

4.6

LAND USE AND PLANNING

INTRODUCTION

The purpose of the Land Use and Planning chapter is to examine the proposed project's compatibility with existing and planned land uses in the area, as well as the project's consistency with applicable General Plan goals and policies. Documents utilized to prepare this chapter include but are not limited to the *Pittsburg General Plan 2020*,¹ the associated EIR,² the *Pittsburg Zoning Ordinance*,³ the *Contra Costa County General Plan 2005-2020*,⁴ and the Contra Costa (CC) Local Agency Formation Commission (LAFCo).⁵ It is important to note that when the term "project site" is utilized in this chapter, it refers to both the approximately 170-acre Tuscany Meadows Tentative Map site and the approximately 23-acre Chevron site that has been included in the current proposal for reorganization purposes. Therefore, "project site" refers to the approximately 193-acre area proposed for annexation to the City of Pittsburg as part of this project. In the instances where it will be necessary to discuss the Tuscany Meadows Tentative Map and Chevron portions of the project site separately; these instances will be so noted.

EXISTING ENVIRONMENTAL SETTING

Section 15125 of the CEQA Guidelines states that "[...] an EIR must include a description of the physical environmental conditions in the vicinity of the project [...] and shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans." The following provides the existing land uses on the project site as well as the existing land use designations and zoning.

Existing Land Uses

The proposed project site is located in an unincorporated area of Contra Costa County (CCC), California and consists of two parcels located within the City of Pittsburg Urban Limit Line, but outside of the City's current Sphere of Influence (SOI) boundaries. The project site is bounded on the north by Buchanan Road, to the east by the Contra Costa Canal and Somersville Road, to the south by the Black Diamond Estates residential development, and the west by the Highlands Ranch residential development. The surrounding areas to the northwest and west of the site are within the City of Pittsburg limits. Surrounding areas to the northeast, east, and south of the site are within the City of Antioch limits. Thus, the project site is currently an unincorporated island between the two cities.

Tuscany Meadows Tentative Map Site (APN 089-150-013)

Historically the project site was used as an above-ground crude oil tank farm owned by Chevron USA, Inc. The 170-acre Tentative Map site is a portion of the former 354-acre Chevron Los

Medanos Tank Farm (LMTF) facility. The LMTF, used principally for the storage of crude oil, consisted of forty 35,000-barrel above-ground storage tanks, five unlined surface impoundments (wax ponds), and appurtenant pipelines and access roads. The tanks had a diameter of approximately 100 feet. Twenty four (24) of the 40 crude oil above-ground storage tanks and four of the five unlined wash ponds were located on the 170-acre Tentative Map site. The LMTF facility operated from 1913 until July 1980. All of the tanks and associated piping were dismantled and removed in 1981 when the facility was decommissioned, with the exception of a single storage tank on the pump station site, which was retained by Chevron when the tank farm was decommissioned. This approximately 23-acre pump station site is located immediately north of the Tentative Map site and is known as the Los Medanos pump station. Chevron's Los Medanos pump station is separated from the Tentative Map site by a 10-foot high precast concrete sound wall. The Chevron pump station site is further discussed below under the "Chevron Site" header.

In 2006, a Remedial Action Plan (RAP) was prepared for the site by Risk Based Decisions. The RAP was subsequently approved on July 20, 2007 by the California Regional Water Quality Control Board (RWQCB). Broadly speaking, remedial actions included in the RAP consist of excavation of petroleum-contaminated soils and on-site treatment of excavated soils through bioremediation. Substantial on-site remediation has been completed in accordance with the approved RAP.⁶ At this time, remediation is on-going; however, full remediation would be completed and certified by the State prior to any development on the Tentative Map site. It should be noted that a similar approach was taken for the adjacent Highlands Ranch Subdivision, the property of which was owned and developed by the current project applicant. The 50-acre Highlands Ranch property is located in the western part of the former LMTF; and the site was cleaned up and redeveloped as the Highlands Ranch residential subdivision between 2001 and 2003.

The topography of the Tuscan Meadows Tentative Map site is relatively flat and generally sloped from south to north with elevations ranging between approximately 112 feet and 195 feet above mean sea level. Vegetation consists of moderate growth of ruderal grasses throughout the entire project site. However, because of the ongoing remediation activities, the site is regularly disturbed, re-graded and disced, a process which removes any established vegetation. The Contra Costa Canal runs along the northern and northeastern borders of the project site. Another small drainage ditch exists southeast of the site. Two temporary drainage ditches exist in the southeastern portion of the project site.

Chevron Site (APN 089-150-015)

The existing approximately 23-acre Chevron Los Medanos pump station facility is included in the project for reorganization purposes only; improvements to the Chevron site would not occur as part of the project. The site currently contains one above-ground crude oil storage tank and a pump facility. A precast concrete sound wall is located along the western, southern, and eastern sides of the Chevron site. In addition, substantial landscaping, in the form of mature trees, exists along the western, southern, and eastern sides of the Chevron site, just inside of the sound wall.

Pertinent City of Pittsburg Land Use Background for the Project Site

On November 8, 2011, the City of Pittsburg voters approved the “Local Control Enhancement for Pittsburg/Antioch Southeast Border Area, General Plan Amendment and Rezoning Act”, also known as Measure I. Measure I was brought forth as a citizen-sponsored initiative. Specifically, voter approval of Measure I on November 8, 2011 resulted in the following actions:

1. Amendment of the voter-approved 2005 City of Pittsburg Urban Limit Line (ULL) to include the approximate 193.60-acre “Southeast Border Area”, south of Buchanan Road. The Southeast Border Area is comprised of the approximately 170-acre Tuscany Meadows Tentative Map site and the approximately 23-acre Chevron site.
2. Amendment of Pittsburg General Plan Land Use Element Map to assign General Plan Land Use Designations of Low Density Residential and High Density Residential (Tuscany Meadows Tentative Map site), as well as Industrial (Chevron site) to the Southeast Border Area. Approval of Measure I also resulted in various amendments to General Plan goals, policies, objectives, and diagrams related to the Southeast Border Area.
3. Rezoning of the Southeast Border Area to Single-Family Residential (RS-4) and High-Density Residential (Tuscany Meadows Tentative Map site), as well as General Industrial (Chevron site). The rezoning of the Southeast Border Area would take effect upon annexation of said area to the City of Pittsburg.

Prior to approval of Measure I, the Pittsburg General Plan (Policy 2-P-4) previously contemplated the Southeast Border Area as a potential candidate for incorporation into the City of Pittsburg jurisdictional limits. As part of the approval of Measure I, Pittsburg General Plan Policy 2-P-4 was amended to read as follows:

2-P-4 Consider amendments to the current Sphere of Influence for properties along the eastern and western edges of the City, to take advantage of providing City services for the development of adjacent vacant lands.

The undeveloped Southeast Border Area has historically been considered part of Pittsburg, and is a logical extension of the Highlands Ranch development. The Southeast Border Area can be served by extending City services to the property and the City supports its annexation into the City of Pittsburg. This will help protect the vacant land from being developed in the City of Antioch. Developable sites west of Bay Point can also be served by extending existing City services.

Amended Policy 2-P-4 notes that the City of Pittsburg supports the annexation of the Southeast Border Area into its jurisdictional limits, which will help protect the vacant land from being developed into the City of Antioch. However, the Southeast Border Area, the boundaries of which are coterminous with the boundaries of the project site, is still located outside of the City of Pittsburg’s current SOI, within Antioch’s SOI. The City of Antioch General Plan includes the Southeast Border Area within the larger Somersville Road Corridor Focus Area of the Antioch General Plan and provides specific direction concerning prospective site design. As a result, while the current proposal for the Tuscany Meadows project is consistent with the General Plan

Land Use Designations and Prezoning designations assigned to the Southeast Border Area upon approval of Measure I, the proposed project requires Contra Costa LAFCo approval of a reorganization, including an Amendment to the Pittsburg SOI to include the approximately 193-acre project site within Pittsburg's SOI and annexation into the City.

Policy 2-P-71, which is among the policies included for the Buchanan Subarea of the Pittsburg General Plan, was also amended upon approval of Measure I. This policy was revised to remove the maximum density limitation of 3.0 dwelling units/acre for new residential development south of Buchanan Road.

Existing CCC General Plan Land Use Designations and Zoning for the Project Site

As discussed above, while the project site has been assigned City of Pittsburg General Plan Land Use Designations and prezoning, the approximately 193-acre project site remains within CCC. As a result, CCC General Plan Land Use and Zoning designations also apply to the site.

CCC General Plan Land Use Designations

According to the CCC General Plan Land Use Element Map, the 170-acre Tuscan Meadows Tentative Map site is designated Single-Family Residential - High Density (SH). The 23-acre Chevron site is designated Light Industry (LI). The CCC General Plan defines these two land use designations as follows:

Single-Family Residential – High Density (SH)

This designation allows between 5.0 and 7.2 single family units per net acre. Sites can range up to 8,729 square feet. With an average of 2.5 to three persons per household, population densities would normally range from about 12.5 to about 22 persons per acre.

Primary and secondary land uses which shall be permitted in the Single Family Residential-High Density designation are the same as above in (b). In addition, in specified areas of the County with conventional zoning, attached single family units (duplexes or duets) may be allowed.

Light Industry

This designation allows light industrial activities such as processing, packaging, machinery repair, fabricating, distribution, warehousing and storage, research and development, and similar uses which emit only limited amounts of smoke, noise, light, or pollutants. The following standards apply:

- | | |
|---------------------------------------|--------------|
| (1) Maximum site coverage: | 50 percent |
| (2) Maximum building height: | 50 feet |
| (3) Maximum floor area ratio: | 0.67 |
| (4) Average employees per gross acre: | 60 employees |

CCC Zoning Designation

According to the CCC Zoning Map, the entire annexation area, including the 170-acre tentative map site and the 23-acre Chevron site, is zoned Heavy Industrial (H-I). The County Zoning Code (Title 8, Division 84) defines the permitted uses for the H-I zoning district as follows (see Zoning Code Division 84-62.402):

Heavy industrial manufacturing uses of all kinds, including, but not limited to, the manufacturing or processing of petroleum, lumber, steel, chemicals, explosives, fertilizers, gas, rubber, paper, cement, sugar, and all other industrial or manufacturing products shall be permitted in the H-I district.

Because the entire 193-acre annexation area, including the Tuscany Meadows Tentative Map site and Chevron site, is zoned H-I, an inconsistency exists between the current SH residential land use designation for the Tuscany Meadows Tentative Map site and the underlying H-I zoning.

Existing Pittsburg General Plan Land Use Designations and Zoning for the Project Site

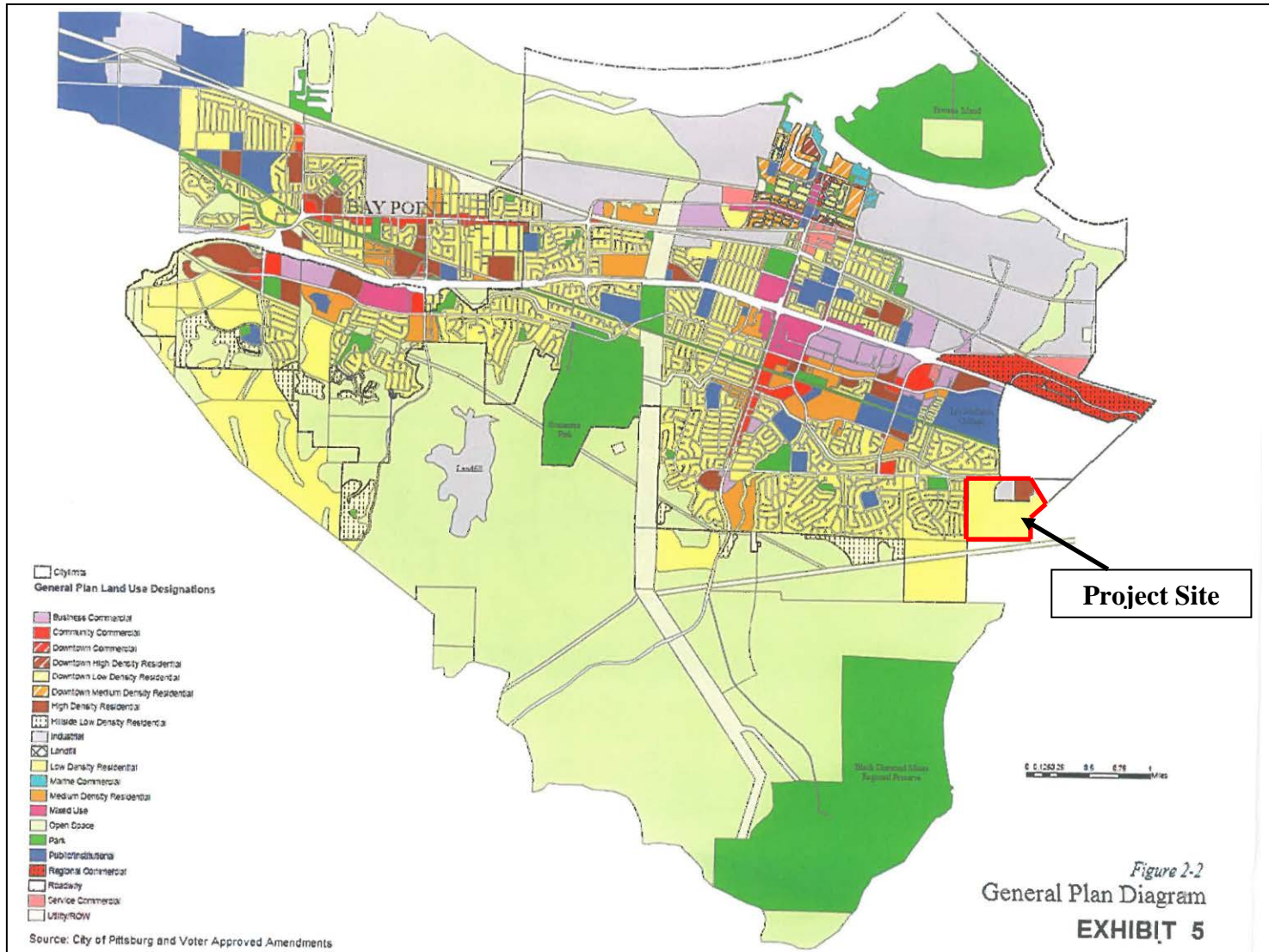
Pittsburg General Plan Land Use Designations

