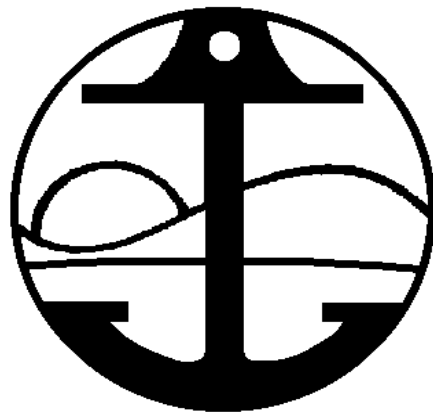


TUSCANY MEADOWS

SCH#2012112061

**FINAL
ENVIRONMENTAL IMPACT REPORT
(VOLUME I)**

PREPARED FOR
THE CITY OF PITTSBURG



JULY 2015

PREPARED BY



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Final Environmental Impact Report Tuscany Meadows Project

SCH # 2012112061

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4	Buchanan Road Bypass Screening Analysis

1. INTRODUCTION AND LIST OF COMMENTERS

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INTRODUCTION AND LIST OF COMMENTERS

INTRODUCTION

This Final Environmental Impact Report (EIR) contains public and agency comments received during the public review period of the Tuscany Meadows Project Draft EIR. This document has been prepared by the City of Pittsburg, as lead agency, in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, Section 15132. The Introduction and List of Commenters chapter of the Final EIR discusses the background of the Draft EIR and purpose of the Final EIR, identifies the comment letters received on the Draft EIR, and provides an overview of the Final EIR's organization.

BACKGROUND

The Draft EIR identified the proposed project's potential impacts and the mitigation measures that would be required to be implemented. The following environmental analysis chapters are contained in the Tuscany Meadows Project Draft EIR:

- Air Quality and Greenhouse Gas Emissions;
- Biological Resources;
- Geology, Soils, and Seismicity;
- Hazards and Hazardous Materials;
- Hydrology and Water Quality;
- Land Use and Planning;
- Noise;
- Public Services, Recreation, and Utilities; and
- Transportation, Traffic, and Circulation.

In accordance with CEQA, the City of Pittsburg used the following methods to solicit public input on the Draft EIR: a Notice of Preparation (NOP) for the Draft EIR was released for a 30-day review from November 29, 2012 to December 28, 2012. In addition, a public scoping meeting was held on December 11, 2012 to solicit public comments regarding the scope of the Draft EIR. A Notice of Availability (NOA) of the Draft EIR was distributed and the Draft EIR was sent to the State Clearinghouse for distribution on October 31, 2014 for the 45-day public review period. Copies of the document were made available at the City of Pittsburg Planning Department, located at 65 Civic Avenue, Pittsburg, at the Pittsburg Library, located at 80 Power Avenue, Pittsburg, and on the City's website at: www.ci.pittsburg.ca.us/index.aspx?page=217. In addition, a public workshop was held on December 1, 2014 to solicit public comments regarding the Draft EIR.

PURPOSE OF THE FINAL EIR

Under CEQA Guidelines, Section 15132, the Final EIR shall consist of:

1. The Draft EIR or a revision of the Draft.
2. Comments and recommendations received on the Draft EIR.
3. A list of persons, organizations, and public agencies commenting on the Draft EIR.
4. The responses to significant environmental points raised in the review process.
5. Any other information added by the Lead Agency.

As required by CEQA Guidelines, Section 15090(a)(1)-(3), a Lead Agency must make the following three determinations in certifying a Final EIR:

1. The Final EIR has been completed in compliance with CEQA.
2. The Final EIR was presented to the decision-making body of the Lead Agency, and the decision-making body reviewed and considered the information in the Final EIR prior to approving the project.
3. The Final EIR reflects the Lead Agency’s independent judgment and analysis.

Under CEQA Guidelines, Section 15091, a public agency shall not approve or carry out a project for which an EIR has been certified that identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings (Findings of Fact) for each of those significant effects. Findings of Fact must be accompanied by a brief explanation of the rationale for each finding supported by substantial evidence in the records. The Findings of Fact are included in a separate document that will be considered for adoption by the City’s decision-makers.

In addition, pursuant to CEQA Guidelines, Section 15093(b), when a Lead Agency approves a project that would result in significant unavoidable impacts, the agency must state in writing the reasons supporting the action (Statement of Overriding Considerations). The Statement of Overriding Considerations shall be supported by substantial evidence. Here, the proposed project would result in significant and unavoidable impacts to transportation, traffic, and circulation; thus, a Statement of Overriding Considerations must be adopted if the project is approved.

LIST OF COMMENTERS

The City of Pittsburg received 14 comment letters during the public comment period on the Draft EIR for the proposed project. The comment letters were authored by the following agencies, groups, and resident:

Agencies

- Letter 1..... Erik Alm, California Department of Transportation
- Letter 2..... Trevor Cleak, Central Valley Regional Water Quality Control Board
- Letter 3..... Mindy Gentry, City of Antioch

Letter 4..... Kerry Motts, City of Antioch Planning Commission
Letter 5..... Scott Morgan, Governor’s Office of Planning and Research
Letter 6..... Greg Enholm, Contra Costa Community College District
Letter 7..... Mark Seedall, Contra Costa Water District

Groups

Letter 8..... Glenda Barnhart, Bay Area Bikes
Letter 9..... Bruce Ohlson, Bike East Bay
Letter 10..... Dave Campbell, Bike East Bay
Letter 11..... Mike Oliphant, Chevron Environmental Management Company
Letter 12..... Louis Parsons, Seecon Built Homes, Inc.

Resident

Letter 13.....John Koontz, Resident

Late Addition Letter

Letter 14.....Lou Ann Texeira, Contra Costa Local Agency Formation Commission

ORGANIZATION OF THE FINAL EIR

The Final EIR is organized into the following chapters:

1. Introduction and List of Commenters

Chapter 1 provides an introduction and overview of the document, describing the background and organization of the Final EIR. Chapter 1 also provides a list of commenters who submitted letters in response to the Draft EIR.

2. Revisions to the Draft EIR Text

Chapter 2 summarizes changes made to the Draft EIR text either in response to comment letters or other clarifications/amplifications of the analysis in the Draft EIR that do not change the intent of the analysis or effectiveness of mitigation measures.

3. Responses to Comments

Chapter 3 presents the comment letters received and responses to each comment. Each comment letter received has been numbered at the top and bracketed to indicate how the letter has been divided into individual comments. Each comment is given a number with the letter number appearing first, followed by the comment number. For example, the first comment in Letter 1 would have the following format: 1-1.

4. Mitigation Monitoring and Reporting Program

CEQA Guidelines, Section 15097, requires lead agencies to adopt a program for monitoring the mitigation measures required to avoid the significant environmental impacts of a project. The intent of the Mitigation Monitoring and Reporting Program (MMRP) is to ensure implementation of the mitigation measures identified within the EIR for the Tuscany Meadows Project.

2. REVISIONS TO THE DRAFT EIR TEXT

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REVISIONS TO THE DRAFT EIR TEXT

INTRODUCTION

The Revisions to the Draft EIR Text chapter presents minor corrections, additions, and revisions made to the Draft EIR initiated by the Lead Agency (City of Pittsburg), reviewing agencies, the public, and/or consultants based on their review.

It should be noted that the changes represent minor clarifications/amplifications of the analysis contained in the Draft EIR and do not constitute significant new information that, in accordance with CEQA Guidelines, Section 15088.5, would trigger the need to recirculate portions or all of the Draft EIR.

DESCRIPTION OF CHANGES

New text is double underlined and deleted text is ~~struck through~~. Text changes are presented in the page order in which they appear in the Draft EIR.

TABLE OF CONTENTS

For clarification purposes, the appendices list on page ii of the Table of Contents of the Draft EIR is hereby revised as follows:

APPENDICES

Appendix A	Notice of Preparation
Appendix B	Comments on the Notice of Preparation
Appendix C	Initial Study
Appendix D	Community Health Risk Assessment
Appendix E	Air Quality and Greenhouse Gas Modeling Results
Appendix F	Biological Planning Survey Report
Appendix G	Geotechnical Engineering Report
Appendix H	Remedial Action Plan
Appendix I	Noise Assessment
Appendix J	Water Supply Assessment
Appendix K	Sewage Impacts Evaluation
Appendix L	Traffic Study
<u>Appendix M</u>	<u>Traffic Study Technical Appendix</u>
<u>Appendix N</u>	<u>Drainage Study</u>

The above change is for informational purposes only and would not change the technical analysis prepared for the project (e.g., air quality, noise, traffic, etc.). Accordingly, this revision does not alter the conclusions of the Draft EIR.

2 EXECUTIVE SUMMARY

For clarification purposes, Table 2-1 in Chapter 2, Executive Summary, of the Draft EIR is hereby revised for Chapter 4.1, Air Quality and Greenhouse Gas Emissions (Mitigation Measures 4.1-2(a), 4.1-2(b), 4.1-2(d), and 4.1-3(b)), Chapter 4.2, Biological Resources (Mitigation Measures 4.2-2(a), 4.2-2(b), 4.2-3(a), 4.2-3(b), 4.2.3(c), 4.2-4(a), 4.2-4(b), 4.2-4(c), and 4.2-4(d)), Chapter 4.3, Geology, Soils (Mitigation Measure 4.2-3(a)), Chapter 4.4, Hazards and Hazardous Materials (Mitigation Measure 4.4-2(b)), Chapter 4.7, Noise (Mitigation Measures 4.7-1, 4.7-2, and 4.7-3(a)), and Chapter 4.8, Public Services, Recreation, and Utilities (Mitigation Measure 4.8-1) beginning on page 2-16. Rather than include the entirety of Table 2-1 from Chapter 2, Executive Summary, of the Draft EIR with the revisions shown where appropriate, only the impact that has been revised is presented below. The revision to the Executive Summary table merely provides flexibility should changes to the allowable construction activities arise. Thus, the revision to Table 2-1 does not change the adequacy of the analysis or the conclusions contained in the Draft EIR.

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
4.1 Air Quality and Greenhouse Gas Emissions			
<p>4.1-2 Long-term operational air quality and a conflict with or obstruction of implementation of regional air quality plans.</p>	S	<p>4.1-2(a) <i>Wood-burning fireplaces, woodstoves, or similar wood-burning devices shall be prohibited throughout the proposed project plan area. Homes may be fitted with the applicable regulation compliant natural gas burning appliances if desired. The prohibition shall be included on any project plans submitted prior to issuance of building permits, subject to review and approval by the <u>Chief Building Official City Engineer</u>.</i></p> <p>4.1-2(b) <i>Electrical outlets shall be provided on the outside of the homes to encourage the use of electrical landscaping equipment. The provision shall be included on any project plans submitted prior to issuance of building permits, subject to review and approval by the <u>Chief Building Official City Engineer</u>.</i></p> <p>4.1-2(c) <i>The use of electrical landscaping equipment shall be encouraged within the homeowner's guide to be provided following the signing of each purchasing agreement. In addition, the homeowner's guide shall discuss the benefits of limiting the use of certain consumer products, including, but not limited to, high-VOC paints, barbeque lighter fluid, and aerosol sprays.</i></p>	SU

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>4.1-2(d) <i>The City’s Green Building Design Guidelines¹ shall be used to promote a reduction in residential emissions where feasible and appropriate, including, but not limited to, implementation of the following measures, subject to review and approval by the City Planning Department:</i></p> <ul style="list-style-type: none"> • <i>Secure and convenient storage for at least two bicycles should be provided along the street side of the house. The storage location should be accessible by driveway, other hardscape, or dedicated path, and securable by lock. The storage may be an external unit that is fully enclosed or enclosed on three sides closest to the street to hide the bicycles from street view, or an entrance into a garage or other space inside the residential unit with sufficient space to store the bicycles. External units should be located with consideration for the layout of the building, and complement the color and design of the building as much as possible. Storage units may be wall mounted and store bicycles vertically. In addition, bicycle mounting systems should be allowed in garages to satisfy bicycle storage for single-family homes.</i> 	

¹ City of Pittsburg. *Development Review Design Guidelines, Section VI: Green Building Design Guidelines*. Adopted November 9, 2010.

