

# Notice of Exemption

This notice is exempt from filing fees under California Government Code Section 6103.



CITY OF PITTSBURG  
Planning Division  
65 Civic Avenue  
Pittsburg, CA 94565  
Tel: (925) 252-4920  
<https://www.pittsburgca.gov>

To:  County Clerk-Recorder, County of Contra Costa  
555 Escobar Street  
Martinez, CA 94553

Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

Project Title/File No.: City of Pittsburg Sustainability Plan

Project Location: City Wide

Project Description: This plan will serve as a first step towards reducing greenhouse gas (GHG) emissions in the City and establishes practices that the community can implement that are practical and result in change that can reduce GHG emission production in the City. The Sustainability Plan also includes emissions reduction goals and actions the City can implement to put the community on a path towards reducing GHG emissions with a focus on community health and a thriving economy.  
See attached document for full project description.

Name of approving public agency: City of Pittsburg

Lead Agency Name, Address, Telephone Number City of Pittsburg, Community Development, Planning Department,  
65 Civic Avenue, Pittsburg, CA 94565, (925)252-4029

Project Applicant Name, Address, Telephone Number City of Pittsburg, Community Development, Planning Department,  
65 Civic Avenue, Pittsburg, CA 94565, (925)252-4029

- Exempt Status:
- Ministerial (Section 21080(b)(1); 15268);
  - Declared Emergency (Section 21080 (b)(3); 15269(a));
  - Emergency Project (Section 21080(b)(4); 15269(b)(c));
  - Categorical Exemption – Section: 15308 and 15322
  - Statutory Exemptions – Section: 15061

Reason(s) why Project is Exempt: Based on the attached analysis, the City of Pittsburg Sustainability Plan meets all the Criteria for Class 8 and Class 22 Categorical Exemptions pursuant to Section 15301 of the CEQA Guidelines Section 15061(b.) (3). Furthermore, exemptions to the applicability of a CE, as specified in Section 15300.2(a) through (f) of the CEQA Guidelines, do not apply to the project. Therefore, the proposed project is exempt from CEQA.

Lead Agency/Contact Person: City of Pittsburg/Ariana Ruiz, [aruiz@pittsburgca.gov](mailto:aruiz@pittsburgca.gov), (925)252-4029

Signature: Ariana Ruiz  
Title: Ariana Ruiz, Assistant Planner

Date: 11/15/2023

Tel: (925)252-4029

2023-00442

FILED

November 15, 2023

KRISTIN B. CONNELLY  
CLERK-RECORDER

By M. Neal  
Deputy clerk

NOV 15 2023

Date received for filing and posting: \_\_\_\_\_



State of California - Department of Fish and Wildlife  
**2023 ENVIRONMENTAL DOCUMENT FILING FEE**  
**CASH RECEIPT**  
 DFW 753.5a (REV. 01/01/23) Previously DFG 753.5a

**Print**      **StartOver**      **Finalize&Email**

RECEIPT NUMBER:  
 07-11/15/2023-442  
 STATE CLEARINGHOUSE NUMBER *(If applicable)*

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF PITTSBURG	LEAD AGENCY EMAIL	DATE 11/15/2023
COUNTY/STATE AGENCY OF FILING CONTRA COSTA COUNTY	DOCUMENT NUMBER 2023-00442	
PROJECT TITLE		

CITY OF PITTSBURG SUSTAINABILITY PLAN			
PROJECT APPLICANT NAME CITY OF PITTSBURG	PROJECT APPLICANT EMAIL	PHONE NUMBER (925) 252-4029	
PROJECT APPLICANT ADDRESS COMMUNITY DEVELOPMENT, PLANNING DEPARTMENT	CITY PITTSBURG	STATE CA	ZIP CODE 94565

PROJECT APPLICANT *(Check appropriate box)*

Local Public Agency       School District       Other Special District       State Agency       Private Entity

CHECK APPLICABLE FEES:

- Environmental Impact Report (EIR)      \$ 3,839.25 \$ \_\_\_\_\_
- Mitigated/Negative Declaration (MND)(ND)      \$ 2,764.00 \$ \_\_\_\_\_
- Certified Regulatory Program (CRP) document - payment due directly to CDFW      \$ 1,305.25 \$ \_\_\_\_\_

