

**CALENDAR ITEM  
C74**

A 14, 11

06/22/17

G 02-03

S 7

R. Boggiano

**CONSIDER APPROVAL OF A TRUST LANDS USE PLAN PURSUANT TO  
CHAPTER 422, STATUTES OF 2011, CITY OF PITTSBURG,  
CONTRA COSTA COUNTY**

**TRUSTEE:**

City of Pittsburg

**LOCATION:**

Granted sovereign tide and submerged lands located in the city of Pittsburg, Contra Costa County.

**INTRODUCTION:**

The City of Pittsburg (City) is a trustee of sovereign tide and submerged lands granted by the Legislature pursuant to Chapter 422, Statutes of 2011 (Chapter 422). Section 4(a) of Chapter 422 requires the City to submit a Trust Lands Use Plan to the Commission for its review and approval by January 1, 2017, describing any proposed development, preservation, or other use of the trust lands.

**BACKGROUND:**

The California Legislature is vested with the authority to enact laws involving the State's sovereign Public Trust lands. Since 1851, the Legislature has periodically transferred portions of the State's Public Trust lands to over 80 local governmental entities for management purposes.

These granted lands are held in trust for the people of California and must be used for Public Trust purposes, including water-related commerce, navigation and fishing. The granting language conveys the State's legal title to the sovereign land subject to certain terms and conditions and subject to the common law Public Trust Doctrine. The local government is a trustee for the lands and to any revenue generated from the lands. Public Trust revenues are subject to the same restrictions as the lands themselves. Thus, any use of trust lands or revenues generated from these lands for non-trust or purely local purposes is a violation of the trustee's fiduciary duty to the trust and its beneficiaries.

The statutory grant creates a trust in which the local government is the trustee, and the State is the trustor and the representative of the people of California who

CALENDAR ITEM NO. **C74** (CONT'D)

are the beneficiaries of the Public Trust. The trust is held for the benefit of the statewide public. Any residual interest in the State as to the granted lands is vested in the Commission. Public Resources Code section 6301 provides, inter alia, “[a]ll jurisdiction and authority remaining in the State as to tidelands and submerged lands as to which grants have been or may be made is vested in the [C]ommission.” The Commission represents the statewide public interest to ensure that local trustees manage their trust grants in conformance with the California Constitution, granting statutes, and the Public Trust Doctrine.

In 2009, the City annexed a portion of the adjacent waterfront, including lands that were previously managed by the Commission. Chapter 422 granted, in trust, to the City all tidelands and submerged lands, whether filled or unfilled, situated within the boundaries of the City including those lands annexed to the City on December 31, 2009.<sup>1</sup>

In conformance with Section 4(a) of Chapter 422, the City prepared a Trust Lands Use Plan that describes how it proposes to use its trust lands and that establishes the City’s long-term vision for the management of its granted lands. The Plan, adopted by the City Council on April 3, 2017, explains the types of uses proposed for the granted lands, projected statewide benefit, proposed financing, and addresses impacts from sea-level rise. As projects are proposed, Commission staff will continue to exercise its oversight jurisdiction by reviewing them for consistency with the Public Trust Doctrine and the City’s granting statutes.

**STAFF ANALYSIS:**

The Trust Lands Use Plan describes the City’s existing and proposed uses for its granted lands, referred to in the Plan and this staff report as Public Trust Lands. Although not required, the City discusses the adjacent uplands in the Plan to provide a more comprehensive view of the uses and goals for the Public Trust Lands. According to the Plan, the City strives to “foster access, preservation, and integration of the Trust Lands so that all Californians may enjoy natural views, store and launch watercraft, fish, learn, and benefit from the goods produced on the City’s waterfront.” In order to accomplish these goals and provide these benefits, the City must seamlessly develop its Trust Lands and adjacent upland properties.

**Existing Use of Trust Lands**

While the majority of the trust lands granted to the City are submerged lands, there are small portions that are filled, waterfront property. The City has a mix of existing Public Trust uses that include industrial, commercial, recreational, and

---

<sup>1</sup> Government Code section 56740

CALENDAR ITEM NO. **C74** (CONT'D)

open space. As a result of the City's location along the San Joaquin Delta and deep water channels, industrial uses dominate the waterfront leases, constituting approximately 99 percent of the City's Public Trust revenue. Industrial lessees include DOW Chemical, USS POSCO, Isle Capital LLC, Marine Express, Tesoro, and NRG Energy.

The commercial and recreational leases include the Pittsburg Municipal Marina, the Dow Wetlands Preserve, Central Harbor Park, and Riverview Park and Launch Ramp. The Pittsburg Municipal Marina, located just north of Marina Boulevard and East Street, is owned and operated by the City. The Marina features 274 covered and 301 uncovered slips, a 24-hour public launch ramp, and on-site haul-out service. Until recently, the Marina only offered basic municipal marina amenities. Beginning in 2016, the City and commercial partners collaborated to enhance the marina offerings to include stand-up paddle board lessons, non-motorized vessel storage, and daily motor boat rentals.

The City's trust lands and adjacent uplands include a significant amount of open space and conserved natural resource and wildlife refuge areas. Riverview Park, which includes Public Trust lands and City-owned uplands, consists of 4 acres of open space, public access to the waterfront including shoreline trails, a floating pier, fishing facilities, picnic areas, a children's playground area, and two recently completed non-motorized watercraft launch ramps. The City unveiled the launch ramps in June 2015 with a kiteboarding competition that attracted over 30 athletes showcasing their big air, freestyle, and slalom skills for the public. The competition was so successful that it will become an annual event. Central Harbor Park, a 1.5-acre park that also lies within the trust lands, provides public access to the waterfront and features a boat launch ramp, gazebo, benches, public restrooms, open lawn area, and a spectacular view of the San Joaquin Delta. The trust lands also include the DOW Wetlands Preserve that extends from the DOW Chemical Plant to the Antioch Marina. The portion of the preserve that lies within the trust lands is comprised of tideland marsh and wetlands. Over 130 species of birds have been sighted at the preserve, which is located along the Pacific Highway migration route. The City and the Pittsburg Unified School District have partnered with DOW to educate students about the importance of clean water and marine habitats.

The City has established procedures and regulations governing the leasing and development of the trust lands that are outlined in the Trust Lands Use Plan and required by Chapter 422.

**Future Use of Trust Lands**

Consistent with the City's General Plan, the Trust Lands Use Plan focuses on improving access, preservation, and integration to maximize public benefit.

## CALENDAR ITEM NO. C74 (CONT'D)

According to the Plan, the City will increase pedestrian connection and maximize public access to recreational facilities. To execute expenditures of waterfront funding, the City plans to establish 5- or 10-year Capital Improvement Programs that will reserve and apply waterfront revenues to waterfront project expenditures.

Development projects include installing an ADA accessible non-motorized launch ramp at the municipal marina, repairing the public fishing dock at Riverview Park, constructing amphitheater steps on River Park Jetty, marina dredging, graffiti abatement, and City watercraft fleet maintenance and storage. The Capital Improvement Program will prioritize and assist the financing of new development projects and allow the City to proactively seek grant funding.

The Plan summarizes the City's potential to acquire upland property using trust revenues. The granting statute allows the City to use trust revenues to acquire upland properties to benefit and enhance the trust, subject to the Commission's approval. Property acquired with trust revenue is an asset of the trust and subject to the terms and conditions of the granting statute. One of the City's potential acquisitions includes the purchase of waterfront property for a lookout terrace and launch ramps for kayaking, kite boarding, paddle boarding, and motorized boats. The project would be the waterfront component of an indoor/outdoor multi sports complex that intersects with the trust lands. The project is in the conceptual stage and the City is working on preliminary infrastructure dimensions and designs. The City has applied for over \$500,000 of Community Development Block Grant funding to acquire the waterfront parcels.

### **Trust Lands Revenues**

The City's trust revenues have increased significantly owing to the expansion of the City tidelands that was authorized in Chapter 422. In Fiscal Year 2016, the City reported net revenues of \$1,427,714 and expenditures of \$825,527, up from \$510,396 and \$186,419 in 2012 respectively. Consistent with recent statutory grants, Chapter 422 requires the City to transmit 20 percent of the annual revenue generated from its granted lands to the Commission, of which 80 percent is deposited in the State's General Fund and 20 percent in the Commission's Kapiloff Land Bank Fund. In June 2016, the City transmitted \$419,239 to the State, of which \$83,847 was deposited in the Kapiloff Land Bank Fund.

