

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

December 13, 2017 (Agenda)

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Agenda Item 8

LAFCO 17-08 Tuscan Meadows Reorganization: Annexations to the cities of Pittsburg and Antioch, Contra Costa Water District (CCWD) and Delta Diablo Zones 2 and 3 (DD) and detachment from County Service Area (CSA) P-6

PROPONENT City of Pittsburg by Resolution No. 16-13159 adopted March 21, 2016. On April 11, 2017, the City of Antioch adopted Resolution 2017/40 joining the City of Pittsburg in its application to LAFCO.

SYNOPSIS The applicant proposes to annex 193.40± acres including two parcels (APNs 089-150-015/016) and adjacent road rights-of-ways. The area is generally located near the southeast corner of the City of Pittsburg, bounded on the north by Buchanan Road, on the east by the Contra Costa Canal, on the south by Black Diamond Estates Residential Subdivision, and on the west by the Highlands Ranch Residential Development (Exhibits A1-4). Annexation will bring the properties within the City of Pittsburg's city limits and within the service boundaries of CCWD and DD; a corresponding detachment of the same area from CSA P-6 is also proposed. In addition, the proposal includes the proposed annexation of road right-of way areas to the City of Antioch.

The purpose of the proposed boundary reorganization is to allow for the extension of municipal services to serve the proposed Tuscan Meadows Residential Subdivision, a mixed-density development consisting of 917 single-family units, up to 353 multifamily units, three parks/detention areas totaling 18.6± acres, and infrastructure required to support the proposed development.

BACKGROUND

The reorganization proposal comprises two parcels and road rights-of-way as described below:

- APN 089-150-016 (170± acre Tuscan Meadows site) and APN 089-150-015 (23± acre Chevron property) - annexations to the City of Pittsburg, CCWD and DD (Zone 2), and corresponding detachment from CSA P-6
- Annexation of 2.12± acres to the City of Antioch, CCWD and DD (Zone 3) that includes 19,128 square feet (sq. ft.) of road right-of-way (James Donlon Blvd extension), and a 72,888 sq. ft. portion of Somersville Road
- Annexation of a 6.52± acre portion of Buchanan Road right-of-way (located in City of Pittsburg) to CCWD
- Annexation of a 4,400 sq. ft. portion of future James Donlon Blvd (located in City of Antioch) to CCWD

On November 8, 2011, the City of Pittsburg voters approved Measure I - "*Local Control Enhancement and Rezoning Act.*" The approved measure resulted in the following actions pertaining to the subject area:

- ❖ Amended the City of Pittsburg's voter approved Urban Limit Line (ULL) to include the 193.60± acre "Southwest Border Area" west of Somersville Road and south of Buchanan Road
- ❖ Amended the Pittsburg General Plan Land Use Map to assign General Plan land use designations of "Low Density Residential", "High Density Residential" and "Industrial" to the subject area

- ❖ Rezoned the area to “Single-Family Residential District” – 4,000 sq. ft. minimum lot size (RS-4), “High Density Residential” (RH), and “General Industrial District” (GI).

Measure I also contemplated the corresponding SOI amendments, as approved by Contra Costa LAFCO on November 8, 2017.

In February 2016, the Pittsburg Planning Commission approved a Vesting Tentative Map and the Development Agreement for the Tuscany Meadows Residential Subdivision. In 2016, the City of Pittsburg adopted a resolution of application to LAFCO to amend the SOIs of the cities of Pittsburg and Antioch and for the corresponding boundary changes. The City of Pittsburg also certified an Environmental Impact Report (EIR), and adopted a Mitigation Monitoring and Reporting Program (MMRP) and a Statement of Overriding Considerations. In April 2017, the City of Antioch adopted a resolution joining the City of Pittsburg in its application to LAFCO, and a resolution approving a Memorandum of Understanding between the City of Antioch and the Tuscany Meadows developer - Seecon Built Homes Inc. - addressing mitigation of traffic impacts resulting from the project.

**DISCUSSION**

Government Code §56668 sets forth factors that the Commission must consider in evaluating a proposed boundary change as discussed below. In the Commission’s review, no single factor is determinative. In reaching a decision, each is to be evaluated within the context of the overall proposal.

**1. Consistency with the Sphere of Influence (SOI) of Any Local Agency:**

The area proposed for annexation is within the SOIs of the cities of Pittsburg and Antioch, as approved by LAFCO in November 2017, and within the SOIs of CCWD and DD. The subject area is within the City of Pittsburg’s voter approved ULL, and inside the County’s ULL.

**2. Land Use, Planning and Zoning - Present and Future:**

The land use designations are summarized below.

	<b>General Plan</b>	<b>Zoning</b>
<b>Contra Costa County</b>	Single Family Residential – High (Tuscany Meadows); Light Industrial (Chevron)	Heavy Industrial
<b>City of Pittsburg</b>	Low and High Density Residential(Tuscany Meadows); Industrial (Chevron)	Single Family Residential and High Density Residential (Tuscany Meadows); General Industrial (Chevron)
<b>City of Antioch</b>	Commercial and Residential (Somerville Road Corridor Focus Area)	Commercial and Residential

The reorganization proposal is composed of two parcels and road rights-of-way. The parcels include the 170± acre Tuscany Meadows site, and the 23± acre Chevron property.

Historically, the Tuscany Meadows site was used as an above-ground crude oil tank farm owned by Chevron. The tanks and associated piping were removed from the site in 1981, and currently, the project site is vacant. The site is undergoing soil remediation. In 2006, a Remedial Action Plan (RAP) was prepared for the site to establish site clean-up standards and criteria to be met prior to redevelopment of the site. The California Regional Water Quality Control Board (RWQCB) is responsible for overseeing the site's clean-up and remediation. The State must

certify the completion of adequate soil remediation and containment prior to any future use or development of the site. The landowner is ultimately responsible for the clean-up.

In conjunction with the project's Environmental Impact Report, the City of Pittsburg adopted a mitigation measure in response to the soil contamination. The mitigation measure provides that the City *will not issue a grading permit for the Tuscan Meadows subdivision until the applicant provides proof that the soil contamination on-site has been contained in accordance with the RAP and has been remediated to the satisfaction of the RWQCB.*

Also included in the boundary change proposal is the existing 23+ acre Los Medanos pump station facility. The existing Chevron facility is currently utilized as a pumping facility and a field office. Chevron operates two active, high pressure buried pipelines, which are used to transport crude oil and natural gas, in the vicinity of the project site. The pipelines cross Buchanan Road from the north to the existing Chevron facility and from the Chevron facility along Buchanan Road to the east, along the northeastern portion of the project site. The existing Chevron facility will remain in place and unchanged, and the parcel is being included with the annexation to avoid creation of an island.