- Exempt from fee
  - Notice of Exemption (attach)
  - CDFW No Effect Determination (attach)
- Fee previously paid (attach previously issued cash receipt copy)

- Water Right Application or Petition Fee (State Water Resources Control Board only)      \$ 850.00 \$ \_\_\_\_\_
- County documentary handling fee      \$ 50.00 \$ \_\_\_\_\_ 50.00
- Other      \$ \_\_\_\_\_

PAYMENT METHOD:

- Cash       Credit       Check       Other 7043      TOTAL RECEIVED \$ \_\_\_\_\_ 50.00

SIGNATURE <b>X</b> 	AGENCY OF FILING PRINTED NAME AND TITLE Neal Margaret Deputy Clerk
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rec 102767



# City of Pittsburg Sustainability Plan

## CEQA Categorical Exemption Report

*prepared by*

**City of Pittsburg**  
65 Civic Avenue  
Pittsburg, California 94565

*prepared with the assistance of*

**Rincon Consultants, Inc.**  
449 15<sup>th</sup> Street, Suite 303  
Oakland, California 94612

**April 2023**



**RINCON CONSULTANTS, INC.**

Environmental Scientists | Planners | Engineers

[rinconconsultants.com](http://rinconconsultants.com)

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# 1 CEQA Exemption Report

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This report serves as the technical documentation of an environmental analysis performed for the City of Pittsburg Sustainability Plan (project). The intent of this analysis is to document and demonstrate the project's eligibility for a Class 8 and Class 22 Categorical Exemption (CE), pursuant to the California Environmental Quality Act (CEQA). Additionally, the project would be covered by the common sense exemption that CEQA applies only to projects where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (Association of Environmental Planners [AEP] 2023; [CEQA Guidelines section 15061\(b\)\(3\)](#)). This report provides an introduction, project description, and evaluation of the project's consistency with the requirements for a Class 8 and Class 22 CE, as well as the common sense exemption. The report concludes that the project is eligible for these exemptions.

## 1.1 Introduction

The project qualifies for a CE under CEQA. Public Resources Code Section 21084 requires the *CEQA Guidelines* to include a list of classes of projects that have been determined not to have a significant effect on the environment and that are, therefore, exempt from CEQA (see Chapter 19 Sections 15301 through 15333 of the *CEQA Guidelines*). Categorically Exempt projects under CEQA fall into several distinct categories. Classes 8 and 22 apply to the proposed project, as well as the common sense exemption as outlined in CEQA Guidelines Section 15061(b)(3).

*Section 15308 – Actions by Regulatory Agencies for Protection of the Environment:* Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.

*Section 15322 – Educational or Training Programs Involving No Physical Changes:* Class 22 consists of the adoption, alteration, or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures.

Projects that are consistent with the categorical exemptions identified in *CEQA Guidelines* sections 15301 through 15333 are not automatically exempt from CEQA review. *CEQA Guidelines* Sections 15300.2(a) through (f) list specific exceptions for which a CE shall not be used. These exceptions are as follows:

- a. **Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
- b. **Cumulative Impact.** All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

- c. **Significant Effect from Unusual Circumstances.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
- d. **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.
- e. **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
- f. **Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Rincon Consultants, Inc. (Rincon) evaluated the project in relation to the purpose of Class 8 and 22 exemption categories and the exceptions to an exemption to confirm the project's eligibility for the exemptions (Section 2 of this report). None of the exceptions would apply to the project; therefore, the project is eligible for a Class 8 and 22 CE, as well as the common sense exemption.

## 1.2 Project Site and Existing Conditions

The City of Pittsburg Sustainability Plan applies to all areas within the City of Pittsburg limits. **Error! Reference source not found.** shows the regional location, and **Error! Reference source not found.** shows the plan location. The plan location includes all of Pittsburg's incorporated lands.

The City of Pittsburg is located within Contra Costa County, situated on the southern side of the Suisun Bay in the San Francisco East Bay region. Pittsburg occupies 19.16 square miles, 17.22 square miles of which are on land and another 1.94 square miles located in the water (see **Error! Reference source not found.**, World Media Group, LLC. 2023). The City is bordered by Bay Point, a census-designated place, to the west, Antioch to the east, the Suisun Bay, and Browns Island to the north, and unincorporated Contra Costa County to the south.