### **CONCLUSION/STAFF RECOMMENDATION:**

Staff recommends that the Commission approve the City's Trust Lands Use Plan. The Plan is consistent with Chapter 422 and, according to the Plan, the City is committed to using its Public Trust lands in a manner consistent with the Public Trust Doctrine and the City's granting statutes. Commission staff will

CALENDAR ITEM NO. **C74** (CONT'D)

continue to exercise its oversight responsibility by working with the City and reviewing proposed projects for consistency with the Public Trust Doctrine and the City's granting statutes. Changes or amendments to the Pittsburg Trust Lands Use Plan shall be reviewed and approved by the Commission, as required in Section 4 of Chapter 422.

The Trust Lands Use Plan is consistent with Strategy 1.2 of the Commission's Strategic Plan to provide that the current and future management of ungranted sovereign land and resources and granted lands, including through strategic partnerships with trustee ports and harbor districts, are consistent with evolving Public Trust principles and values, particularly amid challenges relating to climate change, sea-level rise, public access and complex land-use planning and marine freight transportation systems.

**EXHIBIT:**

- A. City of Pittsburg Trust Lands Use Plan

**RECOMMENDED ACTION:**

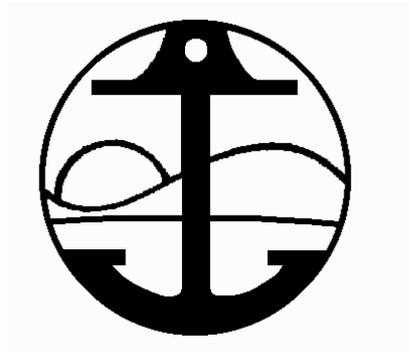
It is recommended that the Commission:

**AUTHORIZATION:**

Approve the City of Pittsburg's Trust Lands Use Plan as set forth in the attached Exhibit A and by this reference made a part hereof.

# Exhibit A

City of Pittsburg



Trust Lands Use Plan

2017

# Introduction

## Location and Historical Context

Bordered by the San Joaquin Delta to the north, Pittsburg is located 38 miles northeast of San Francisco in East Contra Costa County. Pittsburg was born along the San Joaquin Delta when the government of Mexico granted 10,000 acres of land to the United States in 1839. Originally called New York of the Pacific, the City's name was first changed to New York Landing when it was a way station during the Gold Rush. The City's reputation as an industrial area was established in 1855 when coal was discovered in the southern hills, and its name again changed to Black Diamond. However, the prime industrial base of the City came in 1911 with the opening of the first steel mill, and its final name change to Pittsburg after the hub of the steel industry on the east coast – Pittsburgh, Pennsylvania.

Camp Stoneman was built in Pittsburg during World War II. Forty-five thousand servicemen were stationed at the camp, which was a major point of embarkation of 1.5 million men for the Pacific Theater. At the end of the war, activity levels declined in Pittsburg as seen in other wartime boomtowns, signaling an end to much of the prosperity the City had known. Pittsburg experienced rapid population growth during the 1970s and 1980s, evolving into a bedroom community for employment centers in west and central Contra Costa County. Currently, the City is home to just over 70,000 people.

## State Lands Grant

The California Legislature granted sovereign tidelands and submerged lands located within the City limits to the City of Pittsburg under Senate Bill 551, Chapter 422, Statutes of 2011. These granted lands, referred to in this Plan as Trust Lands, are held in trust for the people of California. The City is required to operate their granted Trust Lands in conformance with the California Constitution, granting statutes and the Public Trust Doctrine. Figure 1 shows the City's Trust Lands Use Planning Area which includes parcels within and immediately adjacent to the Trust Lands.

**Figure 1.** Trust Lands Use Plan Area



## The Public Trust Doctrine

The Public Trust Doctrine is a set of common laws declaring that all sovereign waterways are to be preserved for use and enjoyment by the public. This can be accomplished through several means, including water-dependent commerce, navigation, fisheries, and the preservation of lands in their natural state for the purposes of scientific study, open space, wildlife habitat, and water-oriented recreation.

Case law interpreting the Public Trust Doctrine has found that Trust Lands can only be used for purposes beneficial to the State in its entirety (the statewide public), as does the City's granting statute. The Public Trust Doctrine is updated periodically as the needs of the public evolve. Trust Lands belong to the public and cannot be sold or used for exclusively private purposes.

## Access, Preservation & Integration

The City of Pittsburg has prepared this Trust Lands Use Plan in conformance with SB 551 and the Public Trust Doctrine. As a statewide resource, the City aims to foster access, preservation, and integration of the Trust Lands so that all Californians may enjoy natural views, store and launch watercraft, fish, learn, benefit from the goods produced on the City's waterfront, and more. This Plan establishes the City's long-term vision for its Trust Lands and contains the following sections:

1. Existing Use of Trust Lands: This section provides a map and discussion of existing Trust and uses.
2. Future Use of Trust Lands: This section states Pittsburg's long-term vision for its Trust Lands and provides a map and discussion of upcoming Trust Lands environmental work, development projects, and their statewide benefit. An approximate implementation timeline through 2025 is also provided.
3. Financing and Implementation: This section discusses the proposed method of financing for existing and future Trust Lands uses, including estimated capital and operating costs, as well as annual Trust Lands revenues.
4. Hazards and Hazard Mitigation: This section discusses how the City proposes to protect and preserve natural and manmade resources and facilities located within Trust Lands including, but not limited to pollution, sea level rise, and seismic activity.
5. Procedures and Regulations: This section sets forth the City's procedures and regulations governing the leasing and development of its Trust Lands.

## 1. Existing Use of Trust Lands

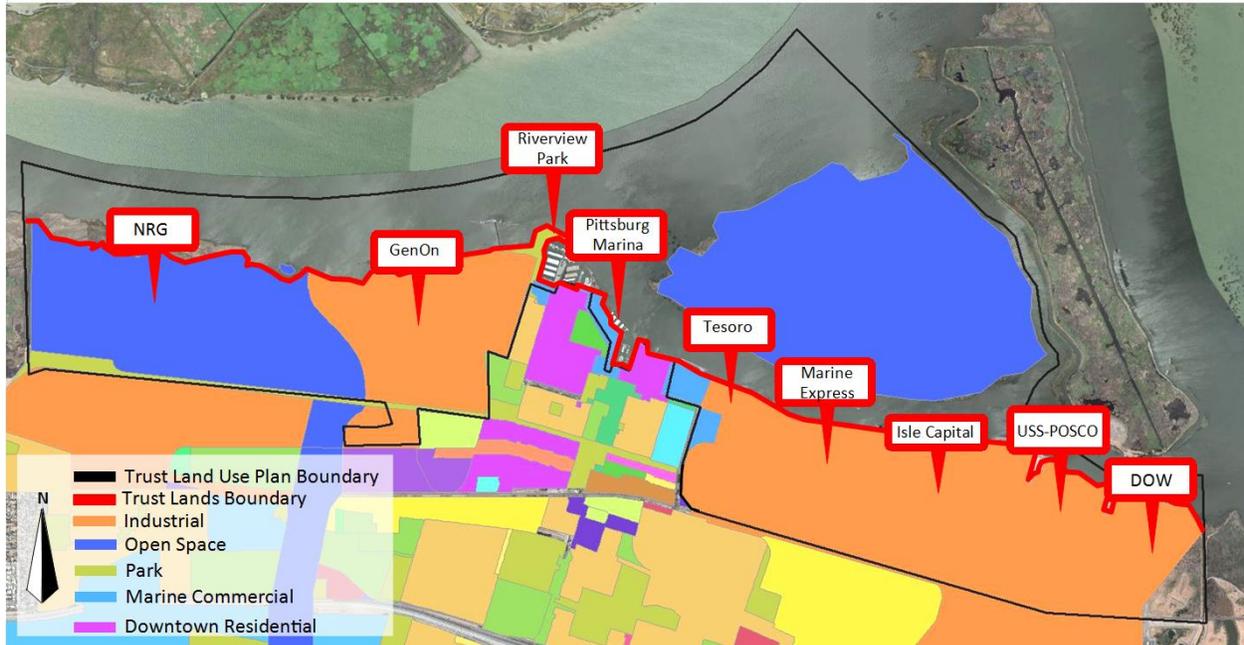
The City of Pittsburg is trustee for approximately 185.4 acres of Trust Lands that run along the City's northern residential, industrial, commercial, and park-zoned shoreline. Whether through state taxes, goods and services created, or opportunities for recreation, each of these slivers provide benefits to Californians.