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<ul style="list-style-type: none"> • <i>Subdivisions should include a designated pedestrian route interconnecting all internal uses, site entrances, primary building entrances, public facilities, and adjacent uses to existing external bicycle and pedestrian facilities and streets.</i> <ul style="list-style-type: none"> ○ <i>Pedestrian and bicycle paths should provide safe, visible, and unobstructed bicycle and pedestrian access between facilities, from facility entrances to bicycle and pedestrian routes (sidewalks and bicycle lanes), and between facilities and existing or planned bicycle and pedestrian routes.</i> ○ <i>Greater emphasis should be placed on bicycle and pedestrian accessibility (location of routes) and connectivity (number of routes) rather than automobile accessibility/connectivity.</i> ○ <i>Cul-de-sacs should include pedestrian and bicycle pathways that cut through the block from the cul-de-sac to the next street behind the parcels lining the cul-de-sac. Green space may be used to connect adjacent cul-de-sacs, creating a pedestrian connection as well as community open space.</i> ○ <i>Spacing between pedestrian/bicycle connections should be no greater than</i> 	

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>400 feet. This can be accomplished by creating mid-block paths and pedestrian shortcuts.</p> <ul style="list-style-type: none"> • Convenient, visible, and secure bicycle storage facilities should be available on site for multi-family residential areas, sufficient to accommodate demand of residents and guests. <ul style="list-style-type: none"> ○ Parking facilities may be lockers that may be locked individually. ○ Parking facilities may be locked storage rooms that are only accessible by building tenants and managers. ○ Parking facilities may be a storage area that is continuously monitored by on-site staff. • Roofs should have solar hot water systems (panels), solar photovoltaic panels or low-profile wind energy generation turbines and should include a sustainable plan for maintenance of such systems. Roofs should be covered with a cool roof under the energy generation structures. Roof segments that are uncovered by energy systems should host raised bed garden space or greenhouses, a green/living roof, or cool roof surfaces. 	
4.1-3 Exposure of sensitive receptors to pollutant concentrations.	PS	4.1-3(a) Implement Mitigation Measure 4.1-1(a); or the construction contractor shall use other measures to	LS

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>minimize construction period DPM emissions sufficient to reduce the predicted cancer risk below the applicable threshold of significance of 10 in one million. Such measures may include the use of alternative-powered equipment (e.g., LPG-powered forklifts), alternative fuels, added exhaust devices, or a combination of measures, provided that the measures are approved by the City Engineer. Verification that the chosen measures are sufficient to reduce cancer risk to below the applicable threshold of significance shall be provided to the City Engineer by the project proponent prior to issuance of a grading permit for each phase of construction for the Tuscany Meadows subdivision.</i></p> <p>4.1-3(b) <i>During any construction period ground disturbance of Areas 4 through 11 (as shown in Figure 4.1-1), the project applicant shall show on the grading plans via notation that the contractor shall ensure that 40 percent of all diesel-powered equipment larger than 50 horsepower and operating on the site for more than two days consecutively shall meet USEPA particulate matter emissions standards for Tier 4 engines or equivalent. The grading plans shall be submitted for review and approval by the City Engineer prior to issuance of grading permits for each phase of construction. The construction contractor shall use other measures to minimize construction period diesel particulate matter emissions to reduce the predicted cancer risk DPM emissions sufficient to reduce the predicted cancer risk below the</i></p>	

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>applicable threshold of significance of 10 in one million. Such measures may include the use of alternative-powered equipment (e.g., LPG-powered forklifts), alternative fuels, added exhaust devices, or a combination of measures, provided that the measures are approved by the City Engineer prior to issuance of a grading permit for each phase of construction. Verification that the chosen measures are sufficient to reduce cancer risk to below the applicable threshold of significance shall be provided to the City Engineer by the project proponent prior to issuance of a grading permit for the Tuscany Meadows subdivision <u>for each phase of construction.</u></i></p> <p>4.1-3(c) <i>Implement Mitigation Measure 4.1-1(b).</i></p> <p>4.1-3(d) <i>Prior to issuance of a grading permit for each phase of construction for the Tuscany Meadows subdivision, the project applicant shall show on the grading plans via notation that the contractor shall minimize the number of minutes that equipment will operate. The idling time of diesel powered construction equipment shall be minimized to two minutes, per the Additional Construction Mitigation Measures recommended by BAAQMD. The grading plans shall be submitted for review and approval by the City Engineer.</i></p>	

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
4.2 Biological Resources			
<p>4.2-2 Impacts to the San Joaquin kit fox.</p>	<p>PS</p>	<p>4.2-2(a) — A USFWS/CDFW approved biologist shall conduct a pre-construction survey for San Joaquin kit fox within 30 days of on site ground disturbance. The survey shall establish the presence or absence of San Joaquin kit foxes and/or suitable dens and evaluate use by kit foxes in accordance with USFWS survey guidelines. The biologist shall survey the proposed disturbance footprint and a 250 foot radius from the perimeter of the proposed footprint to identify San Joaquin kit foxes and/or suitable dens. Adjacent parcels under different land ownership will not be surveyed. Written results of pre construction surveys shall be submitted to the Pittsburg Planning Department within five working days after survey completion and before the start of ground disturbance. Concurrence is not required prior to initiation of covered activities.</p> <p>If pre construction surveys for the San Joaquin kit fox establish presence of the species and/or suitable dens within the survey area, the applicant shall implement Mitigation Measure 4.2-2(b) below.</p> <p>4.2-2(b) — The following measures shall be implemented by a USFWS/CDFW approved biologist:</p> <ul style="list-style-type: none"> • If a San Joaquin kit fox den is discovered in the 	<p>LS</p>

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>proposed development footprint, the den will be monitored for 3 days by a USFWS/CDFW approved biologist using a tracking medium or an infrared beam camera to determine if the den is currently being used.</p> <ul style="list-style-type: none"> • Unoccupied dens should be destroyed immediately to prevent subsequent use. • If a natal or pupping den is found, USFWS and CDFW will be notified immediately. The den will not be destroyed until the pups and adults have vacated and then only after further consultation with USFWS and CDFW. • If kit fox activity is observed at the den during the initial monitoring period, the den will be monitored for an additional 5 consecutive days from the time of the first observation to allow any resident animals to move to another den while den use is actively discouraged. For dens other than natal or pupping dens, use of the den can be discouraged by partially plugging the entrance with soil such that any resident animal can easily escape. Once the den is determined to be unoccupied it may be excavated under the direction of the biologist. Alternatively, the den may have to be excavated when, in the judgment of a biologist, it is temporarily vacant (i.e., during the animal's normal foraging activities)} 	

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>If dens are identified in the survey area outside the proposed disturbance footprint, exclusion zones around each den entrance or cluster of entrances will be demarcated. The configuration of exclusion zones should be circular, with a radius measured outward from the den entrance(s). No covered activities will occur within the exclusion zones. Exclusion zone radii for potential dens will be at least 50 feet and will be demarcated with four to five flagged stakes. Exclusion zone radii for known dens will be at least 100 feet and will demarcated with staking and flagging that encircles each den or cluster of dens but does not prevent access to the den by kit fox.</p> <p>4.2-2(ea) Prior to the issuance of grading or construction permits for each phase of development of the Tuscany Meadows subdivision, the applicant shall pay the applicable East Contra Costa County HCP/NCCP per-acre fee in effect for Zone II in compliance with Section 15.108.070² of the Pittsburg Municipal Code; or, per Section 15.108.080 of the Pittsburg Municipal Code, the applicant shall dedicate land in-lieu of some or all of the Development Fee that would otherwise be imposed upon the project. The Pittsburg Planning Department and the Contra Costa County Conservancy shall approve the final method of compliance with the East Contra Costa County HCP/NCCP provisions.</p> <p><u>Alternately, the project applicant may, in accordance with the terms of PMC Chapter 15.108, offer to dedicate</u></p>	

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><u>land or create and restore wetlands in lieu of some or all of the mitigation fees. All applicable mitigation fees shall be paid, or an “in-lieu-of fee” agreement executed, prior to the issuance of a grading permit for the project.</u></p> <p><u>4.2-2(b) The project shall implement the following avoidance measures for potential effects on San Joaquin kit fox during construction:</u></p> <p><u>1. Prior to any ground disturbance, a USFWS/CDFW-qualified biologist shall conduct a pre-construction survey within the proposed disturbance footprint and a surrounding 250-foot radius. The survey shall establish the presence or absence of San Joaquin kit foxes and/or suitable dens and evaluate use by kit foxes in accordance with USFWS survey guidelines (US Fish and Wildlife Service 1999). The pre-construction survey shall be conducted no more than 30 days prior to ground disturbance. On the parcel where the activity is proposed, the biologist shall survey the proposed disturbance footprint and a 250-foot radius from the perimeter of the proposed footprint to identify San Joaquin kit foxes and/or suitable dens. Adjacent parcels under different land ownership are not required to be surveyed. The status of all</u></p>	

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><u>surveyed dens shall be determined and mapped. Written results of pre-construction surveys shall be submitted to USFWS within 5 working days after survey completion and before the start of ground disturbance. Concurrence is not required prior to ground disturbance.</u></p> <p>2. <u>If San Joaquin kit foxes and/or suitable dens are identified in the survey area, the measures described below shall be implemented.</u></p> <ul style="list-style-type: none"> • <u>If a San Joaquin kit fox den is discovered in the proposed development footprint, the den shall be monitored for 3 days by a USFWS/CDFW-qualified biologist using a tracking medium or an infrared beam camera to determine if the den is currently being used.</u> • <u>Unoccupied dens shall be destroyed immediately to prevent subsequent use.</u> • <u>If a natal or pupping den is found, USFWS and CDFW shall be notified immediately. The den shall not be destroyed until the pups and adults have vacated and then only after further consultation with USFWS and CDFW.</u> • <u>If kit fox activity is observed at the den</u> 	

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><u>during the initial 3-day monitoring period, the den shall be monitored for an additional 5 consecutive days from the time of the first observation to allow any resident animals to move to another den while den use is actively discouraged. For dens other than natal or pupping dens, use of the den can be discouraged by partially plugging the entrance with soil such that any resident animal can easily escape. Once the den is determined to be unoccupied it may be excavated under the direction of the biologist. Alternatively, if the animal is still present after 5 or more consecutive days of plugging and monitoring, the den may have to be excavated when, in the judgment of the biologist, it is temporarily vacant (i.e., during the animal's normal foraging activities).</u></p> <p><u>3. If dens are identified in the survey area outside the proposed disturbance footprint, exclusion zones around each den entrance or cluster of entrances shall be demarcated. The configuration of exclusion zones should be circular, with a radius measured outward from the den entrance(s). No ground disturbance</u></p>	

