at this time, the impact is assumed to remain significant and unavoidable.
4. Impact 4.3-4. Implementation of the proposed project could result in generation of cumulative criteria air pollutant emissions in excess of 10 tons/year for ROG, NO_x, and PM_{2.5} and 15 tons/yr for PM₁₀. The proposed project has been evaluated at a program-level, and a guarantee cannot be made that emissions from future development in the project area would not exceed the thresholds of significance. Therefore, until further project-level design details are available and a project-level air quality analysis can be performed to show otherwise, the impact is assumed to remain significant and unavoidable.
5. Impact 4.3-5. Implementation of the proposed project could result in generation of a cumulatively considerable contribution to GHG emissions in excess of 1,100 MTCO₂e/yr or 4.6 MTCO₂e/SP/yr by 2020, 660 MTCO₂e/yr or 2.76 MTCO₂e/SP/yr by 2030, or an 80 percent reduction from 1990 levels by 2050. Operational emissions from future development in the year 2030 would not be anticipated to achieve the 40 percent emissions reduction from 1990 levels required by SB 32, and a reduction of GHG emissions to 80 percent below 1990 levels by 2050 consistent with Executive Order S-03-05 cannot be verified or guaranteed at this time. Therefore, the impact is assumed to remain significant and unavoidable.
6. Impact 4.11-4. Implementation of the proposed project could result in substantial adverse physical impacts associated with the provisions of new or physically altered fire protection facilities, and/or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection facilities. Because the project site is outside of the 1.5-mile response time radius of the nearest fire station, the project is considered to conflict with General Plan Policy 11-P-26.
7. Impact 4.11-10. Development of the proposed project, in combination with future buildout in the City of Pittsburg, would increase demand for additional public services and utilities. Specifically, the proposed project's incremental contribution to increases in demand for fire protection services would be considered significant and

unavoidable.

8. Impact 4.12-2. Implementation of the proposed project could conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the study intersections under Existing Plus Project Conditions. While implementation of mitigation measures would reduce some impacts to the affected intersections, impacts at the following intersections would remain significant and unavoidable:
 - EB SR 4 Ramps/Willow Pass Road (Intersection #2);
 - WB SR 4 Ramps/Willow Pass Road (Intersection #3);
 - W. Leland Road/San Marco Boulevard (Intersection #6);
 - WB SR-4 Ramps/San Marco Boulevard (Intersection #18); and
 - Concord Boulevard and Bailey Road (Intersection #35).
9. Impact 4.12-3. Implementation of the proposed project could conflict with an applicable congestion management program, including, but not limited to, LOS standards, and travel demand measures, or other standards established by a county congestion management agency for designated roadways. Specifically, project-generated traffic could increase the delay index on several freeway segments, and could conflict with the Cortese-Knox Hertzberg Local Government Reorganization Act of 2000 and Contra Costa County Local Agency Formation Commission Policy (g).
10. Impact 4.12-5. Implementation of the proposed project could result in a projected future over-capacity freeway condition where current long-range planning studies show an under-capacity condition at a freeway segment under Existing Plus Project Conditions. Two study segments (NB SR-242, between Clayton Road off-ramp and SR-4 (PM peak hour), and EB SR-4, between I-680 on-ramp and SR-242 off-ramp (PM peak hour)) would operate at unacceptable LOS under Existing Plus Project Conditions.
11. Impact 4.12-8. Implementation of the proposed project could conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the study roadway intersections under Long-Term (2035) Plus Project Conditions. Traffic generated by buildout of the Draft Master Plan Area could result in significant impacts under Long-Term (2035) Plus Project Conditions at the following study intersections:
 - Avila Road and Willow Pass Road;
 - WB SR-4 Ramps and Willow Pass Road;
 - W. Leland Road and San Marco Boulevard;
 - W. Leland Road and Bailey Road;
 - Concord Boulevard and Bailey Road;
 - Bailey Road and Myrtle Drive;
 - Clayton Road and Treat Boulevard;
 - Clayton Road and Bailey Road;
 - Bailey Road and Project Entrance; and
 - Concord Boulevard and Port Chicago Highway.