### Industrial

As shown in Figure 2, industrial users from east to west along the Pittsburg's Trust Lands include DOW Chemical, USS POSCO, Isle Capital, LLC, Marine Express, Tesoro, and NRG Energy (includes GenOn).

Many of these companies have made Pittsburg their home due to its location along the San Joaquin Delta and the deep water channels within the Trust Lands that facilitate shipping.

**Figure 2.** Major uses of Pittsburg State Lands.



Lease No. 18 - DOW

The DOW Pittsburg Chemical Plant is located at 901 Loveridge Road. Current operations include research and development and the manufacturing of products for agricultural operations, pest control services, paper manufacturers, carpet mills, and biocides. In 2016, the plant employed nearly 425 people, and in 2014, had an operations payroll over \$35 million. The plant is well entrenched in the City, region, and state, providing \$60 million of business to local suppliers, and contributing \$20 million and \$3 million in state income and property taxes in 2014, respectively.

The Trust Lands adjacent to the DOW plant are used for industrial purposes and include a 38,000 square foot pier and 100 foot dock for goods movement.

Lease No. PRC 7643.1 - USS-POSCO Steel Mill

USS-POSCO Industries (UPI) is located at 900 Loveridge Road. UPI produces cold-rolled sheets, galvanized sheets, tin plate, and tin-free steel from hot bands provided by U.S. Steel (USS) and Pohang Iron & Steel Co., Ltd. (POSCO). UPI's annual production capability is approximately 1.5 million tons. UPI currently employs 650 people and in 2016 paid nearly \$1.6 million in property taxes.

The Trust Lands adjacent to the steel mill are used for industrial purposes and include 3,500 square foot dock and 1,000 foot concrete pier with adjacent access to rail for goods movement.

Lease No. PRC 7872 – Isle Capital Corporation (Koch Carbon Bay Area Bulk Terminal)

Koch Carbon, LLC's Bay Area Bulk Terminal is located at 707 E 3rd Street. The Terminal sources, supplies, handles, and transports bulk commodities. These commodities include, but are not limited to petroleum coke, sulfur, coal, iron ore, cement, salt, stone, metallurgical coke, pulp, recovered paper, and lumber products. In 2016, the Terminal paid over \$18,000 in property taxes.

The Trust Lands adjacent to the Terminal are used for industrial purposes and include a 30,000 square foot pier and two 100 foot docks for goods movement.

Lease No. COP 0001 - Marine Express

Marine Express is a deep draft vessel support company that operates a fleet of tug and work boats to support interstate and foreign commerce shipping throughout California. Marine Express entered into a lease with the City in 2009, and is located at 965 East 3rd Street. The Trust Lands adjacent to Marine Express will eventually be used for uses that support Marine Express including the construction and use of a dock. The dock is yet to be constructed, but will be used for storage, building repair, waste processing, loading, modifications, overhauls, and demolition of marine equipment and vessels. In 2016, the Marine Express paid \$7,800 in property taxes.

Lease No. PRC 7643.1 – Tesoro Refining and Marketing Co.

Now a vacant parcel with a dilapidated 60,000 square foot pier, this parcel was used for petroleum coke production, storage, and movement. Property taxes for this parcel sum approximately \$16,000 per year.

Lease No. PRC 4444.1 and 415.1 - NRG and GenOn

The NRG Pittsburg Power Plant is located at 696 West 10th Street and generates 1,029 megawatts of electricity from natural gas. Until its closure in December, 2016 the Plant accounted for just over 16% of the entire company's conventional electrical generation portfolio which also includes renewables and other sustainable energy sources. NRG customers range from large to small businesses, as well as residential users in the Bay Area.

The Trust Lands adjacent to the Plant are used for industrial purposes and include a shipping pier that juts 700 feet into the water. The remaining approximately 80 acres of Trust Land at this parcel are wetlands.

**Commercial**

Pittsburg Municipal Marina

The Pittsburg Municipal Marina is located just north of Marina Boulevard and East 3rd Street. It is owned and operated by the City of Pittsburg. The Marina is located on both Trust Lands and adjacent non-trust lands. The Marina features 274 covered and 301 uncovered boat slips, a 24-hour public launch ramp, and on-site haul out service.

**Open Space and Parks**

Lease No. 18 - DOW Wetlands Preserve

The DOW Wetlands Preserve extends from the DOW Chemical Plant, east to the Antioch Marina. The acre of the Preserve that lies within the Trust Lands is comprised of extensive tideland marsh areas and wetlands. The preserve is home to three endangered species and two threatened species – the Salt Marsh Harvest Mouse; Mason’s Lileopsis; Suisun Aster; Black Shouldered Kite; and Northern Harrier. Over 130 species of birds have been sighted at the Preserve, which is located along the ‘Pacific Flyway’ migration route. In 2000, the Preserve was awarded ‘Corporate Habitat of the Year’ by the Wildlife Council, and for several years, the City of Pittsburg and the Pittsburg Unified School District have partnered with DOW to provide programs that educate students about the importance of clean water and marine habitats.

### Central Harbor Park

This one-and-a-half acre park lies within the Trust Lands and provides public access to the waterfront and features a boat launch, gazebo, benches and seating walls, public restrooms, open lawn area, and a spectacular view of the San Joaquin Delta. The gazebo area is referred to as ‘Boatwright Plaza’ after Pittsburg resident and former Senator Dan Boatwright.

### Riverview Park and Launch Ramp

This four acre park is located at the northern end of River View Park Drive. The portion within the Trust Lands features a 150-foot fishing pier, jetty, and two non-motorized launch ramps. In 2015, the City of Pittsburg completed construction of the Riverview Park Non-Motorized Watercraft Launch Ramps. The ramps offer access to the San Joaquin Delta for recreational activities such as advanced kiteboarding. The City unveiled the ramps in June 2015 with a kiteboarding competition that attracted over 30 athletes that showcased their big air, freestyle, and slalom skills for the public. The competition was so successful, it has been scheduled as an annual event for the entire Bay Area to enjoy. The remainder includes a playground, public restrooms, and several picnic and barbeque areas with breathtaking views of the San Joaquin Delta.

**Figure 3.** Kiteboarders gathered at Riverview Park for the City’s first annual Kiteboarding Competition.



### **Residential**

There are three residential neighborhoods with northern boundaries that encroach into the Trust Lands. These include the Bay Harbor Park Subdivision, Marina Heights Apartments, and Marina Park Subdivision. There are a total of 691 residential units in these neighborhoods, and six private docks providing access to Trust Lands. The Procedures and Regulations section discusses the approval process

that will be utilized by the City to consider future dock construction requests that extend from this residential zone into trust lands.

## 2. Future Use of Trust Lands

Consistent with the following set of General Plan goals, the City of Pittsburg's long-term vision for the Trust Lands focuses on improving access, preservation, and integration in order to maximize public benefit.

**Access:** This refers to the design of Trust Lands, adjacent areas, and infrastructure that allows people to benefit from the public lands in an equal and unhindered fashion. In order to carry out this hallmark of the Public Trust Doctrine, the City of Pittsburg plans to augment trails, parks, open spaces, and the marina with the following four goals in mind.

Goal 1 - Provide increased pedestrian connections to and vistas of the Suisun Bay/New York Slough waterfront.

(General Plan Goal 2-G-11 and 5-G-6)

Goal 2 - Promote a local trail and linear park system to provide access to regional open space areas, as well as connections between neighborhoods.

(General Plan Goal 8-G-3)

Goal 3 - Maximize public access to and recreational facilities along the City's waterfront areas.

(General Plan Goal 8-G-5)

Goal 4 - Promote improved views of the shoreline from public parks and rights-of-way.