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><u>activities shall occur within the exclusion zones. Exclusion zone radii for potential dens shall be at least 50 feet and shall be demarcated with four to five flagged stakes. Exclusion zone radii for known dens shall be at least 100 feet and shall be demarcated with staking and flagging that encircles each den or cluster of dens but does not prevent access to the den by kit fox.</u></p>	
<p>4.2-3 Impacts to western burrowing owl.</p>	<p>PS</p>	<p>4.2-3(a) — A USFWS/CDFW approved biologist shall conduct a pre-construction survey for western burrowing owl no more than 30 days prior to construction. The survey shall establish the presence or absence of western burrowing owl and/or habitat features and evaluate use by owls in accordance with CDFW survey guidelines. The biologist shall survey the disturbance footprint on the project site and a 500 foot radius from the perimeter of the proposed footprint to identify burrows and owls. Adjacent parcels under different land ownership will not be surveyed. The survey shall take place near sunrise or sunset in accordance with CDFW guidelines, and all burrows or burrowing owls shall be identified and mapped.</p> <p>During the breeding season (February 1 August 31), the survey shall document whether burrowing owls are nesting in or directly adjacent to disturbance areas. During the non-breeding season (September 1 January 31), the survey shall document whether burrowing owls are using habitat in or directly adjacent to any disturbance area. Survey results will be valid only for the</p>	<p>LS</p>

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>season (breeding or non breeding) during which the survey is conducted. Written results of pre-construction surveys shall be submitted to the Pittsburg Planning Department within five working days after survey completion and before the start of ground disturbance.</p> <p>If pre-construction surveys for the western burrowing owl establish presence of the species and/or burrows within the survey area, the applicant shall implement Mitigation Measure 4.2-3(b) below.</p> <p>4.2-3(b) Prior to the issuance of a grading permit for the Tuscany Meadows Subdivision, the following measures shall be implemented by the project proponent:</p> <ul style="list-style-type: none"> • If burrowing owls are found during the breeding season (February 1 August 31) the project proponent will avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young. Avoidance will include establishment of a 160-foot non-disturbance buffer zone; owls shall be excluded from burrows in the immediate impact zone by installing one way doors in burrow entrances. These doors shall be in place for 48 hours prior to excavation; and • The project area shall be monitored daily for one week to confirm that owls have abandoned the 	

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>burrows:</i></p> <ul style="list-style-type: none"> • Wherever possible, burrows shall be excavated using hand tools and refilled to prevent reoccupation. Plastic tubing or a similar structure shall be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow. <p><u>4.2-3(a) Implement Mitigation Measure 4.2-2(a).</u></p> <p><u>4.2-3(b) The project shall implement the following avoidance measures for potential effects on burrowing owl during construction:</u></p> <ol style="list-style-type: none"> <u>1. Prior to any ground disturbance, a USFWS/CDFW qualified biologist shall conduct a pre-construction survey of the project site for burrowing owls. The pre-construction survey shall establish the presence or absence of western burrowing owl and/or habitat features and evaluate use by owls in accordance with CDFW survey guidelines (California Department of Fish and Game 1993).</u> <p><u>On the parcel where the activity is proposed, the biologist shall survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify burrows and owls. Adjacent parcels under</u></p>	

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><u>different land ownership shall not be required to be surveyed. Surveys should take place near sunrise or sunset in accordance with CDFW guidelines. All burrows or burrowing owls shall be identified and mapped. Surveys shall take place no more than 30 days prior to construction. During the breeding season (February 1–August 31), surveys shall document whether burrowing owls are nesting in or directly adjacent to disturbance areas. During the nonbreeding season (September 1–January 31), surveys shall document whether burrowing owls are using habitat in or directly adjacent to any disturbance area. Survey results shall be valid only for the season (breeding or nonbreeding) during which the survey is conducted.</u></p> <p><u>2. If burrowing owls are found during the breeding season (February 1–August 31), the project applicant shall avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young. Avoidance shall include establishment of a non-disturbance buffer zone (described below). Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation or that the juveniles from the occupied</u></p>	

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><u>burrows have fledged. During the nonbreeding season (September 1– January 31), the project applicant shall avoid the owls and the burrows they are using, if possible. Avoidance shall include the establishment of a buffer zone (described below).</u></p> <p><u>4.2-3(c) If construction begins and then is delayed for more than a year, as an interim measure, the project applicant shall periodically disk the graded areas of the project site to avoid recolonization by burrowing owls. Upon recommencement of project construction, the project applicant shall re-implement Mitigation Measure 4.2-3(b) prior to recommencement of any ground disturbing activities.</u></p>	
<p>4.2-4 Impacts to other raptors covered under the East Contra Costa County HCP/NCCP, including Swainson’s hawk and golden eagle.</p>	<p>PS</p>	<p><u>Swainson’s hawk</u></p> <p><u>4.2-4(a) Prior to ground disturbance related activities that occur during the nesting season (March 15–September 15), a qualified biologist shall conduct a pre-construction survey no more than one month prior to construction to establish whether Swainson’s hawk nests within 1,000 feet of the project site are occupied. If potentially occupied nests within 1,000 feet are off the project site, then their occupancy shall be determined by observation from public roads or by observations of Swainson’s hawk activity (e.g., foraging) near the project site. If nests are occupied, minimization measures and construction monitoring are required in accordance with Mitigation</u></p>	<p>LS</p>

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>Measure 4.2-4(b) below:</i></p> <p>4.2-4(b) During the nesting season (March 15–September 15), ground disturbance related activities within 1,000 feet of occupied nests or nests under construction will be prohibited to prevent nest abandonment. The East Contra Costa County Habitat Conservancy and City of Pittsburg shall coordinate with the CDFW/USFWS to determine the appropriate buffer size, if applicable.</p> <p>If young fledge prior to September 15, construction activities can proceed normally. If the active nest site is shielded from view and noise from the project site by other development, topography, or other features, the project applicant can apply to the East Contra Costa County Habitat Conservancy and City of Pittsburg for a waiver of this mitigation measure. Any waiver must also be approved by USFWS and CDFW. While the nest is occupied, activities outside the buffer can take place.</p> <p><u>4.2-4(a) Implement Mitigation Measure 4.2-2(a).</u></p> <p><u>4.2-4(b) The project applicant shall implement the following avoidance measures for potential effects on Swainson’s hawk nests during construction:</u></p> <ol style="list-style-type: none"> <u>1. Prior to ground disturbing activities during the nesting season (March 15 through September 15), a qualified biologist shall conduct a</u> 	

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><u>pre-construction survey no more than one month prior to construction to establish whether occupied Swainson's hawk nests occur on or within 1,000 feet of the area of proposed construction. If no occupied nests are found, then no further mitigation is required.</u></p> <p>2. <u>If occupied nests are found, there shall be no project construction activity within a 1,000 foot buffer zone distance from the nest unless a lesser buffer zone is approved by the City in consultation with CDFW. During the nesting season, construction activities shall be avoided within the established buffer zone to prevent nest abandonment. Construction monitoring shall be required to ensure that the established buffer zone is adhered to. If young fledge prior to September 15, construction activities can proceed normally without a buffer zone. If an active nest site is present but shielded from view and noise by other development or other features, the City may waive this avoidance measure (establishment of a buffer zone) if approved by the CDFW.</u></p> <p><u>Golden Eagle</u></p> <p>4.2 4(c) — Prior to implementation of ground disturbance related activities, a qualified biologist shall conduct a pre-construction survey within 0.5 mile of the project site to</p>	

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>establish whether nests of golden eagles are occupied. If potentially occupied nests within 0.5 mile are off the project site, then their occupancy shall be determined by observation from public roads or by observations of golden eagle activity (e.g., foraging) near the project site. If nests are occupied, minimization measures and construction monitoring are required in accordance with Mitigation Measure 4.2-4(d) below.</p> <p>4.2-4(d) Ground disturbance related activities will be prohibited within 0.5 mile of active nests. If site specific conditions or the nature of the construction related activity (e.g., steep topography, dense vegetation, limited activities) indicate that a smaller buffer could be appropriate or that a larger buffer should be implemented, the East Contra Costa County Habitat Conservancy and City of Pittsburg will coordinate with the CDFW/USFWS to determine the appropriate buffer size.</p> <p>The project applicant shall also engage in construction monitoring. Construction monitoring will focus on ensuring that no ground disturbance related activities occur within the buffer zone established around an active nest. Construction monitoring will ensure that direct effects to golden eagles are minimized.</p> <p><u>4.2-4(c) Implement Mitigation Measure 4.2-2(a).</u></p> <p><u>4.2-4(d) The project shall implement the following avoidance</u></p>	

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><u>measures for potential effects on golden eagles during construction:</u></p> <ol style="list-style-type: none"> 1. <u>Based on the potential for active nests, prior to implementation of construction activities, including tree removal, a qualified biologist shall conduct a pre-construction survey to establish whether an active golden eagle nest is present on the project site. If an occupied nest is present, minimization requirements and construction monitoring shall be required, as detailed below.</u> 2. <u>Construction activities shall be prohibited within 0.5 mile of active nests. Nests can be built and active at almost any time of the year, although mating and egg incubation occurs late January through August, with peak activity in March through July. If site-specific conditions or the nature of the construction activity (e.g., steep topography, dense vegetation, limited activities) indicate that a smaller buffer could be appropriate or that a larger buffer should be implemented, the Implementing Entity shall coordinate with CDFW/USFWS to determine the appropriate buffer size.</u> 3. <u>Construction monitoring shall ensure that no construction activities occur within the buffer zone established around an active nest.</u> 	

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<i><u>Construction monitoring shall ensure that direct effects to golden eagles are avoided.</u></i>	
4.3 Geology, Soils, and Seismicity			
4.3-2 Risks to people and structures associated with expansive soils and use of previously stockpiled soils as engineered fill.	PS	<p>4.3-2(a) <i>Prior to approval of Improvement Plans and issuance of grading permit for the Tuscany Meadows subdivision, the project applicant shall submit to the City of Pittsburg Engineering Department, for review and approval, a design-level <u>final</u> geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The report shall include the recommendations in the report entitled, Geotechnical Engineering Report, Highlands Ranch II (Tuscany Meadows), dated February 3, 2012. The design-level report shall address, at a minimum, the following:</i></p> <ul style="list-style-type: none"> • <i>Compaction specifications for on-site soils;</i> • <i>Road and pavement design;</i> • <i>Structural foundations, including retaining wall design (if applicable);</i> • <i>Grading practices;</i> • <i>Erosion/winterization; and</i> • <i>Expansive/unstable soils.</i> <p><i>It is the responsibility of the developer to provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the report. Proof that earthwork has been</i></p>	LTS

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<i>performed in accordance with the recommendations of the design-level geotechnical report shall be provided to the City of Pittsburg Engineering Department.</i>	
4.4 Hazards and Hazardous Materials			
4.4-2 An upset or accidental release of hazardous materials into the environment.	PS	<p>4.4-2(a) <i>Prior to issuance of a grading permit for the Tuscan Meadows subdivision, the project applicant shall provide proof to the City that the soil contamination on-site has been contained in accordance with the approved RAP and has been remediated to the satisfaction of the San Francisco Bay RWQCB.</i></p> <p>4.4-2(b) <i>Prior to approval of Grading and Improvement Plans, the project applicant shall coordinate with Chevron to determine the accurate depths and alignment of the pipelines by field checking and potholing the pipeline. Arrangements to potholing of the pipelines shall be made at least 48 hours in advance. The project applicant shall be responsible for providing a backhoe and operator, as well as a surveyor if needed. All construction plans that involve right-of-way encroachments shall be submitted to Chevron to allow for review <u>prior to commencing work within the easement.</u></i></p> <p><i>After determining the accurate depths and alignments of the pipelines, the project applicant shall further coordinate with Chevron regarding all work that could affect the pipelines in order to ensure compliance with applicable development restrictions and regulations,</i></p>	LS

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>which would include, but would not be limited to, the following:</i></p> <ul style="list-style-type: none"> • <i>Maintain a minimum of 12 inches of clearance between the pipelines and other cross-lines that intersect at a 90-degree angle, or a minimum of 24 inches of clearance for intersection angles less than 90-degrees;</i> • <i>Maintain a minimum of 24 inches of undisturbed clearance between the top of pipe and bottom of the sub grade for paving and grass or shallow rooted plants within the pipeline easements;</i> • <i>Prohibit deep-rooted trees and structures within pipeline easements;</i> • <i>All excavations within 24-inches of the pipelines shall be accomplished using hand tools only;</i> • <i>Restrict use of heavy vibratory equipment over pipelines; and</i> • <i>Notify Underground Service Alert (USA) at 800-227-2600 at least 48 hours prior to any excavation work.</i> 	

