Staff Report

Date: March 22, 2016

To: City Council

From: Valerie J. Barone, City Manager

Reviewed by: Victoria Walker, Director of Community and Economic Development

Prepared by: Joan Ryan, AICP, Senior Planner
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Subject: **Introduce Ordinance No. 16-2 amending the Concord Municipal Code by adopting a text amendment to the Development Code (PL16024-DC), Section 18.200.180, Secondary Living Units, to establish a two-year pilot program to remove barriers to the construction of small secondary living units, adopt Resolution No. 16-3 adopting revisions to the Master Fee Schedule, and direct staff to develop and implement a marketing and/or publicity campaign for the Secondary Unit Pilot Program**

REPORT IN BRIEF

The Housing Element Update adopted by the City Council on January 6, 2015, included Program H-1.4.4, which encourages City cooperation with the Contra Costa Water District (CCWD) to determine if the fees charged by both jurisdictions for new secondary living units could be reduced to encourage more affordable housing. City Staff has worked with CCWD to identify ways to reduce regulatory impediments to the construction of secondary living units, sometimes known as “in-law units,” primarily through fee reductions, and also through other actions outlined in the proposed Pilot Program.

On February 3, 2016, the Planning Commission unanimously (5-0) recommended that the City Council support this proposed pilot program to remove barriers to the development of small secondary living units.

RECOMMENDED ACTION

Introduce Ordinance No. 16-2 (Attachment 1) Amending the Concord Municipal Code by Adopting a Text Amendment to the Development Code (PL16024-DC), Section 18.200.180, Secondary Living Units, to establish a Two-Year Pilot Program to Remove Barriers to the Construction of Small Secondary Living Units, and Pass Resolution 16-3 (Attachment 2) to Adopt Revisions to the Master Fee Schedule, and Direct Staff to Develop and Implement a Marketing and/or Publicity Campaign for the Small Secondary Living Unit Pilot Program.

BACKGROUND

On November 12, 2015, the Policy Development and Internal Operation Committee (Councilmembers Hoffmeister and Leone) discussed a proposal for a pilot program to encourage the creation of small secondary living units. The concept for the pilot program came about as a result of Housing Element Update Program H-1.4.4, which encourages City cooperation with the Contra Costa Water District, to determine if the fees charged by both jurisdictions for new small secondary living units could be reduced to encourage more affordable housing. Since the loss of the Redevelopment program and the elimination of associated affordable housing funding in 2012, the creation of new affordable housing units has been more difficult to achieve. One idea for creating additional affordable housing identified in the City's Housing Element was to reduce the impediments involved in the construction of secondary living units, sometimes known as "in-law units."

To implement this program, staff attended a series of meetings with CCWD staff in 2015. CCWD staff was encouraged to study their secondary living unit fees as part of a Facility Reserve Charge (FRC) study that was underway. The FRC is a one-time charge for new customers to buy into existing and future CCWD facilities required to provide water service. The FRC methodology and cost basis was established by CCWD in 1998, with updates in 2003, 2008 and most recently in 2015 that focuses on adjustments related to inflation and administration of the program. The FRC analysis, recently conducted, ensures that CCWD appropriately and fully recovers the costs associated with serving new connections.

On July 29, 2015, City Planning staff met with CCWD's Director of Planning to review their initial findings from the FRC analysis. Staff learned that CCWD staff would recommend a 25% reduction in secondary unit fees to a level commensurate with 75% of the FRC for a standard 5/8" water line connection fee. The rationale for the 25% reduction in the FRC fee is that a (detached) secondary living unit is a smaller unit (no larger than one bedroom, one bathroom) and would result in less water demand than a more "standard" sized single family home.

The CCWD water service connection fee is substantially reduced for an <u>attached</u> unit, as opposed to a detached unit. CCWD treats "attached" secondary living units more like an addition or enlargement of the existing home, rather than as a completely new living

unit. For this reason, the CCWD did not consider reduction of their fees for attached secondary living units.

CCWD's October 21, 2015, staff report regarding the FRC Study Update, confirmed their approach toward a discount proposal for secondary living units. The recommendation was formalized and brought to the CCWD Board on January 6, 2016, as part of the annual rate and charges review, and the fee reduction became effective on February 1, 2016. As a result, CCWD's Director of Planning informed City planning staff, the new 5/8th inch connection fee for a secondary unit will now be $15,020/connection (75% of the single family $20,026/connection fee). This results in a reduction of $5,006. It is noteworthy that the 25% reduction is for the FRC component only. The property owner will still be responsible for the service line charge (an additional $5,500) to cover CCWD's costs of design, materials, and installation of the service line (Attachment 3). The fee reduction would be applied within all five cities and the county area within CCWD's treated water service area. CCWD's FRC is subject to annual inflationary adjustments, based on the San Francisco Construction Cost Index.

Concurrently, City staff also examined City charges and impact fees applicable to new secondary living units, resulting in a proposal for a pilot program that would encourage and support development and permit approval of secondary living units. The proposed Two-Year Pilot Program would reduce the City's development impact fees for smaller (640 sq. ft. or less) secondary living units. The fee reduction is through a 50% reduction of the Parkland Dedication and Off Site Street Impact Program (OSIP) fees, resulting in a reduction of $4,985. The justification for this reduction is based on the minimal impact on parks and traffic anticipated with these additional small one-bedroom units. Many of these units are anticipated to be occupied by seniors and or by extended family members that might otherwise live in the primary home. No reduction for sewer fees is proposed since the new second family unit (both attached and detached) will require a new sewer connection fee and will place increased demand on the sewer system. The sewer connection fee is a one-time charge, similar to the water district, for new customers to buy into existing and future City facilities required to provide sewer service.

At the November 12, 2015, Policy Development and Internal Operations (PD&IO) Committee meeting, the Committee recommended the creation of a Two-Year Pilot Program to implement Program H-1.4.4 to:

- Encourage secondary living unit construction to increase the amount of affordable housing units, as one tool to assist the City in meeting its' Regional Housing Needs Allocation; and
- Create an avenue to legalize existing secondary units that were constructed without permits, to confirm compliance with Building and Safety codes.

The five elements to the proposed pilot program include:

1. A 50% reduction in City-charged impact fees for small second units (less than 640 square feet of living area);
2. Removal of the City's requirement for owner occupancy of one of the two units, for small second units onlyy;
3. Implementation of an amnesty program for existing second units that were built without benefit of City permits, upon application and payment of fees and compliance with Building Codes (i.e., no penalty fines would be charged);
4. Development of a cross-marketing program with CCWD to encourage construction of secondary living units; and
5. Implementation of the program as a 2-year pilot anticipated to be from May 12, 2016 through May 12, 2018, building in a formal evaluation of the program with the PD&IO Committee, prior to the program expiration.

The Committee recommended retaining the existing fees currently in place for larger secondary units (641-1,000 sq. ft.), which can have up to two bedrooms, since the those fees already represent one-half of the fee for a typical single family home.

On February 3, 2016, the Planning Commission considered the proposed Two-Year Pilot Program and adopted Resolution 16-01PC (Attachment 4), recommending the City Council pass an Ordinance approving the Development Code Amendment (PL16024-DC) to Section 18.200.180 to establish a Two-Year Pilot Program for Small Secondary Living Units, pass a Resolution to adopt revisions to the Master Fee Schedule, and Develop and Implement a Marketing and/or Publicity Campaign for the Two-Year Pilot Program. One member of the public spoke requesting that the Commission consider expanding the fee reduction on City impact fees to also include the larger secondary living units but the Planning Commission did not recommend this change.

The Planning Commission requested one modification to the Resolution requiring that the Commission review the efficacy of the Program every 6 months, rather than every year. This change has been built into the proposed program. Attachment 5 includes the Planning Commission minutes.

ANALYSIS

Rental rates in Concord have risen 23% during the recent two-year period[1]. As rents increase, households requiring affordable rents are often priced out of the market. Unlike large multifamily developments, secondary living units are an affordable housing option that requires a relatively short time line to approve and construct.

[1] Real Facts, Q2, 2013-2015, based on quarterly survey of 36 apartment buildings in Concord, CA.

The Concord Secondary Living Unit Ordinance was adopted in 1982, consistent with State law requiring Cities to allow secondary living units on lots containing single family homes. The Ordinance provides an opportunity for construction of a secondary living unit on all lots within any single family residential zoning district (RR, RS), as long as the unit can meet certain development standards, including minimum and maximum unit size, setbacks, parking, and design requirements. On parcels less than 12,000 sq. ft. in size, a one-bedroom secondary living unit of up to 640 sq. ft. may be allowed, subject to an Administrative Permit and Building Permit. Parcels greater than 12,000 sq. ft. may construct up to a 2 bedroom, 1,000 sq. ft. secondary living unit, subject to a Minor Use Permit and a Building Permit. In both cases, the secondary units may be attached or detached from the main residence, subject to meeting the required development standards. The code currently requires owner occupancy, whereby the owner must reside within either the primary or secondary living unit. Evidence of a recorded deed restriction for owner occupancy is required prior to issuance of the building permit. Residential occupancy is not monitored, unless there is a Code Enforcement complaint or similar issue.

The City has a two-step approval process for secondary living units: 1) administrative approval; and 2) Building Permit approval. However, staff's experience is that some owners do not seek city permits and approvals, once they fully understand the cost of both the City's impact fees and CCWD service connection fees which are collected at the time a building permit is issued.

Applications to allow secondary living units have been increasing, as shown in Table 2 below, with many owners stating they intend to move their parent(s) or family onto their property. A few of the building permits during the 2011-2015 period sought to legalize existing unpermitted secondary living units. There are numerous unpermitted secondary living units in Concord; it is anticipated that the proposed fee reduction program would attract those owners to legalize their units during the two-year pilot program period.

Table 1
Processing of Secondary Living Units

Year	Entitlement	Size	Building Permit	Size
2011	0	--	0	--
2012	3	1 small/2 large	2	1 small/1 large
2013	1	1 large	1	1 small
2014	0	--	3	2 small/1 large
2015	8	8 small	3	3 small
Total	**12**		**9**	

Reduction of City Impact Fees

The development impact fees charged by the City for secondary living units are not dependent on the size of the unit. City impact fees to construct secondary living units are currently set at one-half the cost of fees to construct a new single family home. Fees for secondary units include Parkland Dedication fees ($8,345), OSIP (traffic impact) fees ($1,626) and sewer connection fees ($2,774), for a total of $12,745. Such fees are in addition to the Administrative Permit (or Minor Use Permit) ($1,847-$2,174) to establish the use, and the cost of a building permit ($1,500-$2,897). In total, these City administrative, building permit and impact fees can total between $16,092 and $18,594.

In addition, CCWD requires a service connection fee for provision of water service that is substantial (previously $24,525) for a detached secondary living unit.

The Two-Year Pilot Program proposes to reduce the City's development impact fees for smaller (640 sq. ft. or less) secondary living units by a 50% reduction in the Parkland Dedication and OSIP fees, resulting in a reduction of $4,985, as shown in Table 1 below and Exhibit B to Attachment 2. The justification for this reduction is based on the minimal additional impact on parks and traffic anticipated with these small one-bedroom units.

The fee reduction by CCWD, in combination with an impact fee reduction by the City, would provide a substantial reduction in development impact fees for new second family units. The City's program could be implemented as soon as possible to be combined with CCWD reductions and cross-marketed together.

Table 2
Proposed Fee Reductions for Small Secondary Living Units

City Development Impact fees	Single Family Home (Low Density)	Current Fee Secondary Living Units	Proposed Fee for Small Secondary Units (640 sf or less)
Parkland	$16,691	$8,345	$4,173
OSIP (traffic)	$3,251	$1,626	$ 813
Sewer	$5,043	$2,774	$2,774
Total City fees	**$24,985**	**$12,745**	**$7,760**

[1] Administrative Permit (or Minor Use Permit) fees to establish the use are in addition to the building permit, with fees that range from $1,847 to $2,174. Building Permit/Inspection fees can range from approximately $1,500 for conversion to $2,897-$3,675 for building a new secondary living unit (600 to 1,000 sq. ft.)

No Fee Reduction Retroactivity

If the Pilot Program moves forward as recommended, fee reductions would become effective concurrent with the ordinance effective date, anticipated to be May 12, 2016. The reductions are not intended to be retroactive – meaning that those applicants who have previously received building permit approval for a new second family unit and paid the full fees in place at that time would not be eligible for a refund or reimbursement. However, secondary unit applicants that had not yet paid their building permit fees would be eligible for the reduction. Staff has been making applicants aware of the proposed fee reduction program and timing over the last few months.

Pilot Program Timeline

The proposed Two-Year Pilot Program for Secondary Units is intended to spur the short-term creation of affordable housing while demand is high and provide adequate time to market the program. The two-year timeline will also allow those with existing but unpermitted units to go through the City's compliance process, as necessary. Staff would examine the success of the Program at the 6, 12, and 18-month benchmarks (as recommended by the Planning Commission and prior to expiration of the Program to report progress to the Planning Commission and Council. The pilot program would automatically expire at the end of the two-year timeline, unless the City Council chooses to extend the program.

Removal of Deed Restriction for Owner Occupancy

The PD&IO Committee considered elimination of the current requirement that a property owner must occupy either the main home or the secondary living unit on the property (owner occupancy requirement). It is assumed that more property owners would be willing to construct secondary units if the owner occupancy requirement were eliminated, allowing both units to become rentals. Public testimony from a property owner supporting that idea was given at the hearing.

Staff had originally recommended eliminating the owner occupancy requirement for new secondary units within the Downtown Specific Plan area, due to the proximity to transit and desirability of increasing residential density in this area. However, the Committee recommended applying the concept more broadly, eliminating the deed restriction requirement for smaller new secondary units (640 sq. ft. or less) citywide, since limited numbers of these units have been constructed during the last five years (see Table 1). The Committee was not willing to extend the elimination of the requirement to larger secondary living units (640 – 1,000 sq. ft.), as those units were perceived as benefitting from closer oversight.

Removal of the occupancy requirement during the Pilot Program would encourage the following benefits:

- Increase the amount of affordable housing by nature (of the small size of the units);

- Enable owners to be able to rent out both units, providing more flexibility to investors;
- Possible reduction in water use due to larger lot coverage by structures;
- Encourage property owners to re-invest in their properties due to increased housing demand; and
- Increase property value by making the path to legalize non-permitted units simple and non-punitive.

During the Pilot Program, a property maintenance agreement shall be required for signature and recorded by the property owner, as shown in the text amendment to the Secondary Living Unit code language (Exhibit A to Attachment 1). In addition, the City would retain the ability to require further review by incorporating a condition of approval, as currently used on certain projects, similar to the following: "*Should use of the secondary living unit result in conflicts pertaining to parking, traffic, privacy, etc., this permit may be required to be submitted for subsequent review at a public hearing, at the discretion of the Planning Manager and if necessary, the conditions may be modified or new conditions of approval may be added to mitigate such impacts, or this administrative approval may be revoked*." Once built, if occupancy became an issue, a secondary living unit approval could be amended or revoked such that the unit may only be used as an accessory structure (not a living unit), should occupancy become unreasonably problematic.

Secondary Living Unit Amnesty Program

In addition to the fee reduction, an "amnesty program" could be available during the Pilot Program to encourage property owners with unpermitted secondary living units to bring them into compliance through application for legalization via the building permit process. It would be beneficial to the City as well as to occupants of those units for health and safety reasons to ensure these units are compliant with existing building codes and properly constructed and inspected, possibly requiring some rehabilitation work to bring the units up to current building codes. Staff recommends waiving any penalties that would normally be charged for unpermitted construction as part of this program.