At the November 8, 2017 LAFCO meeting, Commissioners raised questions regarding the Chevron pipelines and safety concerns. In response, the landowner representative explained that in accordance with the RAP, soil that has been contaminated with hydrocarbons will be excavated, decontaminated via bio-remediation and then used as road base beneath the future streets of the subdivision, below finished grade. He also stated that there has been no history of accidents, that the pipelines are not in the proposed residential area, that contamination levels in much of the soil in the area are below allowable levels, and that the RWQCB has approved the mitigation and remediation plan.

The City of Pittsburg's application includes a consistency analysis relating to land use, growth management, and urban design. The analysis considers the following issues: logical extension of the City's SOI and boundary; residential development in transition areas; use of buffers to separate potentially incompatible areas; residential densities; development standards (i.e., small lot single-family, multi-family, varied architectural styles and transition to adjacent residential areas, viewshed, etc.); street and pedestrian connections to adjacent residential areas; adequate neighborhood parkland; stormwater flow, creeks and natural topography; availability and adequacy of infrastructure and municipal services; use and placement of trees and other vegetation; design features; natural and institutional elements; integration of streets and pedestrian paths/connections.

In accordance with the CKH, no subsequent change may be made to the general plan or zoning for the subject area that is not in conformance to the prezoning designations for a period of two years after the completion of the annexation, unless the legislative body for the city makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the prezoning in the application to the Commission [Government Code §56375(e)].

**3. The Effect on Maintaining the Physical and Economic Integrity of Agricultural Lands and Open Space Lands:**

There are no agricultural land use designations and no Williamson Act Land Conservation Agreements within the subject area. The proposed boundary changes will have no direct impact on agricultural or open space lands.

**4. Topography, Natural Features and Drainage Basins:**

The topography of the Tuscany 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, regraded and disked, 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.

The existing Chevron Los Medanos pump station facility is included in the project for boundary purposes only; improvements to the Chevron site will 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.

The general topography is similar to the areas surrounding the proposal area with residential development to the north, northeast, south, southwest, and west.

**5. Population:**

Development of up to 1,270 new residential units (single and multi-family) is planned for the annexation area. The estimated population increase for the annexation area is approximately 4,229 based on the recent U.S. Census Bureau data which estimates an average of 3.33 persons per household for the City of Pittsburg.

According to the Association of Bay Area Governments (ABAG), the City of Pittsburg's population is expected to grow approximately 1% per year for the next 10 years, which exceeds the growth rate for Contra Costa County as a whole.

**6. Fair Share of Regional Housing:**

In its review of a proposal, LAFCO must consider the extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the regional council of governments. Regional housing needs are determined by the State Department of Housing and Community Development; the councils of government throughout the State allocate to each jurisdiction a "fair share" of the regional housing needs (Gov. Code §65584).

In Contra Costa County, ABAG determines each city's fair share of regional housing needs. Each jurisdiction is required, in turn, to incorporate its fair share of the regional housing needs into the housing element of its General Plan. In July 2013, ABAG adopted the 2014-2022 Regional Housing Needs Allocation (RHNA) Plan for the San Francisco Bay Area. The RHNA

Plan includes the following allocations for the City of Pittsburg: total RHNA is calculated at 2,025 units, including 1,063 above moderate, 316 moderate, 254 low and 392 very low income units. The proposed annexation includes a total of 917 single family residential units and up to 353 multi-family units. The mix of low density single family and high density multi-family offer a variety housing options which would help the City meets its current regional housing obligation for moderate or above moderate units. Further, the City's resolution approving the project's Vesting Tentative Map indicates that 92 single family dwelling units will have accessory units which will increase the City's affordable housing stock.

**7. Governmental Services and Controls - Need, Cost, Adequacy and Availability:**

Whenever a local agency submits a resolution of application for a change of organization or reorganization, the local agency shall also submit a plan for providing services within the affected territory (Gov. Code §56653). The plan for services is available in the LAFCO office. The plan shall include all of the following information and any additional information required by the Commission or the Executive Officer:

- (1) An enumeration and description of the services to be extended to the affected territory.
- (2) The level and range of those services.
- (3) An indication of when those services can feasibly be extended to the affected territory.
- (4) An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
- (5) Information with respect to how those services will be financed.

The annexation area is currently served by various local agencies including, but not limited to, Contra Costa County and the Contra Costa County Fire Protection District (CCCFPD). The proposal before the Commission includes annexations to the City of Pittsburg, CCWD and DD for the provision of municipal services, including water and sanitary sewer services. Municipal services are needed to support future development in the area. The level and range of services is expected to be comparable to those services currently provided within the City. As part of the proposal, the City and County will rely on the master tax sharing agreement.

Following annexation, the City of Pittsburg will provide a range of municipal services to subject territory, including police, parks & recreation, street lighting, drainage, streets and roads, sanitary sewer, water, and other services. The City will also provide sewer collection, and DD will provide sewer treatment and disposal; and the City will provide retail water, and CCWD will provide wholesale water as summarized below. Fire service will continue to be provided by the CCCFPD.

**Police Services** – Law enforcement services are currently provided to subject area by the Contra Costa County Sheriff's Office. Upon annexation, police services will be provided by the City of Pittsburg, and the area will be detached from the County police services district (CSA P-6).

The Pittsburg Police Department (PPD) operates from its headquarters located at 65 Civic Avenue. The PPD has an authorized staffing level of 82 sworn positions and currently employs 77 sworn staff. The City's General Plan Policy 10-P-39 states that the City should strive to maintain a ratio of 1.8 sworn police officers per 1,000 residents. The PPD indicates that it has no adopted staffing standard, and that the current ratio is 1.1 – 1.2 officers per 1,000 residents.

In 2016, the PPD received approximately 6,035 emergency and non-emergency calls per month, or approximately 72,426 total calls in 2016. A total of 4.1 violent crimes per 1,000 residents occurred in 2016.

The PPD patrols 17.2 square miles which are divided into five beats. The beat system is designed to assure rapid response to emergency calls within each beat. The City's goal is to maintain an 8-10 minute response time for Priority 1 calls, and under 30 minutes for non-emergency calls. Police response times are dependent on the agency's staffing level and size of the jurisdiction served. The PPD reports that the average response times in 2016 were 12:32 minutes (Priority 1 calls) and 27.21 minutes (non-emergency calls).