12. Impact 4.12-9. Implementation of the proposed project could result in impacts related to Central and East County Routes of Regional Significance under Long-Term (2035) Plus Project Conditions. Two freeway segments would not meet the MTSO criteria for Routes and Regional Significance and, thus, the project could be inconsistent with the Cortese-Knox Hertzberg Local Government Reorganization Act of 2000 and Contra Costa County Local Agency Formation Commission Policy (g). The necessary improvements would require cooperation and coordination with Caltrans and CCTA. Therefore, because the City of Pittsburg would not be able to guarantee the construction of any improvements on the freeway, the impact remains significant and unavoidable.

13. Impact 4.12-11. Implementation of the proposed project could result in a projected future over-capacity freeway condition where current long-range planning studies show an under-capacity condition at a freeway segment under Long-Term (2035) Plus Project Conditions. Two freeway segments in the East and Central County (NB SR-242, between Clayton Road off-ramp and SR-4 (PM peak hour), and EB SR-4, between I-680 on-ramp and SR-242 off-ramp (PM peak hour)) would operate at unacceptable LOS under Long-Term (2035) Plus Project Conditions.

The City Council has carefully balanced the benefits of the project against the significant unavoidable environmental effects identified in the RUF EIR that cannot be feasibly mitigated to a less than significant level. The City also recognizes that growth will continue to occur throughout the State, City, Sphere of Influence, and Planning Area.

Having (i) adopted all feasible mitigation measures; (ii) rejected as infeasible the alternatives to the project; (iii) recognized all significant, unavoidable impacts; and (iv) balanced the benefits of the project against the project's significant and unavoidable impacts, the City Council, pursuant to Public Resources Code sections 21002 and 21002.1 and CEQA Guidelines sections 15092 and 15093, hereby finds and determines that each of the project's long-term social, environmental, land use, economic, and other overriding considerations and benefits, as listed below, outweighs and overrides the significant unavoidable impacts identified in the RUF EIR. The City Council further finds and determines that any and each of the following considerations is sufficient to approve the proposed project despite any one or more of the unavoidable impacts identified, and that each of the overriding considerations is adopted with respect to each of the impacts individually, and that each consideration is severable from any other consideration and provides a separate and independent ground for the City's decision to approve the project despite the project's identified significant and unavoidable environmental impacts.

Specifically, the project's significant and unavoidable adverse impacts are outweighed by the following project benefits and considerations:

1. The project will provide citywide and regional economic benefits through tax revenues and contributions to established fee programs, which funding would be used for public improvements, services, and other benefits to community residents, employees, and visitors.

2. The project will create jobs for local residents through construction of the proposed project, which is anticipated to occur over the course of several years and, as committed to by the project applicant, will include skilled labor.
3. The project will help respond to the State Legislature's declaration of a statewide housing crisis (Government Code § 65589.5(a)(1) and (a)(2)), and will respond to existing and future housing needs in the City of Pittsburg by resulting in the development of up to 1,500 residential units.
4. Development of the project site will fulfill the voter initiative (Measure P) and General Plan land use designation, which anticipated the development of the site with residential uses and established the requirement for a greenbelt buffer for open space and ridgeline preservation along the western edge of the site, thereby effectuating the will of the voters.
5. Approval of the associated development agreement includes community benefits beyond the requirements of the Pittsburg Municipal Code, including (but not limited to): 1) payment of \$100,000 to expand the City's security camera network; 2) payment of a \$1,000,000 community benefit fee; 3) payment of \$50,000 to construct monument city entry signs; 4) installation of basic home security systems into each future house; and 5) fair share contributions to Community Facilities Districts (CFDs) for park maintenance, off-site stormwater facilities, police and other emergency services, and fire facilities, fire safety and emergency services.
6. The project is expected to result in a variety of housing types and sizes at different price points, thereby increasing housing choice and helping to ensure that households of different types and income levels have the opportunity to find suitable ownership or rental housing.
7. The project will include connections and increased access to existing parks and recreational opportunities, thereby leading to increased opportunities for existing and future residents to enjoy outdoor recreation.
8. The project will preserve open space by focusing all development within the natural valley area that runs through the middle of the site (north to south), allowing for a natural buffer on the east and the west, where several prominent ridgelines are located that would remain mostly untouched.
9. The project will increase the open space preservation area by approximately 127 acres more than what the current General Plan has planned, thereby supporting good zoning practices and leading to a more environmentally conscious development of the area.

In sum, the City Council finds and determines that approval of the project, despite the project's unavoidable impacts, will provide for orderly and well-supported continuing growth; establish a balance between future development and conservation of local resources; support commercial development to promote a healthy local economy; and provide housing for the City and the region.