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
4.7 Noise			
<p>4.7-1 Construction noise impacts to existing sensitive receptors in the project vicinity.</p>	S	<p><i>4.7-1 Prior to issuance of Building Permits, the contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. The plan shall implement, but not be limited to, the following available control measures to reduce construction noise levels as low as practical:</i></p> <ul style="list-style-type: none"> • <i>Construction activities shall be limited to the hours between 8:00 AM and 5:00 PM, Monday through Saturday. No construction activities should occur on Sundays or federal holidays (Consistent with General Plan Policy 12-P-9 and as approved by the City Engineer and Chief Building Official);</i> • <i>Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;</i> • <i>Prohibit all unnecessary idling of internal combustion engines;</i> • <i>Route construction related traffic to and from the site via designated truck routes and avoid residential streets where possible;</i> 	SU

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<ul style="list-style-type: none"> • Utilize “quiet” models of air compressors and other stationary noise sources where technology exists; • Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses; • Shield adjacent sensitive uses from stationary equipment with individual noise barriers or partial acoustical enclosures; • Locate staging areas and construction material storage areas as far away as possible from adjacent land uses; • Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include the telephone number in the notice sent to neighbors regarding the construction schedule; and • Hold a preconstruction meeting with the job inspectors and the general contractor/on-site 	

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>project manager to confirm that noise mitigation and practices (including construction hours, construction schedule, and noise coordinator) are completed.</i></p> <p><i>The construction plan shall be submitted to the City Building Official for review and approval. <u>If changes to the allowable time for construction activities must be adjusted, the changes shall be submitted to the City Building Official for review and approval.</u></i></p>	
<p>4.7-2 Construction vibration impacts to existing sensitive receptors in the project vicinity.</p>	<p>PS</p>	<p>4.7-2 <i>In conjunction with submittal of Grading Plans for the Tuscany Meadows subdivision, the applicant shall show on the Grading Plans that, if necessary and feasible, alternate vibratory compaction equipment, such as a plate compactor or smaller, rubber tired equipment, shall be used when grading is required within 20 feet of existing residential land uses adjoining the project site.</i></p>	<p>LS</p>
<p>4.7-3 Transportation noise impacts to proposed sensitive receptors in the project vicinity.</p>	<p>PS</p>	<p>4.7-3(a) <i>In conjunction with submittal of Improvement Plans, the applicant shall show on the Improvement Plans noise barriers six feet to twelve feet in height, as measured above the adjacent private outdoor activity areas, to shield private outdoor spaces adjacent to Buchanan Road, Somersville Road, and James Donlon Boulevard. In addition, the Plans shall require with notation that noise barrier walls shall be constructed of concrete panels, concrete masonry units, earthen berms, or any combination of these materials. Wood is not recommended due to eventual warping and degradation of acoustical performance. The specific height and</i></p>	<p>LS</p>

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><i>locations of the noise barriers shall be confirmed based upon the final approved site and grading plans. See Figure 4.7-3 for the suggested location and heights of the preliminary noise barrier plan. The site and grading plans shall be subject to review and approval by the City Engineer. <u>Final wall heights shall be determined by an acoustical engineer based on the final grade of the lots in order to bring noise levels to an acceptable level of 60 dB for the single-family development along Somersville Road and 65 dB for the multi-family development along Buchanan Road.</u></i></p> <p>4.7-3(b) <i>In conjunction with submittal of the Site Plan for the multi-family site, the applicant shall show on the Site Plan that the common outdoor use areas would be located a minimum distance of 205 feet from the Buchanan Road centerline, or in areas shielded by multi-family residential buildings or noise barriers, in order to reduce the noise exposure to 65 dBA CNEL or less. The location of outdoor use areas, or attenuation provided by buildings or noise barriers, shall be confirmed based upon the final approved site and grading plans. As an alternative, the applicant shall provide a noise report identifying the noise barriers aimed to decrease traffic noise at outdoor activity areas which would result in traffic noise levels that comply with the exterior noise level criterion of 65 dB CNEL. The site and grading plans shall be subject to review and approval by the City Engineer.</i></p>	

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>4.7-3(c) <i>Prior to issuance of Building Permits, a qualified acoustical consultant shall review final site plans, building elevations, and floor plans prior to construction to calculate expected interior noise levels as required by the City of Pittsburg to confirm that the design results in interior noise levels reduced to 45 dBA CNEL or lower. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City along with the building plans and approved prior to issuance of a building permit. Potential measures could include, but would not be limited to, restriction of two-story homes, or incorporation of noise-insulating building materials such as windows with a sound transmission class rating of 35-38 and resilient channels for walls, for homes adjacent to Buchanan Road, Somersville Road, and James Donlon Boulevard.</i></p> <p>4.7-3(d) <i>Prior to issuance of Building Permits, the applicant shall show on the construction drawings that a suitable form of forced-air mechanical ventilation shall be installed as determined by the City Building Official, for units throughout the site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.</i></p>	

**TABLE 2-1
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Impact	Level of Significance Prior to Mitigation	Mitigation Measures	Level of Significance After Mitigation
4.8 Public Services, Recreation, and Utilities			
4.8-1 Result in insufficient water supply available to serve the project from existing entitlements and resources, or require the construction of new water delivery, collection, or treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	PS	<i>4.8-1 The developer shall provide all necessary documentation required by the CCWD for its application for inclusion of the project site in the CVP. No grading or building permits shall be issued <u>for the Tuscany Meadows Subdivision</u> until the project site has been annexed into the CCWD service area and the developer provides the City with a “Will Serve” letter from the CCWD verifying that the project site has been included in the CVP.</i>	LS
4.8 Transportation, Traffic, and Circulation			
4.9-5 Alternative transportation facilities.	PS	<i>4.9-5(a) Prior to approval of Improvement Plans for Phase I improvements, the Improvement Plans shall include, <u>where determined feasible by the City Engineer, bus turnouts, including bus shelters, bicycle racks, and sidewalks shelters and bicycle racks, on both sides of Buchanan Road adjacent to the proposed intersection with Tuscany Meadows Drive. The turnouts, bus shelters, bicycle racks, and sidewalks shelters, and bicycle racks shall be constructed with the roadway improvements.</u></i>	LS

3 PROJECT DESCRIPTION

The City of Antioch has requested to be identified as an agency with a required approval. Therefore, the bulleted list on page 3-9 of Chapter 3, Project Description, of the Draft EIR is hereby revised as follows:

Review or Approvals by Other Agencies

The following agency permits and approvals may be required in order to implement the proposed project:

- Bay Area Air Quality Management District (BAAQMD) – The Air District would approve construction and operation permits;
- California Department of Fish and Wildlife (CDFW) – The CDFW would approve any necessary biological permits;
- City of Antioch – The City of Antioch would approve landscaping and other infrastructure improvements within their jurisdiction following annexations;
- Contra Costa Local Agency Formation Commission (LAFCo) – The Contra Costa LAFCo approval would be required for the amendment to the City of Pittsburg and the City of Antioch Spheres of Influence and LAFCo would also approve annexation of the project site to the City of Pittsburg and annexation of some right-of-way portions along Somersville Road and James Donlon Boulevard to the City of Antioch. In addition, annexation to the CCWD and Delta Diablo and amendment of service boundaries would require approval by LAFCo in conjunction with the CCWD and Delta Diablo;
- Contra Costa Water District (CCWD) – Annexation to the CCWD and amendment of service boundaries would require approval by LAFCo in conjunction with the CCWD. In addition, inclusion into the CCWD's contractual service area for Central Valley Project (CVP) water would require approval by CCWD through the U.S. Bureau of Reclamation;
- Delta Diablo – As stated above, annexation and amendment to the Delta Diablo service boundaries would require approval by LAFCo in conjunction with Delta Diablo;
- East Contra Costa County Conservancy (ECCCC) – The ECCCC would approve any required payment of fees and any additional conditions to grading permits;
- San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) – The SFBRWQCB would certify adequate cleanup of site per RAP prior to any on-site development, and would approve Waste Discharge Requirements; and

- United States Bureau of Reclamation - Approval of the application for inclusion into the CCWD's contractual service area for Central Valley Project (CVP) water would be required through this federal agency.

The above change is for clarification purposes only and would not change the technical analysis prepared for the project (e.g., air quality, noise, traffic, etc.). Accordingly, this revision does not alter the conclusions of the Draft EIR.

4.2 BIOLOGICAL RESOURCES

Mitigation Measures 4.2-2(a) through (c) on pages 4.2-18 and 4.2-19 of Chapter 4.3, Biological Resources, of the Draft EIR is hereby revised as follows:

~~4.2-2(a) — A USFWS/CDFW approved biologist shall conduct a pre-construction survey for San Joaquin kit fox within 30 days of on site ground disturbance. The survey shall establish the presence or absence of San Joaquin kit foxes and/or suitable dens and evaluate use by kit foxes in accordance with USFWS survey guidelines. The biologist shall survey the proposed disturbance footprint and a 250-foot radius from the perimeter of the proposed footprint to identify San Joaquin kit foxes and/or suitable dens. Adjacent parcels under different land ownership will not be surveyed. Written results of pre-construction surveys shall be submitted to the Pittsburg Planning Department within five working days after survey completion and before the start of ground disturbance. Concurrence is not required prior to initiation of covered activities.~~

~~If pre-construction surveys for the San Joaquin kit fox establish presence of the species and/or suitable dens within the survey area, the applicant shall implement Mitigation Measure 4.2-2(b) below.~~

~~4.2-2(b) — The following measures shall be implemented by a USFWS/CDFW approved biologist:~~

- ~~If a San Joaquin kit fox den is discovered in the proposed development footprint, the den will be monitored for 3 days by a USFWS/CDFW approved biologist using a tracking medium or an infrared beam camera to determine if the den is currently being used.~~
- ~~Unoccupied dens should be destroyed immediately to prevent subsequent use.~~
- ~~If a natal or pupping den is found, USFWS and CDFW will be notified immediately. The den will not be destroyed until the pups and adults have vacated and then only after further consultation with USFWS and CDFW.~~
- ~~If kit fox activity is observed at the den during the initial monitoring period, the den will be monitored for an additional 5 consecutive days from the time of the first observation to allow any resident animals to move to another den while den use is~~

~~actively discouraged. For dens other than natal or pupping dens, use of the den can be discouraged by partially plugging the entrance with soil such that any resident animal can easily escape. Once the den is determined to be unoccupied it may be excavated under the direction of the biologist. Alternatively, the den may have to be excavated when, in the judgment of a biologist, it is temporarily vacant (i.e., during the animal's normal foraging activities)}~~

~~If dens are identified in the survey area outside the proposed disturbance footprint, exclusion zones around each den entrance or cluster of entrances will be demarcated. The configuration of exclusion zones should be circular, with a radius measured outward from the den entrance(s). No covered activities will occur within the exclusion zones. Exclusion zone radii for potential dens will be at least 50 feet and will be demarcated with four to five flagged stakes. Exclusion zone radii for known dens will be at least 100 feet and will demarcated with staking and flagging that encircles each den or cluster of dens but does not prevent access to the den by kit fox.~~

4.2-2(ea)

Prior to the issuance of grading or construction permits for each phase of development of the Tuscan Meadows subdivision, the applicant shall pay the applicable East Contra Costa County HCP/NCCP per-acre fee in effect for Zone II in compliance with Section 15.108.070⁶ of the Pittsburg Municipal Code; or, per Section 15.108.080 of the Pittsburg Municipal Code, the applicant shall dedicate land in-lieu of some or all of the Development Fee that would otherwise be imposed upon the project. The Pittsburg Planning Department and the Contra Costa County Conservancy shall approve the final method of compliance with the East Contra Costa County HCP/NCCP provisions.

