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17 DISCOVERY BUILDERS, INC. et al.

18 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
19 **COUNTY OF CONTRA COSTA**

21 SAVE MOUNT DIABLO,
22 Petitioner and Plaintiff,
23 v.
24 CITY OF PITTSBURG; PITTSBURG CITY
COUNCIL; DOES 1-20.
25 Respondents and Defendants.
26
27 DISCOVERY BUILDERS, INC. ON
BEHALF OF FARIA LAND INVESTORS,
28 LLC; DISCOVERY BUILDERS, INC.;

Case No. CIVMSN21-0462
Assigned for All Purposes to the
Honorable Edward G. Weil
Dept. 39
**DECLARATION OF ELLIS RASKIN IN
SUPPORT OF MOTION FOR NEW
TRIAL**
Action Filed: March 30, 2021
Writ Hearing Date: December 1, 2021
Writ Hearing Time: 9:00 a.m.
Code Civ. Proc. §§ 1085, 1094.5; Pub. Res.

FILED
FEB 25 2022
K. BIEKER CLERK OF THE COURT
SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA
By _____
T. Schrader, Deputy Clerk



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FARIA LAND INVESTORS, LLC; DOES 21-40.

Real Parties in Interest.

Code § 21000 et seq. (California Environmental Quality Act (“CEQA”)); Gov. Code § 65300 et seq. (State Planning and Zoning Law)

1 **DECLARATION**

2 I, Ellis Raskin, declare as follows:

3 1. I am an attorney duly licensed to practice law in California. I have first-hand,
4 personal knowledge of the facts set forth in this declaration. If called upon to testify as to the facts
5 set forth herein, I anticipate that I will competently do so.

6 2. I am an attorney at Hanson Bridgett LLP, which is counsel of record for Real
7 Parties in Interest Discovery Builders, Inc. and Faria Land Investors, LLC (collectively “Real
8 Parties”). I make this declaration in support of Real Parties’ motion for a new trial.

9 3. On December 1, 2021, I appeared on behalf of Real Parties at the hearing on
10 Petitioner Save Mount Diablo’s motion for a peremptory writ of mandate. At the hearing, counsel
11 for Real Parties informed this Court that the 150 accessory dwelling units (“ADUs”) that may be
12 constructed at the site of Real Parties’ Faria/Southwest Hills Annexation Project (“Project”) will
13 be a bedroom within up to 150 of the future homes at the Project site that can be rented at the
14 option of the owner for an established reduced rent amount. The ADU bedrooms will have their
15 own door to the outside, but they will not be separate, standalone structures. This arrangement is
16 allows for 150 homeowners rent a bedroom in their home. By designating the rooms as “ADUs,”
17 Real Parties and the City of Pittsburg can ensure that the rooms are leased at rates that are
18 affordable to low income households (*see* Affordable Housing Agreement at Administrative
19 Record p. 864). Accordingly, counsel informed this Court that development of the ADUs will not
20 result in a net increase in the Environmental Impact Report’s population estimates for the Project,
21 and the ADUs will not cause any additional environmental impacts that were not studied in the
22 Project’s Environmental Impact Report.

23 4. I have caused to be attached as **Exhibit 1** to this declaration a true copy of the
24 Contra Costa Water District’s (“CCWD”) response to a “frequently asked question” regarding
25 water meter connections for ADUs. I downloaded a true copy of the response from CCWD’s
26 website at the following URL: <https://www.ccwater.com/Faq.aspx?QID=158>. The Response
27 explains that separate water meters are not needed for ADUs. According to the response, CCWD’s
28 Code of Regulations (Section 5.32.050) states that “a meter will be replaced by a meter of a

1 different size on a customer's request or when the District, in its sole discretion, determines that
2 increases in water demand have occurred or will occur due to changes affecting the amount of
3 capacity needed for the customer's property."

4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct, and that I have executed this declaration in the County of Contra
6 Costa, California, on February 25, 2022.

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Ellis Raskin

EXHIBIT 1

Do I need a separate meter for my ADU?

No, the District's Code of Regulations (Section 5.32.050) stated a meter will be replaced by a meter of a different size on a customer's request or when the District, in its sole discretion, determines that increases in water demand have occurred or will occur due to changes affecting the amount of capacity needed for the customer's property. In making said determination, the District will consider and evaluate factors affecting the capacity needed to meet the increases in water demand including, but not limited to:

- Addition of an Accessory Dwelling Unit(s) determined by the District to exceed the capacity of the existing meter.
- Addition of plumbing fixture units, determined by the District to exceed the capacity of the existing meter, in other situations through construction, conversion or expansion of the primary residence.
- Alternate uses of the premises, which the District determines warrant the installation of a larger water meter.

▼ Accessory Dwelling Unit Water Service

[Show All Answers](#)

1. What is the District's policy relative to Accessory Dwelling Units?

The District's Code of Regulations (Section 5.32.020A) states that Accessory dwelling units as defined in California Government Code § 65852.2(j)(1) (also referred to as in-law, residential secondary, or efficiency units) which will not require a separate connection to the water system, and which are either built outside the existing space of a single-family residence or accessory structure or are built in conjunction with a new single-family residence, are subject to the fees and charges specified in Section 5.08.040, which includes a Facility Reserve Charge that is proportionate to the additional burden these units place on the water system, and Section 5.56.060.

As used herein, "existing space" means the area within and including the original walls and roofline of the permitted single-family primary residence or permitted accessory structure.

[District Title 5 Regulations \(PDF\)](#)

2. Do I need a separate meter for my ADU?

No, the District's Code of Regulations (Section 5.32.050) stated a meter will be replaced by a meter of a different size on a customer's request or when the District, in its sole discretion, determines that increases in water demand have occurred or will occur due to changes affecting the amount of capacity needed for the customer's property. In making said determination, the District will consider and evaluate factors affecting the capacity needed to meet the increases in water demand including, but not limited to:

- Addition of an Accessory Dwelling Unit(s) determined by the District to exceed the capacity of the existing meter.
- Addition of plumbing fixture units, determined by the District to exceed the capacity of the existing meter, in other situations through construction, conversion or expansion of the primary residence.
- Alternate uses of the premises, which the District determines warrant the installation of a larger water meter.

3. What is the next step to provide water service to the ADU?

Please contact the Engineering Services Coordinator at 925-688-8014 or email at csweeney@ccwater.com to determine the next steps involved with providing water service to the ADU.

4. What is a walk-in service?

5. Can the District size a meter?

6. How long will it take for the design and installation of my walk-in service?

7. Can I change the location of my new service, and whom should I call?

8. Who should I call to find out the status of my project?

9. Once the design of my project is complete, whom should I contact for installation?

10. What do I need to do to get the water turned on once the facilities are installed?

11. When do I pay the District to design my new water service?

12. What are FRCs, and why do I need to pay them?

13. Do I receive a credit for an existing meter if I replace it with a larger meter?

14. What is a PRV and when does the District recommend their installation?

15. What is a RBPDP and when are they required?

16. Can I upgrade or downgrade my existing meter, and whom should I call?

Categories

- [All Categories](#)
- [Accessory Dwelling Unit Water Service](#)
- [Backflow Prevention](#)
- [Color or Appearance of Water](#)
- [Commercial Multi-Family Treated Water Services](#)
- [Costs & Fees](#)
- [Designing Your Water Service](#)
- [EasyPay](#)
- [Emergency Preparedness](#)
- [Lawn to Garden Rebate Program](#)
- [Los Vaqueros Expansion FAQs](#)
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