As discussed above, on November 8, 2011, the Pittsburg voters approved an initiative which, among other things, assigned Pittsburg General Plan Land Use Designations to the project site. The designations assigned to the project site include Low Density Residential and High Density Residential (Tuscany Meadows Tentative Map site), as well as Industrial (Chevron site) (See Figure 4.6-1). The Pittsburg General Plan defines these designations as follows:

Low Density

Single-family residential units built at a density of one to seven units per gross acre. Typical lots would be 6,000 square feet; the Zoning Ordinance may permit lots smaller than 6,000 square feet, if the proposed development meets specified community design standards in specific neighborhoods, such as Downtown, to promote compact development. This classification is mainly intended for detached single-family dwellings, but attached single-family units in selected or all areas may be permitted, provided that each unit has ground-floor living area, and private or common outdoor open space. The average density assumed for General Plan buildout calculations is six units per gross acre.

Figure 4.6-1
Existing Pittsburg General Plan Land Use Designations for the Project Site and Surrounding Properties



High Density

Residential development at densities ranging from 14 to 25 units per gross acre. Subject to design review by the Planning Commission, additional discretionary density increases, up to a maximum project density of 40 units per gross acre, may be granted to projects that fulfill community objectives. A wide range of housing types, from single-family attached units to multi-family complexes are permitted. The average density assumed for General Plan buildout calculations is 20 units per gross acre.

Industrial

Manufacturing, wholesale, warehousing and distribution, commercial and business services, research and development, and storage uses are permitted, in addition to agricultural, food and drug, and industrial processing. Only small restaurant and ancillary commercial uses would be appropriate, subject to appropriate design standards. The maximum FAR is 0.5, and increases in the maximum FAR may be permitted up to 0.8, for uses with low employment intensities. Performance standards in the Zoning Ordinance will minimize potential environmental impacts.

Pittsburg Zoning Designations

Voter approval of the above-discussed initiative also resulted in the project site being rezoned to Single-Family Residential (RS-4) and High-Density Residential (RH) (Tuscany Meadows Tentative Map site), as well as General Industrial (Chevron site) (See Figure 4.6-2). The Pittsburg Zoning Code defines these districts as follows:

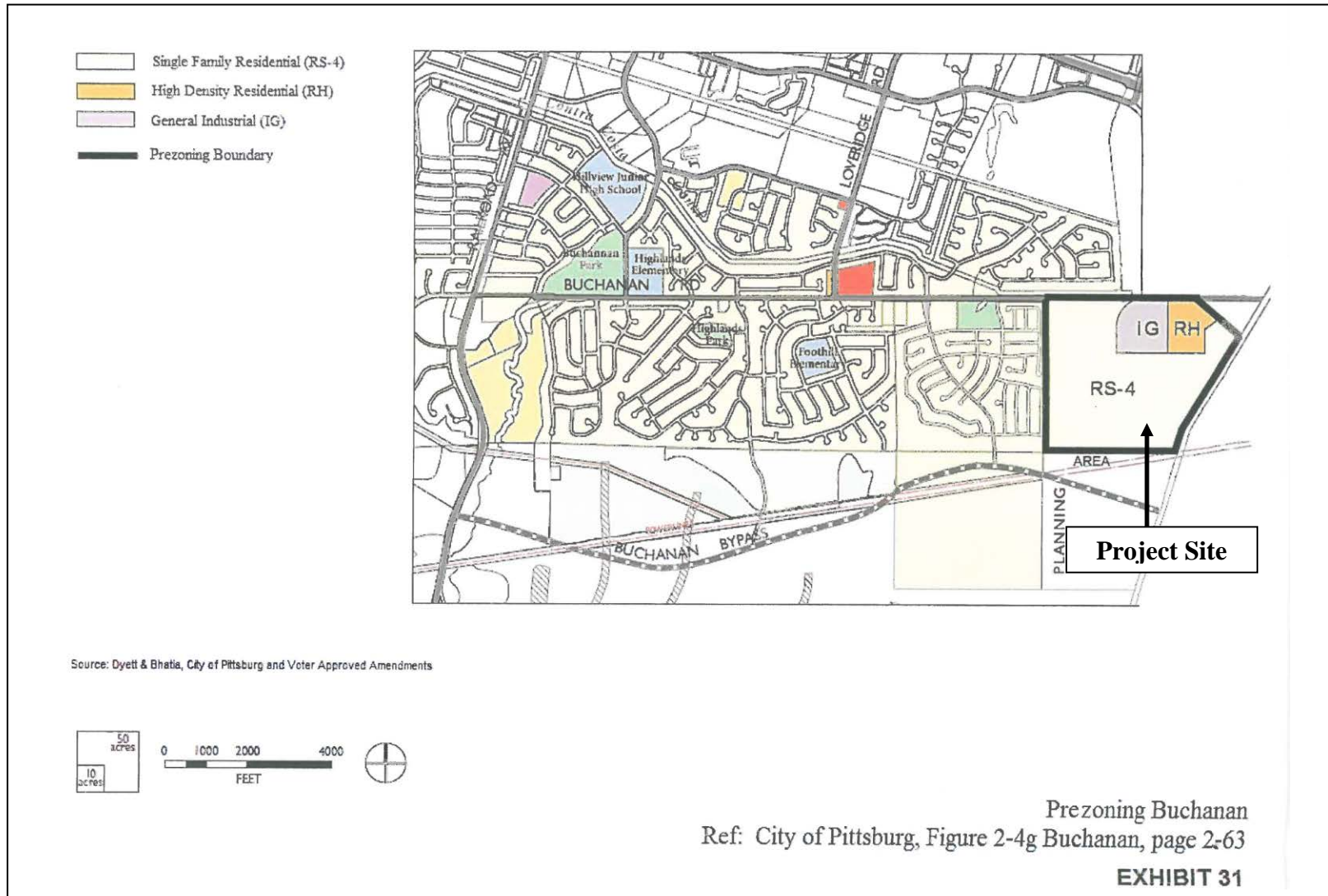
Single-Family Residential District - 4,000 Square Foot Minimum Lot Size (RS-4).

To provide opportunities for attached and detached single-family residences in existing and new neighborhoods, subject to appropriate standards. Duplexes and multifamily dwellings such as triplexes and fourplexes existing as of the effective date of the ordinance codified in this title are allowed to remain.

High-Density Residential District (RH).

To provide opportunities for an intensive form of residential development and institutional uses with relatively high land coverage, including single-family attached units, apartment complexes with 20 or more units, and condominiums, at appropriate locations in the City. Multifamily projects that incorporate a community benefit such as affordable housing may be permitted density increases that result in a maximum of 40 dwelling units per acre.

Figure 4.6-2
Existing Pittsburg Prezoning Designations for the Project Site and Surrounding Property Zoning



General Industrial District (IG).

To provide sites for intense industrial uses on large parcels occupied by or directly adjacent to existing heavy industrial uses, as well as on small parcels in the vicinity of heavy industrial uses. Areas are established for heavy industrial uses in order to protect them, to the extent feasible, from disruption and competition for space from unrelated retail and commercial uses that are more appropriately located elsewhere in the city. [Ord. 07-1284 § 3 (Exh. D), 2007; Ord. 979 § 2 (Exh. A), 1990.]

Surrounding Land Use and Zoning Designations

The areas surrounding the project site have the following land use and zoning designations, as summarized in Table 4.6-1.

| Table 4.6-1 Surrounding Zoning Designations | | | | |
|--|--------------------------|---|--|---|
| | City of Pittsburg | | City of Antioch | |
| | Land Use | Zoning | Land Use | Zoning |
| North | Low Density Residential | Single-Family Residential District (RS-6) (6,000 sq ft minimum lot size) | Medium Low Density Residential (six du/ac) | Single-Family Residential District (R-6) (six du/ac) |
| East | - | - | Somersville Road Corridor Focus Area, Medium Density Residential (10 du/ac), and Business Park | Manufactured Housing Combining District (R-20T) and Manufactured Housing Combining District (R-10T) (Antioch zoning for existing mobile home parks); Medium Density Residential District (R-10); Planned Development District (P-D) (Antioch residential zoning); Light Industrial District (PBC) (for Antioch Business Park designation) |
| South | - | - | Low Density Residential (four du/ac) and Business Park | Hillside Planned Development District (HPD) (ie., Antioch residential zoning for Black Diamond Ranch), Light Industrial District (PBC) (for Antioch Business Park designation) |
| Southeast | - | - | Open Space | General Agriculture (A-2) (five ac minimum) |
| West | Low Density Residential | Single-Family Residential District (RS6-O) (6,000 sf minimum lot size, with Limited Overlay District); Governmental and Quasipublic District (GQ) | - | - |

Surrounding Land Use Types

The project site is located within the Buchanan Subarea of the Pittsburg General Plan. The Pittsburg General Plan defines the land use setting for the Buchanan Subarea as follows:

Buchanan. Located along the City's southeastern boundary, the Buchanan subarea consists of many newer single-family residential subdivisions. Additionally, this subarea features a multi-unit senior community along Kirker Creek. Two parks and three schools are located here, along with a few commercial establishments. Hillside and low-density residential acreage is available for development of new up-scale neighborhoods along the southeast boundary of the Planning Area.

A more detailed description of the land uses currently surrounding the project site is provided below:

North: Contra Costa Canal, single-family residential subdivisions

South: Black Diamond Ranch single-family residential subdivision

Southeast: Closed GBF/Pittsburg Landfill

Southwest: Undeveloped land

West: Highlands Ranch single-family residential subdivision

East: Contra Costa Canal, Chateau Mobile Park, Vista Diablo Mobile Home Park; Village East single-family residential subdivision; undeveloped land

The Contra Costa Sanitary Landfill (a.k.a. GBF/Pittsburg Landfill, or Site), located at the corner of Somersville Road and James Donlon Boulevard in Antioch, comprises the former GBF and Pittsburg landfills, both of which historically accepted non-hazardous and hazardous waste during their operational periods, from the 1950s to 1987. The landfills were consolidated in 1987 into a municipal solid waste landfill of approximately 88 acres, most recently operated as the Contra Costa Sanitary Landfill (CCSL). The CCSL stopped accepting waste in 1992.

In 2001 and 2002, the final landfill cap was installed by the Site owner, GBF Holdings, LLC. The landfill was certified closed by the Regional Water Quality Control Board, Central Valley Region (RWQCB) in 2002.⁷ Pursuant to the RAP for the site, which was approved by the Department of Toxic Substances Control (DTSC) in 1997, a groundwater extraction and treatment system was installed along the landfill northern boundary in 2002 and 2003. The installation was based on the Remedial Design and Implementation Plan (RDIP), which was approved by DTSC in 2002. In 2003, 30 extraction wells were installed which pump groundwater to a central treatment plant. See Chapter 4.4, Hazards and Hazardous Materials for additional discussion on this topic.

REGULATORY CONTEXT

The following is a description of State and local environmental laws and policies that are relevant to the California Environmental Quality Act (CEQA) review process.

State Regulations

Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §560000 et seq.)