(General Plan Goal 8-G-7)

**Preservation:** This involves protection of existing conditions, habitats and resources from natural threats like flooding and seismic activity, as well as manmade dangers like pollution and sea level rise. With a commitment to continuous improvement, the City aims to maintain and augment the state of the public lands according to the East Contra Costa Habitat Conservation Plan (Attachment 1), as well as the San Francisco Bay Conservation & Development Commission's (SFBCDC) Bay Area Plan (Attachment 2) and the following General Plan goals.

Goal 5 - Protect sensitive marshland habitats along the New York Slough waterfront.

(General Plan Goal 2-G-13)

Goal 6 - Preserve existing wetlands and salt marshes along the Suisun Bay

(General Plan Goal 2-G-35)

Goal 7 - Undertake a leadership role in the coordination and completion of infrastructure improvements, and in the facilitation of environmental remediation.

(General Plan Goal 6-G-3)

Goal 8 - Protect conservation areas, particularly habitats that support special status species, including species that are state or federally listed as endangered, threatened, or rare.

(General Plan Goals 9-G-1 and 9-G-2)

Goal 9 - Support the reclamation of wetlands and marshlands along local industrial waterfronts.  
(General Plan Goal 9-G-3)

Goal 10 - Minimize the runoff and erosion caused by earth movement by requiring development to use best construction management practices (BMPs).  
(General Plan Goal 9-G-4)

Goal 11 - Preserve and enhance Pittsburg's creeks for their value in providing visual amenity, drainage capacity, and habitat value.  
(General Plan Goal 9-G-5)

Goal 12 - Comply with Regional Water Quality Control Board (RWQCB) regulations and standards to maintain and improve the quality of both surface water and groundwater resources.  
(General Plan Goal 9-G-7)

Goal 13 - Ensure that soil and groundwater pollution is addressed during redevelopment and reuse projects.  
(General Plan Goal 9-G-8)

Goal 14 - Minimize risk to life and property from geologic and seismic hazards.  
(General Plan Goal 10-G-1)

Goal 15 - Locate development outside of flood-prone areas unless mitigation of flood risk is assured.  
(General Plan Goal 10-G-7)

**Integration:** The Trust Lands have been integral in steering the character of Pittsburg for nearly 200 years. As waterfront uses have evolved with each era, the City continues to search for and implement means of enjoyment and productivity for waterfront users and visitors. The following four General Plan goals aim to continue to fold these uses into the fabric of Pittsburg as a City. This integrated fabric contributes to the City's county, regional and statewide identity, attracting more Californians to utilize and benefit from this statewide resource.

Goal 16 - Develop a high-quality public park system for Pittsburg that provides varied recreational opportunities accessible to all City residents. Provide parks that reflect the diversity of Pittsburg's natural setting, including creeks and waterways, tree stands, rock outcroppings, and topography.  
(General Plan Goal 8-G-1 and 8-G-2)

Goal 17 - Support and promote the active use of regional open space areas by local residents.  
(General Plan Goal 8-G-4)

Goal 18 - Improve linkages between the waterfront, Downtown core, and other recreational open spaces within the City.  
(General Plan Goal 8-G-6)

## **Upcoming Projects and Timeline**

### **Capital Improvement Programs**

The City plans to establish five or ten-year Capital Improvement Programs (CIP) to strategize expenditures of waterfront funding. These CIP'S will reserve and apply waterfront revenues to various maintenance needs and development projects including but not limited to access road and walking trail maintenance, pier, dock, launch ramp safety, marina dredging, graffiti abatement, City watercraft fleet maintenance and storage, and any other recurring need for current and future Trust Lands amenities. The City aims to apply this same mechanism for development projects like the ones listed below. With a properly structured CIP, regular maintenance as well as exciting new developments can be financed with waterfront revenues, grants can be sought proactively, and projects can be strategically prioritized. These programs will therefore benefit the statewide public by increasing and improving access, utility, and safety of the waterfront in a fiscally responsible way.

### **Environmental Due Diligence**

The City intends to maintain the use and character of its residential, industrial, commercial, park, and open space Trust Land while also emphasizing access, preservation, and integration through innovative development. Decades of industry have left the Trust Lands speckled with brownfields. Prior to moving forward with innovative development on the shoreline, and in alignment with its preservation goals, the City must perform its due diligence to assess and remediate contaminated Trust Lands. The City has applied for the 2017 Environmental Protection Agency (EPA) Brownfields Assessment Grant which could increase the City budget by up to \$300,000 for hazardous materials and petroleum products assessments. Specifically, grant and waterfront funding will target five parcels shown on Figure 4 below (Grant and City funding would be used to assess the upland portions of the parcels, while waterfront revenue would be used to assess the slivers of Trust Lands on each parcel). These parcels are of heightened interest as they are vacant and align with the City's General Plan.

Additional brownfield cleanup and reuse plan funding is available annually through the EPA. The City plans to pursue these funding opportunities and partner with community and governmental groups in order to improve environmental conditions of the Trust Lands and their upland parcels. Improved environmental conditions will lend to increased opportunities for statewide public enjoyment and utility of the Trust Lands as it is the responsible first step in developing such areas into Trust Lands access points.

### **Land Acquisition**

Acquisition is an important step in environmental remediation, as ownership is required for EPA-funded cleanup and development funding. The City does not currently own several parcels adjacent to the Trust Lands. According to the State Lands Commission, "The City's granting statute allows the City to expend trust revenues to acquire appropriate upland properties to benefit and enhance the trust, subject to a determination by the Commission that the acquisition is consistent with the City's granting statute and in the best interests of the state." The City hopes to synchronize acquisition and assessment efforts so that parcels can be cleaned and ready for various community-benefitting developments within a year of their assessment. The City has already applied for over \$500,000 of Community Development Block Grant (CDBG) funding for land acquisition of waterfront parcels that include Trust Lands. Once

these major remediation and acquisition efforts come to fruition, the City plans to implement the following projects by 2025.

Land acquisition will provide a statewide benefit as it will give the City authority to remediate Trust Lands that are brownfields. Remediation will lend to increased opportunities for statewide public enjoyment and utility of the Trust Lands as it is the responsible first step in developing such areas into Trust Lands access points.

**Figure 4.** Potential Environmental Assessment and Project Locations.



### **Community Center with Marine Component**

The City has initiated plans to construct an indoor/outdoor multi-sport complex on a handful of parcels that intersect the Trust Lands. While the complex will have an upland component, the proposed complex would intrude into the Trust Lands via a lookout terrace and launch ramps for kayaking, kite boarding paddle boarding, and even motorized launch crafts. The waterfront component will be the only piece eligible for expenditure of waterfront revenue. The exact location of the community center and surrounding amenities is currently unknown, as environmental assessments will yield feasibility information needed for site selection. While this project is still in its early conceptual phase, the City is working on preliminary infrastructure dimensions and designs with an architectural firm, and has brainstormed strategies to gain access to, acquire, and develop parcels. The City hopes to host the facility's inaugural tournament and launch water sport programming by 2024.

### **Marine Access**

Trust Land revenues in conjunction with California Wildlife Conservation Board's (CAWCB) Public Access Development Program funding can be used for fishing dock construction, repair, or other means of waterfront access for wildlife-oriented recreation has been identified. The City plans to incorporate Marine Access Augmentation as a pillar of the Waterfront CIP and supplement these projects with

CAWCB funding in fiscal years 2018 through 2020 to (1) install an ADA accessible non-motorized launch ramp at the Municipal Marina, (2) repair the public fishing dock at Riverview Park, and (3) construct amphitheater steps on the Riverview Park jetty similar to those along the City of Richmond’s waterfront (Figure 5). Each of these projects are proposed in locations within the Trust Lands. In preparation for February 2017’s grant proposal, City staff has researched ADA accessible launch ramp designs, identified a launch ramp location within the marina, and made contact with the program supervisor at CAWCB.

The proposed projects will provide the statewide benefit of marine access for water sports and wildlife recreation. The ADA component will increase access for the physically impaired.