18.200.180 Secondary Living Units – Text Amendment

Regulations related to secondary living units in Concord's Development Code are established by State law (California Government Code Sections 65852.150 and 65852.2).

The City's current code provisions in Section 18.200.180 Secondary Living Units are in compliance with State law. The City also currently requires submittal of a deed restriction requiring owner occupancy of one of the units.

It is recommended that the existing language in Section 18.200.180 of the Development Code (Exhibit A to Attachment 1) be revised to eliminate the requirement for the deed

restriction for owner occupancy for the small secondary living units of 640 sq. ft. or less. This type of owner occupancy restriction, while not uncommon, is not a requirement of State law.

Summary

In summary, there are multiple potential benefits of a Two-Year Pilot Program to encourage secondary living unit construction. In addition to a reduction of City fees ($4,985) and CCWD fees ($5,006), the program would:

- Increase the number of affordable (by design) living units within the City;
- Improve the number of units counted toward meeting the City's RHNA;
- Encourage owners to bring un-permitted living units into compliance with current Building Codes, while fees are lower and penalties are waived;
- Motivate property owners to reinvest in their properties;
- Create a cross-marketing program with CCWD; and
- Fulfill Program H-1.4.4 within the City's Housing Element Update: to encourage the City to work with CCWD and internally within the City to "scale" fees for second units.

Recommendation

The following elements would be included within the Two-Year Pilot Program for new or newly legalized small secondary living units (less than 640 sf):

- Program would extend from May 12, 2016 to May 12,2018—with Planning Commission progress review updates at the 6, 12, and 18-month mark and prior to the expiration of the 2-year program;
- Citywide application: open to all single family residential property owners;
- Provision of a 50% reduction to existing Parkland and OSIP (traffic) fees for small (up to 640 square feet in size) secondary living units (reduction of $4,985);
- Provision of no retroactivity for fee reduction;
- Incorporation of an "amnesty program" to increase the number of legal second units;
- Removal of the requirement for a deed restriction for new smaller units requiring that one of the two units be owner occupied;
- No fee reduction for the larger secondary living units (641 sq. ft. to 1,000 sq. ft.), which are already calculated at one-half of the single family rate; and
- Implementation of a marketing program (during April 2016) for roll-out upon approval;

Financial Impact
Adoption of the Amendment is anticipated to have a negligible fiscal impact on the City.

Environmental Determination
The City Council adopted Resolution No. 15-2 on January 6, 2015, adopting a Negative Declaration for the Housing Element 2014-2022 General Plan Amendment to the Housing Element as Volume V of the *Concord 2030 General Plan* ("Approved Project"). The proposed Development Code changes are minor in nature and the codification of existing policy within the City's Housing Element, which is the result of State legislative action, do not make substantial changes to the Approved Project or substantial changes with respect to the circumstances under which the Approved Project would be undertaken which would require revisions to the Negative Declaration due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects, there is no new information that would require preparation of a subsequent or supplemental EIR or negative declaration under Public Resources Code Section 21166 or CEQA Guidelines Section 15162, none of the elements requiring a subsequent or supplemental negative declaration under Public Resources Code Section 21166 or CEQA Guidelines Section 15162 are met. In addition, the proposed code amendments will have minimal impact on the environment in that most all affected parcels would already be developed.

Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the project is classified as Exempt pursuant to 15061(B)(3), falling within the "common sense" exemption set forth in 14 Cal. Code Regs. Section 15061(b)(3), excluding 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.." and no further environmental review is required. Moreover, future projects would undergo individual CEQA review.

Public Contact
Notice of this hearing was published on a 1/8 page advertisement in the Contra Costa Times, as required by State Law and the Concord Municipal Code. Notice for this meeting has also been posted at the Civic Center. Interested persons who have voiced an interest in the topic have been made aware of the public hearing.

Attachments

1. Ordinance No. 16-2, Text Amendment to the Development Code, Section 18.200.180, Secondary Living Units
   Exhibit A: Amendment – Redline of Revisions to Secondary Living Unit Ordinance
2. City Council Resolution No.16-3
   Exhibit A: Amendment – Redline of Revisions to Secondary Living Unit Ordinance
   Exhibit B: Revisions to Master Fee Schedule

3. CCWD January 6, 2016, Staff Report
4. PC Resolution 16-01PC, without attachments
5. February 3, 2016, Planning Commission Minutes

ORDINANCE NO. 16-2

AN ORDINANCE AMENDING THE CONCORD MUNICIPAL CODE AS FOLLOWS: A TEXT AMENDMENT TO THE DEVELOPMENT CODE (PL16024-DC), SECTION 18.200.180, SECONDARY LIVING UNITS TO ESTABLISH A TWO-YEAR PILOT PROGRAM TO REMOVE BARRIERS TO THE CONSTRUCTION OF SMALL SECONDARY LIVING UNITS

THE CITY COUNCIL OF THE CITY OF CONCORD DOES ORDAIN AS FOLLOWS:

Section 1. The Concord Municipal Code shall be Amended to include language within the Development Code, Section 18.200.180, Secondary Living Units to provide for a Two-Year Pilot Program, as reflected in Exhibit A, to increase the amount of small secondary living units within the City to increase the amount of affordable housing.

Section 2. This ordinance shall become effective thirty (30) days following passage and adoption and shall be published once within fifteen (15) days upon passage and adoption in the Contra Costa Times, a newspaper of general circulation printed and published in the City of Concord.

ATTEST:

_____
Laura M. Hoffmeister
Mayor

By:_____
Joelle Fockler, MMC
City Clerk

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(Seal)

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Ordinance No. 16-2 was duly and regularly introduced at a regular meeting of the City Council of the City of Concord held on March 22, 2016, and was thereafter duly and regularly passed and adopted at a regular meeting of the City Council held on April 12, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I HEREBY CERTIFY that the foregoing is a true and correct copy of an ordinance duly and regularly introduced, passed, and adopted by the City Council of the City of Concord, California.

By:_____
Joelle Fockler, MMC
City Clerk

Enclosure: Exhibit A Section 18.200.180 Secondary Living Unit Ordinance to include a Two-Year Pilot Program

Exhibit A

18.200.180 Secondary living units.

Where allowed by Division II of this title (Zoning Districts – Uses and Standards), secondary living units shall comply with the requirements of this section.

A. Applicability. Secondary living units are allowed in all single-family residential (RR, RS) districts, low density residential districts (RL), and in other districts where single-family uses are allowed.

B. Limitation. No more than one principal single-family dwelling and one secondary living unit shall be allowed on any parcel in a single-family residential (RR, RS) district.

C. Compliance with City Ordinances. The principal single-family dwelling and the secondary living unit shall meet all provisions of the district in which they are located, including setbacks, height, lot coverage, and parking requirements and other applicable provisions of the development code, except as allowed by this section.

D. Location.

1. The secondary living unit shall be located within the area of the lot allowed for the principal dwelling and shall not be located within any required setback area.

2. The secondary living unit may be established through:

a. Conversion of existing floor space in an existing single-family dwelling;

b. An addition to an existing single-family dwelling;

c. Conversion of an existing accessory structure; provided, that it is located within the area allowed for principal single-family dwelling;

d. Construction of a new detached structure; provided, that it is located behind and within the area allowed for principal single-family dwelling;

e. On a vacant lot when a new single-family dwelling and the secondary living unit are approved and constructed at the same time, subject to:

i. A deed restriction, pursuant to subsection (C) of this section, recorded prior to issuance of any building permit; and

ii. Occupancy approval for the principal single-family dwelling is granted prior to occupancy approval for the secondary living unit.

E. Owner Occupancy.

1. Both units shall be occupied as separate single-family dwellings only if the legal owner occupies one of the units; otherwise, the two units shall be occupied as if they were one single-family dwelling. Nothing in this section prohibits one or both of the dwelling units from remaining vacant.

2. The city shall require recordation of a deed restriction setting forth this occupancy requirement. The deed restriction shall require that the legal owner of the property must occupy either the principal single-family dwelling or the secondary living unit.

3. Two-Year Pilot Program: For new units of 640 sq. ft. or less only, during the time period from May 12, 2016 to May 12, 2018, the Two-Year Pilot Program requirements are as follows:

a. Except as otherwise expressly provided herein, all requirements of this Section 18.200.180 shall apply.

b. Small secondary living units (up to 640 square feet in size) shall be entitled to a 50% reduction to existing Parkland and OSIP (traffic) as reflected in the City's Master Fees and Charges schedule. This fee reduction shall not apply to larger secondary living units (641 sq. ft. to 1,000 sq. ft.), and shall not be applied on a retroactive basis to any secondary living unit.

c. Incorporation of an amnesty program to increase the number of legal second units allowing that property owners of Small secondary living units (up to 640 square feet in size) which were established without necessary City permits, may seek to secure such permits upon submission an application, payment of applicable fees and appropriate building inspection. Current Building Code, Fire Code, and other health and safety requirements would apply

d. A recorded deed restriction as set forth in Section 18.200.180.E.2 will not be required during the Pilot Program period for new small secondary living units. However, during that time, the property owner shall be required to enter into a city-approved property maintenance agreement to ensure the property and improvements are maintained continuously in compliance with the conditions of approval imposed by the review authority, in accordance with Chapter 18.520 CDC (Performance Guarantees and Property Maintenance). Such agreement shall be recorded against the property.

e. The Two-Year Pilot Program shall automatically expire at 5:00pm on May 12, 2018 without further action of the Planning Commission or City Council. The Planning Commission shall evaluate the efficacy of the Pilot Program and provide a report to the City Council every 6 months until the Pilot Program expires prior to May 12, 2018.

F. General Requirements.

1. Size.

a. On a lot less than 12,000 square feet in net area, the total floor area of the secondary living unit shall be no less than 275 square feet or more than 640 square feet, exclusive of the carport or garage. The secondary living unit shall have no more than one bedroom.

b. On a lot 12,000 square feet or greater in net area, the total floor area of the secondary living unit may increase to a maximum of 1,000 square feet, exclusive of the carport or garage. The secondary living unit shall have no more than two bedrooms in addition to the following requirements:

i. If an attached garage or carport is proposed for the secondary living unit as an accessory structure provided for in CDC 18.200.030, the maximum floor area for both structures combined shall be subordinate to the primary single-family dwelling and shall not exceed 75 percent of the area of the primary dwelling.

ii. If a garage or carport is proposed to be attached to the secondary living unit as an accessory structure provided for in CDC 18.200.030, the maximum size of the accessory structure shall be 460 square feet.

iii. No other accessory structure, as provided for in CDC 18.200.030, shall be allowed to be attached to the secondary living unit.

c. No more than 25 percent of the existing floor area of a principal residence may be converted into a secondary living unit. This 25 percent limitation applies only to conversions, which take place within existing principal dwelling unit.

2. Design.

a. The secondary living unit and any attached covered parking shall be clearly subordinate to the principal single-family dwelling by size, location, and appearance.

b. The exterior appearance and character of the secondary living unit shall replicate the principal single-family dwelling in architectural style, roof and siding materials, and colors.

c. Outside stairways leading to a second-story secondary living unit shall not be in front of the principal single-family dwelling or in an exterior side yard if visible from a public or private street. Access to a single story unit by stairs or an ADA accessible ramp may be permitted at the front of the principal dwelling.

d. A secondary living unit attached to the principal single-family dwelling shall not have a separate entrance located on the same side as the entrance for the principal dwelling.

e. Detached secondary living units shall be located behind the principal dwelling and shall be substantially screened from view to neighbors and adjoining streets by landscaping.

3. Parking. The parking required for a secondary living unit is in addition to the required off-street parking for the principal dwelling unit.

a. One-Bedroom Secondary Units. One off-street parking space on site, as follows:

i. The parking space may be an uncovered space or a tandem space.

ii. The parking space may be located in the front yard setback if contained within the space of an existing paved driveway.

iii. If the subject site only has a single-car garage serviced by a single-car driveway (12-foot width), the driveway pavement may be widened up to an additional nine feet to provide one parking space for the secondary living unit.

b. Two-Bedroom Secondary Units. Two parking spaces on site, as follows:

i. At least one space shall be covered in a carport or garage.

ii. The covered space may be located in a three car garage that provides parking for both the principal single-family dwelling and secondary living unit.

iii. The uncovered parking may be a tandem space to the covered space for the secondary living unit if not located within the front yard setback.

G. Subdivision. No subdivision of land or air rights shall be allowed.

H. Permit Requirements. Secondary living units shall be subject to the following permits in accordance with Division VII of this title (Permits and Permit Procedures). Secondary living units constructed without the benefit of a permit shall obtain approval pursuant to the requirements of this section.

1. Administrative Permit. An administrative permit shall be required for any secondary living unit that meets all of the requirements of this section and does not exceed 640 square feet or more than one bedroom.

2. Minor Use Permit. A minor use permit shall be required for any secondary living unit that does not meet all of the provisions of this section and for any secondary living unit that is over 640 square feet up to 1,000 square feet and has a maximum of two bedrooms.

I. Appeals.

1. Administrative permits that meet all of the requirements of this section shall not be subject to an appeal. If an appeal if filed due to noncompliance with this section, the planning division shall review the appeal. If the planning division determines that the application complies with all of the requirements of this section, the appeal shall be denied, and that decision shall be final and no further appeals shall be made.

2. Minor use permit approvals shall be appealed in accordance with the provisions in Chapter 18.510 CDC (Appeals and Calls for Review). [Ord. 13-5; Ord. 12-4. DC 2012 § 122-631].

BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

A Resolution to Adopt a Development Code Amendment (PL16024-DC) to Section 18.200.180 to Establish a Two-Year Pilot Program to Remove Barriers to the Construction of Small Secondary Living Units, Adopt Revisions to the Master Fee Schedule; and Direct Staff to Develop and Implement a Marketing and/or Publicity Campaign for the Secondary Unit Pilot Program

Resolution No. 16-3

WHEREAS, the City of Concord adopted the 2030 Urban Area General Plan on October 2, 2007 ("General Plan); and

WHEREAS, the City of Concord concurrently certified the Final Environmental Impact Report for the 2030 Urban Area General Plan on October 2, 2007 ("General Plan FEIR"); and

WHEREAS, the City of Concord amended the General Plan on January 24, 2012 to incorporate an Area Plan for the Concord Reuse Project; and

WHEREAS, the City of Concord certified a Final Environmental Impact for the Concord Reuse Project Plan in February 2010 and an Addendum to that FEIR which covered the Area Plan and related General Plan Amendment on January 24, 2012 ("Reuse Plan FEIR/Addendum"); and

WHEREAS, the General Plan FEIR and Reuse Plan FEIR/Addendum together constitute a comprehensive evaluation of the environmental impacts of the Concord General Plan; and

WHEREAS, on July 10, 2012, the City Council certified the Concord Development Code Final Supplemental Environmental Impact Report and Mitigation Monitoring and Reporting Program; and adopted the Findings of Fact and Statement of Overriding Considerations (collectively, the "2012 SEIR"); and

WHEREAS, the 2012 SEIR was prepared and circulated in accordance with the California Environmental Quality Act of 1970, Public Resources Code §21000, et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively, "CEQA"); and

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WHEREAS, on July 24, 2012, the City Council adopted Chapter 122 of the Concord Municipal Code ("Development Code"), to ensure consistency with General Plan policies, and an update of its zoning maps to ensure consistency with the adopted General Plan Map; and

WHEREAS, Government Code section 65800 *et seq.* provides for the amendment of any and all adopted City of Concord ("City") zoning laws, ordinances, rules and regulations; and

WHEREAS, the City has complied with the requirements of the Local Planning Law (Government Code section 65100 *et seq.*), and the City's applicable ordinances and resolutions with respect to approval of amendments to Chapter 122 of the Concord Municipal Code ("Development Code"); and

WHEREAS, on October 9, 2012, the City Council adopted Ordinance No. 12-5 amending the Development Code to correct minor technical errors and omissions and to provide clarification of terms and procedures; and

WHEREAS, on September 24, 2013, the City Council adopted Ordinance No. 13-71 further amending the Development Code to correct minor technical errors and omissions and to provide clarification of terms and procedures; and

WHEREAS, on June 24, 2014, the City Council adopted Resolution No. 14-4823.1, approving the Addendum to the Final Supplemental Environmental Impact Report (SEIR) to the 2030 Concord General Plan EIR for the Concord Development Code Project and adopting the Downtown Concord Specific Plan General Plan Amendment (PL14160-GP) as Volume IV to the Concord 2030 General Plan ("2014 Addendum"); and

WHEREAS, on June 24, 2014, the City Council adopted Ordinance No. 14-6 further amending the Development Code to provide clarification of terms and procedures; and

WHEREAS, on January 6, 2015, the City Council adopted Resolution No. 15-2 adopting a Negative Declaration for the Housing Element Update 2014-2022 General Plan Amendment (PL14-339 GP) to the Housing Element as Volume V of the Concord 2030 General Plan, and adopted Resolution No. 15-4823.1 adopting the Housing Element Update 2014-2022 General Plan Amendment to the Housing Element ("Approved Project"); and

WHEREAS, the City has initiated a subsequent Development Code text amendment to eliminate the deed restriction requirement within Section 18.200.180 Secondary Living Units of the Development Code; and

WHEREAS, such text amendment is in the form of the proposed Development Code Amendment PL16024-DC ("Amendment") attached hereto as Exhibit A and incorporated by reference), in order to implement Policy H-1.3, Policy H-1.4, Program H-1.4.2, and Program H-1.4.3 of the City's Housing Element Update 2014-2022; and

WHEREAS, the proposed Development Code changes are minor in nature and the codification of existing policy within the City's Housing Element, which is the result of State legislative action, do not make substantial changes to the Approved Project or substantial changes with respect to the circumstances under which the Approved Project would be undertaken which would require revisions to the Negative Declaration due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects, there is no new information that would require preparation of a subsequent or supplemental EIR or negative declaration under Public Resources Code Section 21166 or CEQA Guidelines Section 15162, none of the elements requiring a subsequent or supplemental negative declaration under Public Resources Code Section 21166 or CEQA Guidelines Section 15162 are met. In addition, the proposed code amendments will have minimal impact on the environment in that parcels would already be developed. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the project is classified as exempt pursuant to 15061(B)(3), and no further environmental review is required. Moreover, future projects would undergo individual CEQA review; and further, staff believes the Amendment falls within the "common sense" exemption set forth in 14 Cal. Code Regs. Section 15061(b)(3), excluding 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…"; and

WHEREAS, the Planning Commission, after giving all public notices required by State Law and the Concord Municipal Code, held a duly noticed public hearing on February 3, 2016, on the Text Amendment; and

WHEREAS, at such public hearing, the Planning Commission considered all oral and written information, testimony, and comments received during the public review process, including information received at the public hearing, the oral report from City staff, the written report from City staff dated February 3, 2016, materials, exhibits presented, pertinent maps, plans, reports, studies, memoranda, the Addendum, the Amendment, the General Plan, the General Plan FEIR, the Reuse Plan FEIR/Addendum, the 2012 SEIR, the 2014 Addendum, the City of Concord Municipal Code, the Development Code, applicable City laws and regulations, and all associated approved and certified environmental documents, and all other information that constitutes the record of proceedings on which the Planning Commission has based its decision are maintained at the offices of the City of Concord Planning Division (collectively, "Project Information"); and

WHEREAS, at such public hearing, the Planning Commission considered the 2012 SEIR and Negative Declaration for the Housing Element Update 2014-2022 in accordance with the requirements of CEQA; and

WHEREAS, on February 3, 2016, the Planning Commission, after consideration of all pertinent plans, documents, and testimony, adopted Planning Commission Resolution No. 16-01 PC recommending the City Council pass an Ordinance approving the Development Code Amendment (PL16024-DC) to Section 18.200.180 for a Two-Year Pilot Program for Small Secondary Living Units, and adopt revisions to the Master Fee Schedule, and develop and Implement a Marketing and/or Publicity Campaign for the Two-Year Pilot Program; and

WHEREAS, the City Council, after giving all public notices required by State Law and the Concord Municipal Code, held a duly noticed public hearing on March 22, 2016, on the Text Amendment; and

WHEREAS, at such public hearing, the City Council considered all oral and written information, testimony, and comments received during the public review process, including information received at the public hearing, the oral report from City staff, the written report from City staff dated March 22, 2016, materials, exhibits presented, pertinent maps, plans, reports, studies, memoranda, the Addendum, the Amendment, the General Plan, the General Plan FEIR, the Reuse

Plan FEIR/Addendum, the 2012 SEIR, the 2014 Addendum, the City of Concord Municipal Code, the Development Code, applicable City laws and regulations, and all associated approved and certified environmental documents, and all other information that constitutes the record of proceedings on which the City Council has based its decision are maintained at the offices of the City of Concord Planning Division (collectively, "Project Information"); and

WHEREAS, at such public hearing, the City Council considered the 2012 SEIR and Negative Declaration for the Housing Element Update 2014-2022 in accordance with the requirements of CEQA; and

WHEREAS, on March 22, 2016, the City Council, after consideration of all pertinent plans, documents, and testimony, declared their intent to recommend approval and adoption of the Amendment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES RESOLVE AS FOLLOWS:

Section 1.

Recitals

1. The City Council finds that the above recitals (which are hereby incorporated by reference) are accurate and constitute findings in this matter and, together with the Project Information, serve as an adequate and appropriate evidentiary basis for the findings and actions set forth in this Resolution, and further makes the following findings:

General

2. The City Council has reviewed, considered, and evaluated all of the Project Information prior to acting upon the Amendment.

3. The documents and other materials that constitute the record of proceedings upon which the Planning Commission has based its recommendation are located in and may be obtained from the City of Concord Planning Division, 1950 Parkside Drive, Concord, CA 94519.

CEQA

4. The City Council makes the findings set forth below with respect to CEQA:

a. The findings above are hereby incorporated by reference.

b. Based on substantial evidence in the whole record before the City, The City Council adopted Resolution No. 15-2 on January 6, 2015, adopting a Negative Declaration for the Housing Element 2014-2022 General Plan Amendment to the Housing Element as Volume V of the *Concord 2030 General Plan* ("Approved Project"). The proposed Development Code changes are minor in nature and the codification of existing policy within the City's Housing Element, which is the result of State legislative action, do not make substantial changes to the Approved Project or substantial changes with respect to the circumstances under which the Approved Project would be undertaken which would require revisions to the Negative Declaration due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects, there is no new information that would require preparation of a subsequent or supplemental EIR or negative declaration under Public Resources Code Section 21166 or CEQA Guidelines Section 15162, none of the elements requiring a subsequent or supplemental negative declaration under Public Resources Code Section 21166 or CEQA Guidelines Section 15162 are met.

c. In addition, the proposed code amendments will have minimal impact on the environment in that most all affected parcels would already be developed. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the project is classified as exempt pursuant to 15061(B)(3) falling within the "common sense" exemption set forth in 14 Cal. Code Regs. Section 15061(b)(3), excluding 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…"no further environmental review is required. Moreover, future projects would undergo individual CEQA review.

d. The City considered the Project Information, including the 2012 SEIR and the 2014 Addendum in accordance with the requirements of CEQA.

e. The CEQA analysis represents the appropriate level of environmental review, is the appropriate environmental document, for the Project.

f. The CEQA findings and recommendation reflect the independent judgment and

analysis of the City as the lead agency for the Amendment.

g. The City Council adopts the CEQA findings.

Amendment

5. Based on the Project Information, and all oral and written testimony submitted on this item, the City Council makes the findings set forth below with respect to the Amendment:

a The findings above are hereby incorporated by reference.

b. The proposed Amendment is consistent with the policies in the General Plan and is necessary in order to implement the policies within the Housing Element Update.

c. The proposed Amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

6. The City Council does hereby adopt an Ordinance to approve the Amendment, consistent with the revisions in Exhibit A hereto.

Secondary Unit Fee Reduction

7. In an effort to increase Affordable Housing, the Two-Year Pilot Program would reduce the parkland fee and off-site street improvement program fee by 50% to $4,173 and $813, respectively as shown in Exhibit B, for small (640 sq. ft. and less) secondary living units.

Marketing

a. The City Council directs City staff to develop and implement a marketing and/or publicity campaign for the Two-Year Pilot Program.

Section 2. This resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the City Council of the City of Concord on March 22, 2016, by the following vote:

AYES: Councilmembers -

NOES: Councilmembers -

ABSTAIN: Councilmembers -

ABSENT: Councilmembers -

//

I HEREBY CERTIFY that the foregoing Resolution No. 16-3 was duly and regularly adopted at a regular meeting of the City Council of the City of Concord on March 22, 2016.

_____
Joelle Fockler, MMC
City Clerk

APPROVED AS TO FORM:

_____
Brian Libow
Interim City Attorney

Attachments:

Exhibit A, Amendment: Redline of Revisions to Section 18.200.180 Secondary Living Units

Exhibit B, Revisions to the Master Fees and Charges Schedule

Exhibit A

18.200.180 Secondary living units.

Where allowed by Division II of this title (Zoning Districts – Uses and Standards), secondary living units shall comply with the requirements of this section.

A. Applicability. Secondary living units are allowed in all single-family residential (RR, RS) districts, low density residential districts (RL), and in other districts where single-family uses are allowed.

B. Limitation. No more than one principal single-family dwelling and one secondary living unit shall be allowed on any parcel in a single-family residential (RR, RS) district.

C. Compliance with City Ordinances. The principal single-family dwelling and the secondary living unit shall meet all provisions of the district in which they are located, including setbacks, height, lot coverage, and parking requirements and other applicable provisions of the development code, except as allowed by this section.

D. Location.

1. The secondary living unit shall be located within the area of the lot allowed for the principal dwelling and shall not be located within any required setback area.

2. The secondary living unit may be established through:

a. Conversion of existing floor space in an existing single-family dwelling;

b. An addition to an existing single-family dwelling;

c. Conversion of an existing accessory structure; provided, that it is located within the area allowed for principal single-family dwelling;

d. Construction of a new detached structure; provided, that it is located behind and within the area allowed for principal single-family dwelling;

e. On a vacant lot when a new single-family dwelling and the secondary living unit are approved and constructed at the same time, subject to:

i. A deed restriction, pursuant to subsection (C) of this section, recorded prior to issuance of any building permit; and

ii. Occupancy approval for the principal single-family dwelling is granted prior to occupancy approval for the secondary living unit.

E. Owner Occupancy.

1. Both units shall be occupied as separate single-family dwellings only if the legal owner occupies one of the units; otherwise, the two units shall be occupied as if they were one single-family dwelling. Nothing in this section prohibits one or both of the dwelling units from remaining vacant.

2. The city shall require recordation of a deed restriction setting forth this occupancy requirement. The deed restriction shall require that the legal owner of the property must occupy either the principal single-family dwelling or the secondary living unit.

3. Two-Year Pilot Program: For new units of 640 sq. ft. or less only, during the time period from May 12, 2016 to May 12, 2018, the Two-Year Pilot Program requirements are as follows:

a. Except as otherwise expressly provided herein, all requirements of this Section 18.200.180 shall apply.

b. Small secondary living units (up to 640 square feet in size) shall be entitled to a 50% reduction to existing Parkland and OSIP (traffic) as reflected in the City's Master Fees and Charges schedule. This fee reduction shall not apply to larger secondary living units (641 sq. ft. to 1,000 sq. ft.), and shall not be applied on a retroactive basis to any secondary living unit.

c. Incorporation of an amnesty program to increase the number of legal second units allowing that property owners of Small secondary living units (up to 640 square feet in size) which were established without necessary City permits, may seek to secure such permits upon submission an application, payment of applicable fees and appropriate building inspection. Current Building Code, Fire Code, and other health and safety requirements would apply

d. A recorded deed restriction as set forth in Section 18.200.180.E.2 will not be required during the Pilot Program period for new small secondary living units. However, during that time, the property owner shall be required to enter into a city-approved property maintenance agreement to ensure the property and improvements are maintained continuously in compliance with the conditions of approval imposed by the review authority, in accordance with Chapter 18.520 CDC (Performance Guarantees and Property Maintenance). Such agreement shall be recorded against the property.

e. The Two-Year Pilot Program shall automatically expire at 5:00pm on May 12, 2018 without further action of the Planning Commission or City Council. The Planning Commission shall evaluate the efficacy of the Pilot Program and provide a report to the City Council every 6 months until the Pilot Program expires prior to May 12, 2018.

F. General Requirements.

1. Size.

a. On a lot less than 12,000 square feet in net area, the total floor area of the secondary living unit shall be no less than 275 square feet or more than 640 square feet, exclusive of the carport or garage. The secondary living unit shall have no more than one bedroom.

b. On a lot 12,000 square feet or greater in net area, the total floor area of the secondary living unit may increase to a maximum of 1,000 square feet, exclusive of the carport or garage. The secondary living unit shall have no more than two bedrooms in addition to the following requirements:

i. If an attached garage or carport is proposed for the secondary living unit as an accessory structure provided for in CDC 18.200.030, the maximum floor area for both structures combined shall be subordinate to the primary single-family dwelling and shall not exceed 75 percent of the area of the primary dwelling.

ii. If a garage or carport is proposed to be attached to the secondary living unit as an accessory structure provided for in CDC 18.200.030, the maximum size of the accessory structure shall be 460 square feet.

iii. No other accessory structure, as provided for in CDC 18.200.030, shall be allowed to be attached to the secondary living unit.

c. No more than 25 percent of the existing floor area of a principal residence may be converted into a secondary living unit. This 25 percent limitation applies only to conversions, which take place within existing principal dwelling unit.

2. Design.

a. The secondary living unit and any attached covered parking shall be clearly subordinate to the principal single-family dwelling by size, location, and appearance.

b. The exterior appearance and character of the secondary living unit shall replicate the principal single-family dwelling in architectural style, roof and siding materials, and colors.

c. Outside stairways leading to a second-story secondary living unit shall not be in front of the principal single-family dwelling or in an exterior side yard if visible from a public or private street. Access to a single story unit by stairs or an ADA accessible ramp may be permitted at the front of the principal dwelling.

d. A secondary living unit attached to the principal single-family dwelling shall not have a separate entrance located on the same side as the entrance for the principal dwelling.

e. Detached secondary living units shall be located behind the principal dwelling and shall be substantially screened from view to neighbors and adjoining streets by landscaping.