The estimated population increase for the annexation area is approximately 4,229. The City's CEQA document indicates that while no new police facilities will be required to serve the annexation area, additional sworn police officers will be needed to serve the subject area. The City's goal is to have 1.2 – 1.2 officers per 1,000 residents. The City's standard conditions of approval require that the developer annex into the City's Community Facility District (CFD) for Public Safety Services. The CFD collected fees are intended to provide funding for police services in the annexation area.

**Parks & Recreation** – Pittsburg has 26 City parks ranging from half-acre mini-parks to the 190-acre Stoneman Park. In addition, Pittsburg residents have access to trails and regional parks near the project site, including the Black Diamond Mines Regional Preserve. The City's General Plan Performance Standards provide a ratio of five acres of community and neighborhood parkland per 1,000 residents, and ensure that residential developers dedicate parkland in accordance with this standard. While the City is not currently meeting this standard, the deficit will be offset by in-lieu parkland dedication fees as a condition of the City's project approval.

The City of Pittsburg operates a comprehensive recreation and leisure time program including aquatics, sports, leisure time activities, community events, Small World Park, Senior Center, youth activities, and excursions. The City also sponsors cultural events, festivals, concerts and art shows centered in Old Town.

The Tuscany Meadows project includes a total of 18.6± acres comprised of three separate parks/detention basins, including a 5.4± acre park for year-round use, located along the east side of Tuscany Meadows Drive, south of the Chevron property; a 6.6± acre park including a baseball diamond, soccer field, and an area for stormwater detention, located in the northwestern portion of the site along Buchanan Road and Tuscany Meadows Drive; and a 6.6±-acre park including a baseball diamond, playground, and area for stormwater detention, located in the northeastern portion of the site.

The primary sources of funding for park maintenance include the General Fund and the citywide Landscaping and Lighting Assessment District (LLAD); rates are \$102 per single-family residence. The City has included a condition of approval that the developer annex the property into a CFD to fund increased park maintenance in the project area.

**Street Lighting** – The developer will use decorative street lighting within the subdivision, designed to City standards. Ongoing maintenance will be the responsibility of the City and funded by homeowners through collection of local taxes and a lighting and landscape district.

**Drainage Services** – The project is located in the Kirker Creek sub-basin, and located in Drainage Area 70. The City mandates that any new development within the Kirker Creek Watershed Drainage Area that is over 6,000 sq. ft. must meet specific conditions, including constructing either permanent on-site detention facilities to prevent any increase in runoff over pre-development conditions, or temporary on-site or off-site detention measures. The proposed project is well over 6,000 square feet, and proposes to have permanent detention facilities constructed on-site.

A Drainage Study was prepared for the proposed project in order to determine if the sizing of the proposed on-site detention basins would be adequate to handle the peak flows and designed acceptably in accordance with governing agency standards. Separate draft stormwater control plans were prepared for the two watersheds. As a result, the project includes 18.6± acres of proposed storm drain parks and detention basin areas that would detain stormwater during major storm events. Included in the storm drain basin and park areas would be two sub-basins, one on the eastern watershed and one on the western portion. The surface storage would then convey the stormwater to the adjacent underground storm drain detention pipes.

In addition to the improvements for the eastern and western watersheds, the proposed project will implement the requirements of the City's Storm Water Management Program and would be consistent with the City's National Pollutant Discharge Elimination System (NPDES) Stormwater Permit.

The design and construction costs for drainage infrastructure will be borne by the developer; ongoing maintenance will be paid by the City with local tax assessments.

**Streets and Roads** – The City's plan for services describes the existing roadway network which includes State Route/SR 4 Bypass, Kirker Pass Road/Ygnacio Valley Road, Railroad Avenue, East Leland Road/Delta Fair Blvd, Buchanan Road, Somersville Road/Auto Center Drive, James Donlon Blvd. The plan also includes a description of local roadways including Harbor Street, Loveridge Road, Ventura Drive, Fairview Drive, and Century Blvd. The plan details the planned roadway improvements which include connections to the two new arterials – Tuscany Meadows Drive and Sequoia Drive, and will connect the residential community with existing major arterial roadways (i.e., Buchanan Road, Somersville Road and James Donlon Blvd).

The plan for services also describes additional on- and off-site transportation related improvements including turnouts, bus shelters, bicycle lanes and racks, sidewalks, a multiuse trail/path connection to the Delta De Anza Trail, pedestrian trail connections between the multifamily and single-family areas, dedicated right-of-ways, frontage improvements, additional through/turn/acceleration lanes, curb/gutter/sidewalk/landscape and other improvements. The proposed project would add approximately seven miles of new streets within the subdivision.

The developer will be responsible for financing the design and construction of all on-site transportation improvements. Off-site, the developer will be responsible for construction of full frontage improvements in accordance with the City's approvals.

Due to the project's traffic impacts in the City of Antioch, the City of Antioch and the developer have entered into a Memorandum of Understanding (MOU) to mitigate the impacts. The measures identified in the MOU include improvements at the Somersville Road/Buchanan Road intersection along with associated traffic signal modifications. The developer will pay a proportionate share of these improvements.

In accordance with the Pittsburg Municipal Code, the project will comply with the Conditions of Approval by paying the Pittsburg Local Traffic Mitigation Fee and the Regional Transportation Development Impact Mitigation Fee. The developer will also pay for installation of security cameras at nearby intersections.

**Other Services** – The City of Pittsburg provides a multitude of other services, including code enforcement, landscape maintenance, library, refuse collection and special services which will be extended to subject area following annexation.

**Fire Protection** – Fire and emergency medical services are, and will continue to be, provided by CCCFPD following annexation. The CCCFPD's boundary area is 257± square miles, and encompasses the central and northern portions of the County, extending from the City of Antioch in the east to the eastern border of the City of Richmond in the west, and as far south as the northern border of the Town of Moraga. The CCCFPD provides fire suppression (structural, vehicle, vegetation) and prevention, Advanced Life Support for medical emergencies, rescue, dispatch, initial hazardous materials response, fire inspection, plan review and education.