**Figure 5.** Amphitheater steps offering access to the Richmond waterfront.



### Programs and Events at the Marina

Until 2016, the Pittsburg Marina offered basic municipal marina amenities: water vessel storage, gasoline, and live aboard slips. This year, the City and commercial partners collaborated to enhance marina offerings which now include stand-up paddle board lessons, non-motorized vessel storage, and daily motor boat rentals. City staff has conducted research at other San Francisco Bay Area marinas and hopes to develop sailing, kayaking, kiteboarding, and paddle board yoga programs in the near future. Likewise, the Economic Development and Recreation Departments introduced new events at the Marina like First Fridays, and as in prior years, will commence these activities beginning in the upcoming spring.

The programs at the Marina will benefit the statewide public by increasing regional attendance to the City’s waterfront. The programs at the Marina will also provide a financial benefit that, while currently unknown, will be structured to at least provide funding to cover the City’s cost to provide the programs.

**Figure 6.** City of Pittsburg Waterfront approximate implementation timeline.

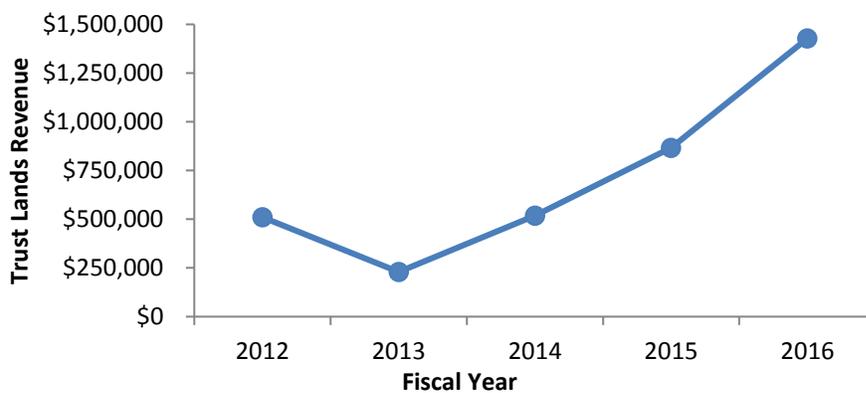


### 3. Financing and Implementation

#### Revenues

As seen in Figure 7, Trust Land revenues have significantly evolved since the transfer of land in 2012. It is primarily comprised of waterfront leases (99%), events revenues, and grants pursued by the waterfront staff. Funding is expected to grow as the City diligently works to legitimize all remaining waterfront property leases, and as federal, state, and regional funding is sought. Trust Land funding is allocated exclusively for Trust Lands. The graph below demonstrates the evolution of Trust Lands funding since the transfer of lands in 2012, and the following sections summarize operating and capital costs incurred by the Trust Lands fund.

**Figure 7.** City of Pittsburg Trust Lands revenues since fiscal year 2012.



#### Operating Costs

Operating costs, including State Lands Commission payments, events, maintenance, and administrative overhead of Waterfront staff, are highly variable and have totaled between \$104,388 and \$779,726 between 2012 and 2016. Pursuant to SB 551, the City pays the State Lands Commission 20% of its annual gross lease revenue, totaling \$279,000 in 2016. Also in 2016, nearly \$53,000 was spent on festivals and events like First Fridays, the Fourth of July fireworks show, and the annual Kiteboarding Event. Each of these events invites members of the public to the Trust Lands to enjoy food, drinks, activities and entertainment.

The City also funds and performs regular maintenance on the Trust Lands, including but not limited to weed abatement, marina restroom maintenance, tree and shrub pruning, mowing and edging, pest control, debris collection, and graffiti removal. At this time, the City's Waterfront Department funds a full time Parks Maintenance Assistant to complete this work on a regular basis, and has looked into recruiting a landscape architect to elevate the area aesthetically.

As the City has captured more of the State Lands lease revenues since the transfer in 2011, waterfront funding has nearly tripled. Simultaneously, the need and function of staff dedicated to waterfront have developed and grown. Therefore, in addition to the Parks Maintenance Assistant, the State Lands revenue funds one Administrative Analyst. Estimated operating costs for the projects proposed above are based on approximate need for City staff time, and can be found in the table below.

Proposed Project	Estimated Staff Time	Average Hourly Staff Rate	Approximate Operating Cost
Develop CIP Program	30	\$90	\$2,700
ADA Launch Ramp	150	\$90	\$13,500
Fishing Dock Repair	150	\$90	\$13,500
Waterfront Amphitheater Steps	300	\$90	\$27,000
Total	-	-	\$56,700

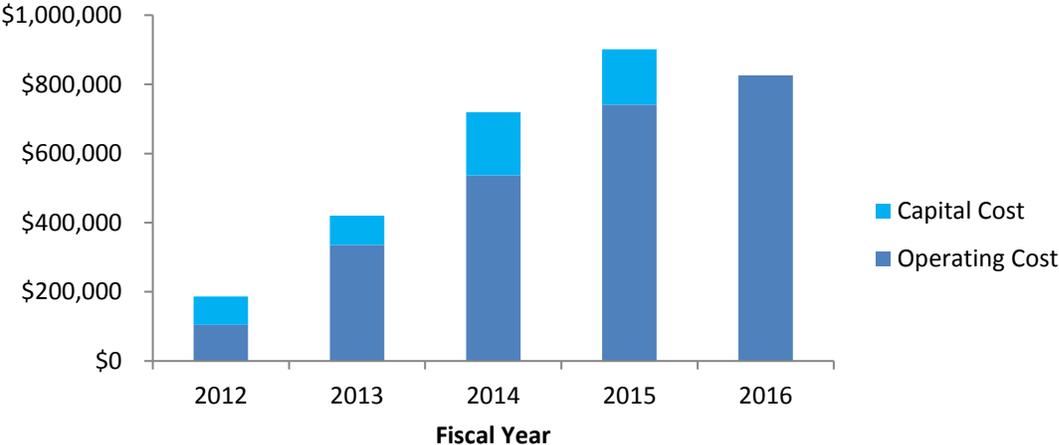
Some projects (Environmental Due Diligence, Land Acquisition, Community Center) are missing from the table above as time spent on them will be inherently linked to time spent on upland areas. Cost associated solely with Trust Lands cannot be estimated at this time.

**Capital Costs**

As shown by the table below, capital costs for projects in Pittsburg State Lands are incurred as regular maintenance and improvement needs, as well as opportunities for development arise. For example, in 2015 the City built two non-motorized watercraft launch ramps costing \$161,810. Conversely, in 2016 there were no capital expenditures in the area. Going forward, the City plans to continue to look for capital improvement projects to enhance the Trust Lands area, and will apply for grant funding and allocate budget appropriations in a proactive fashion. Figure 8 below demonstrates the evolution of relative operating and capital Trust Lands expenditures since the transfer of lands in 2011.

Estimated capital costs for the projects proposed above are based on approximate consultant needs and available grant funding. Consultant costs for work in the Trust Lands will be inherently linked to consultant costs for upland areas and will require cost analysis based on work done specifically in the Trust Lands. Therefore cost associated solely with Trust Lands cannot be estimated at this time.

**Figure 8.** City of Pittsburg Trust Lands Expenditures since fiscal year 2012.



**4. Hazards and Hazard Mitigation**

The natural setting of the City’s Trust Lands offers both opportunities and constraints related to land use development. Its location on the Pittsburg waterfront offers recreational opportunities and scenic vistas,

but also requires consideration and respect for the natural resources, habitats, and environment. The most significant hazards along the Pittsburg waterfront are flooding, seismic activity, and sea level rise. This section introduces the extent of these potential natural hazards along the Pittsburg waterfront, and policies that the City follows to address them.

## **Seismic Activity**

According to the United States Geological Survey, “In 2007, earthquake scientists ...estimated that there is a 63% probability of a magnitude 6.7 or greater earthquake in the Bay Area in the next 30 years. Although the hazard is spread throughout the Bay Area, some faults are more likely to rupture than others...The East Bay has a higher earthquake hazard than the San Francisco peninsula due to the Hayward-Rogers Creek Fault and the higher number of faults that traverse the East Bay.” Surrounded by six major faults, including the Hayward-Rogers Creek Fault, the Pittsburg waterfront is susceptible to significant seismic activity and externalities like erosion and liquefaction.