3. Parking. The parking required for a secondary living unit is in addition to the required off-street parking for the principal dwelling unit.

a. One-Bedroom Secondary Units. One off-street parking space on site, as follows:

i. The parking space may be an uncovered space or a tandem space.

ii. The parking space may be located in the front yard setback if contained within the space of an existing paved driveway.

iii. If the subject site only has a single-car garage serviced by a single-car driveway (12-foot width), the driveway pavement may be widened up to an additional nine feet to provide one parking space for the secondary living unit.

b. Two-Bedroom Secondary Units. Two parking spaces on site, as follows:

i. At least one space shall be covered in a carport or garage.

ii. The covered space may be located in a three car garage that provides parking for both the principal single-family dwelling and secondary living unit.

iii. The uncovered parking may be a tandem space to the covered space for the secondary living unit if not located within the front yard setback.

G. Subdivision. No subdivision of land or air rights shall be allowed.

H. Permit Requirements. Secondary living units shall be subject to the following permits in accordance with Division VII of this title (Permits and Permit Procedures). Secondary living units constructed without the benefit of a permit shall obtain approval pursuant to the requirements of this section.

1. Administrative Permit. An administrative permit shall be required for any secondary living unit that meets all of the requirements of this section and does not exceed 640 square feet or more than one bedroom.

2. Minor Use Permit. A minor use permit shall be required for any secondary living unit that does not meet all of the provisions of this section and for any secondary living unit that is over 640 square feet up to 1,000 square feet and has a maximum of two bedrooms.

I. Appeals.

1. Administrative permits that meet all of the requirements of this section shall not be subject to an appeal. If an appeal if filed due to noncompliance with this section, the planning division shall review the appeal. If the planning division determines that the application complies with all of the requirements of this section, the appeal shall be denied, and that decision shall be final and no further appeals shall be made.

2. Minor use permit approvals shall be appealed in accordance with the provisions in Chapter 18.510 CDC (Appeals and Calls for Review). [Ord. 13-5; Ord. 12-4. DC 2012 § 122-631].

D. PERMIT CENTER FEES (Continued)

	Current Planning Fee	Current Engineering Fee	Current Building Fee
27. Neighborhood Preservation			
a. Reinspection Fee (7-1-13)	n/a	n/a	183.00
b. Extension Fee (7-1-13)	n/a	n/a	87.00
c. Graffiti and Summary Abatement (6-1-94)	n/a	n/a	At Cost
Plus Administrative fee (percent of cost) (6-1-94)	n/a	n/a	30%
d. Public Nuisance Administrative Fines (Per Government Code Sections 53069.4, 25132(b), and 36900(b))			
1) First issuance in 12 months (7-1-06)	n/a	n/a	100.00
2) Second issuance in 12 months (7-1-06)	n/a	n/a	200.00
3) Third and subsequent issuance in 12 months (7-1-06)	n/a	n/a	500.00
e. Annual Multiple Family Rental Dwelling Unit Inspection and Maintenance Fee (per unit) (7-1-13)	n/a	n/a	49.00
1) Failure to pay fee after due date			
a) 31 – 60 days after due date, percent of initial fee (6-21-01)	n/a	n/a	20%
b) 61 – 90 days after due date, percent of initial fee (6-21-01)	n/a	n/a	40%
c) 90 days or more after due date, percent of initial fee (6-21-01)	n/a	n/a	50%
d) Application fee for self certification (7-1-13)	n/a	n/a	65.00
f. Building and Safety Code Violations (Per Government Code Sections 53069.4, 25132(c), and 36900(c))			
1) First issuance in 12 months (7-1-07)	n/a	n/a	100.00
2) Second issuance in 12 months (7-1-07)	n/a	n/a	500.00
3) Third and subsequent issuance in 12 months (7-1-07)	n/a	n/a	1,000.00
g. Confiscated Signs (CMC 18.180.160) (7-1-13)			
1) First violation (7-1-07)	n/a	n/a	30.00
2) Second violation (7-1-07)	n/a	n/a	40.00
3) Third violation (7-1-07)	n/a	n/a	40.00
a) Plus Citation (7-1-07)	n/a	n/a	See 27.d.
b) Plus Reinspection Fee (7-1-07)	n/a	n/a	See 27.a.
h. Request for Exemption for Small Collection Facilities for Nonprofit Organizations (7-1-08)	n/a	n/a	250.00
28. Off-Site Street Improvement Program (OSIP) (CMC 19.25.040) Fee Increase Under Review (9-1-10)			
a. Single family unit, per dwelling unit (9-1-12)	n/a	3,251.00	n/a

	Current Planning Fee	Current Engineering Fee	Current Building Fee
1) Secondary living unit (9-1-12)	n/a	813.00	n/a
b. Multi family unit, including condominium and townhouse (per dwelling unit) (7-1-12)	n/a	2,624.00	n/a
c. Commercial (per gross sq. ft.) (9-1-10)	n/a	8.81	n/a
d. Office (per gross sq. ft.) (9-1-10)	n/a	7.04	n/a
e. Industrial (per gross sq. ft.) (9-1-10)	n/a	2.98	n/a
f. Mini-storage (per gross sq. ft.) (9-1-12)	n/a	1.51	n/a
29. Other Community Development Fees			
a. Abatement Hearing (by the Zoning Administrator) (7-1-13)	292.00	n/a	n/a
b. Street Name Change (7-1-13)	438.00	n/a	n/a
1) Replacement and installation of street name signs (7-1-95)	At Cost	n/a	n/a
c. Continuance of Hearing Item			
Note: City elected and appointed officials and staff are exempt from the continuance fee. (11-1-91)			
1) Continuance by Applicant (7-1-13)	438.00	n/a	n/a
2) Re-publication and re-notification (7-1-13)	219.00	n/a	n/a
d. Withdrawal of application and refund of fee:			
1) If written request to withdraw an application is submitted within three (3) workdays of filing an application, the full filing fee shall be refundable. (12-28-92)			
2) If written request to withdraw an application is submitted after three (3) and within seven (7) workdays of filing an application, forty percent (40%) of the filing fee shall be refundable. (12-28-92)			
3) If no written request for withdrawal is submitted by the time specified in 1) or 2) above, no part of the filing fee shall be refundable. (12-28-92)			
30. Oversized Load Permit			
a. A single day vehicle movement (7-1-07)	n/a	16.00	n/a
b. Multiple movements of a vehicle for a one-year period (special conditions apply) (7-1-07)	n/a	90.00	n/a
31. Park Land (CMC 19.15)			
a. Rural Residential-Conservation/Low-Density Residential Designations; Park Land Requirement - 697 sq. ft. per unit; (per unit)			
Effective 9-1-06	n/a	11,910.00	n/a
Effective 9-1-07	n/a	13,504.00	n/a
Effective 9-1-08	n/a	15,098.00	n/a
Effective 9-1-09	n/a	16,691.00	n/a

	Current Planning Fee	Current Engineering Fee	Current Building Fee
b. Medium-Density Designation; Park Land Requirement - 479 sq. ft. per unit; (per unit)			
Effective 9-1-06	n/a	8,170.00	n/a
Effective 9-1-07	n/a	9,271.00	n/a
Effective 9-1-08	n/a	10,370.00	n/a
Effective 9-1-09	n/a	11,470.00	n/a
c. High-Density Designation; Park Land Requirement - 414 sq. ft. per unit; (per unit)			
Effective 9-1-06	n/a	7,055.00	n/a
Effective 9-1-07	n/a	8,009.00	n/a
Effective 9-1-08	n/a	8,962.00	n/a
Effective 9-1-09	n/a	9,914.00	n/a
d. Downtown, Seniors and Special Needs Housing Units; Park Land Requirement - 305 sq. ft. per unit; (per unit)			
Effective 9-1-06	n/a	5,233.00	n/a
Effective 9-1-07	n/a	5,924.00	n/a
Effective 9-1-08	n/a	6,613.00	n/a
Effective 9-1-09	n/a	7,304.00	n/a
e. Fee For Secondary Unit - shall be fifty percent (50%) of the Rural Residential-Conservation/Low Density Residential Designation (per unit)			
Effective 9-1-06	n/a	5,955.00	n/a
Effective 9-1-07	n/a	6,752.00	n/a
Effective 9-1-08	n/a	7,548.00	n/a
Effective 9-1-09	n/a	4,173.00	n/a
32. Parking, In-Lieu Payment			
Per off-street parking space that a development is deficient (5-1-04)	1,572.00	n/a	n/a
33. Political Sign			
Political Sign Removal (per sign) (07-1-07)	n/a	n/a	18.00
34. Preliminary Application*			
a. Minor subdivision, Residential, one to four lots/units (7-1-13)	730.00	860.00	n/a
b. Major subdivision, Residential			
Five to 100 lots/units (7-1-13)	1,168.00	1,376.00	n/a
101 lots/units or more (7-1-13)	1,460.00	1,892.00	n/a

	Current Planning Fee	Current Engineering Fee	Current Building Fee
c. Commercial/Industrial use			
One building (7-1-13)	730.00	860.00	n/a
More than one building (7-1-13)	1,460.00	1,720.00	n/a
*One-half the pre-application fee will be credited toward fees if a later application for the same project is submitted.			
35. Public Notification			
a. Public Notification in Newspaper (7-1-04)	At Cost	n/a	n/a
b. Public Notification at Property (7-1-04)…	At Cost	n/a	n/a
c. Preparation and mailing of public notification to property owners and occupants:			
Residential development of four (4) units or less; office building to twenty-five hundred (2,500) sq. ft.; and commercial or industrial building to ten thousand (10,000) sq. ft. (7-1-07)	250.00	n/a	n/a
Residential development of five (5) units or more; office building of twenty-five hundred and one (2,501) sq. ft. or more; and commercial or industrial building of ten thousand and one (10,001) sq. ft. or more.(7-1-07)	500.00	n/a	n/a
d. Postage if more than 100 addresses (7-1-07)	At Cost	n/a	n/a
36. Public Support			
a. Research, per hour after first 30 minutes (7-1-13)	146.00	172.00	n/a
b. Consultation, per hour after first 30 minutes (7-1-13)	146.00	172.00	n/a
37. Recycling - Construction and Demolition Projects			
a. Program Fee (CMC 8.20.390) - Percentage assessed to the permit value of covered projects (CMC 8.20.350). The fee is capped at $4,500 and $18,000 for residential and commercial projects, respectively. This fee is non-refundable. (7-1-07)	n/a	0.3%	0.3%
b. Request for Exemption for Small Collection Facilities for Nonprofit Organizations. (7-1-08)	n/a	250.00	n/a
c. Performance Security Fee (CMC 8.20.370) - Percentage assessed to the permit value of covered projects (CMC 8.20.350). The minimum fee is $250 for projects under $10,000 in value and $500 for projects $10,000 in value, or greater. The maximum fee is capped at $25,000. (7-1-08)			
Permit Value - $0 - $49,999	n/a	1.5%	1.5%
Permit Value - $50,000 or more	n/a	2.0%	2.0%
38. Seasonal Outdoor Sales Area			
a. Planning review of seasonal outdoor sales area, e.g., for pumpkins, Christmas trees, etc. (per sales area annually) (7-1-13)	584.00	n/a	n/a
b. Additional refundable deposit (7-1-07)	2,500.00	n/a	n/a

CONTRA COSTA WATER DISTRICT

Agenda Item No. **6.**
Meeting Date: January 6, 2016
Resolution: (X) Yes ( ) No

AGENDA DOCKET FORM

SUBJECT: 2016 RATE REVIEW – PUBLIC HEARING AND ADOPTION

SUMMARY: The District's rate-setting policy provides for an annual review of water rates, fees, and charges to ensure that sufficient funding is available to meet the District's operating, capital, and debt service costs, as reflected in the 2016-2025 Capital Improvement Program (CIP) and Ten-Year Financial Plan and the FY16 Budget. The annual rate review begins with the Board's review of the assumptions to be used in the rate model, followed with the calculation of the annual revenue requirements. Based on the Board's agreement with those requirements, and after considering all other non-rate revenues, updated water rates for untreated and treated water are calculated for each customer class and presented to the Board for consideration of adoption. The review process for the 2016 rate year has been completed and results in the recommendation of a 3.75% increase in untreated water revenues and a 3.50% increase in treated water revenues. The increases to rates, fees, and charges approved by the Board would be effective February 1, 2016, as would the proposed reduced Facility Reserve Charge (FRC) for secondary units. Increases to all other FRCs would be effective April 1, 2016.

This rate review is distinct from the Drought Management Program adopted in June 2015, which instituted a price adjustment for the purpose of incentivizing customers to conserve. While the temporary price adjustment partially filled the funding shortfall created by the drought, it did not substitute for the annual review of water rates, fees, and charges.

(Continued on page 2)

FISCAL IMPACT: A revenue increase of 3.75% for untreated water will generate approximately $1,500,000 in untreated water revenue during 2016. A revenue increase of 3.50% for treated water will generate approximately $2,195,000 in treated water revenue during 2016. Proposed adjustments to other fees and charges are necessary to ensure fair allocation of costs among customers, but do not generate significant additional revenues.

RECOMMENDED ACTIONS: a) Conduct a public hearing to provide information and receive comments on proposed water rate, fee, and charge adjustments for 2016; b) Adopt Resolution No. 16-02 amending portions of Title 5 of the District's Code of Regulations pertaining to untreated and treated water rates, fees, and charges; and c) Adopt Resolution No. 16-03 amending portions of Title 1 of the District's Code of Regulations pertaining to fishing fees and commendations.

Desiree Castello Director of Finance	Ronald D. Jacobsma Assistant General Manager	for Jerry Brown General Manager

DC/CC:dmg

Attachments: 1) Resolution No. 16-02; 2) Resolution No. 16-03; 3) Staff Report

AGENDA DOCKET FORM

SUMMARY (Continued from Page 1):

The proposed revenue increases for both untreated and treated water would be collected primarily through the quantity charge. Customers using less water would experience lower increases, and customers using more water would experience higher increases. A 2% increase to the service and demand charge (a fixed charge) is proposed to continue the realignment of fixed charges with cost of service as recommended by a recent rate study. In addition, efforts will continue to reduce the District's fixed expenses or transition fixed costs to a variable alternative. In accordance with the requirements of Proposition 218, the proposed revenue increases and public hearing were noticed to all District customers more than 45 days in advance. To date, two written protests and two comment letters have been received. Responses have been provided to the customers and copies of the documents provided to the Board under separate cover. The Board will be updated immediately prior to the public hearing should additional correspondence be received.

Other Fees and Charges

All District fees and charges are annually reviewed for alignment with the cost for providing the services, including Facility Reserve Charges (FRCs). The proposed 2016 FRC rates are based on the Board-adopted 2015 FRC Study, which reflected October 2014 dollars. The proposed 2016 rates have been adjusted for inflation, based on the Engineering News Record (ENR) construction cost inflation index. The ENR index increased 2.4% over the past 12-month period. The proposed FRC for an untreated water 5/8-inch meter equivalent connection is $5,399, which would be an increase of 9.4% or $463. The proposed FRC for a treated water 5/8-inch meter equivalent connection is $20,026, which would be an increase of 5.6% or $1,060.

The District is proposing to implement a reduced FRC for residential secondary units within the Treated Water Service Area. The District Code of Regulations currently requires that all secondary residential units within the treated water service area have a separate water service connection, and that each premises pay the full FRC. Proposed FRC for secondary units would be equal to 75% of a standard 5/8-inch connection and based on a residential parcel that could never be subdivided. The lower FRC reflects reduced water usage and capacity costs to provide fire suppression. The proposed changes have been reviewed with Contra Costa County and all five cities within the District's treated water service area. This change would not affect the untreated water municipal customers since the District does not administer the issuance of meters within their service areas. In addition, municipal customers currently do not issue separate meters or collect an untreated water FRC for secondary units.