Within the Pittsburg area, there are five fire stations that could serve the project area as shown in the table below:

**CCCFPD Fire Stations Serving the Tuscany Meadows Project Site**

Station No.	Address	Distance to Project Site	Equipment
81	315 W. 10 <sup>th</sup> Street, Antioch	3 miles	1 Type 1 engine 1 Type 3 engine
82	196 Bluerock Drive, Antioch	4.6 miles	1 Type 1 engine 1 Heavy Rescue
83	2717 Gentrytown Drive, Antioch	1.1 miles	1 105' ladder truck 1 Type 1 engine 1 Type 3 engine
84	1903 Railroad Avenue, Pittsburg	3.8 miles	1 105' ladder truck 1 reserve ladder truck
85	2331 Loveridge Road, Pittsburg	1.9 miles	1 Type 1 engine 1 Type 3 engine
87	800 West Leland Road, Pittsburg	4.5 miles	1 Type 1 engine 1 hazardous materials unit

Source: Mr. Ted Leach, Fire Inspector, CCCFPD, December 5, 2012

CCCFPD currently serve the project area, including the Chevron property. The Chevron fire brigade is located at the Chevron refinery in Richmond and serves the Richmond property.

As noted in the table above, only one fire station is within the 1.5 mile response radius of the project area; the other stations do not meet the National Fire Protection Association response time guideline of 5 to 6 minutes 90 percent of the time. As part of the Tuscany Meadows environmental review, there are no mitigation measures to address this matter.

CCCFPD indicates that additional companies are needed within the Pittsburg area to provide added capacity based on current and anticipated call volumes. Implementation of adequately

funded CFDs is one method of providing supplemental funding to address the increasing population, call volume and overall service demand.

Fire service to the project site is a concern for LAFCO. In August 2016, Contra Costa LAFCO completed its 2nd round Municipal Service Review (MSR) covering Fire and Emergency Medical Services. The MSR report noted that fire service providers continue to face challenges, including the following:

- Many fire service providers are unable to meet “best practices” for response times and staffing.
- In 2009, when LAFCO completed its 1<sup>st</sup> round MSR, and still today, fire agencies are unable to meet national and state guidelines for fire response times 90% of the time.
- Nearly half of the fire stations in the County are over 40 years old and a significant number are in poor condition, needing repair or replacement.
- Continued population growth, job creation, and changes in health care services affect the volume and location of service calls, creating the need for new facilities and staff resources in order to sustain services. While recovery in real estate and development has benefits, it also has costs in terms of increases in service demands.

Regarding funding for fire service, the 2016 MSR notes the following:

- Fire service providers rely primarily on property tax to fund services
- Fire districts face limited sources of revenue, including inability to charge for most services, low property tax shares as many agencies evolved from volunteer agencies, high insurance costs due to the risky nature of the profession, and significant pension liabilities from past underfunding
- The lack of requirements for special taxes from new development increases the burden on fire agencies to obtain a two-thirds special tax voter approval once an area is populated

The City of Pittsburg adopted a Development Agreement (DA) for the Tuscan Meadows residential subdivision which contains various provisions for funding services and forming CFDs, including forming a CFD relating to fire service. City staff reports that the developer has agreed to annex into a CFD for fire service.

*In support of these efforts, the LAFCO staff recommendation includes a condition to address the impact of the proposed development on the CCCFPD. LAFCO staff has consulted with the City and CCCFPD staff on this condition.*

**Sewer Services** – The City of Pittsburg provides wastewater collection services, while DD provides conveyance, treatment and disposal services to the City. DD serves the cities of Antioch and Pittsburg and the unincorporated Bay Point community. DD serves approximately 212,000 residents in a service area of 54± square miles. DD has over 49 miles of gravity sewer main, 14 miles of pressure force mains, and five pump stations.

The DD treatment plant has an average dry weather flow capacity of 19.5 million gallons per day (mgd). During the most recent reporting period (2016), the average dry weather flow was 12.3 mgd. In 2010, 2013, and 2014, the average dry weather flows at the plant were 13.4, 13.1 and 12.5 mgd, respectively.

The subject area is located in Zone 2 of DD's service area. DD estimates that the proposed 917 single family units and 353 multi-family units will generate approximately 261,750 gpd of wastewater discharge. The City's Plan for Service includes details regarding the wastewater

system, the infrastructure needed to serve the proposed project, and the method to finance wastewater service to the subject area. DD has provided a "will serve" letter agreeing to serve the project area.

8. **Timely Availability of Water and Related Issues:**

Pursuant to the CKH, LAFCO must consider the timely and available supply of water in conjunction with a boundary change proposal. Contra Costa LAFCO policies state that any proposal for a change of organization that includes the provision of water service shall include information relating to water supply, storage, treatment, distribution, and waste recovery; as well as adequacy of services, facilities, and improvements to be provided and financed by the agency responsible for the provision of such services, facilities and improvements.

The City of Pittsburg is a retail water purveyor that obtains the majority of its potable water supply under a wholesale contract with CCWD. This water is diverted as raw water from CCWD's Contra Costa Canal. The remainder of the potable water supply is obtained from the City's two groundwater wells. In 2015, 87% of the City's potable supply was provided by CCWD and 13% was from local groundwater wells.

Raw water from the canal and the groundwater wells is treated at the Pittsburg Water Treatment Plant before distribution throughout the City's service area. The service area is bounded by the City limits, which is currently 15.49± square miles.

Service area population has shown steady growth over the last 20 years, but its future growth rate will be limited by available open and developable land. The City's 2017 population was estimated at 69,818 (State of California Dept. of Finance 2017) and is projected to grow to 91,600 by 2040 (City of Pittsburg 2015-2023 Housing Element, 2015).

According to the City's 2015 Urban Water Management Plan (UWMP), the City's potable water use for 2015 was 8,772 acre-feet per year (AFY), more than 7% lower than the projected water use from the 2010 UWMP. It is anticipated that the City's initiatives in decreasing water use to meet urban water use targets, as well as the State-mandated drought restrictions, have been the biggest factors leading to this lower than previously anticipated water use.

As noted above, CCWD provides wholesale water to the City of Pittsburg. CCWD's boundary encompasses 220± square miles in central and eastern Contra Costa County. CCWD's untreated water service area includes Antioch, Bay Point, Oakley, Pittsburg, and portions of Brentwood and Martinez. The District's treated water service area includes Clayton, Clyde, Concord, Pacheco, Port Costa, and parts of Martinez, Pleasant Hill, and Walnut Creek. CCWD also treats and delivers water to the City of Brentwood, Golden State Water Company (Bay Point), Diablo Water District (Oakley), and the City of Antioch. CCWD serves approximately 500,000 (61,085 water connections).