A particular concern for the City is the possibility of an earthquake triggering an industrial disaster. The density of petroleum and chemical industries and the transshipping of military explosives result in large quantities of potentially explosive, flammable and poisonous materials being stored, processed and transported through Pittsburg and throughout Contra Costa County. The City works together with industry to encourage modernization and seismic retrofit of industrial facilities, and has developed the following General Plan policies to reduce impacts of earthquakes.

## Policies

Policy 1 - Ensure preparation of a soils report by a City-approved engineer or geologist in areas identified as having geological hazards, as part of development review.  
(General Plan Policy 10-P-1)

Policy 2 - Ensure that Bay Area Air Quality Management District requirements are implemented around construction sites to reduce wind velocity and soil transport at the sites.  
(General Plan Policy 10-P-5)

Policy 3 - Encourage the use of water-sprinkling trucks at large construction sites to keep the exposed soil moist during construction.  
(General Plan Policy 10-P-6)

Policy 4 - As part of the development approval process, restrict grading to only those areas going into immediate construction as opposed to grading the entire site, unless necessary for slope repair or creek bed restoration. On large tracts of land, avoid having large areas bare and unprotected; units of workable size shall be graded one at a time.  
(General Plan Policy 10-P-7)

Policy 5 - During development review, ensure that new development on unstable slopes 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.  
(General Plan Policy 10-P-8)

Policy 6 - Ensure geotechnical studies prior to development approval in geologic hazard areas. Contract comprehensive geologic and engineering studies of critical structures regardless of location.  
(General Plan Policy 10-P-9)

Policy 7 - As part of development approval, ensure that a registered engineering geologist be available at the discretion of the City Engineer to review reports submitted by applicants in the geologic hazard areas.  
(General Plan Policy 10-P-10)

Policy 8 - Form geological hazard abatement districts (GHADs) prior to development approval in unstable 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.  
(General Plan Policy 10-P-11)

Policy 9 - During rehabilitation and redevelopment of industrial properties along the Suisun Bay waterfront, ensure that geotechnical mitigation measures are used to prevent collapse of structures in the event that liquefaction occurs.  
(General Plan Policy 10-P-13)

Policy 10 - Review and amend City ordinances, including the Building Code, that regulate development in potentially hazardous locations to ensure adequate protection from geologic hazards.  
(General Plan Policy 10-P-14)

Policy 11 - Reduce sedimentation and erosion of waterways by minimizing site disturbance and vegetation removal along creek corridors.  
(General Plan Policy 9-P-24)

Policy 12 - Require new urban development to use Best Management Practices (BMP) to minimize creek bank instability, runoff of construction sediment, and flooding. The BMPs will ensure that new development projects consider the effects of construction debris and sediment on local water supplies. However, it is imperative that the City review and update the BMPs to promote state-of-the-art construction practices.  
(General Plan Policy 9-P-23)

Policy 13 - As part of development plans, require evaluation and implementation of appropriate measures for creek bank stabilization, as well as necessary Best Management Practices (BMPs) to reduce erosion and sedimentation. Encourage preservation of natural creeks and riparian habitat as best as possible.  
(General Plan Policy 9-P-15)

Policy 14 - Establish development standards for new construction adjacent to riparian zones to reduce sedimentation and flooding. Standards should include:

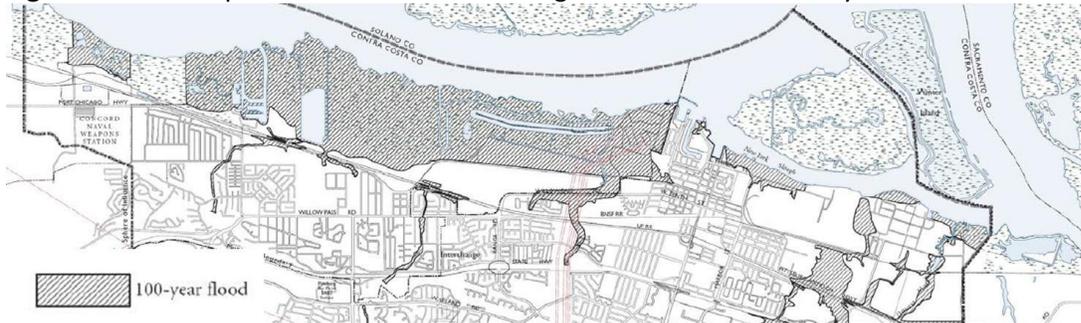
- Requirements that low berms or other temporary structures such as protection fences be built between a construction site and riparian corridor to preclude sheet-flooding stormwater from entering the corridors during the construction period.
- Requirements for installation of storm sewers before construction occurs to collect stormwater runoff during construction.

(General Plan Policy 9-P-16)

## Flooding

According to the Federal Emergency Management Agency (FEMA), a majority of Contra Costa County's creeks and shoreline lie within the 100-year flood plain. Areas with high flood hazards are the islands and adjacent mainland in the San Joaquin-Sacramento River Delta in East Contra Costa County. Certain portions within the Pittsburg Planning Area, located along Suisun Bay, are particularly susceptible to floods. Waterfront areas within the 100-year flood plains, as shown in Figure 9, include Browns Island, shoreline and adjacent uninhabited marshland north of the BNSF Railroad tracks in Bay Point, portions of the industrial area in northeast Pittsburg beginning at the shoreline, including Kirker Creek, then following the creek upstream to its terminus in the hills south of the City, and along Lawlor Creek in the northwestern portion of the City.

**Figure 9.** FEMA representation of the Pittsburg waterfront's Hundred-year Flood Zone.



The City is responsible for maintaining the flood control system within the Kirker Creek Watershed which encompasses the City's waterfront. The City adheres to the following General Plan policies to minimize impacts of flooding at the waterfront.

### Policies

Policy 15 - Ensure that pad elevations on newly constructed habitable buildings are one foot above the 100-year floodplain, as determined by FEMA.

(General Plan Policy 10-P-22)

Policy 16 - Encourage the formation of flood control assessment districts for those areas within the 100- and 500-year flood plains. Encourage new hillside developments to form flood control assessment districts to accommodate runoff and minimize downstream flooding, if determined to be necessary.

(General Plan Policy 10-P-21)

Policy 17 - To prevent flood hazards in the Kirker Creek watershed, ensure that new development minimizes paved areas, retaining large blocks of undisturbed, naturally vegetated habitat to allow for water infiltration. Additional flood control mitigation may include intermixing areas of pavement with the naturally vegetated infiltration sites to reduce the concentration of stormwater runoff from pavement and structures.

(General Plan Policy 9-P-17)

Policy 18 - Establish development standards for new construction adjacent to riparian zones to reduce sedimentation and flooding. Standards should include: requirements that low berms or other temporary

structures such as protection fences be built between a construction site and riparian corridor to preclude sheet-flooding stormwater from entering the corridors during the construction period; and requirements for installation of storm sewers before construction occurs to collect stormwater runoff during construction.

(General Plan Policy 9-P-16)

Policy 19 - During the review of development plans, require all commercial projects to construct on-site retention facilities. Such facilities could be in the form of landscape features or underground swells.

(General Plan Policy 10-P-29)

Policy 20 - Reduce the risk of localized and downstream flooding and runoff through the use of high infiltration measures, including the maximization of permeable landscape.

(General Plan Policy 10-P-26)

Policy 21 - Ensure adequate minimum setbacks to reduce potential for property damage from storm flooding.

(General Plan Policy 10-P-25)

Policy 22 - Ensure that all new development (residential, commercial, or industrial) contributes to the construction of drainage improvements in the Kirker Creek and other watersheds, as required by the City's adopted ordinances.

(General Plan Policy 10-P-23)

## **Pollution and Hazardous Materials**

Given the City's proximity to water, waste, particularly plastics, is especially susceptible to escaping to waterways, oceans, and coastal habitats. These products are harmful to animals and may enter the food chain as they degrade into smaller and smaller pieces. In January 2014, the City established a plastic bag regulation requiring Pittsburg shoppers to use reusable bags. This, along with the City's Mandatory Duty to Recycle Ordinance (Municipal Code Section 8.06.045) which requires all residents and businesses to participate in a recycling program, are a couple methods the City employs to reduce waste within the community and ultimately the surrounding waterbodies. In addition, while many industrial operations along the Pittsburg waterfront use or produce hazardous materials, they take strong strides to minimize their footprint. Lease No. 18, DOW, for example, maintains acres of wetlands that provide an environmental buffer zone to mitigate the company's impact.