In California, the establishment and revision of local government boundaries is governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (hereafter referred to as “CKH”). The CKH was a comprehensive revision of the Cortese-Knox Local Government Reorganization Act of 1985, which was itself a consolidation of three major laws governing boundary changes. The three laws that governed changes in the boundaries and organization of cities and special districts prior to 1986 were:

- The Knox-Nisbet Act of 1963, which established local agency formation commissions (LAFCo) with regulatory authority over local agency boundary changes.
- The District Reorganization Act of 1965 (DRA), which combined separate laws governing special district boundaries into a single law.
- The Municipal Organization Act of 1977 (MORGA), which consolidated various laws on city incorporation and annexation into one law.

The Local Agency Formation Commission (LAFCo) that has annexation authority over the project site is Contra Costa LAFCo. The policies and procedures adopted by the Contra Costa LAFCo and related to land use are presented below. According to Section 56668 of CKH, factors to be considered in the review of a boundary change proposal shall include, but not be limited to, all of the following:

(a) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.

(b) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

"Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.

(c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.

(d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.

(e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.

(f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

(g) A regional transportation plan adopted pursuant to Section 65080, and consistency with city or county general and specific plans.

(h) The sphere of influence of any local agency which may be applicable to the proposal being reviewed.

(i) The comments of any affected local agency or other public agency.

(j) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.

(k) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.

(l) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.

(m) Any information or comments from the landowner or owners, voters, or residents of the affected territory.

(n) Any information relating to existing land use designations.

(o) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.

Local Regulations

Pittsburg General Plan

The following are applicable Pittsburg General Plan goals and policies related to land use and planning. The goals and policies would ensure that future development remains consistent with the General Plan.

Land Use Element

Goal 2-G-1 Maintain a compact urban form within the City's projected municipal boundary. Ensure that hillside lands not environmentally suitable for development are maintained as open space.

Goal 2-G-4 Provide a range of development intensities, with the highest intensities in Downtown and in areas accessible to transit and services, and lower intensities in hillsides and at the City's southern edge.

Goal 2-G-5 Promote a diversity of housing types, including opportunities for hillside estate development, as well as smaller lot, infill, and high-density housing.

- Goal 2-G-6 Maintain programs and provide incentives for use of vacant infill land and reuse and revitalization of underutilized sites.
- Goal 2-G-7 Promote flexibility and diversity in land use arrangements, including mixed-use development in appropriate areas.
- Goal 2-G-8 Ensure that hillside development enhances the built environment, improves safety through slope stabilization, is respectful of topography and other natural constraints, and preserves ridgelines and viewsheds.
- Goal 2-G-9 Exercise leadership in securing development and preserving open space consistent with the General Plan in portions of the Planning Area that will ultimately be inside the city boundaries.

Policy 2-P-4 Consider amendments to the current Sphere of Influence for properties along the eastern and western edges of the City, to take advantage of providing City services for the development of adjacent vacant lands.

The undeveloped Southeast Border Area has historically been considered part of Pittsburg, and is a logical extension of the Highlands Ranch development. The Southeast Border Area can be served by extending City services to the property and the City supports its annexation into the City of Pittsburg. This will help protect the vacant land from being developed in the City of Antioch. Developable sites west of Bay Point can also be served by extending existing City services.

Policy 2-P-9 Allow development of residential uses in transition areas where real estate interest in industrial land adjacent to existing or planned residential areas has diminished. However, ensure project design avoids potential activity conflicts.

Policy 2-P-13 Ensure that buffers—including landscaping, berms, parking areas, and storage facilities—are used to separate potentially incompatible activities.

Policy 2-P-15 Ensure minimum residential densities, in accordance with the ranges stipulated in this Plan.

This would require update of the City's Zoning Ordinance to ensure consistency with the General Plan, including rezoning of sites to appropriate designations so that planned development is within the designated range.

Policy 2-P-16 Develop criteria and standards for small-lot single-family residential development that:

- Promotes design and development flexibility;
- Includes design and bulk standards to ensure that development is appropriate and related to underlying lot size; and
- Ensures that residential development promotes a neighborhood orientation, with limitation on frontage that can be occupied by garages.

Policy 2-P-18 Limit all new multi-family housing to 20 units or more. Update the Zoning Ordinance to ensure that new multi-family projects are developed as large-scale, professionally maintained, high-density housing.

Goal 2-G-25 Ensure design of new developments as inter-connected residential neighborhoods, rather than distinct, introverted subdivisions.

Goal 2-G-26 Encourage development as a means of funding the construction of Buchanan Bypass as an alternative route for regional through-traffic.

Policy 2-P-68 Ensure that new residential development south of Buchanan provides both street and pedestrian connections to adjacent residential areas.

Policy 2-P-69 Encourage new residential development to contain varied architectural styles and smooth visual transitions to adjacent residential areas.

Policy 2-P-70 During development review, ensure that new development maintains views of the southern hills.

Policy 2-P-71 New residential development south of Buchanan Road should:

- Ensure that adequate acreage is dedicated for a neighborhood park directly adjacent to Buchanan Road;
- Not result in any net increase of peak-hour stormwater flow;
- Preserve and enhance existing north-south creeks;
- Respect natural topography in the design and construction of new units.

Growth Management Element

This element addresses growth and expansion, traffic standards, and public facility standards, pursuant to the CCC Transportation Sales Tax Expenditure Plan (Measure J) adopted by County

voters in 2004, as amended by the CCC Transportation Authority. This element also addresses the Voter Approved Urban Limit Line passed by the voters of the City of Pittsburg on November 8, 2005 and amended by the voters on November 8, 2011 to include the Southeast Border Area within the Voter Approved Urban Limit Line. Several policies contained in the Growth Management Element pertain to transportation; as a result, these policies will be included in the Transportation and Circulation chapter of this EIR. The following growth management policies are applicable to the proposed project with respect to land use.

Goal 3-G-1 Manage the City’s growth to balance development of housing options and job opportunities, protection of open space and habitat areas, construction of transportation improvements, and preservation of high quality public facilities.

Goal 3-G-2 Realize the opportunities afforded by establishment of the Voter Approved Urban Limit Line to allow the City to grow in such a way as to diversify and expand the employment base, develop a range of housing opportunities, increase the depth of municipal fiscal resources, enhance the quality of urban life for all Pittsburg residents and prohibit urban development beyond the Voter Approved Urban Limit Line.

Goal 3-G-3 Provide a range of development intensities, with the highest intensities in Downtown and in areas approximate to transit and services, and lower intensities in hillsides and at the City’s southern edge.

Goal 3-G-5 Ensure that new residential, commercial and industrial growth within the Voter-Approved Urban Limit Line pays its share of the costs for the construction of facilities needed to serve that growth.

Policy 3-P-1 Allow urban and suburban development only in areas where public facilities and infrastructure (police, fire, parks, water, sewer, storm drainage, and community facilities) are available or can be provided.

Prior to development approval, public service agencies and/or districts should be contacted and assurance gained that areas of urban expansion will have all necessary infrastructure.

Urban Design Element

Goal 4-G-3 Ensure that new residential development in the southern hills provides adequate transition between urban and open space uses on the City’s edge.

Policy 4-P-6 Ensure that developers of new residential projects in the southern hills plant trees and other vegetation along collector and arterial roadways, in order to maintain the sense of “rural” open space at the City’s southern boundary.

Although residential developers should restrict planting of trees and landscaping that will block views of the hills from other areas of the City, or views of Suisun Bay from hillside streets, vegetation along new roadways will contribute to the goal of retaining a sense of open space.

Policy 4-P-7 Ensure that design treatment of new development at the City's southern boundary retains a rural feel by:

- Discouraging the use of solid walls along these edges (fences must be visually permeable; however, discourage use of chain link in front and side yards);
- Using materials and design to promote a rural feeling (for example, wooden or other rustic materials); and
- Encouraging development at the outer edge of the City to face outwards toward the rural landscape (preventing a solid wall of residential back yard fences).

Goal 4-G-17 Encourage development of diverse and distinctive neighborhoods that build on the patterns of the natural landscape and provide a sense of connection with surrounding uses.

Goal 4-G-18 Ensure that neighborhood streets provide safe and attractive connections to local schools, parks, commercial centers, and transit facilities for pedestrians and bicycles.

Policy 4-P-80 Any subdivision involving more than four units, regardless of the number of parcels shall be subject to design review. Prepare a design standards checklist and/or residential design guidelines for use during review of development projects.

Policy 4-P-81 Encourage neighborhood design—including components such as land use, development intensity, and street layout—to be responsive to natural and institutional elements, including:

- Creeks. Ensure protection of riparian corridors through building setbacks. Ensure adequate pedestrian access to creeks, and provide connections from local trails and sidewalks. Integrate parks and open space areas with creeks.
- Urban Edges. Ensure feathering from urban to rural intensities at City boundaries.
- Adjacent Uses. Promote connections with surrounding land uses by integrating street networks and visual/architectural treatments.

- Policy 4-P-83 Ensure that new developments provide an integrated pattern of streets and pedestrian paths that provide connections between neighborhoods. As part of the City's Subdivision Regulations, establish street connectivity requirements.

New residential streets, particularly those adjacent to existing neighborhoods, should provide street and pedestrian connections to adjacent areas to enable more efficient movement throughout the City. Single-access neighborhoods should be avoided.

- Policy 4-P-85 Provide safe and comfortable pedestrian routes through local neighborhoods by requiring sidewalks on both sides of residential streets, except in hillside areas, by planting street trees adjacent to the curb, and by minimizing curb cuts.

Contra Costa LAFCo

LAFCOs are charged with establishing policies and exercising their powers “. . . in a manner that encourages and provides planned, well-ordered, efficient urban development patterns with appropriate consideration of preserving open-space lands within those patterns” and with “. . . the discouragement of urban sprawl and the encouragement of the orderly formation and development of local agencies based upon local conditions and circumstances” [Government Code §§56300 and 56301]. LAFCo's powers, procedures, and functions are set forth in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §560000 et seq.).

In carrying out its responsibilities, each LAFCo must conduct studies and review and make determinations on changes of organization, reorganizations and SOIs. Policies and standards have been adopted by the Contra Costa LAFCo to assist in the review of proposals and the preparation of studies as necessary. The following policies are those directly applicable to the proposed project.

A. *General Policy Statement*

The statutory goals of the LAFCo include the promotion of orderly growth and development by determining logical local boundaries [§56001], preservation of open space by encouraging development of vacant land within cities before annexation of vacant land adjacent to cities [§56377(b)], and preservation of prime agricultural land by guiding development away from presently undeveloped prime agricultural lands [§56377(a)].

Although LAFCo attempts to discourage urban sprawl, to preserve agricultural lands and open space, and to promote well-ordered and appropriate land use within the County, the Commission lacks authority to exercise the more specific powers that a general land use jurisdiction (county or city) can exercise when directly regulating land use density or intensity, property development or subdivision requirements [§56375(a)]. LAFCo intends that its policies promote the overall quality of life of the residents of CCC.

In considering proposals that would facilitate or lead to intensification of land uses, the Commission will consider consistency of the application with City and County general and specific plans that are relevant to the proposal or the affected territory.

The Commission will generally favor adopted plans that are supportive of the Commission's responsibility to discourage urban sprawl, preserve open space and prime agricultural lands, provide for efficient public services and encourage the orderly formation and development of local agencies.

LAFCo will encourage proposals that enable urban development to include annexation to a city whenever reasonably possible, and discourage proposals that enable urban development without annexation to a city. LAFCo will also encourage cities to annex lands that have been developed to urban levels, particularly areas that receive city services.

While not bound by the regulations promulgated by local agencies in this County, LAFCo prefers that proponents of any boundary or SOI change demonstrate that their proposal will be consistent with such local regulations as may be relevant to the factors that LAFCo must consider pursuant to §56668.

This policy is to include, but is not limited to, the regulation of water and sewer agencies such as the East Bay Municipal Utility District and the Central Contra Costa Sanitary District.

LAFCo must also consider the impact of a proposal on the regional supply of residential housing for all income levels. LAFCo will usually encourage those applications, which improve the regional balance between housing and jobs.

B. Preferred Service Provider

The Legislature has found that a single multipurpose government agency accountable for community service needs and financial resources may be the best mechanism for establishing community service priorities, particularly in urban areas (§56001). LAFCo shall generally consider, and approve, where appropriate and feasible, the provision of new or consolidated services in the following order of preference:

1. Annexation to an existing city.
2. Annexation to an existing multiple purpose special district.
3. Annexation to an existing single purpose special district.
4. Consolidation of existing districts.
5. Annexation to a subsidiary district or County Service Area (CSA).
6. Formation of a new CSA.
7. Incorporation of a new city.
8. Formation of a new multipurpose district.
9. Formation of a new single purpose district.

D. Policy on Spheres of Influence and Annexations

The goals of the Contra Costa LAFCo include promotion of orderly growth and development by determining logical local agency boundaries [§56001], preservation of open space by encouraging development of vacant land within cities before annexation of vacant land adjacent to cities [§56377(b)], and the preservation of prime agricultural land by guiding development away from presently-undeveloped prime agricultural lands [§56377(a)].