Additional revisions proposed for 2016 would:

- Modify the use restriction on the Fishing Access Fund: Currently, fishing fees collected are deposited into a restricted fund that can only be used for fish stocking. The proposed change is to allow a portion to be used for fish habitat improvements. The use of the funds for purposes other than fish restocking would require approval of the General Manager and could only include funds in excess of six months of restocking cost.

- Modify the Fishing Derby Fee: It is proposed that the specific reference to a $3 per person fishing derby fee be removed from the Code of Regulations, and that staff be allowed to authorize a special derby entrance fee that would recover the actual costs of the event related to the stocking and prizes. Fishing derbies can be single day, multi-day, or month long events. Fishing derby fees, if applicable, are proposed to be based on the duration and prizes offered. The typical fee is estimated at $5. Actual fees would require the Watershed Manager's approval.

- Modify the Commendation Process: The Board Procedures Manual was updated in 2015 to allow individual Board members to recognize an individual or group by way of commendation, and not require the President of the Board's signature on the commendation. A revision to the Code of Regulations is proposed to align with these changes.

The Board previously approved a multi-year phase-in of several fees during previous rate reviews, which have also been incorporated into the 2016 process. Service line charges are proposed to increase from $5,100 to $5,500 in the final year of a four-year phased adjustment. The third year of a three-year adjustment for boat rentals increases the half-day rate for patio boats from $110 to $115 and full-day rentals from $155 to $165. Annual inflationary adjustments to the not-to-exceed amount for engineering services were approved by the Board in 2015. These engineering service charges are based on District staff time spent on the project. Annual inflationary adjustments to the service charges are based on the Consumer Price Index (CPI), which is the same index used for cost of living adjustments for District labor. The 2016 fee adjustment incorporates a 2.2% adjustment to reflect the annual change in the CPI.

The proposed changes also include other non-substantive updates to the Code of Regulations. A summary of the annual review process, revenue requirements, and the proposed adjustments to fees and charges are provided within the staff report (Attachment 3).

RESOLUTION NO. 16-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CONTRA COSTA WATER DISTRICT AMENDING PORTIONS OF TITLE 5 OF THE DISTRICT'S CODE OF REGULATIONS PERTAINING TO UNTREATED AND TREATED WATER RATES, FEES, AND CHARGES

WHEREAS, the Board of Directors of the Contra Costa Water District has considered the recommendation by the District's General Manager to increase water rates in order to achieve an untreated water revenue increase of 3.75 percent and a treated water revenue increase of 3.50 percent; and

WHEREAS, the Board of Directors conducted a duly noticed public hearing on January 6, 2016 on the General Manager's recommendation, and notice of the hearing was provided to all District customers by mail on November 17, 2015, and the Board has considered all of the information received by the Board regarding the proposed recommendation, including the written protests received prior to and comments received at the public hearing; and

WHEREAS, the Board of Directors finds and determines that the District has complied with the procedural and substantive requirements set forth in Article XIII D of the California Constitution (Proposition 218) and all relevant statutes that provide for revisions to property-related rates and charges, including rates for treated and untreated water service, and the Board further finds and determines that the recommended revisions to the water rates are in the best interests of the District; and

WHEREAS, the continuing uncertainties regarding hydrological and regulatory conditions in and upstream from the Sacramento-San Joaquin Delta, which may affect the amount of water that can be pumped from the Delta, require that water use by District's customers remains at or below historical levels to ensure that the available supply is sufficient to meet their water needs, and to ensure that water supplies are sufficient in the event of conditions that further restrict the District's available water supply.

NOW, THEREFORE BE IT RESOLVED that the Board of Directors of the Contra Costa Water District hereby finds and determines that:

1. The water rates shall be revised to achieve an untreated water revenue increase of 3.75 percent and a treated water revenue increase of 3.50 percent; and

2. Subsections 5.08.040.A, 5.08.040.B, 5.12.010.B, 5.12.010.C, 5.12.020.B, 5.12.020.C, 5.12.030.B, 5.12.030.C, 5.12.040.B, 5.12.040.C, 5.12.050.B, 5.12.050.C, 5.12.060.B, 5.12.060.C, 5.12.070.B, 5.12.070.C, 5.12.080.B, 5.12.080.C, 5.12.090.B, 5.12.100, 5.12.100.C, 5.12.100.D, 5.14.020.A, 5.20.010.B, 5.20.010.C, 5.20.010.F, 5.20.020.B, 5.20.020.C, 5.20.030.B, 5.20.030.C, 5.20.030.E, 5.20.040.B, 5.20.040.C; 5.20.050.B, 5.20.050.C, 5.28.020.B, and 5.40.020 of the District's Code of Regulations are hereby amended, all as set forth on Exhibit A, which is attached hereto and incorporated herein by this reference as if fully set forth herein, and the General Manager is hereby authorized and directed to publish Chapters 5.08, 5.12, 5.14, 5.20, 5.28, and 5.40 revised as necessary to effect the changes to the District's Code of Regulations as adopted by this resolution; and

3. This resolution shall be effective upon its adoption, but the revisions to Subsections 5.08.040.A regarding residential secondary units, 5.08.040.B, 5.12.010.B, 5.12.010.C, 5.12.020.B, 5.12.020.C, 5.12.030.B, 5.12.030.C, 5.12.040.B, 5.12.040.C, 5.12.050.B, 5.12.050.C, 5.12.060.B, 5.12.060.C, 5.12.070.B, 5.12.070.C, 5.12.080.B, 5.12.080.C, 5.12.090.B, 5.12.100.C, 5.12.100.D, 5.20.010.B, 5.20.010.C, 5.20.020.B, 5.20.020.C, 5.20.030.B, 5.20.030.C, 5.20.030.E, 5.20.040.B, 5.20.040.C; 5.20.050.B, 5.20.050.C, and 5.28.020.B of the District's Code of Regulations, as set forth in Exhibit A, shall become operative on February 1, 2016, and the rates, fees, and charges set forth therein shall be operative for all billing periods commencing on and after February 1, 2016, unless and until subsequently revised by the Board; and

BE IT FURTHER RESOLVED that the revisions to Subsections 5.08.040.A, with the exception of revisions regarding residential secondary units as stated herein, 5.14.020.A and 5.20.010.F, as set forth in Exhibit B, shall be operative on April 1, 2016, and the rates, fees, and charges set forth therein shall be operative for all billing periods commencing on and after April 1, 2016, unless and until subsequently revised by the Board; and

BE IT FURTHER RESOLVED that the Board of Directors of the Contra Costa Water District hereby finds and determines that, if any provision of this resolution, or any part thereof, is for any reason held to be *ultra vires*, invalid, unenforceable, or unconstitutional, the remaining provisions shall not be affected but shall remain in full force and effect, and to this end the provisions of this resolution are severable.

* * * * * * * * * *

The foregoing Resolution was duly and regularly adopted at a meeting held on the 6th day of January 2016 by the Board of Directors of the Contra Costa Water District by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

Joseph L. Campbell, President

ATTEST:

Mary A. Neher
District Secretary

CHANGES TO TITLE 5 OF CODE OF REGULATIONS
EFFECTIVE FEBRUARY 1, 2016

Chapter 5.08

TREATED (POTABLE) WATER SERVICE

5.08.040 Service Connection-Fees

A. A facilities reserve charge to cover a portion of the District's costs for water supply, treatment, storage, transmission and distribution facilities available to serve new connections and to provide a fund for reimbursement, on a case-by-case basis as provided in facilities installation agreements, of a portion of the costs of developer funded distribution facilities installed pursuant to Chapter 5.28.

Meter Size	Charge **
5/8 inch Residential Secondary Unit*	$15,020

* This reduced charge represents 75% of the otherwise applicable FRC and applies to no more than one District-approved residential secondary unit consisting of no more than one bedroom and one bathroom per parcel. Documentation to the District's satisfaction demonstrating that the parcel upon which the secondary unit will be constructed cannot be subdivided is required.

** This charge applies to single-family residential units that could otherwise be served through a 5/8 inch meter, but are required by local fire protection District or fire department to have an inside sprinkler system. Written confirmation from the local fire protection District or fire department is required.

B. Service Line Charge. A service line charge to cover the District's cost of installing a service line from the main adjacent to the property to be served equal to the District's actual costs of design, materials, installation, and overhead, but not less than five thousand ~~one~~ five hundred dollars ($5,500~~5,100~~).

Chapter 5.12

CHARGES AND RATES-TREATED (POTABLE) WATER SERVICE

5.12.010 Residential Single-Unit Service

B. Service and Demand Charge.

1. A charge for water service, irrespective of the quantity used, shall be applied to all residential single-unit connections to the District's treated water distribution system as follows:

Meter Size	Charge Per Day
5/8 inch	$0.5822 ~~0.5707~~
¾ inch	0.8733 ~~0.8560~~
*¾ inch	0.6229 ~~0.6106~~
1 inch	1.4555 ~~1.4266~~
*1 inch	0.6288 ~~0.6163~~
1½ inch	2.9109 ~~2.8533~~
2 inch	4.6574 ~~4.5652~~
3 inch	9.3149 ~~9.1304~~
4 inch	14.5545 ~~14.2663~~

Lifeline Rates

Meter Size	Charge Per Day
5/8 inch	$0.2911 ~~0.2854~~
¾ inch	0.4367 ~~0.4280~~
*¾ inch	0.3115 ~~0.3053~~
1 inch	0.7278 ~~0.7134~~
*1 inch	0.3144 ~~0.3081~~

* Single Family Residential unit with inside sprinkler system required by local fire District. Necessity of sprinkler systems requires written confirmation from the local fire District. (Effective 3-17-93)

C. Quantity Charge. For all water delivered, a charge of $3.6081 ~~3.4513~~ per hundred cubic feet shall be applied.

5.12.020 Residential Multiple-Unit Service

B. Service and Demand Charges.

1. A service charge of $0.0445 ~~0.0436~~ per day shall be paid for water service, irrespective of the quantity used, for all residential multiple-unit connections to the District's treated water distribution system.

2. A service charge of $0.2402 ~~0.2354~~ per dwelling unit per day shall be paid for water service, irrespective of the quantity used, for all residential multiple-unit connections to the District's treated water distribution system.

C. Quantity Charge. For all water delivered, a charge of $3.6081 ~~3.4513~~ per hundred cubic feet shall be applied.

5.12.030 Commercial Service

B. Service and Demand Charge. A charge for water service, irrespective of the quantity used, shall be applied to all commercial connections to the District's treated water distribution system as follows:

Meter Size	Charge Per Day
5/8 inch	$0.5822 ~~0.5707~~
¾ inch	0.8733 ~~0.8560~~
1 inch	1.4555 ~~1.4266~~
1½ inch	2.9109 ~~2.8533~~
2 inch	4.6574 ~~4.5652~~
3 inch	9.3149 ~~9.1304~~
4 inch	14.5545 ~~14.2663~~
6 inch	29.1091 ~~28.5325~~
8 inch	52.3963 ~~51.3585~~
10 inch	84.4163 ~~82.7443~~
12 inch	125.1690 ~~122.6898~~
Dual 1½ inch	5.8218 ~~5.7065~~
Dual 2 inch	9.3149 ~~9.1304~~

C. Quantity Charge. For all water delivered, a charge of $3.6081 ~~3.4513~~ per hundred cubic feet shall be applied.

5.12.040 Industrial Service

B. Service and Demand Charge. A charge for water service, irrespective of the quantity used, shall be applied to all industrial connections to the District's treated water distribution system as follows:

Meter Size	Charge Per Day
5/8 inch	$0.5822 ~~0.5707~~
¾ inch	0.8733 ~~0.8560~~
1 inch	1.4555 ~~1.4266~~
1½ inch	2.9109 ~~2.8533~~
2 inch	4.6574 ~~4.5652~~
3 inch	9.3149 ~~9.1304~~
4 inch	14.5545 ~~14.2663~~
6 inch	29.1091 ~~28.5325~~
8 inch	52.3963 ~~51.3585~~
10 inch	84.4163 ~~82.7443~~
12 inch	125.1690 ~~122.6898~~
Dual 1½ inch	5.8218 ~~5.7065~~
Dual 2 inch	9.3149 ~~9.1304~~

C. Quantity Charge. For all water delivered, a charge of $3.6081 ~~3.4513~~ per hundred cubic feet shall be applied.

5.12.050 Public Authority Service

B. Service and Demand Charge. A charge for water service, irrespective of the quantity used, shall be applied to all public authority connections to the District's treated water distribution system as follows:

Meter Size	Charge Per Day
5/8 inch	$0.5822 ~~0.5707~~
¾ inch	0.8733 ~~0.8560~~
1 inch	1.4555 ~~1.4266~~
1½ inch	2.9109 ~~2.8533~~
2 inch	4.6574 ~~4.5652~~
3 inch	9.3149 ~~9.1304~~
4 inch	14.5545 ~~14.2663~~
6 inch	29.1091 ~~28.5325~~
8 inch	52.3963 ~~51.3585~~
10 inch	84.4163 ~~82.7443~~
12 inch	125.1690 ~~122.6898~~
Dual 1½ inch	5.8218 ~~5.7065~~
Dual 2 inch	9.3149 ~~9.1304~~

C. Quantity Charge. For all water delivered, a charge of $3.6081 ~~3.4513~~ per hundred cubic feet shall be applied.

5.12.060 Residential Irrigation Service

B. Service and Demand Charge. A charge for water service, irrespective of the quantity used, shall be applied to all residential irrigation connections to the District's treated water distribution system as follows:

Meter Size	Charge Per Day
5/8 inch	$0.5822 ~~0.5707~~
¾ inch	0.8733 ~~0.8560~~
1 inch	1.4555 ~~1.4266~~
1½ inch	2.9109 ~~2.8533~~
2 inch	4.6574 ~~4.5652~~
3 inch	9.3149 ~~9.1304~~
4 inch	14.5545 ~~14.2663~~
6 inch	29.1091 ~~28.5325~~
8 inch	52.3963 ~~51.3585~~
10 inch	84.4163 ~~82.7443~~
12 inch	125.1690 ~~122.6898~~
Dual 1½ inch	5.8218 ~~5.7065~~
Dual 2 inch	9.3149 ~~9.1304~~

C. Quantity Charge. For all water delivered, a charge of $3.6081 ~~3.4513~~ per hundred cubic feet shall be applied.

5.12.070 Commercial and Industrial Irrigation Service

B. Service and Demand Charge. A charge for water service, irrespective of the quantity used, shall be applied to all commercial or industrial irrigation connections to the District's treated water distribution system as follows:

Meter Size	Charge Per Day
5/8 inch	$0.5822 ~~0.5707~~
¾ inch	0.8733 ~~0.8560~~
1 inch	1.4555 ~~1.4266~~
1½ inch	2.9109 ~~2.8533~~
2 inch	4.6574 ~~4.5652~~
3 inch	9.3149 ~~9.1304~~
4 inch	14.5545 ~~14.2663~~
6 inch	29.1091 ~~28.5325~~
8 inch	52.3963 ~~51.3585~~
10 inch	84.4163 ~~82.7443~~
12 inch	125.1690 ~~122.6898~~
Dual 1½ inch	5.8218 ~~5.7065~~
Dual 2 inch	9.3149 ~~9.1304~~