## Policies

Policy 23 - As part of project review and CEQA documentation, require an assessment of downstream drainage (creeks and channels) and City storm-water facilities impacted by potential project runoff. 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, require additional mitigation including but not limited to limitations on grading, construction only in dry seasons, and funding for downstream improvements, maintenance, and repairs.

(General Plan Policy 9-P-21)

Policy 24 - As part of project review and approval, establish maintenance districts to ensure uniform maintenance for selected channels and creeks.  
(General Plan Policy 9-P-20)

Policy 25 - Work with industrial property-owners along the waterfront to improve urban runoff and water quality levels within Suisun Bay wetlands.  
(General Plan Policy 9-P-14)

Policy 26 - Assume a leadership role in enhancing environmental quality in the City by coordinating the remediation of former industrial and commercial sites and by facilitating their redevelopment. There are several large sites with high commercial or industrial redevelopment potential in the longer term. These sites, which have been identified as having leaking underground storage tanks (USTs) or as Spills, Leaks, Investigations, and Cleanup (SLIC) sites, include: Pittsburg/Bay Point BART Station; USS-Posco and Dow Chemical sites; and interchange areas at State Route 4 and Willow Pass Road, Bailey Road, Railroad Avenue, and Loveridge Road.  
(General Plan Policy 6-P-3)

Policy 27 - Support the reclamation and reuse of contaminated industrial sites within the Northeast River subarea.  
(General Plan Policy 2-P-41)

Policy 28- Assume a leadership role in enhancing environmental quality in the City by coordinating the remediation of former industrial and commercial sites and by facilitating their redevelopment.  
(General Plan Policy 6-P-3)

Policy 29 - Ensure that soil and groundwater pollution is addressed during redevelopment and reuse projects.  
(General Plan Policy 9-G-8)

Policy 30 - Work with industrial property-owners along the waterfront to improve urban runoff and water quality levels within Suisun Bay wetlands.  
(General Plan Policy 9-P-14)

Policy 31 - Cooperate with other public agencies in the formation of a hazardous materials team, consisting of specially-trained personnel from all East County public safety agencies, to address the reduction, safe transport, and clean-up of hazardous materials.  
(General Plan Policy 10-P-31)

Policy 32 - Designate and map brownfield sites to educate future landowners about contamination from previous uses. Work directly with landowners in the clean-up of brownfield sites, particularly in areas with redevelopment potential.  
(General Plan Policy 10-P-32)

Policy 33 - Prevent the spread of hazardous leaks and spills from industrial facilities to residential neighborhoods and community focal points, such as Downtown.  
(General Plan Policy 10-P-33)

Policy 34 - Identify appropriate regional and local routes for transport of hazardous materials and wastes. Ensure that fire, police, and other emergency personnel are easily accessible for response to spill incidences on such routes.

(General Plan Policy 10-P-34)

Policy 35 - Require historical assessments and/or sampling as part of the environmental review process for redevelopment projects in the Loveridge and Northeast River subareas. Ensure that contamination from industrial waste is mitigated before redevelopment occurs.

(General Plan Policy 10-P-35)

Policy 36 - Prepare and disseminate information about the harmful effects of toxic chemical substances and safe alternative measures. Brochures and a page on the City's Web site describing the harmful effects of toxic chemicals and alternatives, including information about safe alternatives to toxics for home and garden use, should be made available to residents of Pittsburg.

(General Plan Policy 9-P-28)

Policy 37 - Protect water quality by reducing non-point sources of pollution and the dumping of debris in and near creeks, storm drains, and Contra Costa Canal. Continue use and implementation of the City's storm drain marking program in newly developed or redeveloped areas. The quality of groundwater and water flowing into the City's creeks is most likely to be affected by non-point pollution sources in Pittsburg. Urban development can potentially pose a threat to surface and groundwater quality through construction sediment, use of insecticides and herbicides, and related increases in automobile use.

(General Plan Policy 9-P-27)

Policy 38 - Encourage rehabilitation and revegetation of riparian corridors and wetlands throughout the City to contribute to bioremediation and improved water quality.

(General Plan Policy 9-P-25)

Policy 39 - Continue working with the Regional Water Quality Control Board in the implementation of the National Pollutant Discharge Elimination System (NPDES), with specific requirements established in each NPDES permit.

(General Plan Policy 9-P-22)

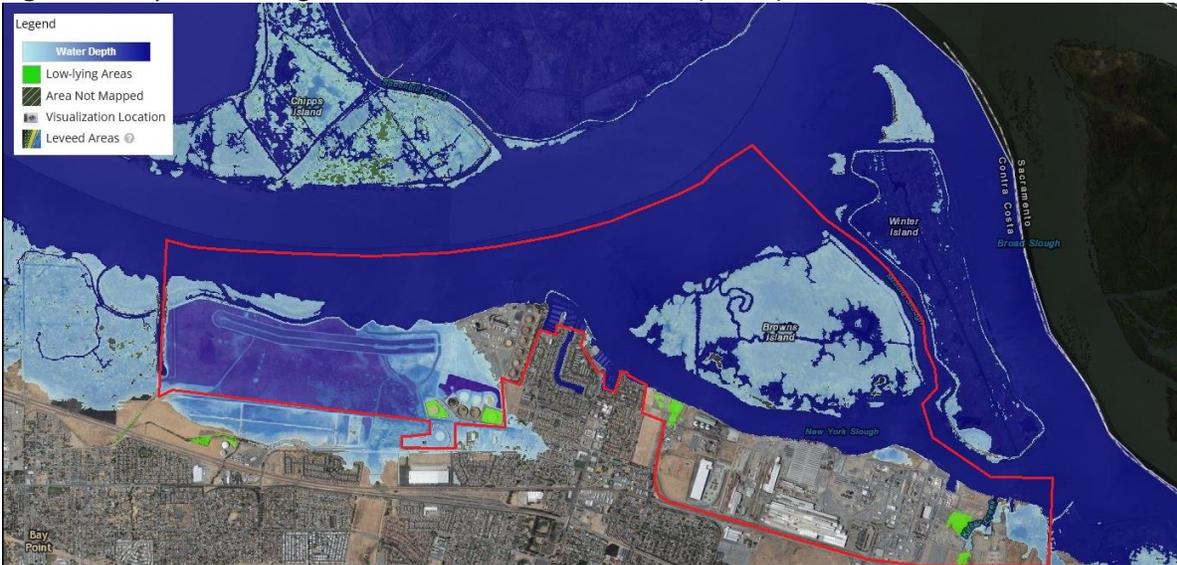
## **Sea Level Rise**

While precise risk assessments of the pace and amount of future sea level rise in California are scientifically uncertain, the San Francisco Bay Conservation & Development Commission (SFBCDC) regards the California Climate Action Team's (Team) projections as the "best assessment of sea level rise on the West Coast." The Team expects sea level rise ranging from 10-17 inches around 2050 and 31-69 inches by 2100. Figures 12 and 13 below depict Pittsburg before and after three feet of sea level rise.

**Figure 10.** City of Pittsburg at current mean higher high water level according to the National Oceanic and Atmospheric Administration (NOAA).



**Figure 11** City of Pittsburg after three feet of sea level rise (NOAA).



While City of Pittsburg’s General Plan establishes Policy 9-P-12, “Protect and restore threatened natural resources, such as estuaries, tidal zones, marine life, wetlands, and waterfowl habitat,” the SFBCDC has also set regional policies for protecting the Suisun Marsh area, which includes Pittsburg’s Trust Lands. The SFBCDC updated the San Francisco Bay Plan in October 2011 (Attachment 2) to include the following policies summarized below.

Policies

Policy 40 - Sea level rise risk assessments are required when planning shoreline areas or designing larger shoreline projects. If sea level rise and storms that are expected to occur during the life of the project

would result in public safety risks, the project must be designed to cope with flood levels expected by mid-century. If it is likely that the project will remain in place longer than mid-century, the applicant must have a plan to address the flood risks expected at the end of the century.