In order to accomplish these and other goals, LAFCo is required to review and update every five years the SOIs of local agencies in CCC [§56425].

An SOI is a plan for the probable physical boundaries and service area of a local agency [§56076] and includes policies for directing growth patterns. In accordance with State law, inclusion in an SOI makes land eligible for annexation but does not assure annexation. LAFCo must consider numerous other factors when considering an annexation, reorganization or change of organization.

SOIs may be amended by the Commission. When an SOI amendment is requested, the proponent shall submit documentation to support the determinations the Commission must make pursuant to §56425(a). For a city seeking an SOI amendment, particular attention should be paid to the current land uses in the county and city, the land uses planned for the city's present SOI and the land uses proposed for territory sought to be added to the SOI. Areas to remain in agricultural and open space should be clearly specified [§§56425(a), 56377].

As a precursor to boundary changes, requests for SOI amendments should address all relevant factors of §56668. Such requests should also specify how the policies of the CKH Act will be fostered with respect to the 1) orderly formation of local agencies [§56001] and 2) preservation of open space [§56059] and prime agricultural land [§56064], both within the existing boundaries of the agency and the proposed SOI of the agency [§56377].

LAFCo discourages inclusion of land in an agency's SOI if a need for services provided by that agency within a 5-10 year period cannot be demonstrated. To demonstrate that a proposed SOI amendment is timely, an applicant should indicate expected absorption and development rates for land already in the SOI, as well as land proposed to be added.

A request to expand an SOI should designate clearly the territory that may be sought for annexation and the anticipated timeframe. An agency should propose a reduction in its SOI to remove territory that the agency does not believe will be developed within 20 years.

Territory proposed to be annexed to an agency should be within the Urban Service Area [§56080] of the agency. Related infrastructure improvements should be included in the agency's 5-year Capital Improvement Program. Each agency expected to serve any

portion of a city's SOI during the period should provide the city and LAFCo with an "intent to serve" statement. Such statements should demonstrate the reason, intent and capacity to serve the area by such evidence as resolutions of the governing boards establishing service area boundaries and ultimate service areas. The applicant shall also submit an adopted plan for financed infrastructure. [§56378].

Requests for changes of SOIs should be accompanied by summaries of the studies used to establish the SOI areas, copies of any 5-year Capital Improvement Program, and copies of any master service agreements, resolutions, or other such documentation for local agencies that may provide service to the area.

A Municipal Service review will be required prior to processing a substantial SOI amendment (§56430). LAFCo may find an SOI request inadvisable and/or premature if the Commission is unable to determine from the application that the goals of the CKH Act would be served by approving the request [§§56425, 56426, 56668, 56377, 56001]. Territory for which an annexation is proposed should be within the adopted SOI of the annexing agency. If not, an SOI amendment will be required prior to consideration of the annexation. Territory for which an annexation is proposed should be within the area shown as the 5-year SOI-Urban Service Area in the adopted SOI of the annexing agency. Annexations proposed for territory beyond the 5-year SOI-Urban Service Area usually will be denied unless overriding reasons demonstrate need for the annexation at the present time. Whenever feasible, annexation to all agencies that are expected to provide urban services to the area should be submitted at the same time.

SOIs generally will not be amended concurrently with an action on the related change of organization or reorganization. A change of organization or reorganization will not be approved solely because an area falls within the SOI of any agency.

Proponents of an annexation must demonstrate that the proposed development within the annexation area will meet the annexing jurisdiction's adopted performance standards for facilities, services and traffic and that an adopted Capital Improvement Plan will provide for these facilities.

Annexation proposals should avoid creation of "islands" or corridors of territory not served by the annexing agency, and boundaries that are not definite and certain or do not conform to lines of assessment or ownership. The Commission's approval of boundary change proposals containing split parcels will typically be subject to a condition requiring the recordation of a parcel map, lot line adjustment or other instrument to avoid creating remnants of legal lots.

Territory to be annexed by a city shall be pre-zoned by the city. A map submitted by the proponents should show all zoning designations for the territory to be annexed.

E. *Island Annexation Policies*

Recognizing that cities are the most logical providers of municipal services, and that unincorporated islands can be more effectively and efficiently served by surrounding cities, LAFCo is committed to the annexation of urban island areas.

LAFCo will collaborate with the County and cities in facilitating annexation of unincorporated urban islands.

LAFCo encourages the County and cities to coordinate development standards in urban island areas to facilitate the annexation of urban islands.

The Government Code contains special provisions for annexing small islands, which facilitate the annexation of islands of less than 150 acres (§56375.3).

In the interest of orderly growth and development, cities should annex urban unincorporated islands within their current SOIs before seeking to add new lands to their boundaries.

The remaining policies set forth by Contra Costa LAFCo pertain to the provision of public services and utilities and the inclusion of this information in a plan for services, which is a required component of an annexation and/or SOI amendment application. The Public Services, Recreation, and Utilities chapter of this EIR will include and evaluate, as applicable, these Contra Costa LAFCo policies.

Tuscany Meadows Tentative Map Site Conditions of Sale

On March 15, 1985, a sale and purchase agreement (“Agreement”) for the Tuscany Meadows Tentative Map site was entered into between Chevron USA, Inc. and North State Development Company. This agreement was modified on November 5, 1987. The Agreement stipulates certain improvements that must be implemented by the buyer upon development of the Chevron Parcel (i.e., Tuscany Meadows Tentative Map site). Among the required improvements are the following:

- Sound wall: At seller’s request, buyer shall install a 10-foot high noise-reduction barrier along the eastern and southern boundaries of the Los Medanos Pump Station (i.e., 23-acre parcel remaining under Chevron ownership), and an 8-foot high noise-reduction barrier along the western boundary of the Los Medanos Pump Station. This soundwall has been installed per the aforementioned specifications.
- Setbacks: Covenant running with the land originally provides for setbacks restricting development of two story residential units within 150 feet from certain improved real property retained by Seller in the immediate vicinity of the Chevron Parcel (i.e., the Los Medanos Pump Station). However, the 1987 amendment to the sale and purchase agreement notes that the “Seller and Buyer agree that such setbacks shall be revised to provide that Buyer may develop residential units within twenty (20) feet of the southern boundary and fifty (50) feet of the eastern boundary of the Los Medanos Pump Station.

Seller and Buyer shall undertake any such further acts as may be required to effect this change and modify the public record accordingly, subject to any government approvals that may be required.” In consideration of reducing the setbacks, as just described, Buyer is required to plant two rows of trees at Seller’s Los Medanos Pump station on Seller’s side of the noise-reduction barrier in order to reduce the noise and visibility of Seller’s operations at the Los Medanos Pump Station. According to the requirement the landscape trees have been installed on the Chevron side of the sound wall.

- Building Materials/Windows: Buyer agrees to installed double-pane windows on the second floor of any two-story units constructed by or on behalf of Buyer around the perimeter of the Los Medanos Pump Station to reduce the effects of any noise emanating from Seller’s operations. Buyer further agrees to eliminate from any units it may construct on the Chevron Parcel any and all second story windows which face and which are within 50 feet of the Los Medanos Pump Station. Buyer shall also install in the second floor of any two-story residential units within 150 feet of the Los Medanos Pump Station increased insulation to improve the soundproofing thereof.
- Basin: Buyer shall excavate a new Impound Basin and fill the existing one in order to accommodate the alignment of James Donlon Boulevard.

IMPACTS AND MITIGATION MEASURES

This section describes the standards of significance and methodology utilized to analyze and determine the proposed project’s potential impacts related to land use and planning.

Standards of Significance

Consistent with Appendix G of the CEQA Guidelines a land use and planning impact may be considered to be significant if any potential effects of the following conditions, or potential thereof, would result with the proposed project’s implementation:

- Physically divide an established community;
- Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating a significant environmental effect; or
- Conflict with any applicable habitat conservation plan or natural community conservation plan.

The impacts already identified in the Initial Study that was prepared for the proposed project (see Appendix C) as being *no impact* (physically divide an established community) are not further addressed within this chapter. The impacts identified as *potentially significant* in the Initial Study are addressed below in this chapter.

It should be noted that the proposed project’s impacts associated with any applicable habitat conservation plan or natural community conservation plan is addressed in Chapter 4.2, Biological Resources, of this Draft EIR.

Method of Analysis

The Land Use impact evaluation qualitatively compares the uses proposed for the project to the existing and other proposed uses in the vicinity of the project site in order to determine if proposed land uses are compatible with existing or proposed uses. The determination of compatibility is based on the anticipated environmental effects of proposed uses and the sensitivity of adjacent uses to those effects. The evaluation also assesses the consistency of the proposed project with the goals and policies of the Pittsburg General Plan and Contra Costa LAFCo policies and standards regarding SOI amendments and annexation.

Project-Specific Impacts and Mitigation Measures

The following discussion of land use and planning impacts is based on implementation of the proposed project in comparison to existing conditions and the standards of significance presented above.

4.6-1 Compatibility with surrounding uses. Based on the analysis below and with the implementation of mitigation, the impact is *less than significant*.

The following analysis will consider whether implementation of the proposed project could create incompatibilities between the proposed project and surrounding uses, and/or incompatibilities on-site between proposed uses.

Potential Incompatibilities between the Proposed Project and Surrounding Uses

As discussed above, the determination of compatibility of land uses typically relies on a general discussion of the types of adjacent uses to a proposed project and whether any sensitive receptors exist either on the adjacent properties or associated with the proposed project. Surrounding land uses consist of the following:

| | |
|-------------------|--|
| <i>North:</i> | Contra Costa Canal, single-family residential subdivisions |
| <i>South:</i> | Black Diamond Ranch single-family residential subdivision |
| <i>Southeast:</i> | Closed GBF/Pittsburg Landfill |
| <i>Southwest:</i> | Undeveloped land |
| <i>West:</i> | Highlands Ranch single-family residential subdivision |
| <i>East:</i> | Contra Costa Canal, Chateau Mobile Park, Vista Diablo Mobile Home Park; Village East single-family residential subdivision; undeveloped land |

As demonstrated in the above description, land uses surrounding the project site are predominantly residential. The proposed project consists of single family and multi-family residential uses which would not create incompatibilities with existing established residential areas. Typically, incompatibilities result when different types of land uses are placed in close juxtaposition, such as locating a residential subdivision adjacent to an existing commercial complex or industrial park. The proposed project would not develop residences near any adjacent commercial or industrial centers, but would rather expand the existing residential community that predominates the area.

Development of residences on the site, however, would place residents in close proximity to the closed Contra Costa Sanitary Landfill (a.k.a. GBF/Pittsburg Landfill), located at the corner of Somersville Road and James Donlon Boulevard in Antioch. The closed landfill comprises the former GBF and Pittsburg landfills, both of which historically accepted non-hazardous and hazardous waste during their operational periods, from the 1950s to 1987. The landfills were consolidated in 1987 into a municipal solid waste landfill of approximately 88 acres, most recently operated as the Contra Costa Sanitary Landfill (CCSL). The CCSL stopped accepting waste in 1992.

In 2001 and 2002, the final landfill cap was installed by the site owner, GBF Holdings, LLC. The landfill was certified closed by the Regional Water Quality Control Board, Central Valley Region (RWQCB), in 2002. Pursuant to the RAP for the site, which was approved by the Department of Toxic Substances Control (DTSC) in 1997, a groundwater extraction and treatment system was installed along the landfill's northern boundary in 2002 and 2003. The installation was based on the Remedial Design and Implementation Plan (RDIP), which was approved by DTSC in 2002. In 2003, 30 extraction wells were installed which pump groundwater to a central treatment plant. Given the presence of groundwater contaminants below the closed GBF/Pittsburg Landfill, vapor intrusion sampling has been conducted on the Tuscany Meadows project site, along its eastern boundary, to assess the human health risk associated with potential subsurface vapor intrusion of volatile organic compounds (VOCs) from groundwater into overlying future residential structures on the property. Please refer to Chapter 4.4, Hazards and Hazardous Materials, for more extensive discussion of the vapor intrusion sampling that has been conducted on the project site and sampling results. Given the ongoing groundwater remediation efforts at the closed GBF/Pittsburg Landfill and vapor intrusion sampling efforts on the Tuscany Meadows project site to ensure that adverse health impacts would not occur to future Tuscany Meadows residents as a result of VOC vapor intrusion, it is anticipated that the closed GBF/Pittsburg Landfill would not pose any incompatibilities with future project residents.