Alternately, the project applicant may, in accordance with the terms of PMC Chapter 15.108, offer to dedicate land or create and restore wetlands in lieu of some or all of the mitigation fees. All applicable mitigation fees shall be paid, or an "in-lieu-of fee" agreement executed, prior to the issuance of a grading permit for the project.

4.2-2(b)

The project shall implement the following avoidance measures for potential effects on San Joaquin kit fox during construction:

1. Prior to any ground disturbance, a USFWS/CDFW-qualified biologist shall conduct a pre-construction survey within the proposed disturbance footprint and a surrounding 250-foot radius. The survey shall establish the presence or absence of San Joaquin kit foxes and/or suitable dens and evaluate use by kit foxes in accordance with USFWS survey guidelines (US Fish and Wildlife Service 1999). The pre-construction survey shall be conducted no more than 30 days prior to ground disturbance. On the parcel where the activity is proposed, the biologist shall survey the proposed disturbance footprint and a 250-foot radius from the

perimeter of the proposed footprint to identify San Joaquin kit foxes and/or suitable dens. Adjacent parcels under different land ownership are not required to be surveyed. The status of all surveyed dens shall be determined and mapped. Written results of pre-construction surveys shall be submitted to USFWS within 5 working days after survey completion and before the start of ground disturbance. Concurrence is not required prior to ground disturbance.

2. If San Joaquin kit foxes and/or suitable dens are identified in the survey area, the measures described below shall be implemented.

- If a San Joaquin kit fox den is discovered in the proposed development footprint, the den shall be monitored for 3 days by a USFWS/CDFW-qualified biologist using a tracking medium or an infrared beam camera to determine if the den is currently being used.
- Unoccupied dens shall be destroyed immediately to prevent subsequent use.
- If a natal or pupping den is found, USFWS and CDFW shall be notified immediately. The den shall not be destroyed until the pups and adults have vacated and then only after further consultation with USFWS and CDFW.
- If kit fox activity is observed at the den during the initial 3-day monitoring period, the den shall be monitored for an additional 5 consecutive days from the time of the first observation to allow any resident animals to move to another den while den use is actively discouraged. For dens other than natal or pupping dens, use of the den can be discouraged by partially plugging the entrance with soil such that any resident animal can easily escape. Once the den is determined to be unoccupied it may be excavated under the direction of the biologist. Alternatively, if the animal is still present after 5 or more consecutive days of plugging and monitoring, the den may have to be excavated when, in the judgment of the biologist, it is temporarily vacant (i.e., during the animal's normal foraging activities).

3. If dens are identified in the survey area outside the proposed disturbance footprint, exclusion zones around each den entrance or cluster of entrances shall be demarcated. The configuration of exclusion zones should be circular, with a radius measured outward from the den entrance(s). No ground disturbance activities shall occur within the exclusion zones. Exclusion zone radii for potential dens shall be at least 50 feet and shall be demarcated with four to five flagged stakes. Exclusion zone radii for known dens shall be at least 100 feet and shall be demarcated

with staking and flagging that encircles each den or cluster of dens but does not prevent access to the den by kit fox.

The above staff-initiated changes are for clarification and consistency purposes only and would not change the biological resources technical analysis conclusion, nor the mitigation requirements presented in the Draft EIR.

Mitigation Measures 4.2-3(a) and (b) on pages 4.2-19 and 4.2-20 of Chapter 4.3, Biological Resources, of the Draft EIR is hereby revised as follows:

~~4.2-3(a) — A USFWS/CDFW approved biologist shall conduct a pre construction survey for western burrowing owl no more than 30 days prior to construction. The survey shall establish the presence or absence of western burrowing owl and/or habitat features and evaluate use by owls in accordance with CDFW survey guidelines. The biologist shall survey the disturbance footprint on the project site and a 500-foot radius from the perimeter of the proposed footprint to identify burrows and owls. Adjacent parcels under different land ownership will not be surveyed. The survey shall take place near sunrise or sunset in accordance with CDFW guidelines, and all burrows or burrowing owls shall be identified and mapped.~~

~~During the breeding season (February 1 August 31), the survey shall document whether burrowing owls are nesting in or directly adjacent to disturbance areas. During the non breeding season (September 1 January 31), the survey shall document whether burrowing owls are using habitat in or directly adjacent to any disturbance area. Survey results will be valid only for the season (breeding or non breeding) during which the survey is conducted. Written results of pre construction surveys shall be submitted to the Pittsburg Planning Department within five working days after survey completion and before the start of ground disturbance.~~

~~If pre construction surveys for the western burrowing owl establish presence of the species and/or burrows within the survey area, the applicant shall implement Mitigation Measure 4.2-3(b) below.~~

~~4.2-3(b) — Prior to the issuance of a grading permit for the Tuscan Meadows Subdivision, the following measures shall be implemented by the project proponent:~~

- ~~• If burrowing owls are found during the breeding season (February 1 August 31) the project proponent will avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young. Avoidance will include establishment of a 160 foot non disturbance buffer zone; owls shall be excluded from burrows in the immediate impact zone by installing one-~~

~~way doors in burrow entrances. These doors shall be in place for 48 hours prior to excavation; and~~

- ~~• The project area shall be monitored daily for one week to confirm that owls have abandoned the burrows.~~
- ~~• Wherever possible, burrows shall be excavated using hand tools and refilled to prevent reoccupation. Plastic tubing or a similar structure shall be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow.~~

4.2-3(a) Implement Mitigation Measure 4.2-2(a).

4.2-3(b) The project shall implement the following avoidance measures for potential effects on burrowing owl during construction:

3. Prior to any ground disturbance, a USFWS/CDFW qualified biologist shall conduct a pre-construction survey of the project site for burrowing owls. The pre-construction survey shall establish the presence or absence of western burrowing owl and/or habitat features and evaluate use by owls in accordance with CDFW survey guidelines (California Department of Fish and Game 1993).

On the parcel where the activity is proposed, the biologist shall survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify burrows and owls. Adjacent parcels under different land ownership shall not be required to be surveyed. Surveys should take place near sunrise or sunset in accordance with CDFW guidelines. All burrows or burrowing owls shall be identified and mapped. Surveys shall take place no more than 30 days prior to construction. During the breeding season (February 1–August 31), surveys shall document whether burrowing owls are nesting in or directly adjacent to disturbance areas. During the nonbreeding season (September 1–January 31), surveys shall document whether burrowing owls are using habitat in or directly adjacent to any disturbance area. Survey results shall be valid only for the season (breeding or nonbreeding) during which the survey is conducted.

4. If burrowing owls are found during the breeding season (February 1–August 31), the project applicant shall avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young. Avoidance shall include establishment of a non-disturbance buffer zone (described below). Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and incubation or that the juveniles from the occupied burrows have fledged. During the nonbreeding season (September 1–January 31), the project applicant shall avoid the owls and the

burrows they are using, if possible. Avoidance shall include the establishment of a buffer zone (described below).

4.2-3(c) If construction begins and then is delayed for more than a year, as an interim measure, the project applicant shall periodically disk the graded areas of the project site to avoid recolonization by burrowing owls. Upon recommencement of project construction, the project applicant shall re-implement Mitigation Measure 4.2-3(b) prior to recommencement of any ground disturbing activities.

The above staff-initiated changes are for clarification and consistency purposes only and would not change the biological resources technical analysis conclusion, nor the mitigation requirements presented in the Draft EIR.

Mitigation Measures 4.2-4(a) through (d) on pages 4.2-21 and 4.2-22 of Chapter 4.3, Biological Resources, of the Draft EIR is hereby revised as follows:

Swainson's hawk

~~4.2-4(a) Prior to ground disturbance related activities that occur during the nesting season (March 15-September 15), a qualified biologist shall conduct a pre construction survey no more than one month prior to construction to establish whether Swainson's hawk nests within 1,000 feet of the project site are occupied. If potentially occupied nests within 1,000 feet are off the project site, then their occupancy shall be determined by observation from public roads or by observations of Swainson's hawk activity (e.g., foraging) near the project site. If nests are occupied, minimization measures and construction monitoring are required in accordance with Mitigation Measure 4.2-4(b) below.~~

~~4.2-4(b) During the nesting season (March 15-September 15), ground disturbance related activities within 1,000 feet of occupied nests or nests under construction will be prohibited to prevent nest abandonment. The East Contra Costa County Habitat Conservancy and City of Pittsburg shall coordinate with the CDFW/USFWS to determine the appropriate buffer size, if applicable.~~

~~If young fledge prior to September 15, construction activities can proceed normally. If the active nest site is shielded from view and noise from the project site by other development, topography, or other features, the project applicant can apply to the East Contra Costa County Habitat Conservancy and City of Pittsburg for a waiver of this mitigation measure. Any waiver must also be approved by USFWS and CDFW. While the nest is occupied, activities outside the buffer can take place.~~

4.2-4(a) Implement Mitigation Measure 4.2-2(a).

4.2-4(b) The project applicant shall implement the following avoidance

measures for potential effects on Swainson's hawk nests during construction:

3. Prior to ground disturbing activities during the nesting season (March 15 through September 15), a qualified biologist shall conduct a pre-construction survey no more than one month prior to construction to establish whether occupied Swainson's hawk nests occur on or within 1,000 feet of the area of proposed construction. If no occupied nests are found, then no further mitigation is required.
4. If occupied nests are found, there shall be no project construction activity within a 1,000 foot buffer zone distance from the nest unless a lesser buffer zone is approved by the City in consultation with CDFW. During the nesting season, construction activities shall be avoided within the established buffer zone to prevent nest abandonment. Construction monitoring shall be required to ensure that the established buffer zone is adhered to. If young fledge prior to September 15, construction activities can proceed normally without a buffer zone. If an active nest site is present but shielded from view and noise by other development or other features, the City may waive this avoidance measure (establishment of a buffer zone) if approved by the CDFW.

Golden Eagle

~~4.2 4(c) — Prior to implementation of ground disturbance related activities, a qualified biologist shall conduct a pre-construction survey within 0.5 mile of the project site to establish whether nests of golden eagles are occupied. If potentially occupied nests within 0.5 mile are off the project site, then their occupancy shall be determined by observation from public roads or by observations of golden eagle activity (e.g., foraging) near the project site. If nests are occupied, minimization measures and construction monitoring are required in accordance with Mitigation Measure 4.2 4(d) below.~~

~~4.2 4(d) — Ground disturbance related activities will be prohibited within 0.5 mile of active nests. If site-specific conditions or the nature of the construction related activity (e.g., steep topography, dense vegetation, limited activities) indicate that a smaller buffer could be appropriate or that a larger buffer should be implemented, the East Contra Costa County Habitat Conservancy and City of Pittsburg will coordinate with the CDFW/USFWS to determine the appropriate buffer size.~~

~~The project applicant shall also engage in construction monitoring. Construction monitoring will focus on ensuring that no ground disturbance related activities occur within the buffer zone established around an active nest. Construction monitoring will ensure that direct effects to golden eagles are minimized.~~

4.2-4(c) Implement Mitigation Measure 4.2-2(a).