## 1.3 Project Description

The project would involve the development of a Sustainability Plan for the City of Pittsburg. The Pittsburg Sustainability Plan is a living document that was designed to engage, excite, and empower the community to take incremental steps towards a healthier, more sustainable future. This plan will serve as a first step towards reducing greenhouse gas (GHG) emissions in the City and establishes practices that the community can implement that are practical and result in change that can reduce GHG emission production in the City. It includes an inventory of GHG emissions sources in Pittsburg for 2005 and 2016, forecasts future emissions through 2045, and establishes GHG emissions reduction targets that align with goals set by California for both 2030 and 2045. The Sustainability Plan also includes emissions reduction goals and actions the City can implement to put the community on a path towards reducing GHG emissions with a focus on community health and a thriving economy. The goals and actions were refined based on City staff, stakeholder, and community feedback, to establish a robust set of voluntary actions. Additionally, the Sustainability Plan will complement the goals established in Envision Pittsburg (the City's General Plan Update).




One of the main goals of the Sustainability Plan is to bring awareness to sustainability and opportunities to reduce GHG emissions in the community across all sectors (or emissions sources, e.g., transportation, energy, waste, and water) and provide information about what the community can do to make a difference to set Pittsburg on the path towards more significant GHG reductions.

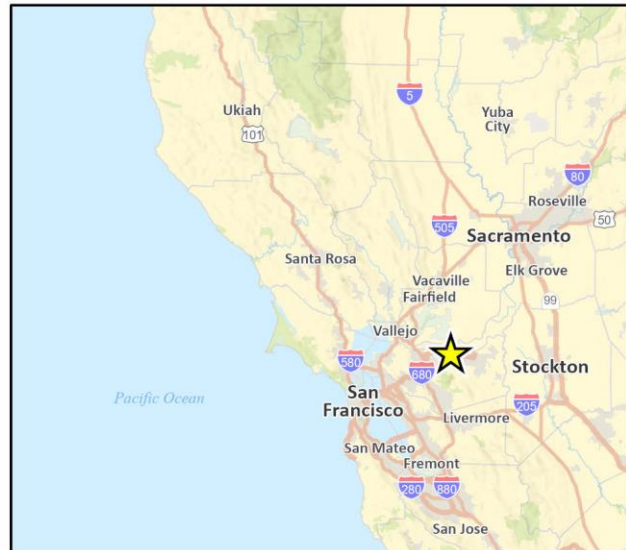
Figure 1 Regional Location



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19-08506 EPS Figures  
Fig 1. Regional Location

 City of Pittsburg



**Figure 2 Project Site**



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19-08506 EPS Figures  
Fig 2 Project Location

## 1.4 Class 8 CE Applicability

Section 15308 of the *CEQA Guidelines* states that a Class 8 CE is allowable for projects that involve “actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.”

The proposed project consists of the development of a long-range planning document. The City has developed the Sustainability Plan to establish a pathway to achieve several objectives, including a demonstration of environmental leadership, compliance with state environmental initiatives, promotion of green jobs, and increased sustainable development. The Sustainability Plan development process was built off the work done for the previous GHG emissions inventories and included development of future GHG emissions forecasts and emissions reduction targets in line with the state’s goals. The primary legislation that has driven statewide GHG emissions reductions are Executive Order (EO) S-3-05, Assembly Bill (AB) 32, EO B-30-15, Senate Bill (SB) 32, EO B-55-18, and most recently AB 1279. Signed in 2005, EO S-3-05 established statewide GHG emission reduction targets to achieve long-term climate stabilization as follows: by 2020, reduce GHG emissions to 1990 levels and by 2050, reduce GHG emissions to 80 percent below 1990 levels. In 2018, the goals of EO S-3-05 were accelerated by EO B-55-18, which established a goal of achieving carbon neutrality by 2045 and was codified by AB 1279. After the targets were established in line with the state’s laws, emissions reduction goals and supporting actions were designed based on the success of the work done previously in the City and current best practices. The goals were refined based on City staff, stakeholder, and community feedback, to establish a robust set of voluntary actions, that as currently proposed in the Sustainability Plan are not enforceable and are intended to act as an educational foundation to motivate future change. Once the goals and supporting actions were finalized, an implementation plan (Chapter 5 of the Sustainability Plan, Implementation Plan) was developed to track and monitor the City’s progress towards the previously identified targets. As such, the Sustainability Plan includes actions to assure the maintenance, restoration, enhancement, or protection of the environment. Therefore, the preparation of a Sustainability Plan would meet the applicability requirements for a Class 8 CE pursuant to Section 15308 of the *CEQA Guidelines*.