The primary sources of water are the U.S. Bureau of Reclamation (USBR) Central Valley Water Project (CVP) and delta diversions. One of CCWD's prerequisites for service, including annexation, is inclusion in the CVP service area. The CVP inclusion review is a separate process, and requires specific environmental documents. The City, the developer and CCWD will work together to complete the CVP process.

The City's Plan for Services provides details regarding the City's water system, the water supply infrastructure needed to serve the proposed project, the water sources, key steps for inclusion in

the CVP inclusion review process, and the method to finance water service to the subject area. CCWD estimates that the Tuscany Meadows development, once fully developed, will utilize up to 732 acre feet per year of treated water. CCWD indicates that based on the District's most recent Future Water Supply Study and UWMP, CCWD has sufficient supplies to serve the proposed project.

#### **9. Assessed Value, Tax Rates and Indebtedness:**

The annexation area is within tax rate areas 07005, 07011, 53007 and 53097. The assessed value for the annexation area is \$7,193,089 (2017-18 roll). The territory being annexed shall be liable for all authorized or existing taxes and bonded debt comparable to properties presently within the annexing agencies.

The City and the County have agreed to use the Master Property Tax Transfer Agreement for the proposed reorganization.

#### **10. Environmental Impact of the Proposal:**

The City of Pittsburg, as Lead Agency, certified the Tuscany Meadows Environmental Impact Report (EIR) on August 3, 2015 (Resolution No. 15-13083). The EIR found that there were significant and unavoidable impacts relating to Air Quality/Greenhouse Gas Emissions, Noise, and Transportation/Traffic/Circulation. In addition, the EIR found potentially significant impacts relating to Air Quality/Greenhouse Gas Emissions, Biological Resources, Geology/Soils/Seismicity; Hazards/Hazardous Materials; Land Use/Planning; Noise; Public Services/Recreation/ Utilities; and Transportation/Traffic/Circulation. If an impact is determined to be significant or potentially significant, applicable mitigation measures are identified, as appropriate. On March 21, 2016 (Resolution No. 16-13159), the City of Pittsburg adopted a Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the Tuscany Meadows project. Copies of the City's environmental documents were provided to the Commissioners and are available for review in the LAFCO office.

Contra Costa LAFCO has a critical role in the environmental process for this project given the necessary SOI and boundary changes. As part of the environmental review, LAFCO staff provided four comment letters (November 23, 2009, May 25, 2012, December 12, 2012, and December 10, 2014). The comments covered various issues, including regional housing needs, sustainable community strategies, hazards and hazardous materials, land use and population, public services and utilities, traffic and transportation, and effects of the project on other government agencies, (e.g., Antioch Unified School District, City of Antioch).

The Final EIR was released in July 2015, and regrettably, failed to include LAFCO's comment letter and a response to LAFCO's comments. LAFCO staff notified the City of this omission and requested that the City defer its public hearing to allow City staff sufficient time to prepare a meaningful, written response to LAFCO's comment letter, and to recirculate the Final EIR with the LAFCO comment letter and responses to comments to ensure full transparency. The City denied LAFCO's request to continue the hearing, and ultimately added LAFCO's comment letter and its response to comments.

**11. Landowner Consent and Consent by Annexing Agency:**

According to County Elections, there are fewer than 12 registered voters in the area proposed for annexation; thus, the area proposed for annexation is considered uninhabited. The City indicates that 100% of the affected landowners have provided written consent to the annexation. Thus, if the Commission approves the annexation, the Commission may waive the protest hearing (Gov. Code §56662). All landowners and registered voters within the proposal area(s) and within 300 feet of the exterior boundaries of the area(s) were sent notice of the LAFCO hearing.

**12. Boundaries and Lines of Assessment:**

The annexation area is within the SOIs of the City of Pittsburg, CCWD and DD and is contiguous to the city and district service boundaries. A corresponding detachment from CSA P-6 of the same area is also proposed. A map and legal description to implement the proposed boundary changes have been received and are subject to final approval by the County Surveyor.

**13. Environmental Justice:**

LAFCO is required to consider the extent to which proposals for changes of organization or reorganization will promote environmental justice. As defined by statute, “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. The proposed annexation is not expected to promote or discourage the fair treatment of minority or economically disadvantaged groups.

**14. Disadvantaged Communities:**

In accordance with State legislation, local agencies and LAFCOs are required to plan for disadvantaged unincorporated communities (DUCs). Many of these communities lack basic infrastructure, including streets, sidewalks, storm drainage, clean drinking water, and adequate sewer service. LAFCO actions relating to Municipal Service Reviews, SOI reviews/amendments, and annexations must take into consideration DUCs, and specifically the adequacy of public services, including sewer, water, and fire protection needs or deficiencies, to these communities. According to the County’s Department of Conservation and Development, the annexation area does not meet the criteria of a DUC.

**15. Comments from Affected Agencies/Other Interested Parties:**

No comments were received from other affected agencies or parties.

**16. Regional Transportation and Regional Growth Plans:**

In its review of a proposal, LAFCO shall consider a regional transportation plan adopted pursuant to Gov. Code §65080 [Gov. Code §56668(g)]. Further, the commission may consider the regional growth goals and policies established by a collaboration of elected officials only, formally representing their local jurisdictions in an official capacity on a regional or subregional basis (Gov. Code §56668.5). Regarding these sections, LAFCO looks at consistency of the proposal with the regional transportation and other regional plans affecting the Bay Area.

SB 375, a landmark law, requires California’s regions to adopt plans and policies to reduce greenhouse gases (GHG), primarily from transportation. To implement SB 375, in July 2013, ABAG and the Metropolitan Transportation Commission (MTC) adopted Plan Bay Area as the “Regional Transportation Plan and Sustainable Communities Strategy” for the San Francisco

Bay Area through 2040. Plan Bay Area focuses on where the region is expected to grow and how development patterns and the transportation network can work together to reduce GHG emissions. The Plan's key goals are to reduce GHG emissions by specified amounts; and to plan sufficient housing for the region's projected population over the next 25 years.

In July 2017, ABAG and MTC adopted Plan Bay Area 2040, which updates the 2013 Plan Bay Area and reaffirms the goals and targets identified in the earlier version. Plan Bay Area establishes "Priority Conservation Areas" (PCAs) and "Priority Development Areas" (PDAs), and focuses growth and development in nearly 200 PDAs. These existing neighborhoods are served by public transit and have been identified as appropriate for additional, compact development. The area proposed for annexation is not within a PCA or a PDA. However, as noted in the City's EIR, the project includes elements recommended in the *Plan Bay Area* such as pedestrian trails and a mix of housing types.

