

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Certifying the Final Environmental )  
Impact Report for the Montreux Residential ) RESOLUTION NO. 15-13097  
Subdivision, AP-10-684 RZ, SUB, DA, ANNEX )

The City Council DOES RESOLVE as follows:

WHEREAS, on April 14, 2010, an application was filed by Altec Homes, Inc. and Seecon Financial Inc., requesting approval of: 1) a subdivision of a 148.3 acre site into 356 single family residential lots; 2) a change in the rezoning designation of the site from HPD (Hillside Planned Development) District to RS-6 (Single Family Residential, 6,000 sq. ft. minimum lot sizes); 3) a development agreement vesting the project entitlements for an extended term of approval; and 4) initiation of annexation of the entire site into the City of Pittsburgh's city limits, the Contra Costa Water District service area (water) and the Delta Diablo service area (wastewater). The project site is located on the west side of Kirker Pass Road, immediately south of the existing city limit line. Assessor's Parcel Nos: 089-010-010; 089-020-009; -011; -014; & -015; and

WHEREAS, an Initial Study for the proposed project was prepared in early 2013 to help identify the significant effects of the proposed project; and

WHEREAS, State Public Resources Code (PRC) section 21080(d), requires that a lead agency prepare an EIR for any project that it expects to have a significant effect on the environment; and

WHEREAS, as such, the Initial Study was circulated with a 'Notice of Preparation of a Draft EIR' (NOP) for a 30-day public comment period between March 29, 2013, and April 29, 2013; and

WHEREAS, on April 23, 2013, a public scoping session on the Draft EIR was held; and

WHEREAS, on November 27, 2013, the City released the Notice of Availability for the Draft EIR which was circulated for a 45-day public review and comment period that began on November 27, 2013, and ended on January 10, 2014; and

WHEREAS, on January 7, 2014, a public meeting was held to accept oral comments on the adequacy of the Draft EIR; and

WHEREAS, prior to the close of the Draft EIR comment period, the City received nine written comments on the adequacy of the Draft EIR and upon review of the comments received, it was determined that a Recirculated Draft EIR, focusing on the biological impact analysis, would be necessary; and

WHEREAS, on December 23, 2014, the City released a new Notice of Availability for the Recirculated Draft EIR which was made available for a 45-day public comment

period between December 23, 2014, and February 6, 2015; and

WHEREAS, prior to close of the Recirculated Draft EIR comment period, the City received six written comments the adequacy of the document; and

WHEREAS, prior to the start of both public review periods, the City distributed copies of the Draft EIR and Recirculated DEIR to the public agencies which have jurisdiction by law with respect to the project and to other interested persons and agencies; and

WHEREAS, the Final EIR, consisting of all three documents by reference (the Initial Study, Draft and Recirculated Draft EIR), comments received on the Draft and Recirculated Draft EIR, responses to those comments, and any revisions made to the Draft and Recirculated Draft EIR, was finalized and released for public review on or before August 6, 2015; and

WHEREAS, pursuant to Public Resources Code Section 21092.5, the City provided notice regarding the availability of the Final EIR and circulated the proposed response to comments to public agencies that submitted comments on the Draft EIR; and

WHEREAS, on or prior to August 7, 2015, notice of the City Council public meeting to consider certification of the EIR was posted at City Hall and on the "Public Notices" section of the City's website; was delivered to the Pittsburg Library; and was mailed via first class or electronic mail to the applicant, to the property owner, to owners of property located within 300 feet of the project site, to the parties that had commented on the Draft EIR, and to individuals who had previously filed written request for such notice.

WHEREAS, the City Council held a public meeting on the Final EIR on August 17, 2015, and accepted public testimony on the Final EIR at that time; and

WHEREAS, the Final EIR identifies significant impacts that can be mitigated as well as significant unavoidable impacts; and

WHEREAS, if, after review of the certified Final EIR, and upon consideration of the Project, the Planning Commission determines to approve the project, the approval must be supported by mitigation findings pursuant to CEQA Guidelines Section 15091; and

WHEREAS, approval of the project would also require adoption of a Mitigation Monitoring and Reporting Program pursuant to CEQA Guidelines Section 15097 and a Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093.

NOW, THEREFORE, BE IT RESOLVED that the foregoing recitals are true and correct and made a part of this resolution.

BE IT FURTHER RESOLVED as follows:

A. The Final EIR for the project consists of the Initial Study, dated March 2013, Draft EIR (SCH# 2013032079), dated November 2013, Recirculated Draft EIR, dated

December 2014, and the Final EIR, dated August 2015. Together, all documents constitute the Final EIR for the Project.

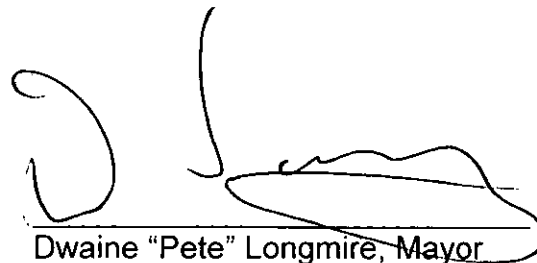
B. Based on the evidence and oral and written testimony presented at the public meetings, and based on all the information contained in the City's files on the project, including not limited to, the Final EIR for the Project, and the City Council staff report dated August 17, 2015, and entitled, "Adoption of a City Council Resolution Certifying the Final Environmental Impact Report for the Montreux Residential Subdivision, AP-10-684 (RZ, SUB, DA, ANNEX)," the City Council does certify, in accordance with CEQA Guidelines Section 15090, that:

1. The Final EIR for the Project was prepared and completed in compliance with Public Resources Code Section 21000 et seq. and CEQA Guidelines Section 15000 et seq.; and
2. The Final EIR was presented to the City Council of the City of Pittsburg and that the City Council has reviewed and considered the information contained in the Final EIR prior to action on the Project; and
3. The Final EIR reflects the independent judgment and analysis of the City Council of the City of Pittsburg.


BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 17<sup>th</sup> day of August 2015, by the following vote:

AYES: Casey, Craft, Evola, Johnson, Longmire  
NAYES: None  
ABSTAIN: None  
ABSENT: None



Dwaine "Pete" Longmire, Mayor

ATTEST:  
  
Alice E. Evenson, City Clerk