Potential Incompatibilities On-Site Between Proposed Uses

As discussed above, the existing approximately 23-acre Chevron Los Medanos pump station facility is included in the project for reorganization only; improvements to the Chevron site would not occur as part of the project. The site currently contains one above-ground crude oil storage tank and a pump facility. While limited operational activities occur on the Los Medanos pump station facility, certain conditions of sale were placed on the future development of the Tuscany Meadows Tentative Map site in order to ensure that potential incompatibilities would not occur between the existing Los Medanos pump facility and the Tuscany Meadows project. In accordance with these conditions of sale, which were identified in the March 15, 1985 sale and purchase agreement, a precast concrete sound wall has already been constructed along the western, southern, and eastern sides of the Chevron site. In addition, substantial landscaping, in the form of mature trees, exists along the western, southern, and eastern sides of the Chevron site, just inside of the sound wall. However, the sale and purchase agreement contains other conditions that specify required setbacks for two-story residential units on the Tuscany

Meadows Tentative Map site. The proposed locations of two-story residences on the Tuscany Meadows Tentative Map site have not been identified at this time; therefore, it is not possible to determine whether the project complies with the two-story unit setbacks specified in the aforementioned sale and purchase agreement.

The sale and purchase agreement also requires that the developer install double-pane windows on the second floor of any two-story units constructed around the perimeter of the Los Medanos Pump Station to reduce the effects of any noise emanating from the seller's operations. The developer is also required to eliminate any and all second story windows which face and which are within 50 feet of the Los Medanos Pump Station, as well as install increased insulation in the second floor of any two-story residential units within 150 feet of the Los Medanos Pump Station to improve the soundproofing thereof.

Conclusion

Potential incompatibilities would not result between the proposed project and surrounding uses because said uses are predominantly residential, and the project would serve as an extension of the existing residential community centered around Buchanan Road in southeast Pittsburg. Regarding the proximity to the closed GBF/Pittsburg Landfill, soil vapor intrusion sampling has been ongoing at the project site, with oversight from DTSC to ensure that soil vapor would not adversely affect future Tuscany Meadows residents, as further explained in Chapter 4.4, Hazards and Hazardous Materials.

Potential on-site incompatibilities could result with implementation of the project, however, should the conditions of sale regarding setbacks for two-story residences not be incorporated into site design. Therefore, impacts related to compatibility of on-site uses would be considered *potentially significant*.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above-identified impact to a *less-than-significant* level.

- 4.6-1 *Prior to approval of design review for each specific phase of development, the project applicant shall submit a plan to the Pittsburg Planning Department that shows the amount and location of single-story and two-story residences. The Planning Department shall verify that all two-story residences comply with the setbacks set forth in the sale and purchase agreement for the Tuscany Meadows Tentative Map site between Chevron USA, Inc. and North State Development Company. Specifically, residential units may be developed within twenty (20) feet of the southern boundary and fifty (50) feet of the eastern boundary of the Los Medanos Pump Station. The insulation requirement is addressed in mitigation measures 4.7-3 (c) and 4.7-3 (d) in the Noise chapter of this EIR.*

4.6-2 Consistency with the Pittsburg General Plan. Based on the analysis below, the impact is *less than significant*.

As discussed above, on November 8, 2011, the City of Pittsburg voters approved the “Local Control Enhancement for Pittsburg/Antioch Southeast Border Area, General Plan Amendment and Rezoning Act”, also known as Measure I. Measure I was brought forth as a citizen-sponsored initiative. Specifically, voter approval of Measure I on November 8, 2011 resulted in the following actions:

1. Amendment of the voter-approved 2005 City of Pittsburg Urban Limit Line (ULL) to include the approximate 193.60-acre “Southeast Border Area”, south of Buchanan Road. The Southeast Border Area is comprised of the approximately 170-acre Tuscany Meadows Tentative Map site and the approximately 23-acre Chevron site.
2. Amendment of Pittsburg General Plan Land Use Element Map to assign General Plan Land Use Designations of Low Density Residential and High Density Residential (Tuscany Meadows Tentative Map site), as well as Industrial (Chevron site) to the Southeast Border Area. Approval of Measure I also resulted in various amendments to General Plan goals, policies, objectives, and diagrams related to the Southeast Border Area.
3. Rezoning of the Southeast Border Area to Single-Family Residential (RS-4) and High-Density Residential (Tuscany Meadows Tentative Map site), as well as General Industrial (Chevron site). The rezoning of the Southeast Border Area would take effect upon annexation of said area to the City of Pittsburg.

The single family and multi-family uses proposed for the Tuscany Meadows Tentative Map site are consistent with the General Plan Land Use Designations of Low Density Residential and High Density Residential, which were assigned to the Tentative Map site during the November 8, 2011 approval of Measure I. In addition, the ongoing industrial uses on the Chevron parcel are consistent with the parcel’s Industrial Land Use Designation assigned during approval of Measure I; and the project would not result in any changes to these operations.

In order to further demonstrate the project’s consistency with the Pittsburg General Plan, Table 4.6-2 includes a list of the relevant General Plan policies and a corresponding discussion of how the project is consistent with each policy. As demonstrated in the table, the proposed project is generally consistent with the relevant Pittsburg General Plan policies. In consideration of this and the fact that the project is consistent with the current General Plan Land Use Designations assigned to the site upon approval of Measure I, the project would have a *less-than-significant* impact regarding General Plan consistency.

Mitigation Measure(s)

None required.

**Table 4.6-2
Pittsburg General Plan Policy Discussion**

| Policy | | Project Consistency |
|-------------------------|--|--|
| Land Use Element | | |
| 2-P-4 | <p>Consider amendments to the current Sphere of Influence for properties along the eastern and western edges of the City, to take advantage of providing City services for the development of adjacent vacant lands.</p> <p>The undeveloped Southeast Border Area has historically been considered part of Pittsburg, and is a logical extension of the Highlands Ranch development. The Southeast Border Area can be served by extending City services to the property and the City supports its annexation into the City of Pittsburg. This will help protect the vacant land from being developed in the City of Antioch. Developable sites west of Bay Point can also be served by extending existing City services.</p> | <p>The Tuscan Meadows Tentative Map site is known as the Southeast Border Area. Therefore, Policy 2-P-4 specifically relates to the Tuscan Meadows Tentative Map Site and encourages amendment of the Pittsburg SOI to include the project site, and subsequent annexation of the site to the City of Pittsburg. Approval of the project would accomplish the objectives of this policy.</p> |
| 2-P-9 | <p>Allow development of residential uses in transition areas where real estate interest in industrial land adjacent to existing or planned residential areas has diminished. However, ensure project design avoids potential activity conflicts.</p> | <p>The Tentative Map area is adjacent to the existing Chevron parcel; however, there is not an existing or anticipated demand for re-establishment of industrial uses on the land. An existing sound wall and landscaping would buffer the Low Density Residential (LDR) and High Density Residential (HDR) from the adjacent Chevron pump station. In addition, Mitigation Measure 4.6-1 requires all two-story residences within the project to comply with the setbacks set forth in the sale and purchase agreement for the Tuscan Meadows Tentative Map site between Chevron USA, Inc. and North State Development Company.</p> |
| 2-P-13 | <p>Ensure that buffers—including landscaping, berms, parking areas, and storage facilities—are used to separate potentially incompatible activities.</p> | <p>Chevron’s Los Medanos pump station is separated from the Tentative Map site by a 10-foot high precast concrete sound wall. The sound wall is located along the western, southern, and eastern sides of the Chevron site. In addition, substantial landscaping, in the form of mature trees, exists along the western, southern, and eastern sides of the Chevron site, just inside of the sound wall.</p> |
| 2-P-15 | <p>Ensure minimum residential densities, in accordance with the ranges stipulated in this Plan.</p> | <p>The Tuscan Meadows Tentative Map site includes up to 917 low density single-family lots on approximately 135.6 acres, which would result in a project that would be similar in nature to the surrounding residential</p> |

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**Table 4.6-2
Pittsburg General Plan Policy Discussion**

| Policy | Project Consistency |
|---|--|
| <p>This would require update of the City’s Zoning Ordinance to ensure consistency with the General Plan, including rezoning of sites to appropriate designations so that planned development is within the designated range.</p> | <p>developments. The high density residential area located in the northeastern corner of the project site could support development of up to 365 multi-family units on 14.6 acres, which would meet the maximum allowable density of 25 dwelling units/acre. The proposed high density residential area is consistent with current GP and prezoning for the area which was approved via Measure I.</p> |
| <p>2-P-16 Develop criteria and standards for small-lot single-family residential development that:</p> <ul style="list-style-type: none"> • Promotes design and development flexibility; • Includes design and bulk standards to ensure that development is appropriate and related to underlying lot size; and • Ensures that residential development promotes a neighborhood orientation, with limitation on frontage that can be occupied by garages. | <p>The project’s residential design would comply with the City’s Development Review Design Guidelines for Neighborhoods and Subdivisions. Per PMC Section 18.36.220, during Development Review of the proposed project, the Planning Commission shall consider the following: maximum height, lot coverage and setbacks; mass of structures; walls, screens, towers, and signs; sound concealment of mechanical and electrical equipment; building colors and materials; avoidance of repetition; relationship with existing and proposed adjoining developments; and landscaping. Said review process before the Planning Commission would ensure that residential development promotes high quality design and sense of neighborhood.</p> |
| <p>2-P-18 Limit all new multi-family housing to 20 units or more. Update the Zoning Ordinance to ensure that new multi-family projects are developed as large-scale, professionally maintained, high-density housing.</p> | <p>The proposed multi-family site is consistent with this policy because the proposed density is 25 dwelling units/acre. The 14.6-acre high density residential area would consist of up to 365 multi-family units.</p> |
| <p>2-P-68 Ensure that new residential development south of Buchanan provides both street and pedestrian connections to adjacent residential areas.</p> | <p>The Tuscany Meadows Tentative Map site includes street and pedestrian access to the adjacent Black Diamond Estates to the south via the proposed Tuscany Meadows Drive. The proposed project also includes street and pedestrian access to the surrounding arterial roadways via Tuscany Meadows Drive and Sequoia Drive. There is no potential direct roadway connection available between the existing Highlands Ranch and proposed Tuscany Meadows subdivisions. Although not shown on the tentative map, a pedestrian connection between the high-density residential area (Parcel A) and the single-family residential area is anticipated. According to the Transportation, Traffic, and Circulation chapter of this EIR, implementation of Mitigation Measure 4.9-5(b)</p> |

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**Table 4.6-2
Pittsburg General Plan Policy Discussion**

| Policy | Project Consistency |
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| | would reduce the impact to pedestrian circulation to a less-than-significant level. |
| <p>2-P-69 Encourage new residential development to contain varied architectural styles and smooth visual transitions to adjacent residential areas.</p> | <p>The Tuscany Meadows Tentative Map site would consist of one- and two-story single-family lots that would range from 4,000 square feet to 10,700 square feet in size, and the multi-family apartment buildings would be three- to four-story. The varied housing sizes and types would provide the potential to offer a residential neighborhood with a variety of architectural styles. In addition, the proposed project would be required to adhere to the City of Pittsburg’s Design Guidelines. Compliance with the Design Guidelines would ensure that the project’s residential structures would include reliefs and architectural treatments, concrete and/or tile roof material, each dwelling unit shall be provided with a front and corner-side yard, decorative masonry walls shall separate all arterial streets and homes, garage frontage shall not occupy more than 60 percent of allowable frontage, articulated garage doors, and the architectural treatments (such as sidings, shingles, window and door trims) established on the front facades of each of the approved house designs shall be carried around to the sides and rear elevations of the buildings, except that masonry veneer treatments at the base of a structure need be carried only partly around the side elevations, to either the adjoining fence line or the closest interior right angle joint.</p> |
| <p>2-P-70 During development review, ensure that new development maintains views of the southern hills.</p> | <p>The Tuscany Meadows Tentative Map site would be subject to the development review process that would limit building heights and massing where views of the hills from adjacent properties and public spaces are present.</p> |
| <p>2-P-71 New residential development south of Buchanan Road should:</p> <ul style="list-style-type: none"> • Ensure that adequate acreage is dedicated for a neighborhood park directly adjacent to Buchanan Road; • Not result in any net increase of peak-hour stormwater flow; • Preserve and enhance existing north-south creeks; • Respect natural topography in the design and construction of new units. | <p>The Tuscany Meadows Tentative Map site includes 18.6 acres of parks/detention basins divided among three on-site locations, as well as 0.19 acres for the subdivision entrance. An approximately 6.6-acre park would be located in the northwestern portion of the project site, along Buchanan Road and Tuscany Meadows Drive. The park would include a baseball diamond and a soccer field, as well as provide an area for stormwater detention. On the opposite side of Tuscany Meadows Drive from the park, a small 0.19-acre area would serve as a detention basin and</p> |