### ALTERNATIVES FOR COMMISSION ACTION

After consideration of this report and any testimony or additional materials that are submitted the Commission should consider taking one of the following actions:

#### Option 1      Approve the reorganization as proposed.

- A. Find that, as a Responsible Agency under CEQA, the Commission has reviewed and considered the information contained in the Tuscany Meadows EIR as certified by the City of Pittsburg on August 3, 2015 (Resolution No. 15-13083), and in the City's CEQA Findings, Statement of Overriding Considerations, and MMRP for the Tuscany Meadows project as certified by the City of Pittsburg on March 21, 2016 (Resolution No. 16-13159).
- B. Adopt this report, approve LAFCO Resolution No. 17-08 (Exhibit B), and approve the proposal, to be known as the Tuscany Meadows Reorganization: Annexations to the cities of Pittsburg and Antioch, Contra Costa Water District and Delta Diablo (Zones 2 & 3) and Detachment from County Service Area P-6 subject to the following terms and conditions:
  1. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments and charges comparable to properties presently within the annexing agencies.
  2. The City of Pittsburg has delivered an executed indemnification agreement providing for the City to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
  3. Water service is conditional upon CCWD receiving acceptance for inclusion of the annexed area from the USBR, pursuant to the requirements in CCWD's contract with USBR for supplemental water supply from the CVP.
  4. Prior to LAFCO issuing a Certificate of Completion, the City of Pittsburg shall enter into a joint community facilities agreement with CCCFPD with the purpose of the City forming a CFD to fund supplemental fire protection and emergency medical services in various areas within the City including the area proposed for annexation.

- C. Find that the subject territory is uninhabited, the proposal has 100% landowner consent, and the conducting authority (protest) proceedings are hereby waived.

**Option 2** Accept this report and DENY the proposal.

**Option 3** If the Commission needs more information, CONTINUE this matter to a future meeting.

**RECOMMENDED ACTION:**

**Approve Option 1.**

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LOU ANN TEXEIRA, EXECUTIVE OFFICER  
CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

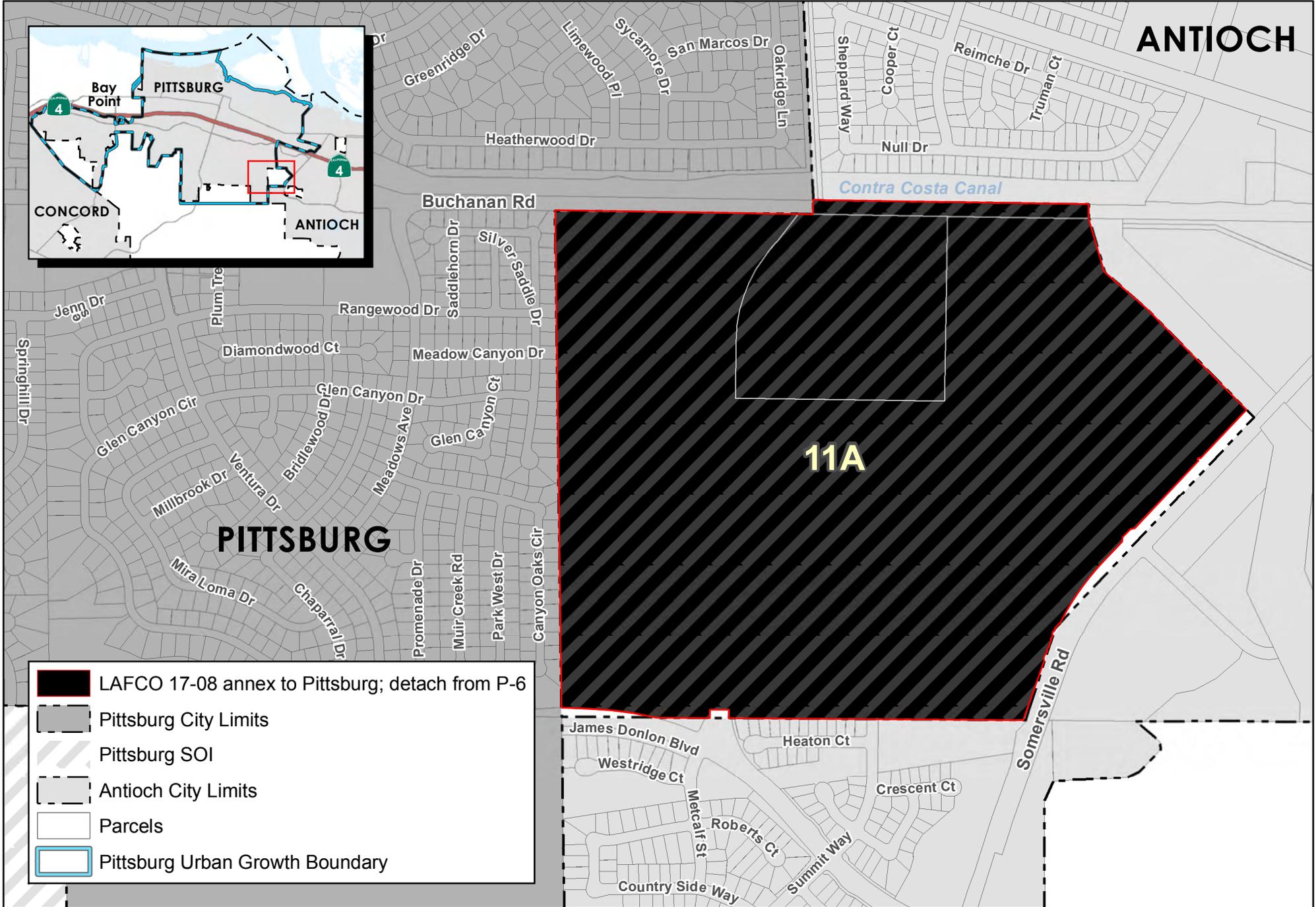
Exhibits

A1-4 – Tuscany Meadows Reorganization Maps

B – Draft LAFCO Resolution 17-08

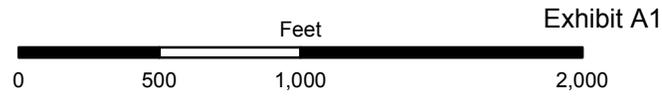
- c: Kristin Pollot, Planning Manager, City of Pittsburg  
Hector Rojas, Senior Planner, City of Pittsburg  
Forrest Ebbs, Community Development Director, City of Antioch  
Mark Seedall, Principal Planner, Contra Costa Water District  
Vince De Lange, General Manager, Delta Diablo  
Patricia Chapman, Associate Engineer, Delta Diablo  
Louis Parsons, Landowner Representative, Discovery Builders  
Rand Reynolds, Sr. Land Representative, Chevron Pipe Line Company