C. Quantity Charge. For all water delivered, a charge of $3.6081 ~~3.4513~~ per hundred cubic feet shall be applied.

5.12.080 Public Authority Irrigation Service

B. Service and Demand Charge. A charge for water service, irrespective of the quantity used, shall be applied to all commercial or industrial irrigation connections to the District's treated water distribution system as follows:

Meter Size	Charge Per Day
5/8 inch	$0.5822 ~~0.5707~~
¾ inch	0.8733 ~~0.8560~~
1 inch	1.4555 ~~1.4266~~
1½ inch	2.9109 ~~2.8533~~
2 inch	4.6574 ~~4.5652~~
3 inch	9.3149 ~~9.1304~~
4 inch	14.5545 ~~14.2663~~
6 inch	29.1091 ~~28.5325~~
8 inch	52.3963 ~~51.3585~~
10 inch	84.4163 ~~82.7443~~
12 inch	125.1690 ~~122.6898~~
Dual 1½ inch	5.8218 ~~5.7065~~
Dual 2 inch	9.3149 ~~9.1304~~

C. Quantity Charge. For all water delivered, a charge of $3.6081 ~~3.4513~~ per hundred cubic feet shall be applied.

5.12.090 Private Fire Protection Service

B. Service and Demand Charge. A charge for water availability and emergency service shall be applied to all private fire system connections to the District's treated water distribution system as follows:

Detector Size	Charge Per Day
2 inch	$0.0232 ~~0.0227~~
3 inch	0.0459 ~~0.0450~~
4 inch	0.0718 ~~0.0704~~
6 inch	0.1434 ~~0.1406~~
8 inch	0.2580 ~~0.2529~~
10 inch	0.4163 ~~0.4081~~
12 inch	0.6036 ~~0.5916~~

5.12.100 Hydrant Service and Temporary Service

C. Service and Demand Charge.

1. A charge for water service, irrespective of the quantity used, shall be applied to temporary connections to the District's treated water distribution system as follows:

Meter Size	Charge Per Day
5/8 inch	$0.5822 ~~0.5707~~
¾ inch	0.8733 ~~0.8560~~
1 inch	1.4555 ~~1.4266~~
1½ inch	2.9109 ~~2.8533~~
2 inch	4.6574 ~~4.5652~~
3 inch	9.3149 ~~9.1304~~
4 inch	14.5545 ~~14.2663~~
6 inch	29.1091 ~~28.5325~~
8 inch	52.3963 ~~51.3585~~
10 inch	84.4163 ~~82.7443~~
12 inch	125.1690 ~~122.6898~~
Dual 1½ inch	5.8218 ~~5.7065~~
Dual 2 inch	9.3149 ~~9.1304~~

D. Quantity Charge. For all water delivered, a charge of $3.6081 ~~3.4513~~ per hundred cubic feet shall be applied.

Chapter 5.20

CHARGES AND RATES – UNTREATED (RAW) WATER SERVICE

5.20.010 Wholesale Municipal Service

B. Monthly Service Charges. A monthly service charge of $194.26 ~~187.69~~ shall be applied for each connection to the District's system.

C. Quantity Charge. A charge of $2.0122 ~~1.9395~~ per thousand gallons of use shall be applied to service connections.

5.20.020 Industrial Service

B. Monthly Service Charges. A monthly service charge of $194.26 ~~187.69~~ shall be applied to each connection to the District's system.

C. Quantity Charge. A charge of $2.0122 ~~1.9395~~ per thousand gallons of use shall be applied to service connections.

5.20.030 Landscape Irrigation Service

B. Monthly Service Charges. A monthly service of $27.30 ~~26.38~~ charge shall be applied to each metered connection to the District's system.

C. Quantity Charge. A charge of $2.0122 ~~1.9395~~ per thousand gallons of use shall be applied for all metered service connections.

E. Unmetered Service. For each unmetered service connection, an annual charge of $103.13 ~~99.64~~ per 0.05 acres but not less than $206.25 ~~199.28~~ shall be paid based upon the area of land to which unmetered raw water landscape irrigation service is furnished (rounded up to the nearest 0.01 acres).

5.20.040 Agricultural Irrigation Service

B. Annual Service Charges. For service connections used exclusively for livestock purposes, an annual charge of $61.76 ~~59.67~~ shall be applied. For service connections used for agricultural irrigation purposes, an annual service charge of $23.29 ~~22.50~~ shall be applied per acre or fraction thereof irrigated, but not less than $60.30 ~~58.27~~.

C. Quantity Charge. A charge of $111.18 ~~107.16~~ per acre-foot of use shall be applied for all water delivered. If the quantity is not metered, it shall be estimated by the District

5.20.050 Temporary Service

B. Monthly Service Charges. A monthly service charge of $26.95 ~~26.04~~ shall be applied for each connection to the District's system.

C. Quantity Charge. A charge of $2.0122 ~~1.9395~~ per thousand gallons of use shall be applied for all service connections.

Chapter 5.28

EXTENSIONS, ADDITIONS, AND RELOCATIONS

5.28.020 Engineering Services – Fees

B. When performing initial or "shotgun" studies, the District will collect the actual cost of service, not to exceed the following:

Number of Services	Charge
Five or less	$185.00 ~~181.00~~
Six to 35	522.00 ~~511.00~~
Greater than 35	754.00 ~~738.00~~

Chapter 5.40

BILLING – PAYMENTS – MISCELLANEOUS CHARGES

5.40.020 Penalty for Late Payment.

If a charge or fee is not paid within sixty days after the meter read date ~~mailing or presentation of a bill therefore~~, it is delinquent. A penalty charge may be added to all delinquent charges and fees for each 30 days or fraction thereof until paid. The penalty charge is one and one-half percent of the delinquent balance. The penalty charge is not an extension of credit, does not confer upon the customer any right to defer or delay any payment due the District, and does not limit any power of the District to enforce payment of any charge or fee when due.

CHANGES TO TITLE 5 OF CODE OF REGULATIONS
EFFECTIVE APRIL 1, 2016

Chapter 5.08

TREATED (POTABLE) WATER SERVICE

5.08.040 Service Connection-Fees

A. A facilities reserve charge to cover a portion of the District's costs for water supply, treatment, storage, transmission and distribution facilities available to serve new connections and to provide a fund for reimbursement, on a case-by-case basis as provided in facilities installation agreements, of a portion of the costs of developer funded distribution facilities installed pursuant to Chapter 5.28.

Meter Size	Charge ~~**~~
5/8 inch	$20,026 ~~18,966~~
¾ inch	30,039 ~~28,450~~
3/4 and 1* inch	20,026 ~~18,966~~
1 inch	50,066 ~~47,416~~
1 ½ inch	100,132 ~~94,832~~
2 inch	160,211 ~~151,732~~
3 inch	320,421 ~~303,463~~
4 inch	500,658 ~~474,161~~
6 inch	1,001,316 ~~948,323~~
8 inch	1,802,370 ~~1,706,981~~
10 inch	2,903,818 ~~2,750,137~~
12 inch	4,305,661 ~~4,077,789~~
Dual 1 ½ inch	200,263 ~~189,665~~
Dual 2 inch	320,421 ~~303,463~~

* This charge applies to single-family residential units that could otherwise be served through a 5/8 inch meter, but are required by local fire protection District or fire department to have an inside sprinkler system. Written confirmation from the local fire protection District or fire department is required.

~~** Except for those meters to which the preceding note (*) is applicable, these charges are 95 percent of an amount determined not to exceed the estimated reasonable cost of providing service to the new connection through the District's untreated (raw) and treated water systems.~~

Chapter 5.14

TREATED (POTABLE) WATER SERVICE
OUTSIDE TREATED WATER SERVICE AREA (TWSA)

5.14.020 Wholesale Treated Water Service: Golden State Water Company (GSWC)

A.1. For each new meter issued and for an existing connection on which a larger meter is installed due to increased water demand in the GSWC treated water system, the following charges shall be paid by GSWC prior to the installation of the new connection (or prior to installation of a larger meter on an existing connection):

Meter Size	Charge
5/8 inch	$10,109 ~~9,646~~
¾ inch	15,164 ~~14,469~~
¾ and 1 * inch	10,109 ~~9,646~~
1 inch	25,273 ~~24,116~~
1 ½ inch	50,545 ~~48,232~~
2 inch	80,872 ~~77,170~~
3 inch	161,744 ~~154,341~~
4 inch	252,725 ~~241,158~~
6 inch	505,450 ~~482,316~~
8 inch	909,810 ~~868,168~~
10 inch	1,465,805 ~~1,398,715~~
12 inch	2,173,435 ~~2,073957~~
Dual 1 ½ inch	101,090 ~~96,463~~
Dual 2 inch	161,744 ~~154,341~~

Chapter 5.20

CHARGES AND RATES – UNTREATED (RAW) WATER SERVICE

5.20.010 Wholesale Municipal Service

F. A facilities component applies to wholesale municipal customers who issue new or larger meters. The amount of the facilities component shall be as set forth in the table~~s~~ presented below in subsection 5.20.010 F.1. The facilities component shall be effective immediately, but shall become operative on the respective dates set forth in such tables. The table that is applicable to a new or larger meter issued by a wholesale municipal customer shall be determined by the period in which the new or larger meter is issued~~, and the applicable column within each table shall be determined by the Service Area in which the new or larger meter is located~~.

1. For each new meter issued by a wholesale municipal customer within ~~each~~ the service area during the previous month, such customer shall remit to the District on a monthly basis, no later than fifteen days following the end of the month, the amount specified in the applicable table below:

Meter Size	~~Amount in Service Area A**~~Charge	~~Amount in Service Area B***~~	~~Amount in Service Area C****~~
5/8 inch	$5,399 ~~4,936~~	~~$ 6,047~~	~~$ 4,313~~
¾ inch	8,098 ~~7,404~~	~~9,071~~	~~6,470~~
¾ and 1 inch*	5,399 ~~4,936~~	~~6,047~~	~~4,313~~
1 inch	13,497 ~~12,341~~	~~15,119~~	~~10,783~~
1-1/2 inch	26,994 ~~24,682~~	~~30,237~~	~~21,565~~
2 inch	43,190 ~~39,490~~	~~48,379~~	~~34,505~~
3 inch	86,380 ~~78,981~~	~~96,758~~	~~69,009~~
4 inch	134,969 ~~123,408~~	~~151,185~~	~~107,827~~
6 inch	269,938 ~~246,816~~	~~302,370~~	~~215,654~~
8 inch	485,889 ~~444,268~~	~~544,266~~	~~388,176~~
10 inch	782,821 ~~715,765~~	~~876,874~~	~~625,395~~
12 inch	1,160,735 ~~1,061,307~~	~~1,300,192~~	~~927,310~~
Dual 1 ½ inch	53,988 ~~49,363~~	~~60,474~~	~~43,131~~
Dual 2 inch	86,380 ~~78,981~~	~~96,758~~	~~69,009~~

~~** Except for those meters to which the first note (*) is applicable, these amounts are 95 percent of an amount determined not to exceed the estimated reasonable cost of providing service to the new connection through the District's untreated (raw) water system.~~
~~*** Except for those meters to which the first note (*) is applicable, these amounts are 95 percent of an amount determined not to exceed the estimated reasonable cost of providing service to the new connection through the District's untreated (raw) water system.~~

~~**** Except for those meters to which the first note (*) is applicable, these amounts are 95 percent of an amount determined not to exceed the estimated reasonable cost of providing service to the new connection through the District's untreated (raw) water system.~~

RESOLUTION NO. 16-03

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CONTRA COSTA WATER DISTRICT AMENDING PORTIONS OF TITLE 1 OF THE DISTRICT'S CODE OF REGULATIONS PERTAINING TO LOS VAQUEROS RESERVOIR RECREATION FACILITIES AND COMMENDATIONS

WHEREAS, the Board of Directors of the Contra Costa Water District has considered the recommendations by the District's General Manager to modify portions of Chapter 1.10 of the District's Code of Regulations to modify the use of fishing access funds, the determination of fishing derby fees, increase the boat rental fees, and update procedures for commendations; and

WHEREAS, the Board of Directors conducted a duly noticed public hearing on January 6, 2016 on the General Manager's recommended modifications, and has considered all of the information received regarding the proposed recommendations; and

WHEREAS, the Board of Directors has determined that the proposed fee modifications are reasonable, in accordance with applicable law, and fully supported by substantial evidence; and

WHEREAS, the Board of Directors has determined that the District's Los Vaqueros daily fishing access passes fee is imposed solely as a condition of entrance to and the use of the public recreational facilities for fishing at the Reservoir, does not concern or constitute a fee or charge imposed on a parcel or imposed on a person as an incident of property ownership; and is therefore not a tax as defined in Article XIII C of the California Constitution (as modified by Proposition 26) and is not subject to the requirements of Article XIII D of the California Constitution (Proposition 218); and

WHEREAS, the Board of Directors has determined that the District's Los Vaqueros Reservoir boat rental fees are imposed solely for the use of the District-owned recreational equipment at the reservoir, and do not concern or constitute a fee or charges imposed on a parcel or imposed on a person as an incident of property ownership; and are therefore not a tax as defined in Article XIII C of the California Constitution (as modified by Proposition 26) and are not subject to the requirements of Article XIII D of the California Constitution (Proposition 218).

NOW THEREFORE BE IT RESOLVED that the Board of Directors of the Contra Costa Water District hereby determines that the daily fishing access funds, fishing derby fees, the Los Vaqueros Reservoir boat rental fees, and commendations procedures shall be modified as recommended by the General Manager; and

BE IT FURTHER RESOLVED that Subsections 1.10.040.C, 1.10.040.E, 1.10.050.A, 1.10.060.A, 1.28.040.A. and 1.28.040.C of the District's Code of Regulations are hereby amended, as more particularly set forth in Exhibit A, which is attached hereto and incorporated herein by this reference as if fully set forth herein, and the General Manager is hereby authorized and directed to publish Chapter 1.10 revised as necessary to effect the changes to the District's Code of Regulations as adopted by this Resolution; and

BE IT FURTHER RESOLVED that this Resolution shall be effective immediately upon its adoption, but that the revisions to Subsection 1.10.060.A of the District's Code of Regulations, and the fees and charges set forth therein, shall become operative on February 1, 2016; and

BE IT FURTHER RESOLVED that the Board of Directors of the Contra Costa Water District hereby finds and determines that, if any provision of this resolution, or any part thereof, is for any reason held to be ultra vires, invalid, unenforceable, or unconstitutional, the remaining provisions shall not be affected but shall remain in full force and effect, and to this end the provisions of this resolution are severable.

* * * * * * * * * *

The foregoing Resolution was duly and regularly adopted at a meeting held on the 6th day of January 2016 by the Board of Directors of the Contra Costa Water District by the following vote of the Board.

AYES:

NOES:

ABSTAIN:

ABSENT:

_____
Joseph L. Campbell, President

ATTEST:

_____
Mary A. Neher
District Secretary

Chapter 1.10

PUBLIC USE OF LOS VAQUEROS RECREATION FACILITIES

1.10.040 Fishing Access Passes–Fees and Charges.

C. In addition to the foregoing charges, each participant in a "Fishing Derby" shall pay an additional fishing derby entry fee ~~of three dollars per person for each Fishing Derby (two to four week promotional events)~~ to defray the costs of hosting the Fishing Derby~~ and prizes~~. Fishing D~~d~~erby fees shall be determined by the Fishing Derby Operator and approved by the Watershed Manager, and, as applicable, are to be based on the duration of the derby, fish stocking, and prizes to be offered at the event.