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**Table 4.6-2
Pittsburg General Plan Policy Discussion**

| Policy | Project Consistency |
|--|---|
| | <p>be the location of the subdivision entrance, which would include an entry monument and landscaping. A 5.4-acre park would be located south of the Chevron pump station parcel. In addition, an approximately 6.6-acre park/detention basin would be located in the northeastern portion of the project site, southeast of the high density parcel, and would include a baseball diamond and playground.</p> <p>According to Chapter 4.5, Hydrology and Water Quality, the proposed project’s required stormwater facilities on-site would sufficiently handle runoff from the project while not exceeding of the capacity of the City’s stormwater facilities. In addition, the project site’s natural topography is flat and no creeks exist on the site.</p> |
| Growth Management Element | |
| <p>3-P-1 Allow urban and suburban development only in areas where public facilities and infrastructure (police, fire, parks, water, sewer, storm drainage, and community facilities) are available or can be provided.</p> <p>Prior to development approval, public service agencies and/or districts should be contacted and assurance gained that areas of urban expansion will have all necessary infrastructure.</p> | <p>According to the Public Services, Recreation, and Utilities chapter of this EIR, the project would include connections to the existing water and sewer lines in Buchanan Road. In addition, the project design includes curbs and gutters along project roadways, which would allow for the collection of stormwater and conveyance to City drainage infrastructure. Additionally, the on-site park/detention basin sites would provide areas for stormwater detention. Furthermore, upon annexation to the City of Pittsburg, the Tuscany Meadows project would be located within the jurisdiction of the Pittsburg Police Department (PD). The project site is currently located within the jurisdiction of the Contra Costa County Fire Protection District (CCCFPD).</p> |
| Urban Design Element | |
| <p>4-P-6 Ensure that developers of new residential projects in the southern hills plant trees and other vegetation along collector and arterial roadways, in order to maintain the sense of “rural” open space at the City’s southern boundary.</p> <p>Although residential developers should restrict planting of trees and landscaping that will block views of the hills from other areas of the</p> | <p>The Tuscany Meadows Tentative Map site includes 18.6 acres of parks/detention basins divided among three on-site locations, as well as 0.19 acres for the subdivision entrance. The entrance includes a monument and landscaping which also serves as a detention basin. In addition, the project site includes street trees throughout the entire roadway network in order to maintain the sense of “rural” open space without obstructing the hillside views to the south.</p> |

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**Table 4.6-2
Pittsburg General Plan Policy Discussion**

| Policy | Project Consistency |
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| <p>City, or views of Suisun Bay from hillside streets, vegetation along new roadways will contribute to the goal of retaining a sense of open space.</p> | |
| <p>4-P-7 Ensure that design treatment of new development at the City’s southern boundary retains a rural feel by:</p> <ul style="list-style-type: none"> • Discouraging the use of solid walls along these edges (fences must be visually permeable; however, discourage use of chain link in front and side yards); • Using materials and design to promote a rural feeling (for example, wooden or other rustic materials); and • Encouraging development at the outer edge of the City to face outwards toward the rural landscape (preventing a solid wall of residential back yard fences). | <p>The Tuscany Meadows Tentative Map site includes street trees throughout the entire roadway network in order to maintain the sense of “rural” open space without obstructing the hillside views to the south. In addition, the proposed project would be required to adhere to the City of Pittsburg’s Design Guidelines and would require Design Permit approval by the City of Pittsburg. While the project would include a solid sound wall along portions of Buchanan, Somersville, and James Donlon the adjacent areas are already developed; therefore, incorporation of visually permeable fences along the roadways would not afford views of rural landscapes. Only the northwest corner along Buchanan Road would have a sound wall to preserve the view of the planned park. Furthermore, in accordance with the City’s Development Review Handbook, the sound walls would be designed with decorative features consistent with neighborhood design and would include a wall cap.</p> |
| <p>4-P-80 Any subdivision involving more than four units, regardless of the number of parcels shall be subject to design review. Prepare a design standards checklist and/or residential design guidelines for use during review of development projects.</p> | <p>The Tuscany Meadows Tentative Map site includes the development of up to 917 low density single-family and 365 high density multi-family dwelling units and would require Design Review approval by the City of Pittsburg.</p> |
| <p>4-P-81 Encourage neighborhood design—including components such as land use, development intensity, and street layout—to be responsive to natural and institutional elements, including:</p> <ul style="list-style-type: none"> • Creeks. Ensure protection of riparian corridors through building setbacks. Ensure adequate pedestrian access to creeks, and provide connections from local trails and sidewalks. Integrate parks and open space areas with creeks. • Urban Edges. Ensure feathering from urban to rural intensities at City boundaries. • Adjacent Uses. Promote connections with surrounding land uses by integrating street networks and visual/architectural treatments. | <p>The Tuscany Meadows Tentative Map site is currently vacant land surrounded by residential development to the north, northeast, south, southwest, and west. Creeks do not exist on the proposed project site. In addition, the proposed project would construct up to 917 low density single-family lots on approximately 135.6 acres, which would result in a project that would be similar in nature to the surrounding residential developments. The project includes street and pedestrian connections to the adjacent Black Diamond Estates to the south and the surrounding street networks.</p> |

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**Table 4.6-2
Pittsburg General Plan Policy Discussion**

| Policy | Project Consistency |
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| <p>4-P-83 Ensure that new developments provide an integrated pattern of streets and pedestrian paths that provide connections between neighborhoods. As part of the City’s Subdivision Regulations, establish street connectivity requirements.</p> <p>New residential streets, particularly those adjacent to existing neighborhoods, should provide street and pedestrian connections to adjacent areas to enable more efficient movement throughout the City. Single-access neighborhoods should be avoided.</p> | <p>The Tuscany Meadows Tentative Map site includes street and pedestrian connections to the adjacent Black Diamond Estates to the south via the proposed Tuscany Meadows Drive. The proposed project also includes street and pedestrian access to the surrounding arterial roadways via Tuscany Meadows Drive and Sequoia Drive. As shown on the Tuscany Meadows Drive and Sequoia Drive cross-section, the roadways include a 14-foot wide center median separating the two-way traffic, and a 5-foot landscaping and masonry wall and 6-foot wide sidewalk and bike lane on both sides of the roadway (see Figure 3-3, Vesting Tentative Map in the Project Description chapter).</p> |
| <p>4-P-85 Provide safe and comfortable pedestrian routes through local neighborhoods by requiring sidewalks on both sides of residential streets, except in hillside areas, by planting street trees adjacent to the curb, and by minimizing curb cuts.</p> | <p>The Tuscany Meadows Tentative Map site includes sidewalks on both sides of the streets to provide safe pedestrian routes throughout the site. In addition, the project site includes street trees throughout the entire roadway network.</p> |

4.6-3 Consistency with existing zoning. Based on the analysis below, the impact is *less than significant*.

Approval of Measure I on November 8, 2011 resulted in the rezoning of the Southeast Border Area to Single-Family Residential (RS-4) and High-Density Residential (Tuscany Meadows Tentative Map site), as well as General Industrial (Chevron site). As discussed above, the Southeast Border Area is comprised of the approximately 170-acre Tuscany Meadows Tentative Map site and the approximately 23-acre Chevron site. Upon annexation of the 193-acre project site to the City of Pittsburg, the rezoning of the Southeast Border Area would take effect.

The single family and multi-family uses proposed for the Tuscany Meadows Tentative Map site are consistent with the rezoning designations of RS-4 and High-Density Residential, which were assigned to the Tentative Map site during the November 8, 2011 approval of Measure I. In addition, the ongoing industrial uses on the Chevron parcel are consistent with the parcel's General Industrial rezoning designation assigned during approval of Measure I; and the proposed project would not result in any changes to these operations.

Should the City Council approve the annexation of the 193-acre project site to the City of Pittsburg, the current rezoning designations would take effect; and because the uses proposed for the project are consistent with the rezoning designations, a *less-than-significant* impact would result.

Mitigation Measure(s)

None required.

4.6-4 Consistency with Contra Costa LAFCo Standards. Based on the analysis below, the impact is *less than significant*.

The proposed project site is located in CCC. Prior to approval of Measure I, the Pittsburg General Plan (Policy 2-P-4) had already contemplated the Southeast Border Area as a potential candidate for incorporation into the City of Pittsburg jurisdictional limits. As part of the approval of Measure I, Pittsburg General Plan Policy 2-P-4 was amended to read as follows:

2-P-4 Consider amendments to the current Sphere of Influence for properties along the eastern and western edges of the City, to take advantage of providing City services for the development of adjacent vacant lands.

The undeveloped Southeast Border Area has historically been considered part of Pittsburg, and is a logical extension of the Highlands Ranch development. The Southeast Border Area can be served by extending City services to the property and the City supports its annexation into the City of Pittsburg. This will help protect the vacant land from being developed in the City of Antioch. Developable sites west of Bay Point can also be served by extending existing City services.

Amended Policy 2-P-4 notes that the City of Pittsburg supports the annexation of the Southeast Border Area into its jurisdictional limits, which will help protect the vacant land from being developed into the City of Antioch. However, the Southeast Border Area, the boundaries of which are coterminous with the boundaries of the project site, is still located outside of the City of Pittsburg's current SOI, within Antioch's SOI. As a result, while the current proposal for the Tuscany Meadows project is consistent with the General Plan Land Use Designations and Rezoning designations assigned to the Southeast Border Area upon approval of Measure I, the proposed project requires approval of an Amendment to the Pittsburg SOI to include the approximately 193-acre project site within Pittsburg's SOI.

The current list of project entitlements includes reorganization of the project site which is subject to Contra Costa LAFCo approval. The discussion in Table 4.6-3 evaluates the proposed SOI Amendment and related annexation of the 193-acre project site in light of relevant Contra Costa LAFCo policies and standards regarding annexation and SOI amendments. Several Contra Costa LAFCo policies pertain to public services and these policies will be addressed in Public Services, Recreation, and Utilities chapter of this EIR.

As demonstrated in Table 4.6-3, the proposed project is consistent with the standards set forth by Contra Costa LAFCo. Ultimately, the reorganization is a discretionary action by Contra Costa LAFCo. Therefore, the project would have a *less-than-significant* impact.

Mitigation Measure(s)

None required.

Cumulative Impacts and Mitigation Measures

The following discussion of impacts is based on the implementation of the proposed project in combination with other proposed and pending projects in the region.

4.6-5 Cumulative land use and planning incompatibilities. Based on the analysis below, the cumulative impact is *less than significant*.

The proposed project, along with reasonably foreseeable projects within the City of Pittsburg, would change the intensity of land uses within the geographic area that would be affected by the proposed project. The cumulative land use impacts of the project, together with the related impacts of other foreseeable projects, would be considered significant. The increased development associated with these projects would result in environmental impacts, such as traffic, air, and noise, which are analyzed in other technical chapters of this EIR.

**Table 4.6-3
Contra Costa LAFCo Policy Discussion**

| Policy | Project Consistency |
|---|---|
| Land Use | |
| <p>A. <u>General Policy Statement</u></p> <p>The statutory goals of the LAFCo include the promotion of orderly growth and development by determining logical local boundaries [§56001], preservation of open space by encouraging development of vacant land within cities before annexation of vacant land adjacent to cities [§56377(b)], and preservation of prime agricultural land by guiding development away from presently undeveloped prime agricultural lands [§56377(a)].</p> <p>Although LAFCo attempts to discourage urban sprawl, to preserve agricultural lands and open space, and to promote well-ordered and appropriate land use within the County, the Commission lacks authority to exercise the more specific powers that a general land use jurisdiction (county or city) can exercise when directly regulating land use density or intensity, property development or subdivision requirements [§56375(a)]. LAFCo intends that its policies promote the overall quality of life of the residents of CCC.</p> <p>In considering proposals that would facilitate or lead to intensification of land uses, the Commission will consider consistency of the application with City and County general and specific plans that are relevant to the proposal or the affected territory.</p> <p>The Commission will generally favor adopted plans that are supportive of the Commission’s responsibility to discourage urban sprawl, preserve open space and prime agricultural lands, provide for efficient public services and encourage the orderly formation and development of local agencies.</p> <p>LAFCo will encourage proposals that enable urban development to include annexation to a city whenever reasonably possible, and discourage</p> | <p>The proposed project would include the annexation of the 193-acre project site to the City of Pittsburg, and would be serviced by Contra Costa Water District (CCWD) and Delta Diablo (wastewater), the CCCFPD and the City of Pittsburg would provide the remaining services, consistent with LAFCo’s General Policies.</p> <p>The proposed project site is surrounded by urban development.</p> <p>The project site is consistent with the Pittsburg GP land use designations of Low Density Residential, High Density Residential, and Industrial assigned to the site with passage of Measure I.</p> <p>The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use. In addition, the project site is not under a Williamson Act contract and the site is not designated or zoned for agricultural uses.</p> <p>Project includes annexation consistent with the City of Pittsburg General Plan.</p> |