# LAFCO 17-08 Tuscany Meadows Reorganization - Annexation to Pittsburg; Detachment from CSA P-6

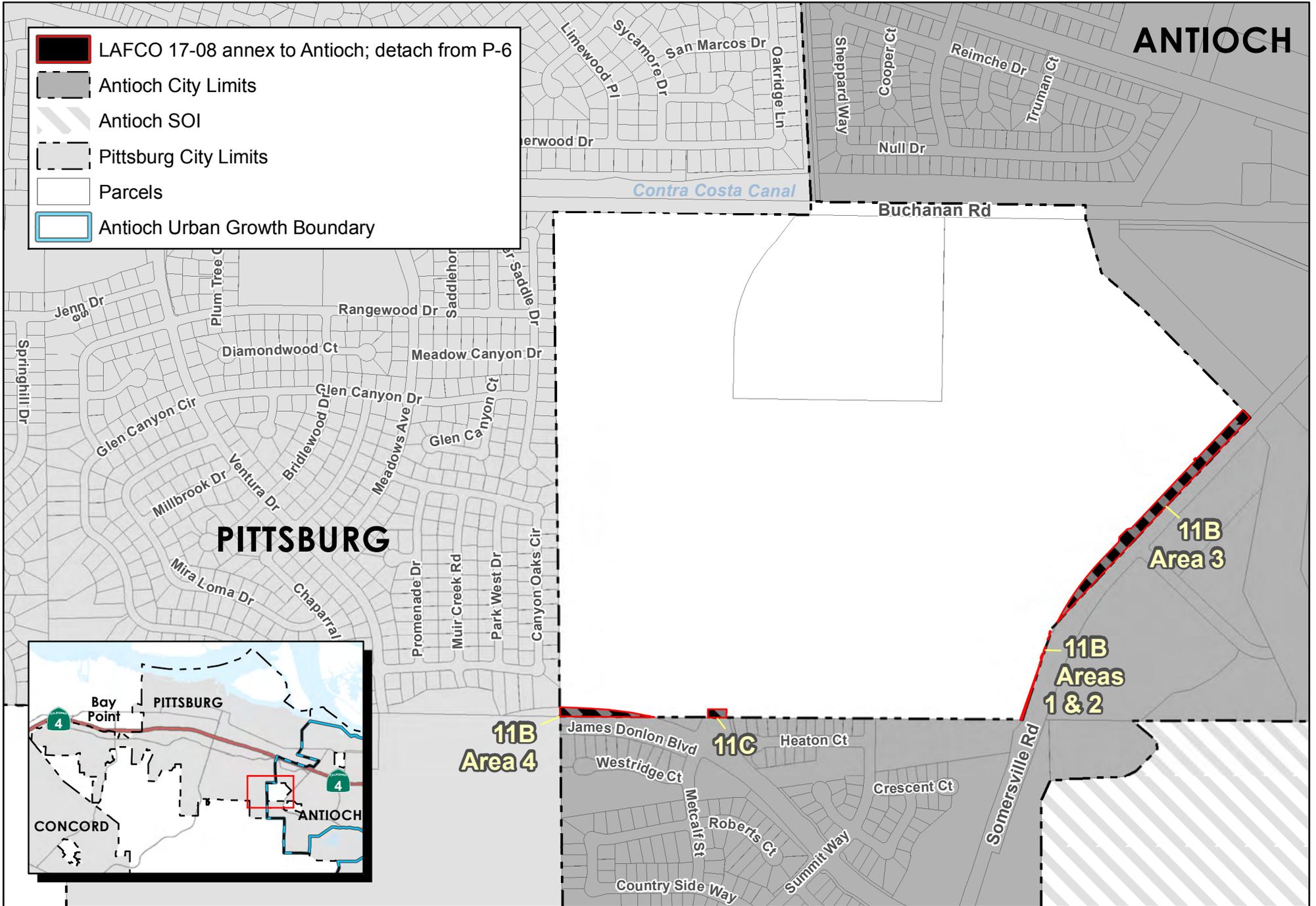


Map created 08/17/2017  
 by Contra Costa County Department of  
 Conservation and Development, GIS Group  
 30 Muir Road, Martinez, CA 94553  
 37:59:41.791N 122:07:03.756W

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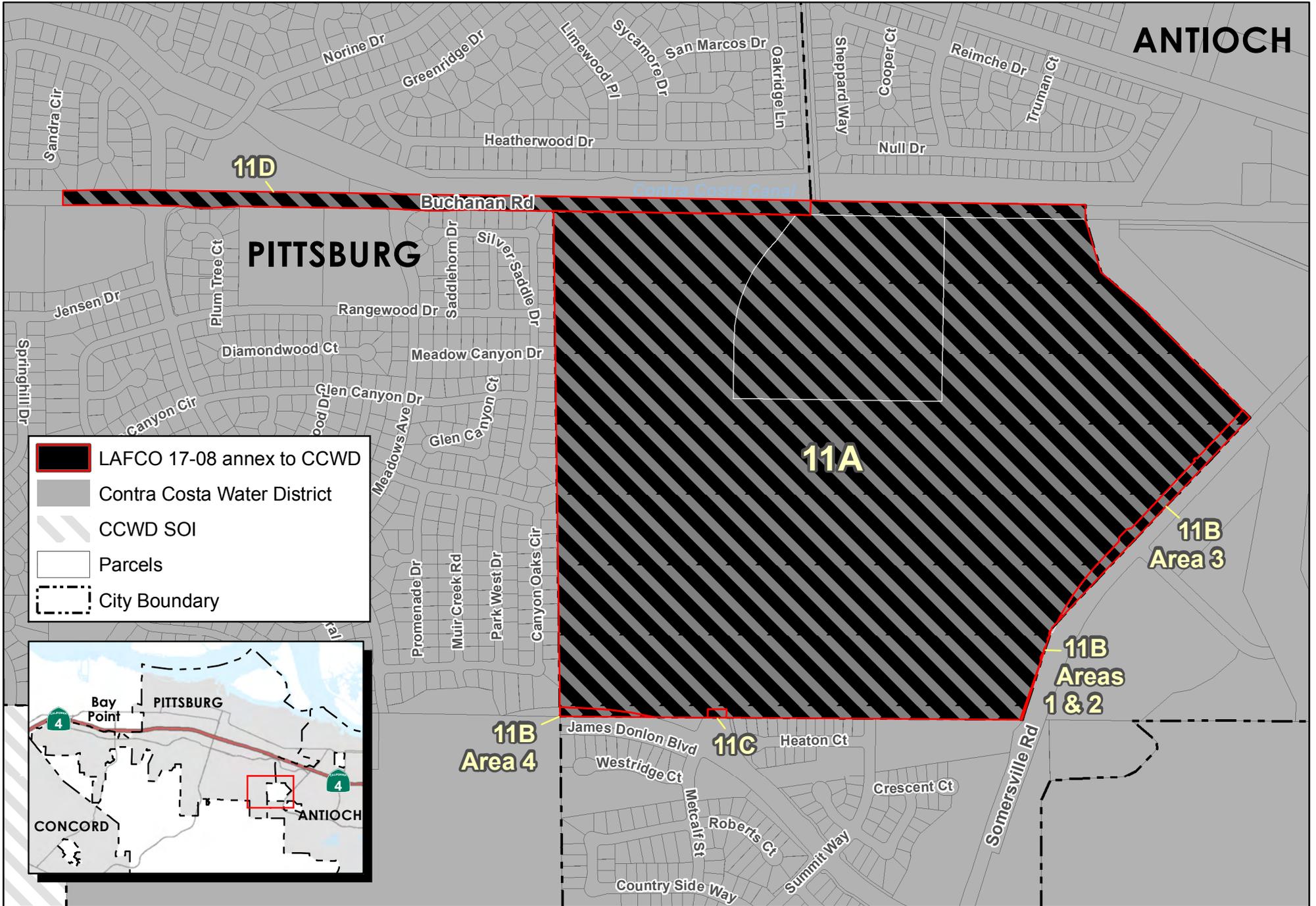