## 1.5 Class 22 CE Applicability

Section 15322 of the *CEQA Guidelines* states that a Class 22 CE is allowable for projects that “consists of the adoption, alteration, or termination of educational or training programs which involve no physical alteration in the area affected or which involve physical changes only in the interior of existing school or training structures.”

Implementation of the proposed project would include multiple educational and training programs. For example, the Cornerstone Goal aims to “Provide high-road jobs to low-income community members through a local High-road Workforce Development Program.” The Cornerstone Goal would not require physical alteration, including interior changes to an existing school or training structure. The program would instead be facilitated through existing locations that would not need to be physically modified or renovated. Additionally, each of the goals are built on six essential pillars that, when incorporated into the design of each goal, where applicable, result in implementable and effective sustainability and GHG emissions reduction strategies. The measures

and actions do not include enforcement and are voluntary. As such they are intended to motivate change through education rather than enforce the change. Examples of educational or training programs, which involve no physical alteration in the area affected, detailed in the Sustainability Plan include providing education around cooking with electric appliances through partnerships with local chefs or restaurants; providing targeted outreach to rental and multi-family property owners, as well as commercial entities; providing educational resources through existing platforms, such as bill inserts, existing community events; and use of social media and the City's website. Therefore, the Class 22 exemption is applicable.

## 1.6 Common Sense Exemption Applicability

Section 15061 of the *CEQA Guidelines* states that a project is exempt from CEQA if, "the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

In determining whether the common sense exemption applies, the lead agency must determine whether reasonably foreseeable physical impacts may result. (*Wal-Mart Stores, Inc. v. City of Turlock* (2006) 138 Cal.App.4th 273, 291). Here, the Sustainability Plan is a long-range policy document and will not directly or indirectly cause a physical change to the environment, as further described in Section 1.7 below. Nor does the Sustainability Plan direct any specific actions that would result in a physical change to the environment. Any future projects would separately analyze the outcome of incorporated policies in relation to the physical impacts of the project under consideration at that time. Further, the Sustainability Plan is intended to benefit the environment and community, and would not create any potentially adverse changes to the physical condition of the environment. (*CREED-21 v. City of San Diego* (2015) 234 Cal.App4th 488, 512). As a long-range policy document, the Sustainability Plan would not have a significant impact on the environment and the project activity is not subject to CEQA.

## 1.7 Exceptions to CE Applicability

The applicability of CEs is qualified by the exceptions listed in Section 15300.2(a) through (f) of the *CEQA Guidelines*. In the discussion below, each exception (in italics) is followed by an explanation of why the exception does not apply to the proposed project.

**15300.2(a)** *Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

The Pittsburg Sustainability Plan proposes to adopt a Class 8 and 22 CE, as well as a common sense exemption. The Sustainability Plan is a long-range planning document containing goals and supporting actions to reduce GHG emissions. The proposed Sustainability Plan does not involve identified site-specific development, nor would it facilitate new development. Implementation of

the goals and voluntary actions could result in projects that may be located on listed hazardous materials sites. However, future projects would be reviewed for consistency with the General Plan and Municipal Code and would be required to comply with applicable local, state, and federal regulations, including CEQA. Therefore, this exception to a CE does not apply to the project.

**15300.2(b) Cumulative Impact.** *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

The proposed project is a long-range planning document and would not result in significant environmental impacts. Implementation of the Sustainability Plan would result in a cumulatively beneficial reduction of GHG emissions across the City. Implementation of the Sustainability Plan would be consistent with General Plan policies aimed at reducing emissions of GHGs and air pollutants, reducing vehicle miles traveled (VMT), reducing energy and water supply demands on utilities, and decreasing solid waste generation. Therefore, no significant cumulative impact would result from successive projects of the same type in the same place over time. This exception to a CE does not apply to the proposed project.