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**Table 4.6-3
Contra Costa LAFCo Policy Discussion**

| Policy | Project Consistency |
|---|--|
| <p>proposals that enable urban development without annexation to a city. LAFCo will also encourage cities to annex lands that have been developed to urban levels, particularly areas that receive city services.</p> <p>While not bound by the regulations promulgated by local agencies in this County, LAFCo prefers that proponents of any boundary or SOI change demonstrate that their proposal will be consistent with such local regulations as may be relevant to the factors that LAFCo must consider pursuant to §56668.</p> <p>LAFCo must also consider the impact of a proposal on the regional supply of residential housing for all income levels. LAFCo will usually encourage those applications, which improve the regional balance between housing and jobs.</p> <p><i>While not included in Contra Costa LAFCo's General Policy Statement, the full text of Government Code Section 56668 is presented below for discussion and analysis purposes. According to Section 56668 of CKH, factors to be considered in the review of a boundary change proposal shall include, but not be limited to, all of the following:</i></p> <p>(a) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.</p> | <p>See Table 4.6-1 above for consistency with the Pittsburg General Plan.</p> <p>The proposed project includes a variety of lot sizes, low density single family, and high density multi-family housing to provide variety of housing options. The project does not include new regional employment opportunities. The project site is currently within the City of Antioch SOI within the Somersville Road Focus Area. The Antioch General Plan envisioned that 40 percent of the site would be a future business park. While the Tuscany Meadows project would remove planned employment-type uses from the City of Antioch's SOI, the Antioch General Plan projected that buildout of the unincorporated areas within the Somersville Road Focus Area would result in jobs to population ratio of 2.31. Therefore, the removal of the project site from Antioch's Somersville Corridor would not significantly impact the City of Antioch's jobs to population ratio.</p> <p>(a) The Tuscany Meadows Tentative Map site includes up to 917 low density single-family lots on approximately 135.6 acres and a 14.6-acre high density parcel, which would result in a project that would be similar in nature to the surrounding residential developments. Based on the average City occupancy of approximately 3.29 persons per household, the proposed project would be expected to result in a total population of 4,218 persons. According to Association of Bay Area Governments (ABAG), the City of Pittsburg's population growth is expected to continuing growing around one percent every year for the next 10 years, which is faster than CCC as a whole.</p> |

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**Table 4.6-3
Contra Costa LAFCo Policy Discussion**

| Policy | Project Consistency |
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| <p>(b) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.</p> <p>"Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.</p> <p>(c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.</p> <p>(d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.</p> <p>(e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.</p> <p>(f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.</p> <p>(g) A regional transportation plan adopted pursuant to Section 65080, and consistency with city or county general and specific plans.</p> | <p>(b) Infrastructure costs for expansion of service to the development of the Tuscany Meadows project regarding community services such as water, sewer, fire, and police protection would be paid by the developer; therefore, the community and local agencies would not be affected by such costs.</p> <p>(c) The project site is currently vacant land and surrounded by residential development to the north, northeast, south, southwest, and west. The development of the Tuscany Meadows project would serve as an extension of the existing residential developments surrounding the site. In addition, the project site is currently in remediation and any existing contaminated soil is being removed.</p> <p>(d) The Tuscany Meadows project site is contiguous to Pittsburg City Limits and is a logical extension of the City. The project would result in an efficient pattern of urban development with the development of an unincorporated urban island between Pittsburg and Antioch.</p> <p>(e) The project area is not under any Williamson Act contract and the area is designated and rezoned for urban uses. In addition, the site is currently vacant, surrounded by existing development, and is not in agricultural use.</p> <p>(f) The project site boundary is aligned with existing parcel boundaries and would not create islands or corridors of unincorporated territory.</p> <p>(g) The project is consistent with the Metropolitan Transportation Commission's Transportation 2035 Plan. The proposed project's land use designations are consistent with the Pittsburg General Plan designations assigned to the project site in 2011 with the passage of Measure I.</p> |

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**Table 4.6-3
Contra Costa LAFCo Policy Discussion**

| Policy | Project Consistency |
|---|---|
| <p>(h) The sphere of influence of any local agency which may be applicable to the proposal being reviewed.</p> <p>(i) The comments of any affected local agency or other public agency.</p> | <p>(h) The proposed project includes an amendment to the City of Pittsburg SOI to encompass the project boundaries and be consistent with the voter-approved Urban Limit Line. It should be noted that the project site is currently within the City of Antioch’s SOI.</p> <p>(i) Comments were received from the City of Antioch regarding parks, transportation, circulation, and drainage; these comments are addressed in the: Public Services, Recreation, and Utilities chapter; Transportation, Traffic, and Circulation chapter; and Hydrology and Water Quality, chapter respectively.</p> <p>Comments were received from CCC LAFCo regarding agricultural lands, soil contamination, the proposed James Donlon Boulevard Extension, municipal services, school districts, and alternatives; these comments are addressed in the: Intro to Analysis chapter; Hazards and Hazardous Materials chapter; Transportation, Traffic, and Circulation chapter; Public Services, Recreation, and Utilities chapter; and Alternatives Analysis chapter, respectively. In addition, the LAFCo letter requested that the EIR address how the project affects the regional housing needs, and the applicable sustainable communities strategy. The proposed project would offer additional single- and multi-family housing options, which would help satisfy the regional housing needs. The Sustainable Communities Strategy for the Bay Area, which includes CCC, is referred to as the One Bay Area Plan. The One Bay Area Plan identifies three Priority Development Areas for the Pittsburg area, the Pittsburg/Bay Point BART Station, the Railroad Avenue Specific Plan area (around future E-BART), and Downtown Pittsburg. The proposed project site is not included in these Priority Development Areas. While the proposed project site is not within a priority development area, the project still addresses some of the strategies of the One Bay Area Plan, such as pedestrian trails, a mix of housing types etc.</p> |

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**Table 4.6-3
Contra Costa LAFCo Policy Discussion**

| Policy | Project Consistency |
|---|--|
| <p>(j) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.</p> <p>(k) Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.</p> <p>l) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.</p> <p>(m) Any information or comments from the landowner or owners, voters, or residents of the affected territory.</p> <p>(n) Any information relating to existing land use designations.</p> <p>(o) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.</p> | <p>(j) The Tuscany Meadows services such as solid waste and police protection services would be provided by the City of Pittsburg, while the project would be annexed into the CCWD and Delta Diablo service areas (wastewater). The project site is currently within the service boundaries of the CCCFPD.</p> <p>(k) The City's existing water supplies would be sufficient to meet the City's existing and projected future water demands, including those future demands associated with the proposed project, to the year 2035 under all hydrologic conditions. See impact statement 4.8-1 in Chapter 4.8, Public Services, Recreation, and Utilities chapter for more detail.</p> <p>(l) The project site is consistent with the Pittsburg GP land use designations for the site as approved by Measure I, and development of the project site would contribute to achieving the regional housing needs of the area.</p> <p>(m) A comment letter was received from a resident in the nearby area; however, the comment does not address environmental issues. Comments received on the Draft EIR will be responded to in a Final EIR.</p> <p>(n) The existing Pittsburg GP designation for the Tuscany Meadows Tentative Map site is Low Density Residential and High Density Residential. The 23-acre Chevron site is designated Industrial.</p> <p>(o) The proposed project would provide a variety of additional types of housing including single-family and multi-family residences. In addition, recreational facilities would be provided for all people in the area.</p> |
| <p>D. <u>Policy on Spheres of Influence and Annexations</u> [Reproduced here in part. For full text of policy language, see above Regulatory Context Section]</p> | <p>Consistent with the current Pittsburg GP designation of Low Density Residential and High Density Residential, the proposed project includes</p> |

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**Table 4.6-3
Contra Costa LAFCo Policy Discussion**

| Policy | Project Consistency |
|---|---|
| <p>SOIs may be amended by the Commission. When an SOI amendment is requested, the proponent shall submit documentation to support the determinations the Commission must make pursuant to §56425(a). For a city seeking an SOI amendment, particular attention should be paid to the current land uses in the county and city, the land uses planned for the city’s present SOI and the land uses proposed for territory sought to be added to the SOI. Areas to remain in agricultural and open space should be clearly specified [§§56425(a), 56377].</p> <p>As a precursor to boundary changes, requests for SOI amendments should address all relevant factors of §56668. Such requests should also specify how the policies of the CKH Act will be fostered with respect to the 1) orderly formation of local agencies [§56001] and 2) preservation of open space [§56059] and prime agricultural land [§56064], both within the existing boundaries of the agency and the proposed SOI of the agency [§56377].</p> <p>LAFCo discourages inclusion of land in an agency’s SOI if a need for services provided by that agency within a 5-10 year period cannot be demonstrated. To demonstrate that a proposed SOI amendment is timely, an applicant should indicate expected absorption and development rates for land already in the SOI, as well as land proposed to be added.</p> <p>A request to expand an SOI should designate clearly the territory that may be sought for annexation and the anticipated timeframe. An agency should propose a reduction in its SOI to remove territory that the agency does not believe will be developed within 20 years.</p> | <p>917 low density single-family lots and up to 365 multi-family units.</p> <p>The project applicant is seeking Tentative Map entitlements. The applicant anticipates project phasing would begin within the next 1 to 5 years; therefore, services for the majority of the project would be needed from the City of Pittsburg within a 5-10 year timeframe. While the project site is within the City of Antioch’s SOI, as stated above, in 2011, the Pittsburg voters approved Measure I, which amended the City of Pittsburg Urban Limit Line (ULL) to include the approximately 170-acre Tuscany Meadows Tentative Map site and the approximately 23-acre Chevron site. The next logical step is reorganization and subsequent development.</p> |
| <p>E. <u>Island Annexation Policies</u></p> <p>Recognizing that cities are the most logical providers of municipal services, and that unincorporated islands can be more effectively and efficiently served by surrounding cities, LAFCo is committed to the annexation of</p> | <p>Consistent with this policy, the Chevron parcel has been included in the overall annexation to ensure that unincorporated islands would not be created as a result of the project.</p> |

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**Table 4.6-3
Contra Costa LAFCo Policy Discussion**

| Policy | Project Consistency |
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| <p>urban island areas.</p> <p>LAFCo will collaborate with the County and cities in facilitating annexation of unincorporated urban islands.</p> <p>LAFCo encourages the County and cities to coordinate development standards in urban island areas to facilitate the annexation of urban islands.</p> <p>The Government Code contains special provisions for annexing small islands, which facilitate the annexation of islands of less than 150 acres (§56375.3).</p> | |
| Public Services and Utilities | |
| <p>F. <u>Policy for Evaluating Applications Requesting the Provision of Water Service for Urbanizing Areas</u></p> <p>In addition to the factors the Commission is required to evaluate and review pursuant to §56668, the following criteria also apply to ensure greater consistency in LAFCo’s decision-making process:</p> <ol style="list-style-type: none"> 1. Any proposal for a change of organization that includes the provision of water service shall provide information sufficient to address the following: water supply, storage, treatment, distribution, and waste recovery; and to determine that adequate services, facilities, and improvements can be provided and financed by the agency responsible for the provision of such services, facilities and improvements. 2. Any proposal for reorganization (two or more changes of organization) will be evaluated based on each component organizational change. The Commission will then balance the overall benefits against the costs and adverse impacts in deciding on the reorganization as a whole. 3. In evaluating the capability of an annexing agency to provide the | <p>The Water Supply Assessment prepared for the proposed project demonstrates that the CCWD has the capacity to serve the proposed project as accounted for in the Water System Master Plan and the Urban Water Management Plan. The conveyance of water to the proposed project would be sufficient with the new and upgraded connections to the existing pipeline within the Buchanan Road right-of-way. In addition, the proposed project would be required to pay the development impact fees for the proposed project’s proportional share of the required off-site upgrades towards the city-wide water supply system as part of the Capital Improvement Program (CIP) for the City. While adequate capacities exist, the project site is not currently within the CCWD service district. Therefore, Mitigation Measure 4.8-1 is included to reduce the potential impact to water supply to a less-than-significant level.</p> <p>See Chapter 4.8, Public Services, Recreation, and Utilities, for a complete discussion regarding water supply and water services (Impact 4.8-1).</p> |

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**Table 4.6-3
Contra Costa LAFCo Policy Discussion**

| Policy | Project Consistency |
|---|---|
| <p>required service, the Commission shall take into account the agency's ability to acquire the resources necessary to provide the needed service (i.e., water rights necessary to provide the water services needed by an area proposed for annexation).</p> <ol style="list-style-type: none"> 4. The Commission requires evidence that water service will be available. Such evidence may include, but is not limited to, the following: 1) A Plan for Service pursuant to §56653; 2) a legally binding "will serve" letter by the agency; or 3) legally binding agreement between the developer and the agency or other service provider, or all. 5. The Commission may determine that a need for service exists if there is a public health or safety threat or if the area's growth patterns indicate that the area is likely to be developed for urban uses within five years provided it is designated for urban uses in the appropriate land use authority's General Plan (§56133(c)). 6. Lands to be annexed shall be within the adopted SOI of the affected agency at the time LAFCo approves the boundary change. 7. The annexation must be a reasonable and logical expansion of the agency's boundaries. Further, territory to be annexed must be contiguous to the annexing agency unless otherwise provided by the principal act under which the agency operates. | |
| <p>G. <u>School Capacity</u></p> <p>In addition to the factors and determinations required by state law, LAFCo may consider whether or not the affected territory (i.e., change of organization or reorganization) can be served by affected school districts, and whether or not there is or will not be sufficient existing school capacity to serve the affected territory at the time of development.</p> | <p>According to the Antioch Unified School District (AUSD), the new students generated by the proposed project can be accommodated at the middle school and high school levels under existing conditions as well as in future projections. However, the elementary school students generated by the project would require expansion or changes to existing elementary school facilities. Because the proposed project would contribute to overcrowding at the elementary schools within the AUSD, the project requires implementation of Mitigation Measure 4.8-6 to reduce the potential impact to local school capacity to a less-than-significant level.</p> <p>See Chapter 4.8, Public Services, Recreation, and Utilities, for a complete discussion regarding local school capacity (Impact 4.8-6).</p> |