# LAFCO 17-08 Tuscany Meadows Reorganization - Annexation to Antioch; Detachment from CSA P-6





# LAFCO 17-08 Tuscany Meadows Reorganization - Annexation to Contra Costa Water District (CCWD)



Map created 08/17/2017  
 by Contra Costa County Department of  
 Conservation and Development, GIS Group  
 30 Muir Road, Martinez, CA 94553  
 37:59:41.791N 122:07:03.756W

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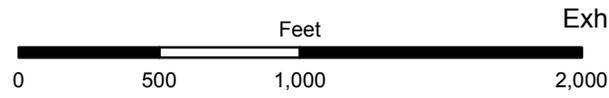


Exhibit A4



**RESOLUTION NO. 17-08**

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
 MAKING DETERMINATIONS AND APPROVING  
**TUSCANY MEADOWS REORGANIZATION: ANNEXATIONS TO THE CITIES OF  
 PITTSBURG AND ANTIOCH, AND CONTRA COSTA WATER DISTRICT AND DELTA  
 DIABLO (ZONES 2 & 3), AND DETACHMENT FROM COUNTY SERVICE AREA P-6**

WHEREAS, the Tuscany Meadows Reorganization proposal was filed with the Executive Officer of the Contra Costa Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code §56000 et seq.); and

WHEREAS, at the time and in the manner required by law the Executive Officer has given notice of the Commission's consideration of the Tuscany Meadows Reorganization proposal; and

WHEREAS, the Commission held a public hearing on December 13, 2017, on the Tuscany Meadows Reorganization proposal; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to this proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental documents and determinations, Spheres of Influence and applicable General and Specific Plans; and

WHEREAS, no subsequent change may be made to the general plan or zoning for the annexed territory that is not in conformance to the rezoning designations for a period of two years after the completion of the annexation, unless the legislative body for the city makes a finding at a public hearing that a substantial change has occurred in circumstances that necessitate a departure from the rezoning in the application to the Commission [Government Code §56375(e)];

NOW, THEREFORE, the Contra Costa Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. Find that, as a Responsible Agency under CEQA, the Commission has reviewed and considered the information contained in the Tuscany Meadows EIR as certified by the City of Pittsburg on August 3, 2015 (Resolution No. 15-13083), and in the City's CEQA Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program for the Tuscany Meadows residential subdivision as certified by the City of Pittsburg on March 21, 2016 (Resolution No. 16-13159).
2. Said reorganization is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:  
**TUSCANY MEADOWS REORGANIZATION: ANNEXATIONS TO THE CITIES OF  
 PITTSBURG AND ANTIOCH, AND CONTRA COSTA WATER DISTRICT AND DELTA  
 DIABLO (ZONES 2 & 3), AND DETACHMENT FROM COUNTY SERVICE AREA P-6**
4. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.
5. Approval of the Tuscany Meadows Reorganization - Annexations to the Cities of Pittsburg and Antioch and Contra Costa Water District and Delta Diablo (Zones 2 & 3), and detachment from County Service Area P-6 is subject to the following:

Contra Costa LAFCO  
Resolution No. 17-08

- a. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments and charges comparable to properties presently within the annexing agency.
  - b. The City of Pittsburg has delivered an executed indemnification agreement between the City and Contra Costa LAFCO providing for the City to indemnify LAFCO against any expenses arising from any legal actions challenging the Tuscany Meadows Reorganization.
  - c. Water service is conditional upon CCWD receiving acceptance for inclusion of the annexed area from the USBR, pursuant to the requirements in CCWD’s contract with USBR for supplemental water supply from the CVP.
  - d. Prior to LAFCO issuing a Certificate of Completion, the City of Pittsburg shall enter into a joint community facilities agreement with the Contra Costa County Fire Protection District with the purpose of the City forming a Community Facilities District to fund supplemental fire protection and emergency medical services in various areas within the City including the area proposed for annexation.
6. The territory proposed for reorganization is uninhabited, the proposal has 100% landowner consent, and the conducting authority (protest) proceedings are hereby waived.
7. All subsequent proceedings in connection with the Tuscany Meadows Reorganization shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

\*\*\*\*\*

PASSED AND ADOPTED THIS 13<sup>th</sup> day of December 2017, by the following vote:

- AYES:
- NOES:
- ABSTENTIONS:
- ABSENT:

\_\_\_\_\_  
DONALD A. BLUBAUGH, VICE CHAIR, CONTRA COSTA LAFCO

*I hereby certify that this is a correct copy of a resolution passed and adopted by this Commission on the date stated.*

Dated: December 13, 2017

\_\_\_\_\_  
Lou Ann Texeira, Executive Officer