4.2-4(d) The project shall implement the following avoidance measures for potential effects on golden eagles during construction:

4. Based on the potential for active nests, prior to implementation of construction activities, including tree removal, a qualified biologist shall conduct a pre-construction survey to establish whether an active golden eagle nest is present on the project site. If an occupied nest is present, minimization requirements and construction monitoring shall be required, as detailed below.
5. Construction activities shall be prohibited within 0.5 mile of active nests. Nests can be built and active at almost any time of the year, although mating and egg incubation occurs late January through August, with peak activity in March through July. If site-specific conditions or the nature of the construction activity (e.g., steep topography, dense vegetation, limited activities) indicate that a smaller buffer could be appropriate or that a larger buffer should be implemented, the Implementing Entity shall coordinate with CDFW/USFWS to determine the appropriate buffer size.
6. Construction monitoring shall ensure that no construction activities occur within the buffer zone established around an active nest. Construction monitoring shall ensure that direct effects to golden eagles are avoided.

The above staff-initiated changes are for clarification and consistency purposes only and would not change the biological resources technical analysis conclusion, nor the mitigation requirements presented in the Draft EIR.

4.3 GEOLOGY, SOILS, AND SEISMICITY

Mitigation Measure 4.3-2(a) on page 4.3-11 of Chapter 4.3, Geology, Soils, and Seismicity, of the Draft EIR is hereby revised as follows:

4.3-2(a) *Prior to approval of Improvement Plans and issuance of grading permit for the Tuscany Meadows subdivision, the project applicant shall submit to the City of Pittsburg Engineering Department, for review and approval, a ~~design-level~~ final geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The report shall include the recommendations in the report entitled, Geotechnical Engineering Report, Highlands Ranch II (Tuscany Meadows), dated February 3, 2012. The design-level report shall address, at a minimum, the following:*

- *Compaction specifications for on-site soils;*
- *Road and pavement design;*

- *Structural foundations, including retaining wall design (if applicable);*
- *Grading practices;*
- *Erosion/winterization; and*
- *Expansive/unstable soils.*

It is the responsibility of the developer to provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the report. Proof that earthwork has been performed in accordance with the recommendations of the design-level geotechnical report shall be provided to the City of Pittsburg Engineering Department.

The above change is for clarification purposes only and would not change the technical analysis prepared for the project (e.g., air quality, noise, traffic, etc.). Accordingly, this revision does not alter the conclusions of the Draft EIR.

4.7 NOISE

Mitigation Measure 4.7-1 on page 4.7-15 of Chapter 4.7, Noise, of the Draft EIR is hereby revised as follows:

4.7-1 Prior to issuance of Building Permits, the contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. The plan shall implement, but not be limited to, the following available control measures to reduce construction noise levels as low as practical:

- *Construction activities shall be limited to the hours between 8:00 AM and 5:00 PM, Monday through Saturday. No construction activities should occur on Sundays or federal holidays (Consistent with General Plan Policy 12-P-9 and as approved by the City Engineer and Chief Building Official);*
- *Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;*
- *Prohibit all unnecessary idling of internal combustion engines;*
- *Route construction related traffic to and from the site via designated truck routes and avoid residential streets where possible;*
- *Utilize “quiet” models of air compressors and other stationary noise sources where technology exists;*

- *Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;*
- *Shield adjacent sensitive uses from stationary equipment with individual noise barriers or partial acoustical enclosures;*
- *Locate staging areas and construction material storage areas as far away as possible from adjacent land uses;*
- *Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include the telephone number in the notice sent to neighbors regarding the construction schedule; and*
- *Hold a preconstruction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, construction schedule, and noise coordinator) are completed.*

The construction plan shall be submitted to the City Building Official for review and approval. If changes to the allowable time for construction activities must be adjusted, the changes shall be submitted to the City Building Official for review and approval.

The above change is intended to provide flexibility should changes to the allowable construction activities arise and does not alter the conclusions of the Draft EIR.

4.8 Public Services and Utilities

Based on a comment received on the Draft EIR, page 4.8-46 of the Public Services and Utilities, Chapter 4.8 of the Draft EIR, is hereby amended as follows:

Law Enforcement, Fire Protection, Schools, Park and Recreation Facilities

The proposed project would comply with all applicable City goals and policies, including payment of development impacts fees to support adequate provisions for fire facilities, staffing, and equipment, ~~developer fees per SB 50 for schools (Mitigation Measure 4.8-6)~~ CFD No.2004-1 fees for expansions and changes to existing AUSD school facilities, established community facilities district fees for police services and the necessary in lieu fees for park and recreation facilities. Similar to the proposed project, other future development projects would be required by the City to pay their fair-share fees toward the provision of adequate public services and facilities, including towards the necessary upgrades and expansions of facilities and equipment.

Mitigation Measure 4.8-6 does not exist; therefore, the above change is for clarification purposes only and would not change the technical analysis prepared for the project (e.g., air quality, noise, traffic, etc.). Accordingly, this revision does not alter the conclusions of the Draft EIR.

4.9 Transportation, Traffic, and Circulation

Based on a comment received on the Draft EIR, page 4.9-2 of the Transportation, Traffic, and Circulation, Chapter 4.9 of the Draft EIR, is hereby amended as follows:

- *Somersville Road/Auto Center Drive* – Somersville Road is a north-south roadway with a 35 mph speed limit that runs from Century Boulevard south to Black Diamond Mines Regional Park. Auto Center Drive extends north from Century Boulevard to Fourth Street ~~W. 10th Street~~. From Century Boulevard to James Donlon Boulevard, Somersville Road is identified as a Major Arterial in the Pittsburg 2020 General Plan with four lanes between Century Boulevard and the Contra Costa Canal and two lanes between the Contra Costa Canal and James Donlon Boulevard. The two lane section is planned to be expanded to four lanes in the future along with a new traffic signal at James Donlon Boulevard and Somersville Road. South of James Donlon Boulevard, Somersville Road provides access to the Black Diamond Mines Regional Park.

The above change is for clarification purposes only and would not change the technical analysis prepared for the project (e.g., air quality, noise, traffic, etc.). Accordingly, this revision does not alter the conclusions of the Draft EIR.

The trips assumed to be destined for adjacent subdivisions were mistakenly referred to as “internal” trips when in fact the analysis did not assume the trips would be internal; therefore, page 4.9-24 of Chapter 4.9, Transportation, Traffic, and Circulation, of the Draft EIR is hereby revised as follows:

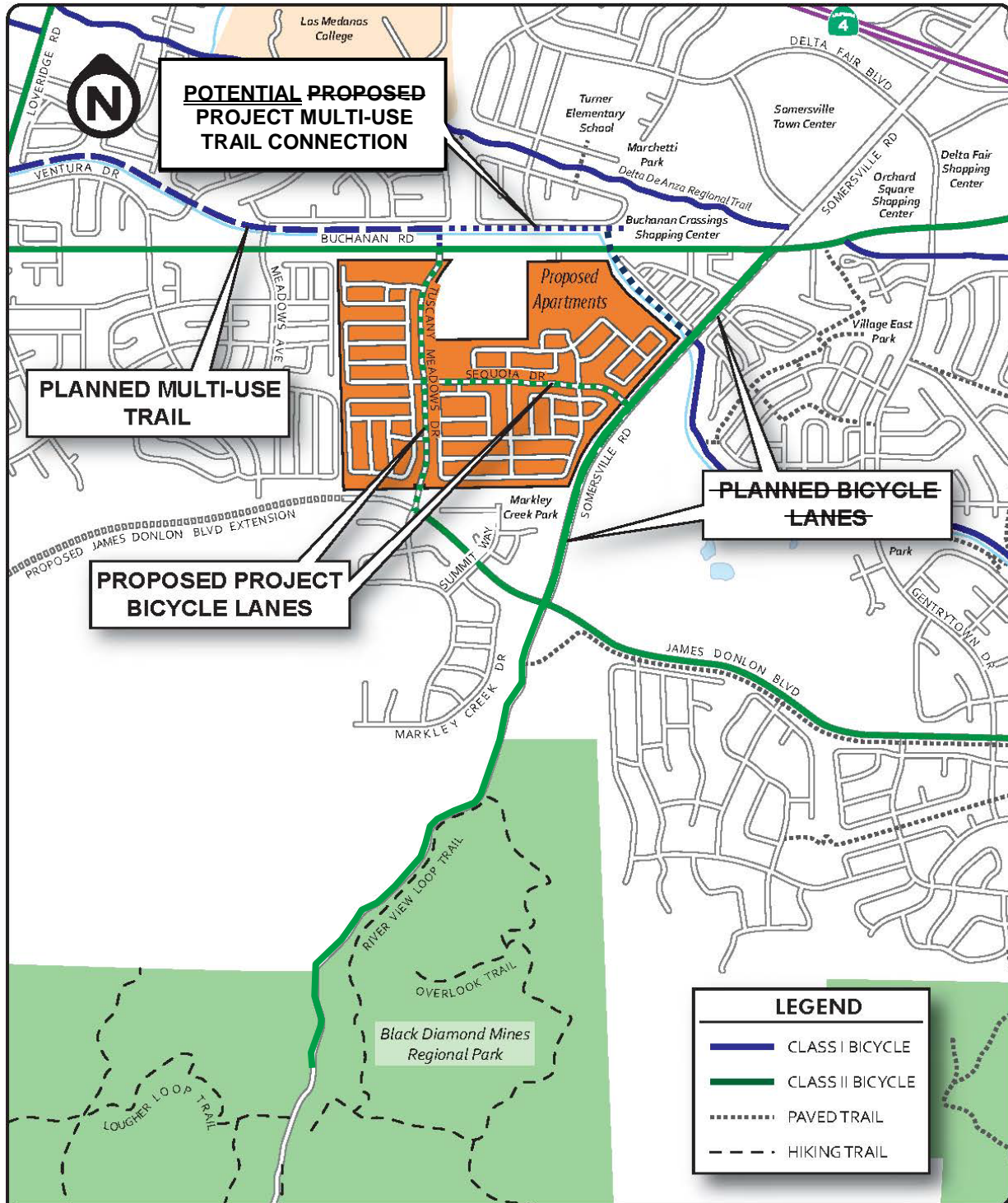
The total trip generation reflects all vehicle trips that would be counted at the project driveways, both inbound and outbound. Adjustments were not applied to trip generation to account for pass-by or ~~internal~~ trips because the project is residential. However, based on the potential for transit and bicycle use a 5 percent reduction has been applied to the project trip generation. The reduction is based on information provided by ITE on trip reductions for developments located adjacent to bicycle lanes and/or bus transit corridors. The project is forecast to generate approximately 797 vehicle trips during the AM peak hour and 947 trips during the PM peak hour.

Under cumulative conditions, per ITE guidelines, additional ~~internal~~ trips were assumed between Tuscany Meadows and the adjacent subdivisions in the Cumulative Plus Project scenario (with the connection of Tuscany Meadows Drive to James Donlon Boulevard). This connection resulted in a reduction of an additional 5 percent (about 50 peak hour trips) to the external trips generated by the project, and was only accounted for in the analysis of Cumulative impacts.

The above change is for clarification purposes only and would not change the technical analysis prepared for the project (e.g., air quality, noise, traffic, etc.). Accordingly, this revision does not alter the conclusions of the Draft EIR.

In order to provide flexibility regarding the ultimate location of the multi-use connection required by Mitigation Measure 4.9-5(b), Figure 4.9-3 on page 4.9-39 is hereby revised as shown on the following page. In addition, bicycle lanes were recently implemented along Somersville Road, resulting in further revisions to Figure 4.9-3 on page 4.9-39.

**Figure 4.9-3
 Planned Bicycle and Pedestrian System**



Note: The Planned Bicycle Lanes identified along Somersville Road have now been constructed.
 Source: Abrams Associates, 2014.

The above change is for clarification purposes only and would not change the technical analysis prepared for the project (e.g., air quality, noise, traffic, etc.). Accordingly, this revision does not alter the conclusions of the Draft EIR.