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**Table 4.6-3
Contra Costa LAFCo Policy Discussion**

| Policy | Project Consistency |
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| <p>H. <u>Service Plans</u></p> <p>Requests for boundary changes must include a plan for providing municipal services (§56653). This section provides guidelines to assist in the review of service plans and facilitate consistency with LAFCo’s stated purposes and objectives.</p> <ol style="list-style-type: none"> 1. The plan for services shall include the following information: <ol style="list-style-type: none"> a) An enumeration and description of the services to be extended to the affected territory; b) The level and range of those services; c) A plan and timeline of when those services can feasibly be extended to the affected territory; d) A plan for improvement, or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory; e) A plan for how the services will be financed if the change of organization is approved; and f) A description of whether the affected area is or will be proposed for inclusion within an existing improvement zone, redevelopment area, and assessment district or community facilities district. 2. The plan for services shall be prepared and submitted for all proposed changes of organization including those initiated by resolution of a local agency and those initiated by petition. 3. In the case of a proposed annexation, the plan for services should demonstrate that the range and level of services currently available within the area proposed for annexation will be maintained or exceeded by the annexing agency. 4. In the case of a proposed annexation, the plan for services should demonstrate that the cost of services to existing residents will not increase as a result of the annexation, unless a corresponding increase in the level of service also occurs. | <p><u>Water Supply</u></p> <p>As discussed above, the Water Supply Assessment prepared for the proposed project demonstrates that the CCWD has the capacity to serve the proposed project as accounted for in the Water System Master Plan and the Urban Water Management Plan. The conveyance of water to the proposed project would be sufficient with the new and upgraded connections to the existing pipeline within the Buchanan Road right-of-way. In addition, the proposed project would be required to pay the development impact fees for the proposed project’s proportional share of the required off-site upgrades towards the city-wide water supply system as part of the CIP for the City. While adequate capacities exist, the project site is not currently within the CCWD service district. Therefore, Mitigation Measure 4.8-1 is included to reduce the potential impact to water supply to a less-than-significant level.</p> <p><u>Wastewater</u></p> <p>Development of the proposed project would not result in any new capacity deficiencies at buildout, or significantly worsen the backup surcharge condition at the downstream end of the Pittsburg-Antioch Interceptor. In addition, any increase in wastewater production would be mitigated by the fee assessed to developments for sewer use, as established in the City’s <i>Development of Water and Sewer Facility Reserve Charges</i> study. As a result, buildout of the proposed project would have a less-than-significant impact on Delta Diablo’s wastewater management facilities.</p> <p><u>Solid Waste</u></p> |

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| <p>5. The plan for services should demonstrate that proposed services will not result in any unnecessary duplication of services.</p> <p>6. The plan for services should demonstrate that each service provider represents the most efficient and cost effective source of service delivery.</p> <p>7. In the case of a proposed reorganization consisting of annexations to multiple agencies, the plan for services shall address each of the items specified above for each annexing agency.</p> | <p>The Potrero Hills Landfill has a maximum permitted capacity of 83,100,000 cubic yards with an effective remaining refuse capacity of 39,073,830 tons. According to the recently issued Solid Waste Permit, the estimated closure date for the Potrero Landfill is 2048. According to the City’s General Plan EIR, although recycling efforts will reduce the amount of waste sent to local landfills by new development, only 16 percent of the Keller Canyon Landfill is currently being used. Therefore, the Potrero Hills Landfill would be able to support the solid waste generated by the proposed project and impacts related to increased demand for solid waste disposal services would be less-than-significant.</p> <p><u>Electricity and Natural Gas</u></p> <p>The proposed project would also include the construction of the necessary infrastructure in order to connect to existing electrical and gas lines in the project vicinity. With installation of the necessary infrastructure, PG&E would be able to serve the project, resulting in a less-than-significant impact.</p> <p>See Chapter 4.8, Public Services, Recreation, and Utilities, for a complete discussion regarding water supply and water services, wastewater treatment, solid waste and landfills, electricity and natural gas, and cumulative impacts related to public services and utilities (Impacts 4.8-1, 4.8-2, 4.8-3, 4.8-9, and 4.8-10, respectively).</p> |
| <p>I. <u>Municipal Services Review Guidelines</u> [Reproduced here in part. For full text of policy language, see above Regulatory Context Section]</p> <p>4) <u>When Prepared</u> - LAFCo will determine when MSR are necessary. Generally, reviews will be prepared in conjunction with SOI studies or updates; however, MSR may also be conducted independent of SOI</p> | <p><u>Water Supply</u></p> <p>As discussed above, the Water Supply Assessment prepared for the proposed project demonstrates that the CCWD has the capacity to serve the proposed project as accounted for in the Water System Master Plan and the Urban Water Management Plan. The conveyance of water to the</p> |

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| <p>updates based on a number of factors to be determined by the Commission. Such factors may include public health or safety issues, service provision issues associated with areas of potential growth or development, etc.</p> <p>Minor amendments to a SOI, as determined by LAFCo, will not require an MSR.</p> <p>5) <u>Services Addressed</u> - MSRs will address identified services within the service review boundary of those agencies under LAFCo’s jurisdiction and are associated with growth and development. Target services include, but are not limited to, water, sewer, drainage, libraries, roads, parks, police, and fire protection. General government services such as courts, social services, human resources, treasury, tax collection and administrative services will not be included.</p> <p>6) <u>Agencies Included</u> - Local agencies whose boundary changes are subject to LAFCo review, or are required to have an SOI, are subject to MSRs, and LAFCo shall encourage those local agencies to fully participate in the service review process. Services provided by other agencies (i.e., federal, state, private) may be included in the service review in order to provide a comprehensive overview of service and provide context.</p> <p>12) <u>Factors for Analysis</u> - As part of its review of municipal services, LAFCo must prepare a written statement of its determination with respect to the following factors. [§56430] [see <i>Regulatory Context section</i>]</p> | <p>proposed project would be sufficient with the new and upgraded connections to the existing pipeline within the Buchanan Road right-of-way. In addition, the proposed project would be required to pay the development impact fees for the proposed project’s proportional share of the required off-site upgrades towards the city-wide water supply system as part of the CIP for the City. While adequate capacities exist, the project site is not currently within the CCWD service district. Therefore, Mitigation Measure 4.8-1 is included to reduce the potential impact to water supply to a less-than-significant level.</p> <p><u>Wastewater</u></p> <p>Development of the proposed project would not result in any new capacity deficiencies at buildout, or significantly worsen the backup surcharge condition at the downstream end of the Pittsburg-Antioch Interceptor. In addition, any increase in wastewater production would be mitigated by the fee assessed to developments for sewer use, as established in the City’s <i>Development of Water and Sewer Facility Reserve Charges</i> study. As a result, buildout of the proposed project would have a less-than-significant impact on Delta Diablo’s wastewater management facilities.</p> <p><u>Solid Waste</u></p> <p>The Potrero Hills Landfill has a maximum permitted capacity of 83,100,000 cubic yards with an effective remaining refuse capacity of 39,073,830 tons. According to the recently issued Solid Waste Permit, the estimated closure date for the Potrero Landfill is 2048. According to the City’s General Plan EIR, although recycling efforts will reduce the amount of waste sent to local landfills by new development, only 16 percent of the Keller Canyon Landfill is</p> |

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| Policy | Project Consistency |
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| | <p>currently being used. Therefore, the Potrero Hills Landfill would be able to support the solid waste generated by the proposed project and impacts related to increased demand for solid waste disposal services would be less-than-significant.</p> <p><u>Fire Services</u></p> <p>Given that the proposed project would be required to pay Fire Facility Impact Fees in effect at the time of building permit issuance, and the CCCFPD has indicated these fees would be adequate to cover any costs associated with additional equipment and/or personnel needed to serve the proposed project, the project would have a less-than-significant impact related to CCCFPD’s ability to adequately serve the project.</p> <p><u>Police Services</u></p> <p>Based on an added population of approximately 4,218 residents, the City of Pittsburg PD would experience an increase in demand for its law enforcement services. Standard conditions of approval require that the developer annex new development into the Community Facilities District (CFD) 2005-1 to collect fees to fund increased police protection services needed due to the population increase within the project area. The rate of the CFD fee is subject to City Council Ordinance No. 05-1246. While the project would clearly require additional sworn officers to serve the project, no new police facilities would be required in order to provide police services to the proposed project. With annexation to the CFD, the Pittsburg PD has indicated that it could adequately serve the proposed project. As a result, the project would have a less-than-significant impact related to the Pittsburg PD’s ability to adequately serve the project.</p> |

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| | <p><u>Library Services</u></p> <p>The Contra Costa County Library system has indicated the Vincent A. Davi Memorial Library in Pittsburg currently adequately serves the needs of the City and the population increase from the proposed project at buildout would not create a deficiency in library services. Therefore, the Pittsburg Library branch would be able to serve the proposed project, resulting in a less-than-significant impact.</p> <p><u>Electricity and Natural Gas</u></p> <p>The proposed project would also include the construction of the necessary infrastructure in order to connect to existing electrical and gas lines in the project vicinity. With installation of the necessary infrastructure, PG&E would be able to serve the project, resulting in a less-than-significant impact.</p> <p>See Chapter 4.8, Public Services, Recreation, and Utilities, for a complete discussion regarding water supply and water services, wastewater treatment, solid waste and landfills, fire services, police services, library services, electricity and natural gas, and cumulative impacts related to public services and utilities (Impacts 4.8-1, 4.8-2, 4.8-3, 4.8-4, 4.8-5, 4.8-8, 4.8-9, and 4.8-10, respectively).</p> |

The proposed project site is located in an unincorporated area of CCC, California and consists of two parcels located within the City of Pittsburg Urban Limit Line, but outside of the City's current SOI boundaries. According to the CCC General Plan Land Use Element Map, the 170-acre Tuscany Meadows Tentative Map site is designated Single-Family Residential - High Density (SH). The 23-acre Chevron site is designated Light Industry (LI). The proposed project includes reorganization of both the Tuscany Meadows Tentative Map site and the existing Chevron facility property.

With the approval of Measure I, the project site has been assigned City of Pittsburg General Plan Land Use Designations and rezoning of Low Density Residential and High Density Residential, as well as Industrial. The proposed Vesting Tentative Map would subdivide the proposed project parcel into low density residential single-family lots, one high density residential area, and park/detention basin parcels. The approximately 170-acre property would be subdivided into up to approximately 917 single-family units and a high density portion that could support development of up to 365 multi-family units, and would include all infrastructure required to support the proposed development.

Pending the approval of the SOI amendment and annexation, the project site would be designated Low Density Residential and High Density Residential, as well as Industrial in the Pittsburg General Plan. Therefore, the final authority for determination of consistency with the Pittsburg General Plan rests with the Pittsburg City Council. Given the land use controls, Pittsburg General Plan goals and policies, and development standards presently in use within Pittsburg, the project's contribution to cumulative land use impacts would be minimized to a level that is considered *less than significant*.

Mitigation Measure(s)

None required.

Endnotes

¹ City of Pittsburg. *Pittsburg General Plan 2020 Policy Document*. November 16, 2001.

² City of Pittsburg. *Pittsburg General Plan 2020 Environmental Impact Report*. January, 2001.

³ City of Pittsburg. *Pittsburg Municipal Code*. October 21, 2013.

⁴ Contra Costa County. *Contra Costa County General Plan 2005-2020*. January 18, 2005.

⁵ Contra Costa County LAFCo, *Contra Costa LAFCo Commissioner Handbook, Policies and Standards*. Available at: <http://www.contracostalafco.org/documents.htm>; accessed October 8, 2012.

⁶ See Engeo Incorporated, *Summary of On-site Remediation Activities, Excavations/Stockpile Phase3, Highlands Ranch Phase II*, May 14, 2009.

⁷ According to California Department of Toxic Substances Control, *Explanation of Significant Differences, GBF/Pittsburg Landfill, Antioch*. October 20, 2008.