- Risk assessments are not required for repairs of existing facilities, interim projects, small projects that do not increase risks to public safety, and infill projects within existing urbanized areas.
- Risk assessments are only required within BCDC's jurisdiction.
- Risk assessments for projects located only in the shoreline band, an area within 100 feet of the shoreline, need only address risks to public access.

(SFBCDC 2011 *San Francisco Bay Plan*)

Policy 41 - Fill may be placed in the Bay to protect existing and planned development from flooding as well as erosion. New projects on fill that are likely to be affected by future sea level rise and storm activity during the life of the project must:

- Be set back far enough from the shoreline to avoid flooding;
- Be elevated above expected flood levels;
- Be designed to tolerate flooding; or
- Employ other means of addressing flood risks.

(SFBCDC 2011 *San Francisco Bay Plan*)

Policy 42 - Shoreline protection projects, such as levees and seawalls, must be designed to withstand the effects of projected sea level rise and to be integrated with adjacent shoreline protection. Whenever feasible, projects must integrate hard shoreline protection structures with natural features that enhance the Bay ecosystem, e.g., by including marsh or upland vegetation in the design.

(SFBCDC 2011 *San Francisco Bay Plan*)

Policy 43 - Public access must be designed and maintained to avoid flood damage due to sea level rise and storms. Any public access provided as a condition of development must either remain viable in the event of future sea level rise or flooding, or equivalent access consistent with the project must be provided nearby.

(SFBCDC 2011 *San Francisco Bay Plan*)

Policy 44 - Where feasible, ecosystem restoration projects must be designed to provide space for marsh migration as sea level rises.

(SFBCDC 2011 *San Francisco Bay Plan*)

Policy 45 - Policies encourage projects if their regional benefits, such as reducing carbon emissions by locating jobs and housing near public transportation, outweigh the risk from flooding. Projects that do not negatively impact the Bay and do not increase risks to public safety, such as repairs, small and interim projects, and parks, are also encouraged.

(SFBCDC 2011 *San Francisco Bay Plan*)

Policy 46 - Policies encourage preservation and habitat enhancement in undeveloped areas that are vulnerable to future flooding and contain significant habitats or species, or are especially suitable for ecosystem enhancement.

(SFBCDC 2011 *San Francisco Bay Plan*)

Policy 47 - Policies call on the Commission, working with other agencies and the general public, to develop a regional strategy for

- Protecting critical developed areas along the shoreline from flooding;
- Enhancing the natural resources of the Bay by preserving existing habitat and identifying areas where tidal wetlands can migrate landward; and
- Improving the ability of communities to adapt to sea level rise in ways that advance economic prosperity, social equity and environmental protection.

(SFBCDC 2011 *San Francisco Bay Plan*)

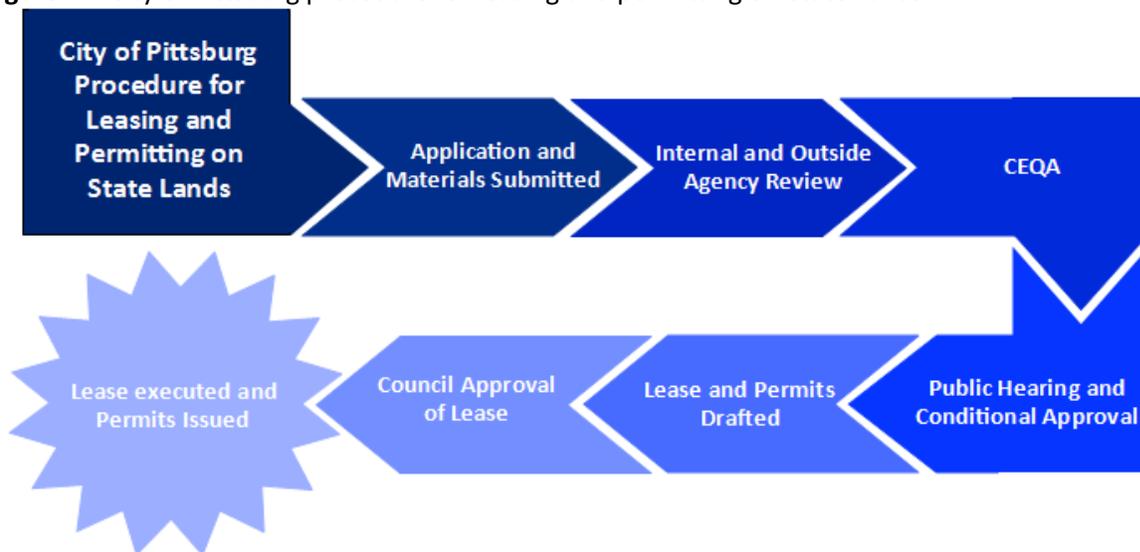
## 5. Procedures and Regulations for Trust Lands Leases and Developments

Given Pittsburg’s custodial responsibility over Trust Lands within its boundaries, and its long-term vision of access, preservation, and integration, the City manages leasing and development at the waterfront per the following process.

### Leasing and Permitting Procedure

The chart below outlines the application and review process for leasing and permitted development on Trust Lands in Pittsburg. Building, Planning, and Engineering permit applications and forms for can be found on the City’s website at <http://www.ci.pittsburg.ca.us/index.aspx?page=180>. A detailed description of the process is as follows:

**Figure 12.** City of Pittsburg procedure for leasing and permitting on State Lands.



Step 1. Depending on the scope of the project, applicants first submit their application materials and fees to the City of Pittsburg Planning, Building, or Engineering Department. Application materials may include but are not limited to:

- Planning or Building Permit Application Form
- Scope of Work
- Dredging/Excavation Plan
- Bank Stabilization Plan
- Site/Location Plan

- Floor Plan
- Building Elevations
- Cross Sections
- Materials and Color Samples Board
- Grading Plan
- Photometric Plan
- Landscaping Plan
- Stormwater Control Plan Report and Exhibit

Upon receipt of a complete application and supplemental materials, staff estimates processing costs, and issues the applicant a reimbursement agreement to assure recovery by the City of the total cost to process an application for their project and the planned use of State Trust Lands.

Step 2. Several City departments including Planning, Building, and Engineering, along with any relevant outside agencies, including the State Lands Commission, (see Attachment 3) then conduct review of submittals to determine whether the proposed project is (a) consistent with the City and State policies, practices and procedures; (b) conducive to public access; (c) consistent with environmental safeguards and policies of the State; and (d) otherwise in the best interest of the State. A list of the City’s General Plan Waterfront Development Policies with which staff will determine preliminary approval status can be found in Attachment 4, and all Municipal Code requirements can be found in the City of Pittsburg Municipal Code.

In the event the application is deemed incomplete, City staff will specify additional information required and notify the applicant. Upon receipt of any additional material, staff will respond within 30 calendar days as to whether the application is complete. Should the applicant fail to provide a complete application within a reasonable period of time, the file may be closed and all or any part of the fees retained by the City. There is an appeal process whereby an applicant may appeal the staff determination that an application is incomplete.

At this stage, State Lands Commission approval for leases for port industrial facilities are required per Chapter 422, st 2011, Section 3(1).

Step 3. Once approval is received from all outside agencies, the City initiates the California Environmental Quality Act (CEQA) process. On many proposed projects the City is the Lead Agency for this process.

Step 4. After a successful CEQA process in which the project is exempted or found compliant, the City Council and/or Planning Commission consider the item in a public hearing for conditional approval. The following table demonstrates types of projects and public meetings to which they are subject.

<b>Project Type</b>	<b>Public Meeting Required</b>
General Plan Amendment	Planning Commission and City Council
Rezoning or Zoning Text Change	Planning Commission and City Council
Design Review	Planning Commission or City Council
Variance	Planning Commission
Development Agreement	Planning Commission and City Council
Affordable Housing Agreement	City Council

Step 5. If approved by the City Council and/or Planning Commission, a lease is drafted according to an appraisal of upland property which the City obtains using the expense deposit collected in Step 1. Terms and conditions of the City's waterfront leases vary. A sample lease can be seen as Attachment 5. At this step all necessary City and Outside Agency permits are prepared as well.

Step 6. Once mutually agreed upon, the lease is brought before the City Council for approval during a City Council meeting.

Step 7. If approved by the Council, the project is allowed to proceed with the project. The lease is then executed and all permits are issued.