**15300.2(c) Significant Effect from Unusual Circumstances.** *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

The circumstances of the proposed project, which would result in development of a long-range Sustainability Plan, are not considered unusual because: (1) the GHG emissions reduction targets included in the Plan align with the state's laws; (2) the Sustainability Plan is a long-range policy document, and would not involve changes to land use or zoning; or (3) the Sustainability Plan does not have the potential to cause significant environmental impacts that involve unique or complex circumstances, requiring a more detailed analysis under CEQA. Due to the absence of unusual circumstances, the project would not have a reasonable possibility of a significant effect on the environment. This exception to a CE does not apply to the proposed project.

**15300.2(d) Scenic Highways.** *A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.*

There are no officially State- or County-designated scenic highways within the vicinity of the project site. Interstate 160, located approximately 4.5 miles east of the City's boundary, is the nearest eligible State scenic highway (Caltrans 2018). The City of Pittsburgh is not located at visible distance from Interstate 160 and thus would not impact scenic resources. Therefore, the proposed project would not damage scenic resources within a highway officially designated as a state scenic highway. Consequently, this exception to a CE does not apply to the proposed project.

**15300.2(e) Hazardous Waste Sites.** *A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

The Sustainability Plan is a policy document containing goals and supporting actions to reduce GHG emissions. The Sustainability Plan does not include site-specific proposals and development, but

implementation of the measures and actions could result in projects that may be located on listed hazardous materials site. However, future projects would be reviewed for consistency with the General Plan and Municipal Code and would be required to comply with applicable local, State, and federal regulations, including CEQA. Therefore, this exception to the applicability and use of a CE does not apply to the project.

**15300.2(f)** ***Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

The Sustainability Plan would not involve land use or zoning changes but would promote building energy retrofits as well as infrastructure development and redevelopment that would be complimentary to existing development. Projects in Pittsburg would be required to comply with the Historic Structures and Establishment of Historic Districts (Municipal Code Chapter 15.84) and General Plan Downtown, Land Use, and Urban Design Chapters, which include policies aimed at continuing the preservation, rehabilitation, and reuse of historically significant structures within the downtown encouraging the repetition of key historical architectural features—such as windows and displays, cornice details, and roofline/pitch elements—in the redevelopment of commercial structures in Downtown (Policy 5-P-26) and continuing the preservation, rehabilitation, and reuse of historically significant structures (Policy 5-P-27) (Pittsburg 2022 and Pittsburg 2001). The proposed project is a planning document and would not include the removal or replacement of permanent buildings. Therefore, this exception is not applicable to the proposed project.

## **2 Summary**

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Based on the above analysis, the City of Pittsburg Sustainability Plan meets all criteria for Class 8 and Class 22 Categorical Exemptions pursuant to Section 15301 of the *CEQA Guidelines*, as well as the common sense exemption as outlined in CEQA Guidelines Section 15061(b)(3). Furthermore, exceptions to the applicability of a CE, as specified in Section 15300.2(a) through (f) of the *CEQA Guidelines*, do not apply to the project. Therefore, the proposed project is exempt from CEQA.



### 3 References

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Association of Environmental Professionals (AEP). 2023. 2023 California Environmental Quality Act (CEQA) Statute & Guidelines. [https://www.califaep.org/statute\\_and\\_guidelines.php](https://www.califaep.org/statute_and_guidelines.php) (accessed April 17, 2023)

California Department of Transportation (Caltrans). 2018. California State Scenic Highway System Map. <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca> (accessed April 17, 2023).

Pittsburg, City of. November 7, 2022. Pittsburg Municipal Code. <https://www.codepublishing.com/CA/Pittsburg/#!/PittsburgOT.html> (accessed April 17, 2023)

\_\_\_\_\_. 2001. 2020 General Plan. <https://www.pittsburgca.gov/services/community-development/planning/general-plan-current> (accessed April 17, 2023)

World Media Group, LLC. 2023. Pittsburg, CA – Basic Information. <http://www.usa.com/pittsburg-ca.htm> (accessed April 18, 2023)

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