E. The proceeds from all charges described in this section (other than the fishing derby entry fee) shall be deposited in an interest-bearing and audited account entitled, "Los Vaqueros Reservoir Fishing Access Fund," and shall be used exclusively for ~~the sole purpose of~~ re-stocking fish and improving fish habitat in Los Vaqueros ~~reservoir~~ Reservoir. ~~in accord with the re-stocking schedule mandated by the District's watershed resources manager.~~ The primary purpose of the fund is for restocking. Upon approval of the General Manager, funds in excess of six months average stocking costs (determined over previous two years) may be used to improve fish habitat.

1.10.050 Special Event Permit – Fees and Charges

A. Beginning on October 7, 1999, ~~and continuing through December 31, 2001,~~ the following charges shall be paid for a special event permit:

1.10.060 Boat Rental – Fees and Charges.

A. Beginning on February 1, ~~2014~~2016, the following deposits shall be made, and charges shall be paid as noted below, for rental and use of electric-motor-powered boats on the Los Vaqueros Reservoir:

2. Deluxe Electric Motor-Powered Patio Boat (deposit and rental charge):

Advance deposit	$150.00
(cash or major credit card with ID)	
Per hour	50.00
One-half day (3-5 hours)	~~110.00~~115.00
Full day (over 5 hours)	~~155.00~~165.00

Chapter 1.28

COMMENDATIONS

1.28.040 Commendation.

A. ~~A Board member proposing a commendation at a Board meeting informs the Board of the reason(s) for recognition.~~ The Board member is responsible for presenting the commendation to the recipient.

C. A commendation includes statements of recognition by a member of the Board. Commendations are ~~prepared on a preprinted form which is suitable for framing, and is~~ signed by ~~the President of the Board and~~ the individual director.

CONTRA COSTA WATER DISTRICT
Staff Report

DATE: January 6, 2016

TO: Board of Directors

FROM: for Jerry Brown

SUBJECT: **2016 Rate Review – Public Hearing and Adoption**

INTRODUCTION

The District's rate-setting policy provides for an annual review of water rates, fees, and charges to ensure that sufficient funding is available to meet the District's operating, capital, and debt service. The annual rate review process has been completed and results in the recommendation of a 3.75% increase in untreated water revenues and a 3.50% increase in treated water revenues for the 2016 rate year. The proposed increases are consistent with the 2016-2025 Capital Improvement Program (2016 CIP) and Ten-Year Financial Plan, and are necessary to meet operational and maintenance requirements, fund capital improvements to aging infrastructure, and offset the increased cost of purchasing untreated water along with power for pumping and treatment. Increases to rates, fees, and charges approved by the Board would be effective February 1, 2016, as would the proposed reduced Facility Reserve Charge (FRC) for secondary units. Increases to all other FRCs would be effective April 1, 2016.

RECOMMENDATION

a) Conduct a public hearing to provide information and receive comments on proposed water rate, fee, and charge adjustments for 2016;
b) Adopt Resolution No. 16-02 amending portions of Title 5 of the District's Code of Regulations pertaining to untreated and treated water rates, fees, and charges; and
c) Adopt Resolution No. 16-03 amending portions of Title 1 of the District's Code of Regulations pertaining to fishing fees and commendations

SUMMARY

The annual rate review for 2016 began on November 18, 2015 with the Board's review of the assumptions to be used in the rate model, and was followed by a review of the projected revenue requirements on December 9, 2015. Based on Board concurrence with those requirements, rates have been calculated to achieve a 3.75% revenue increase for untreated water and a 3.50% revenue increase for treated water. The resulting untreated and treated water rates are being presented to the Board for consideration of adoption immediately following the public hearing to receive public comments on the proposed adjustments. In accordance with the requirements of Proposition 218, this public hearing was noticed to all District customers more than 45 days in advance. To date, two written protests and two comment letters have been received. Responses have been provided to the customers and copies of the documents provided to the Board under separate cover. The Board will be provided copies of any additional correspondence that is received prior to the public hearing.

DISCUSSION

Rate Revenue Assumptions

The assumptions that formed the basis for the first step of the annual rate review were generally consistent with 2016 CIP adopted by the Board in February 2015. The following adjustments are proposed to reflect changed conditions since its adoption:

- Higher Reserve Balances: The beginning reserve balances are $6.5 million higher than projected in the CIP and Ten-Year Financial Plan. The increase largely reflects the FY15 year-end allocation of $4.0 million to unrestricted reserves, approved by the Board on September 16, 2015. The remaining $2.5 million is related to FY15 rate-funded capital rebudgets, which were adopted by the Board on June 17, 2015 as part of the mid-cycle budget review. Capital rebudgets represent a shift in cash flows but do not create new funding.
- Updated Expenditure Projections: Operating and capital expenditures reflected in the 2016 rate review will differ from the CIP and Ten-Year Financial Plan to incorporate changes to the FY16 budget resulting from the mid-cycle budget review and FY15 capital rebudgets.
- Drought Reserve: The Drought Reserve was established in 2007 to supplement water sales revenues when they are impacted under drought conditions. As water sales revenues are projected to fall below the revised FY16 budget, the use of the Drought Reserve, in addition to other unrestricted reserve funds, will be considered during the 2016 rate review. Including these reserve funds is expected to help moderate the revenue requirements for rate year 2016.

Revenue Requirements

Rate Revenue: The District's financial planning model reviews revenues and expenditures over a ten-year period, which has the effect of dampening the year-to-year fluctuations, and smoothing revenue increases to avoid large, sporadic rate adjustments. The revenue increases are used to fund continued investment in infrastructure and the increasing costs of delivering safe and reliable water. Based on current assumptions, the revenue requirements indicate increases consistent with projections in the 2016 CIP and Ten-Year Financial Plan for a 3.75% increase in untreated water revenues and a 3.50% increase in treated water revenues. Table 1 presents the revenue increase projections reflected in the 2016 CIP and Ten-Year Financial Plan.

Table 1 – CIP Revenue Increase Projections

Customer Class	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
Untreated Water	3.75%	3.75%	3.75%	3.75%	3.75%	3.75%	3.75%	3.75%	3.75%	3.75%
Treated Water	3.50%	3.75%	3.75%	3.75%	3.75%	3.75%	3.75%	3.75%	3.75%	3.75%

*Inflation assumptions reflect 3.5% for operating expenditures, 7.0% for CVP water purchases, and 4.0% for capital expenditures.

This year's rate review process is distinct from the District's Drought Program. It is anticipated that drought impacts to FY16 revenues will be offset by reductions in expenditures, an increased use of reserves, and revenues received from the temporary price adjustments.

In reviewing the revenue requirements, consideration is given to all aspects of the Board's rate setting policy. Critical components include requirements to:

- Ensure that sufficient funding is available to meet the District's operating, capital, and debt service costs;
- Develop rates in a manner which maintains or enhances the District's credit ratings and maintains a debt service coverage ratio of at least 1.25 to 1;
- Maintain reserves at a level sufficient to fund at least six months of projected operating costs; and
- Attempt to ensure rate adjustments at a level which is at or below the current rate of inflation, with a goal of consistent smaller increases versus infrequent larger increases.

Various inflation indices have been reviewed for the Bay Area. Of note for this review are the Consumer Price Indices (CPI) for urban consumers or wage earners and clerical workers, which have increased over the past twelve months by 2.6% and 2.2%, respectively. However, not all costs are correlated with CPI, such as the cost of water purchases from the Bureau of Reclamation, which are anticipated to increase by up to 30% in 2016.

Fees and Charges

All District fees and charges are annually reviewed for alignment with the cost of providing the services. The following lists those charges proposed for revision in 2016:

Facility Reserve Charge (FRC):

Adjustments to FRCs are proposed based on the Board-adopted 2015 FRC Study Update, which incorporated the results of the District's master plans and ensures the FRC appropriately recovers the costs associated with serving new connections. FRCs are comprised of two components: reimbursement to existing customers for expenditures made to oversize the system and funding for the costs of future improvements necessary to serve new customers. The charge for each equivalent connection in the 2015 FRC Study was calculated based upon October 2014 dollars. Annual adjustments are recommended for those elements of the FRC subject to inflation to ensure the FRC maintains pace with construction inflation to adequately fund program costs. Inflation is based on the October-October Engineering News Record (ENR) construction cost index, which increased by 2.4% from 2014 to 2015.

Each equivalent untreated water connection would be $5,399, which represents a 9.4% increase from the current untreated water FRC of $4,936. Each equivalent treated water connection would be $14,627, which represents a 4.0% increase from the current fee of $14,030. New connections in the treated water service area pay both the untreated and treated water FRC components. The resulting total FRC for new treated water customers would be $20,026, which is 5.6% increase compared to the existing FRC of $18,966. A reduced treated water FRC for residential secondary units is also proposed. The District-approved secondary residential unit would consist of no more than one bedroom and one bathroom per parcel. The FRC would be 75% of the FRC for a new 5/8 inch connection. Documentation to the District's satisfaction will be required demonstrating that the parcel upon which the secondary unit will be constructed cannot be further subdivided. The resulting FRC for residential

secondary units in the treated water service area would be $15,020. As this option has been established in support of affordable housing, it is recommended that this one change to the FRCs become effective on February 1, 2016 in advance of the other FRC changes, which take effect on April 1, 2016.

The Code of Regulations currently separates the District's service area for untreated FRCs into Service Areas A, B, and C. An FRC for Service Area B or C has never been collected. All areas within the service area have been added to Service Area A. Therefore, it is proposed that references to Service Areas B and C be removed from the Code of Regulations.

Fishing Access Fund

The Code of Regulations specifies that proceeds from fishing fees shall be deposited into the Fishing Access Fund and shall be used for the sole purpose of restocking fish. Modifications are proposed to the use restriction for the Fishing Access Fund to allow a portion to be used for fish habitat improvements. Funds in excess of six months of average stocking costs (determined over previous two years) would be allowed to be used to improve fish habitat. The use of the funds for fish habitat improvements would require approval by the General Manager. The concept to use fish access funds for fish habitat was reviewed and supported by the Public Information and Conservation Committee in April 2015.

Fishing Derby Fee

The Code of Regulations reflects fees for fishing derbies at $3 per person. It is proposed that specific reference to a fee be removed and that instead, staff be authorized to establish derby entrance fees that will better recover the costs related to the event. Fishing derbies can be single day, multi-day, or month-long events. The typical fee to date has been $5. Fishing derby fees, if applicable, are proposed to be based on the duration, fish stocking, and prizes offered. Actual fees would require the Watershed Manager's prior approval.

Commendations

Revisions are proposed to Code of Regulations, Section 1.28.040, consistent with changes made in 2015 to the Board Procedures Manual, to allow individual Board members to recognize an individual or group by way of commendation and not require the President of the Board's signature on the commendation.

Other Fees and Charges

- Modification to language regarding late fees is proposed for clarification. The current language states that *if a charge or fee is not paid within sixty days after mailing or presentation of a bill therefore, it is delinquent*. It is proposed that the text state that *if a charge or fee is not paid within sixty days after meter read date, it is delinquent*. The meter read date is a fixed date and is displayed on the customer bill. The change would help avoid confusion as to when the late fee becomes applicable. The normal time from the date of the meter read to time that the customer receives the bill is less than seven days.

- Revision to the heading of Code of Regulations, Section 5.12.100 from "Temporary Service" to "Hydrant Service and Temporary Service" is proposed. This section of the Code covers temporary and permanent water service that is supplied through hydrants and the applicability of FRCs if the duration of temporary service exceeds one year. The proposed heading change would better define the contents of this section of the Code of Regulations.

- As part of the 2013 Rate Review, the Board approved an increase to the service line charge from $4,300 to $5,500 over four years. This is the last year of the phase-in period, taking the fee to $5,500.

- As part of the 2014 Rate Review, the Board approved increases in boat rental fees: a) from $100 to $115 for half day rentals and b) from $140 to $165 for full day rentals, to be phased in over three years. This is the last year of the phase-in period, taking the half day rental fee to $115 and the full day rental fee to $165.

- As part of the 2015 Rate Review, the Board approved an annual inflationary adjustment to the not-to-exceed amount to perform initial "shotgun" studies. These engineering service charges are based on District staff time spent on the project. Annual inflationary adjustments to the service charges are based on the Consumer Price Index (CPI), which is the same index used for cost of living adjustments for District labor. The 2016 adjustment is 2.2% based on the 12-month change in the CPI for Urban Wage Earners and Clerical Workers.

Proposed Not-to-Exceed Charges		
Number of Services	2015	2016
Five or less	$181.00	$185.00
Six to 35	$511.00	$522.00
Greater than 35	$738.00	$754.00

The increases to the fees and charges are exempt from the notification requirements of Proposition 218 and meet the requirements of Proposition 26 to not exceed the cost of providing the service.

JB/DC:dmg

BEFORE THE PLANNING COMMISSION
OF THE CITY OF CONCORD,
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

A RESOLUTION RECOMMENDING THE CITY COUNCIL PASS AN ORDINANCE APPROVING THE DEVELOPMENT CODE AMENDMENT (PL16024-DC) TO SECTION 18.200.180 FOR A TWO-YEAR PILOT PROGRAM FOR SMALL SECONDARY LIVING UNITS, PASS A RESOLUTION ADOPTING REVISIONS TO THE MASTER FEE SCHEDULE, AND DEVELOP AND IMPLEMENT A MARKETING AND/OR PUBLICITY CAMPAIGN FOR THE TWO-YEAR PILOT PROGRAM.