Comment noted. Mitigation Measure 4.9-5(a) on page 4.9-40 of the Draft EIR has been revised as follows:

4.9-5(a) *Prior to approval of Improvement Plans for Phase I improvements, the Improvement Plans shall include, where determined feasible by the City Engineer, bus turnouts, including bus shelters, bicycle racks, and sidewalks ~~shelters and bicycle racks~~, on both sides of Buchanan Road adjacent to the proposed intersection with Tuscan Meadows Drive. The turnouts, bus shelters, bicycle racks, and sidewalks ~~shelters, and bicycle racks~~ shall be constructed with the roadway improvements.*

The above change is for clarification purposes only and would not change the technical analysis prepared for the project (e.g., air quality, noise, traffic, etc.). Accordingly, this revision does not alter the conclusions of the Draft EIR.

3. RESPONSES TO COMMENTS

3

RESPONSES TO COMMENTS

This chapter contains responses to each of the comment letters submitted regarding the Tuscany Meadows Project Draft Environmental Impact Report (EIR). Each bracketed comment letter is followed by numbered responses to each bracketed comment. The responses amplify or clarify information provided in the Draft EIR and/or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues (e.g., opinions on the merits of the project that are unrelated to its environmental impacts) are either discussed or noted for the record. Where revisions to the Draft EIR text are required in response to the comments, such revisions are noted in the response to the comment, and are also listed in Chapter 2 of this Final EIR. All new text is shown as double underlined and deleted text is shown as ~~struck through~~.

The changes to the analysis contained in the Draft EIR represent only minor clarifications/amplifications and do not constitute significant new information. In accordance with CEQA Guidelines, Section 15088.5, recirculation of the Draft EIR is not required.

Letter 1

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 4
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-6053
FAX (510) 286-5559
TTY 711
www.dot.ca.gov

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Serious Drought.
Help save water!

December 2, 2014



CC004083
CC-4-R25.0
SCH# 2012112061

Ms. Leigha Schmidt
City of Pittsburg
65 Civic Avenue
Pittsburgh, CA 94565

Dear Ms. Schmidt:

Tuscany Meadows Project- Draft Environmental Impact Report (DEIR)

Thank you for continuing to include the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. We have reviewed the DEIR and have the following comment to offer.

1-1

Forecasting

Table 5, Trip Generation Calculations, shows the PM peak generated trips as 772 vehicles-per-hour (vph) for single-family detached housing land use. Based on Institute of Transportation Engineers (ITE) Trip Generation Manual 9th edition, the PM peak generated trips should be 917 vph for single-family detached housing land use. It appears that the DEIR under estimated trips during PM peak beyond the 5% reduction assumed for increased bicycle / pedestrian trips. Caltrans recommends PM generated trips be revised unless further justified describing feasible, fundable mitigation in more detail.

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

**Letter 1
cont'd**

Ms. Leigha Schmidt, City of Pittsburg
December 2, 2014
Page 2

Should you have any questions regarding this letter, please call Keith Wayne of my staff at 510-286-5737 or keith_wayne@dot.ca.gov.

Sincerely,



ERIK ALM, AICP
District Branch Chief
Local Development - Intergovernmental Review

c: Scott Morgan, State Clearinghouse

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability."

LETTER 1: ERIK ALM, CALIFORNIA DEPARTMENT OF TRANSPORTATION

Response to Comment 1-1

The trip generation calculations are accurate and were indeed calculated using the industry standard procedures set forth in Volume 1 of the ITE Trip Generation Manual (9th Edition). However, we appreciate this comment because this issue warrants additional explanation.

The Draft EIR does note that the trip generation was based on the fitted curve equations for the land uses being studied. The aforementioned approach was utilized because Volume 1 of the Trip Generation Manual lays out the procedures for estimating trip generation which recommend using the fitted curve equations instead of the weighted average rates. Section 3.3 on Page 9 of the Trip Generation Handbook (included in Volume 1 of the Trip Generation Manual) specifies the criteria for determining when to select the fitted curve equations instead of the average rates. As noted in Section 3.3, use of the regression equation is recommended when the following criteria are met: 1) the data plot must contain more than 20 data points; 2) a regression equation is provided; and 3) the independent variable is within the range of data. The manual also states that “*A regression equation with an R^2 value of at least 0.75 is preferred because it indicates the correct level of correlation between the trips generated by a site and the value measured for an independent variable.*” In addition, there is extensive ITE data to support the use of regression equations based on surveys conducted at over 350 different residential subdivisions throughout the United States. Given the more than 900 single family homes in the proposed project, the trip generation would be clearly overstated given that the proposed project exceeds the less than 200 unit weighted average rates found in the subdivision surveys (trip generation rates have been proven to start decreasing once a project size exceeds the average of less than 200 units).

In the case of single-family detached homes, all of the aforementioned criteria are met. The single-family housing plot for the PM peak hour contains over 292 data points; therefore, the regression equations were used to calculate the trip generation. Using the regression equation, the 917 units yielded an estimated trip generation of 772 vehicles per hour. The trip generation is lower than the results using the weighted average rates because the regression equations are intended to account for the higher number of internal trips and shared trips (such as carpools and combined deliveries) that have been proven to increase as the size of the project increases.

It should be noted that the proposed project includes multi-modal paths and connections which would enable residents to use alternative modes of transportation. For example, the multi-use trail/path connection to the Delta De Anza Trail would allow residents of the proposed development to attend Los Medanos College without having to use a car.

Letter 2



Central Valley Regional Water Quality Control Board

RECEIVED

10 December 2014

DEC 12 2014

Leigha Schmidt
City of Pittsburg Planning Department
65 Civic Avenue
Pittsburg, CA 94565

CERTIFIED MAIL
7014 2120 0001 3978 3217
PLANNING DIVISION

COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF AVAILABILITY FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, TUSCANY MEADOWS PROJECT, SCH# 2012112061, CONTRA COSTA COUNTY

2-1

Pursuant to the City of Pittsburg Planning Department's 31 October 2014 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Availability for the Draft Environment Impact Report* for the Tuscany Meadows Project, located in Contra Costa County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

2-2

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

2-3

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

2-4

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

2-5

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

2-6

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

2-7

Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

2-8

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program.

There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml; or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory

2-8
cont'd

Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

2-9

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.



Trevor Cleak
Environmental Scientist

LETTER 2: TREVOR CLEAK, CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD

Response to Comment 2-1

The comment is an introductory statement that does not address the adequacy of the Draft EIR.

Response to Comment 2-2

As described on page 4.5-15 of Chapter 4.5, Hydrology and Water Quality, of the Draft EIR, the applicant is required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. To do so, the applicant must prepare a project-specific SWPPP, which would incorporate Best Management Practices (BMPs) in order to prevent or reduce to the greatest extent feasible adverse impacts to water quality from erosion and sedimentation.

Response to Comment 2-3

As discussed on page 4.5-17 of the Hydrology and Water Quality chapter of the Draft EIR, the City of Pittsburg requires projects to implement the requirements of the City's *Storm Water Management Program*, which would include BMPs to maximize stormwater quality and would be consistent with the City's NPDES Phase II Stormwater Permit. In accordance with City and permit requirements, the storm drainage system for the proposed project would incorporate water quality treatment. For a description of the proposed drainage system, please refer to the discussion in the Draft EIR beginning on page 4.5-16.

Response to Comment 2-4

The project does not include industrial uses.

Response to Comment 2-5

As described on page 4.5-15 of Chapter 4.5, Hydrology and Water Quality, of the Draft EIR, the applicant is required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Compliance with the Permit requires the project applicant to file a NOI with the SWRCB and prepare a SWPPP prior to construction. The SWPPP would incorporate BMPs in order to prevent, or reduce to the greatest feasible extent, adverse impacts to water quality from erosion and sedimentation. As discussed in impact 4.5-3 of Draft EIR Chapter 4.5, Hydrology and Water Quality, the proposed project could increase the amount of surface runoff and discharge of urban contaminants into the stormwater drainage system and receiving waters; however, in accordance with City's NPDES Phase II Stormwater Permit requirements, the storm drainage system for the proposed project would incorporate water quality treatment. Accordingly, the Draft EIR concludes on page 4.5-17 that because the project's on-site stormwater drainage system will adequately handle anticipated site runoff and eliminate urban contaminants prior to discharging into the City's stormwater system, implementation of the proposed project

would not result in substantial additional amounts of contaminants entering the City's stormwater drainage system or receiving waters.

Furthermore, the *Planning Survey Report* prepared by Moore Biological Consultants indicates that special-status natural communities (i.e., wetlands and other waters under Sections 404 and 401 of the Clean Water Act, Section 1600 *et seq.* of the California Fish and Game Code, and/or the Porter-Cologne Act) are not found within the proposed project site as a result of ongoing site disturbance activities as discussed on page 4.2-10 in the Draft EIR. It should be noted that the project site is in active remediation as discussed in the Draft EIR on pages 4.4-2 and 4.4-3. Thus, a permit under Section 404 of the Clean Water Act is not required for this project.

Response to Comment 2-6

See Response to Comment 2-5. Development and operation of the proposed project would not impact any waters of the United States, and therefore Section 401 Water Quality Certification is not required as discussed on page 4.2-10 in the Draft EIR.

Response to Comment 2-7

See Response to Comment 2-5. The project would not substantially affect the quality of stormwater runoff during construction, result in substantial additional amounts of contaminants entering the City's stormwater drainage system or receiving waters. It should also be noted that riparian habitat, seasonal wetlands, or vernal pools were not observed and do not exist on the proposed project site as discussed on page 4.2-10 in the Draft EIR. Thus, discharges to waters of the State, including wetlands, would not occur with implementation of the proposed project, and therefore, a Waste Discharge Requirement permit would not be required for this project.

Response to Comment 2-8

The project site will not be used for commercial irrigated agriculture.

Response to Comment 2-9

Dewatering is not anticipated to be required as a result of construction of the proposed project. However, should groundwater be encountered during construction and dewatering become necessary, as the commenter correctly observes, the applicant would be required to seek the proper NPDES permit for dewatering activities. In response to the comment, the City will include the following condition within the project's Conditions of Approval:

Should groundwater be encountered during construction of the project and dewatering is deemed necessary, the applicant shall obtain the proper NPDES permit for dewatering activities associated with the project.

Letter 3



December 15, 2014

Ms. Leigha Schmidt
City of Pittsburg
Development Services Department - Planning Division
65 Civic Avenue
Pittsburg, CA 94565

RE: Tuscany Meadows Project – Draft Environmental Impact Report

Ms. Schmidt:

Thank you for providing the City of Antioch with the Notice of Availability of a Draft Environmental Impact Report ("Draft EIR" or "DEIR") for the proposed Tuscany Meadows project, which is located south of Buchanan Road, west of Somersville Road, and in an area currently within the City of Antioch's sphere of influence. The City of Antioch preliminarily commented on the subject project with concerns related to the project design with letters dated: May 31, 2012, September 20, 2012, and November 29, 2012 as well as commenting on the Notice of Preparation with a letter dated December 27, 2012.

3-1

According to the Draft EIR, the proposed project application includes the following entitlements: a sphere of influence amendment; annexation into the City of Pittsburg; annexation to Contra Costa Water District (CCWD) and inclusion in the Central Valley Project (CVP); annexation to the Delta Diablo, a California Wastewater Resource Recovery District, service boundaries; a Vesting Tentative Map subdividing the approximately 170-acre property into up to 917 low-density single-family lots on approximately 135.6 acres, a 14.6-acre high-density parcel located in the northeastern corner of the project site, where Buchanan Road crosses the Contra Costa Canal, to support development of up to 265 multi-family units, parks/detention basin parcels; and a Development Agreement to be negotiated with the City.