/ Resolution No. 16-01 PC

WHEREAS, the City of Concord adopted the 2030 Urban Area General Plan on October 2, 2007 ("General Plan); and

WHEREAS, the City of Concord concurrently certified the Final Environmental Impact Report for the 2030 Urban Area General Plan on October 2, 2007 ("General Plan FEIR"); and

WHEREAS, the City of Concord amended the General Plan on January 24, 2012 to incorporate an Area Plan for the Concord Reuse Project; and

WHEREAS, the City of Concord certified a Final Environmental Impact for the Concord Reuse Project Plan in February 2010 and an Addendum to that FEIR which covered the Area Plan and related General Plan Amendment on January 24, 2012 ("Reuse Plan FEIR/Addendum"); and

WHEREAS, the General Plan FEIR and Reuse Plan FEIR/Addendum together constitute a comprehensive evaluation of the environmental impacts of the Concord General Plan; and

WHEREAS, on July 10, 2012, the City Council certified the Concord Development Code Final Supplemental Environmental Impact Report and Mitigation Monitoring and Reporting Program, and adopted the Findings of Fact and Statement of Overriding Considerations (collectively, the "2012 SEIR"); and

WHEREAS, the 2012 SEIR was prepared and circulated in accordance with the California Environmental Quality Act of 1970, Public Resources Code §21000, et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively, "CEQA"); and

WHEREAS, on July 24, 2012, the City Council adopted Chapter 122 of the Concord Municipal Code ("Development Code"), to ensure consistency with General Plan policies, and an update of its zoning maps to ensure consistency with the adopted General Plan Map; and

WHEREAS, Government Code section 65800 *et seq.* provides for the amendment of any and all adopted City of Concord ("City") zoning laws, ordinances, rules and regulations; and

WHEREAS, the City has complied with the requirements of the Local Planning Law (Government Code section 65100 *et seq.*), and the City's applicable ordinances and resolutions with respect to approval of amendments to Chapter 122 of the Concord Municipal Code ("Development Code"); and

WHEREAS, on October 9, 2012, the City Council adopted Ordinance No. 12-5 amending the Development Code to correct minor technical errors and omissions and to provide clarification of terms and procedures; and

WHEREAS, on September 24, 2013, the City Council adopted Ordinance No. 13-71 further amending the Development Code to correct minor technical errors and omissions and to provide clarification of terms and procedures; and

WHEREAS, on June 24, 2014, the City Council adopted Resolution No. 14-4823.1, approving the Addendum to the Final Supplemental Environmental Impact Report (SEIR) to the 2030 Concord General Plan EIR for the Concord Development Code Project and adopting the Downtown Concord Specific Plan General Plan Amendment (PL14160-GP) as Volume IV to the Concord 2030 General Plan ("2014 Addendum"); and

WHEREAS, on June 24, 2014, the City Council adopted Ordinance No. 14-6 further amending the Development Code to provide clarification of terms and procedures; and

WHEREAS, on January 6, 2015, the City Council adopted Resolution No. 15-2 adopting a Negative Declaration for the Housing Element Update 2014-2022 General Plan Amendment (PL14-339 GP) to the Housing Element as Volume V of the Concord 2030 General Plan, and adopted Resolution No. 15-4823.1 adopting the Housing Element Update 2014-2022 General Plan Amendment to the Housing Element ("Approved Project"); and

WHEREAS, the City has initiated a subsequent Development Code text amendment to eliminate the deed restriction requirement within Section 18.200.180 Secondary Living Units of the Development Code; and

WHEREAS, such text amendment is in the form of the proposed Development Code Amendment PL16024-DC ("Amendment") attached hereto as Attachment 1 and incorporated by reference), in order to implement Policy H-1.3, Policy H-1.4, Program H-1.4.2, and Program H-1.4.3 of the City's Housing Element Update 2014-2022; and

WHEREAS, the proposed Development Code changes are minor in nature and the codification of existing policy within the City's Housing Element, which is the result of State legislative action, do not make substantial changes to the Approved Project or substantial changes with respect to the circumstances under which the Approved Project would be undertaken which would require revisions to the Negative Declaration due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects, there is no new information that would require preparation of a subsequent or supplemental EIR or negative declaration under Public Resources Code Section 21166 or CEQA Guidelines Section 15162, none of the elements requiring a subsequent or supplemental negative declaration under Public Resources Code Section 21166 or CEQA Guidelines Section 15162 are met. In addition, the proposed code amendments will have minimal impact on the environment in that parcels would already be developed. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the project is classified as exempt pursuant to 15061(B)(3), and no further environmental review is required. Moreover, future projects would undergo individual CEQA review; and further, staff believes the Amendment falls within the "common sense" exemption set forth in 14 Cal. Code Regs. Section 15061(b)(3), excluding 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…"; and

WHEREAS, the Planning Commission, after giving all public notices required by State Law and the Concord Municipal Code, held a duly noticed public hearing on February 3, 2016, on the Text Amendment; and

WHEREAS, at such public hearing, the Planning Commission considered all oral and written information, testimony, and comments received during the public review process, including information received at the public hearing, the oral report from City staff, the written report from City staff dated February 3, 2016, materials, exhibits presented, pertinent maps, plans, reports, studies, memoranda, the Addendum, the Amendment, the General Plan, the General Plan FEIR, the Reuse Plan FEIR/Addendum, the 2012 SEIR, the 2014 Addendum, the City of Concord Municipal Code, the Development Code, applicable City laws and regulations, and all associated approved and certified environmental documents, and all other information that constitutes the record of proceedings on which the Planning Commission has based its decision are maintained at the offices of the City of Concord Planning Division (collectively, "Project Information"); and

WHEREAS, at such public hearing, the Planning Commission considered the 2012 SEIR and Negative Declaration for the Housing Element Update 2014-2022 in accordance with the requirements of CEQA; and

WHEREAS, on February 3, 2016, the Planning Commission, after consideration of all pertinent plans, documents, and testimony, declared their intent to recommend approval and adoption of the Amendment.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Recitals

1. The Planning Commission finds that the above recitals (which are hereby incorporated by reference) are accurate and constitute findings in this matter and, together with the Project Information, serve as an adequate and appropriate evidentiary basis for the findings and actions set forth in this Resolution, and further makes the following findings:

General

2. The Planning Commission has reviewed, considered, and evaluated all of the Project Information prior to acting upon the Amendment.

3. The documents and other materials that constitute the record of proceedings upon which the Planning Commission has based its recommendation are located in and may be obtained from the City

of Concord Planning Division, 1950 Parkside Drive, Concord, CA 94519.

CEQA

4. The City Council makes the findings set forth below with respect to CEQA:

a. The findings above are hereby incorporated by reference.

b. Based on substantial evidence in the whole record before the City, The City Council adopted Resolution No. 15-2 on January 6, 2015, adopting a Negative Declaration for the Housing Element 2014-2022 General Plan Amendment to the Housing Element as Volume V of the *Concord 2030 General Plan* ("Approved Project"). The proposed Development Code changes are minor in nature and the codification of existing policy within the City's Housing Element, which is the result of State legislative action, do not make substantial changes to the Approved Project or substantial changes with respect to the circumstances under which the Approved Project would be undertaken which would require revisions to the Negative Declaration due to new significant environmental effects or a substantial increase in the severity of previously identified significant effects, there is no new information that would require preparation of a subsequent or supplemental EIR or negative declaration under Public Resources Code Section 21166 or CEQA Guidelines Section 15162, none of the elements requiring a subsequent or supplemental negative declaration under Public Resources Code Section 21166 or CEQA Guidelines Section 15162 are met.

c. In addition, the proposed code amendments will have minimal impact on the environment in that most all affected parcels would already be developed. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the project is classified as exempt pursuant to 15061(B)(3) falling within the "common sense" exemption set forth in 14 Cal. Code Regs. Section 15061(b)(3), excluding 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..."no further environmental review is required. Moreover, future projects would undergo individual CEQA review.

d. The City considered the Project Information, including the 2012 SEIR and the 2014 Addendum in accordance with the requirements of CEQA.

e. The CEQA analysis represents the appropriate level of environmental review, is the appropriate environmental document, for the Project.

f. The CEQA findings and recommendation reflect the independent judgment and analysis of the City as the lead agency for the Amendment.

g. The Planning Commission hereby recommends that the City Council adopt the CEQA findings.

Amendment

5. Based on the Project Information, and all oral and written testimony submitted on this item, the Planning Commission makes the findings set forth below with respect to the Amendment:

a. The findings above are hereby incorporated by reference.

b. The proposed Amendment is consistent with the policies in the General Plan and is necessary in order to implement the policies within the Housing Element Update.

c. The proposed Amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

6. The Planning Commission does hereby recommend that the City Council adopt an Ordinance to approve the Amendment, consistent with the revisions in Attachment 1 hereto.

Secondary Unit Fee Reduction.

7. In an effort to increase Affordable Housing, the Two-Year Pilot Program would reduce the parkland fee and off-site street improvement program fee by 50% to $4,173 and $813, respectively as shown in Attachment 2, for small (640 sq. ft. and less) secondary living units.

Marketing

a. The Planning Commission hereby recommends that the City Council direct City staff to develop and implement a marketing and/or publicity campaign for the Two-Year Pilot Program.

Effective Date

This resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 3rd day of February, 2016 by the following vote:

AYES: Commissioners Laub, Barbour, Anderson, Avila, Obringer

NOES: None

ABSTAIN: None

ABSENT: None

Laura Simpson
Secretary to the Planning Commission

Attachment:

1 – Amendment: Redline of revisions to Section 18.200.180 Secondary Living Units
2 – Revisions to the Master Fee Schedule

REGULAR MEETING OF THE
CITY OF CONCORD PLANNING COMMISSION
COUNCIL CHAMBER, 1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA

Wednesday, February 3, 2016

A regular meeting of the Planning Commission, City of Concord, was called to order by Chair Avila at 6:33 P.M., February 3, 2016, in the City Council Chamber.

I. ROLL CALL

COMMISSIONERS PRESENT: Chair Ernesto Avila
Vice Chair Jason Laub
Commissioner LaMar Anderson
Commissioner Ray Barbour
Commissioner Carlyn Obringer

STAFF PRESENT: Laura Simpson, Planning Manager
Susanne Brown, Senior Assistant City Attorney
Frank Abejo, Senior Planner
Joan Ryan, Senior Planner
Joelle Fockler, City Clerk

II. PLEDGE TO THE FLAG

Commissioner Obringer led the pledge.

III. PUBLIC COMMENT PERIOD

No public comment was heard.

IV. OATH OF OFFICE – For Commissioner LaMar Anderson

City Clerk, Joelle Fockler, swore in new Planning Commissioner LaMar Anderson.

V. REORGANIZATION OF PLANNING COMMISSION

1. Nomination and designation of the Chairperson of the Planning Commission for 2016/17.

   Motion was made by Commissioner Obringer to nominate Commissioner Avila for Chair, and seconded by Commissioner Barbour. The motion was passed by the following vote:

   AYES: Obringer, Barbour, Anderson, Avila, Laub
   NOES: None
   ABSTAIN: None

ABSENT: None

2. Nomination and designation of the Vice Chairperson of the Planning Commission for 2016/17.

   Motion was made by Commissioner Obringer to nominate Commissioner Laub for Vice-Chair, and seconded by Commissioner Barbour. The motion was passed by the following vote:

   AYES: Obringer, Barbour, Anderson, Avila, Laub
   NOES: None
   ABSTAIN: None
   ABSENT: None

VI. COMMISSION APPOINTMENTS

1. Nomination and designation of Design Review Board Liaison and Alternate for 2016/17.

   Motion was made by Commissioner Obringer to nominate Commissioner Avila for Liaison and Commissioner Laub as Alternate, and seconded by Commissioner Barbour. The motion was passed by the following vote:

   AYES: Obringer, Barbour, Anderson, Avila, Laub
   NOES: None
   ABSTAIN: None
   ABSENT: None

2. Nomination and designation of TRANSPAC Liaison and Alternate for 2016/17.

   Amended motion was made by Commissioner Laub to nominate Commissioner Obringer for Liaison and Commissioner Laub as Alternate, and seconded by Commissioner Obringer. The motion was passed by the following vote:

   AYES: Obringer, Laub, Anderson, Avila, Barbour
   NOES: None
   ABSTAIN: None
   ABSENT: None

3. Nomination and designation of Bicycle and Pedestrian Advisory Committee Representative and Alternate for 2016/17.

   Motion was made by Commissioner Avila to nominate Commissioner Obringer for Representative and Commissioner Laub as Alternate, and seconded by Commissioner Laub. The motion was passed by the following vote:

AYES: Avila, Laub, Anderson, Barbour, Obringer
NOES: None
ABSTAIN: None
ABSENT: None

VII. ADDITIONS / CONTINUANCES / WITHDRAWALS

None were announced.

VIII. CONSENT CALENDAR

APPROVAL OF MINUTES

Motion was made by Commissioner Obringer, and seconded by Commissioner Barbour to approve the meeting minutes of January 6 2016. Commissioner Anderson abstained. The motion was passed by the following vote:

AYES: Obringer, Barbour, Avila
NOES: None
ABSTAIN: Anderson
ABSENT: None

IX. PUBLIC HEARINGS

1. **Willows Shopping Center Master Sign Program (PL15259 – UP, DR) –** Application for a Use Permit and Design Review to amend the Willows Shopping Center Master Sign Program located at 1969 Diamond Boulevard. The General Plan designation is West Concord Mixed Use; Zoning classification is WMX (West Concord Mixed Use); APN 126-440-005. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the project is classified as Categorically Exempt pursuant to Sections 15301 (Class 1 – Existing Facilities), 15302 (Class 2 – Replacement or Reconstruction) and 15303 (Class 3 – New Construction or Conversion of Small Structures). **Project Planner: Frank Abejo @ (925) 671-3128**

   Senior Planner Frank Abejo presented the report.

   Robert M., of Equity One, answered questions from the Commission.

   Motion was made by Commissioner Obringer and seconded by Commissioner Laub to approve Resolution 16-02 PC approving an amendment to the Willows Shopping Center Master Sign Program with amended language subject to the Conditions of Approval set forth in Attachment A to Resolution No. 16-02 PC. The motion passed by the following vote:

   AYES: Obringer, Laub, Anderson, Avila, Barbour
   NOES: None

ABSTAIN: None
ABSENT: None

2. **Secondary Living Unit Text Amendment to the Development Code (PL16024 – DC) –** City-initiated text amendment to Section 18.200.180 Secondary Living Units of the Concord Development Code and recommends adoption of an Addendum to the 2012 SEIR for the Secondary Living Unit Text Amendment to the Development Code. The proposed changes would eliminate the provision for a required deed restriction for owner occupancy of one of the units on the parcel. At the same time, a Pilot Program for Secondary Living Units will be discussed including fee reductions for the smaller (640 sq. ft. or less) units in order to fulfill Program H-1.4.4 within the City's Housing Element Update. Pursuant to the provisions of the Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the project is classified as exempt pursuant to 15061(B)(3), and no further environmental review is required. **Project Planner: Joan Ryan @ (925) 671-3370**

Senior Planner Joan Ryan presented the report.

Public Comment

Jodeen Percey commented about including larger Secondary Living Units with this fee reduction.

Motion was made by Commissioner Laub and seconded by Commissioner Barbour to approve Planning Commission Resolution 16-01 PC recommending City Council pass an Ordinance approving the Development Code Amendment (PL16024-DC) to Section 18.200.180 for a Two-Year Pilot Program for Small Secondary Living Units, pass a Resolution adopting revisions to the Master Fee Schedule, and Develop and Implement a Marketing and/or Publicity Campaign for the Two-Year Pilot Program. The motion passed by the following vote:

AYES: Laub, Barbour, Anderson, Avila, Obringer
NOES: None
ABSTAIN: None
ABSENT: None

X. COMMISSION CONSIDERATIONS

1. General Plan Annual Progress Report

Senior Planner Joan Ryan presented the report.

Motion was made by Commissioner Obringer and seconded by Commissioner Laub recommending acceptance of the General Plan

Progress Report by the City Council and submission of the report to the Governor's Office of Planning and Research and the State Department of Housing and Community Development. The motion passed by the following vote:

AYES: Obringer, Laub, Anderson, Avila, Barbour
NOES: None
ABSTAIN: None
ABSENT: None

XI. STAFF REPORTS / ANNOUNCEMENTS

Planning Manager Laura Simpson announced the upcoming Planning Commissioner's Academy on March 2nd through the 4th and the cancellation of the March 2nd Planning Commission meeting due to this conference.

XII. COMMISSION REPORTS/ANNOUNCEMENTS

Commissioner Avila reported that he chaired the Annual Salinity Summit in Las Vegas last week and explained what was presented.

XIII. FUTURE PUBLIC HEARING ITEMS

Planning Manager Laura Simpson announced an appeal hearing will occur on February 17th and the March 2nd meeting will be cancelled. She also announced there will be an upcoming Bicycle and Pedestrian Advisory Committee Meeting on February 22nd and a Todos Santos Design Guidelines joint meeting with Council Committee on Early California Architecture and the Design Review Board members will be held on February 8th.

XIV. ADJOURNMENT

Commissioner Laub moved to adjourn at 8:09 P.M. Commissioner Obringer seconded the motion. Motion to adjourn was passed by unanimous vote of the Commissioners present.

APPROVED:

Laura Simpson
Planning Commission Secretary
Planning Manager

Transcribed by Grant Spilman,
Administrative Coordinator