The City of Antioch has the following comments on the Draft EIR for the Tuscany Meadows project:

Project Description

3-2

The City of Antioch and the applicant Discovery Builders/West Coast Home Builders, and related entities entered into a Second Amendment to the Settlement Agreement, Mutual Release and Covenant Not to Sue dated April 17, 2014 (the "Agreement") in which certain conditions applicable to the Tuscany Meadows project were required to be satisfied (Section II.A on pages 5-6). These conditions will result in modifications to the currently proposed Tuscany Meadows project and need to be addressed within the EIR in order to fully capture the project's

Community Development Department
Planning Division

P.O. Box 5007 • 300 H Street • Antioch, CA 94531 5007 • Tel: 925-779-7035 • Fax: 925-779-7034 • www.ci.antioch.ca.us

**Letter 3
cont'd**

City of Pittsburg
December 15, 2014
Page 2

3-2
cont'd

breadth. The following is an excerpt from the Agreement, which has impacts to the Draft EIR in regards to the Project Description and analysis:

3-3

(1) the City of Pittsburg boundary line is moved on Somersville Road to just east of the proposed CMU (concrete masonry unit) or precast masonry wall ("Wall");

3-4

(2) in the jurisdiction of Antioch, adjacent to the Proposed Tuscany Meadows Project, an irrevocable offer of dedication of the right of way is provided to CITY by the property owner, in the form attached as Exhibit B, to dedicate the property that includes the sidewalk and minimum 18-foot future landscaping between the back of curb and Wall north of the Markley Creek culvert crossing to the Contra Costa Water District Canal;

(3) the design of the landscaping described in subsection (A)(2) above shall be approved by CITY and its installation by DISCOVERY BUILDERS shall be approved in accordance with the procedures set forth in Section 2.n of the 2011 Amendment to the 2009 AGREEMENT;

(4) CITY will maintain the right of way and landscaping described in Subsection (A)(2) above, but the Wall shall be maintained by the Proposed Tuscany Meadows Project or homeowners of that Project with the City responsible for removing graffiti on the east exterior side of the Wall only;

3-5

(5) concurrently with the annexation of the Proposed Tuscany Meadows Project property to the City of Pittsburg, DISCOVERY BUILDERS shall process and pay all costs involved with the CITY petitioning LAFCO to annex the property east of the Wall along the Proposed Tuscany Meadows Project frontage to the City of Antioch;

3-6

It does not appear the above conditions were incorporated into the Draft EIR Project Description or analyzed in the DEIR. Due to these conditions above, the City of Antioch should be identified as an agency with a required approval within the document since Antioch and LAFCO will rely on the EIR for actions related to the annexation of the property along Somersville Road.

3-7

Further, it does not appear that the applicant has begun this process of annexation with LAFCO.

3-8

In addition, the design of the landscaping, maintenance of the right-of-way and landscaping required by the HOA will need to be addressed by the Project.

3-9

3-10

Further, please be advised that pursuant to this Second Amendment to the Settlement Agreement, the City of Antioch can block vehicular access to Somersville Road from or to the proposed Tuscany Meadows or proposed Rialto Place projects at the current intersection of Sequoia Drive and Somersville Road as shown on the existing Sequoia Business Park final map for Subdivision 7120 if all CEQA traffic and other traffic and public safety requirements of the proposed Tuscany Meadows and proposed Rialto Place projects at Somersville Road and Sequoia Drive are not met by the developer of the Projects at no cost to the City of Antioch or if the Somersville Road Project undertaken by Discovery Builders is not completed and accepted. At this point, just the widening/paving of Somersville Road Project is substantially complete. The signing and striping, traffic signal at Somersville Road/James Donlon Boulevard, street lighting and miscellaneous other items are under construction and completion is anticipated for early 2015.

City of Pittsburg
December 15, 2014
Page 3

3-10
cont'd

Accordingly, the Tuscany Meadows EIR must address and analyze traffic impacts if vehicular access on Somersville Road is blocked or the Project will need to provide assurances through mitigation measures that all traffic and public safety requirements are met regardless of purported infeasibility. The City of Antioch's concerns regarding traffic impacts are discussed in greater detail below.

3-11

Aesthetics

As stated in earlier letters regarding the project design of Tuscany Meadows, a lot line adjustment shall be processed to include the Somersville Road right-of-way and James Donlon Boulevard, west of Tuscany Meadows Drive to ensure the roadways stay within one jurisdiction. The area requiring the lot line adjustment also needs to be annexed into the City of Antioch with approval from LAFCO, which shall be done at the applicant's expense. These actions were not contemplated within the DEIR. Further, the roadways areas that will be annexed into the City of Antioch were not analyzed for consistency with the City of Antioch's Design Guidelines and General Plan to ensure compliance for streetscape and street design.

3-12

Hydrology and Water Quality

The City of Antioch's comment letter on the Tuscany Meadows's Notice of Preparation requested a copy of the hydrology study as well as the inclusion of the City of Antioch in the hydrology study. The City has not received the Drainage Study that is referenced in the DEIR and the study was not included in the Appendices. Further, it is unclear if the Drainage Study just pertains to on-site drainage or if it takes the region and the two subject watersheds into consideration. The City of Antioch again requests a copy of the full hydrology study as well as the opportunity to review and comment on the study prior to the finalization of the EIR. Lastly, the Drainage Study should be included as an appendix to the DEIR.

3-13

Noise

Noise impacts due to increase in vehicular traffic, construction, and operational noise will occur within the City of Antioch; however the City of Antioch's General Plan Noise Element goals and policies were not taken into consideration and were not included under the Local Regulations section of the DEIR. Also, the City's CNEL thresholds were not utilized as part of the noise analysis. The City's noise goals, policies, and thresholds should be included within the DEIR since there will be impact to areas and sensitive receptors within the City of Antioch. The law requires the DEIR to consider impacts in other jurisdictions and to mitigate those impacts (City of Marina v. Board of Trustees of California State University, 39 Cal. 4th 341 (2006)).

3-14

Transportation and Traffic

The City of Antioch has major concerns regarding the traffic impacts of this project, particularly within the City of Antioch. The City of Antioch has the following comments in regards to the impacts and mitigation measures for transportation and traffic:

3-15

- Standard Oil Road is identified within the City of Antioch's and City of Pittsburg's General Plans; however construction or funding the construction of this road has not been identified as a mitigation measure for this project even though the construction of the James Donlon Extension still results in impacts that are significant and unavoidable. The DEIR mentions that it is considered as an alternative, when it should be assumed

City of Pittsburg
December 15, 2014
Page 4

3-15
cont'd

this roadway will be constructed with each appropriate project paying their fair share relative to their impact.

3-16

- Construction of the James Donlon Extension has been identified as economically infeasible; however the James Donlon Extension has been identified as a regional roadway improvement by the Contra Costa Transportation Authority Countywide Transportation Plan. The EIR that was adopted by the City of Pittsburg for the construction of the James Donlon Extension identifies the costs to come from regional and local fees as well as developer fees and Measure J. The City of Antioch has concerns that the City of Pittsburg is not requiring the Project to pay its fair share of funding for their impacts to this roadway and the City of Pittsburg cannot rely solely on regional traffic impact fees to pay for this roadway.

3-17

- The traffic study assumes that the James Donlon Extension is constructed in the Cumulative Scenario and identifies a number of intersections with significant impacts. In the DEIR, it specifies that the mitigation measures for many of the impacted intersections are to improve Buchanan Road **OR** construct the James Donlon Extension. Since the significant impact occurs with the construction of the James Donlon Extension, the mitigation measures should be to improve Buchanan Road **AND** construct the James Donlon Extension.

3-18

- Metering on Kirker Pass Road at Pheasant Drive was identified as a mitigation measure; however the affects of this mitigation have not been studied within the DEIR. This mitigation measure should be studied within the DEIR due to the impacts of this on State Route 4 as well as local roadways.

3-19

- The impacts to the Somersville Road and Buchanan Road intersection were identified as a significant and unavoidable impact due the mitigation measures being infeasible or outside of the jurisdiction of the City of Pittsburg. Further, the Sky Ranch II project has identified that the developer of Sky Ranch II shall pay a fair share contribution for the modification of the northbound Somersville Road approach at Buchanan Road for the provision of an additional left-turn lane and a southbound right turn overlap phasing; however this is inconsistent with the mitigations for the Tuscany Meadows project. The City of Antioch would anticipate adjacent jurisdictions to mitigate project impacts in order not to create a burden or unfunded improvements with the City of Antioch.

3-20

The City of Antioch has the following specific comments on the Transportation Impact Analysis:

- Page 2 of the Transportation Impact Analysis, first complete paragraph – The DEIR states that, "In addition, because the Buchanan Road mitigations are not funded and may not be feasible the impacts to the Buchanan Road intersection are considered **significant and unavoidable.**" No documentation has been presented as to why the improvements are not feasible. The City of Pittsburg would risk losing their Measure C/Measure J return to source money and their gas tax funding should they allow development that does not mitigate the identified transportation impacts. The City of Pittsburg will need to condition the project to fund the project's fair share impacts to these improvements or increase the fee for the City's transportation mitigation program and include these improvements.

3-20
cont'd

- Page 2 of the Transportation Impact Analysis, Mitigation Measure #1(a) – Several impacts include an Alternative Mitigation Measure to include PM peak hour metering of southbound Kirker Pass Road traffic at Pheasant Drive. This would divert traffic onto SR4 as well as other roadways. The report needs to include impacts that would be caused on 1) main line State Route 4, 2) main line Kirker Pass Roads, and 3) any interchanges or intersections that would be affected by the diverted traffic.

3-21

- Page 3 of the Transportation Impact Analysis, after the Mitigation Measures, First Paragraph, "There are several significant roadway changes proposed for the project area and therefore at the request of the City a detailed analysis was also conducted of several alternative scenarios. These included analysis of traffic operations with and without the James Donlon Extension, analysis of traffic operations with and without Standard Oil Road, analysis of AM peak hour traffic operation with and without the current control point metering on Buchanan Road, and analysis of traffic operations using the previously adopted CCTALOS methodology. A discussion of each of these scenarios and their supporting calculations are included in the technical appendix of this report. Although these alternative analysis scenarios are not required for the environmental review they are still being provided because they are still potentially relevant to the decision making process." Standard Oil Road is included in both the Pittsburg and Antioch General Plans, therefore, the inclusion of the roadway should be in the DEIR and the elimination of the road should be considered as an alternative. The technical appendix is not included in the DEIR or the traffic study available to the public on the City of Pittsburg website. The City of Antioch requests these documents be made public so the City of Antioch may review these documents and comment.

3-22

- The existing intersection of James Donlon Blvd. and Tuscany Meadows Drive includes a sweeping free right turn lane from westbound to northbound as would be needed should Standard Oil Road be constructed and Tuscany Meadows Drive would carry the traffic that would be anticipated with a connection to Delta Fair Boulevard at Century Blvd. Figure 4 shows the existing lane configuration (Intersection 16) without the sweeping right turn lane. If approval of the project allows Tuscany Meadow Drive to be constructed as a collector road as opposed to the anticipated arterial road, with connections to Delta Fair Boulevard, the Figure 4 configuration is inappropriate and would promote higher speeds on Tuscany Meadows Drive. The proposed project specifies that only pedestrian access from the project to James Donlon Blvd be provided until the completion of the James Donlon Extension. Antioch requests that the intersection also be reconfigured to best suit the ultimate traffic requirement.

3-23

- There is an existing roadway in Antioch named Sequoia Drive that runs westward from Gentrytown Drive to the Contra Costa Water canal. Due to issues in crossing the canal, Markley Creek, and construction across the landfill site, Sequoia Drive will not continue to Somersville Road. The proposed project in the City of Antioch, Rialto Place, which is across Somersville Road from Tuscany Meadows will not be allowed to use the name Sequoia Drive. To avoid confusion since the intersection of Somersville Road and the access road to the Tuscany Meadows development will be in the City of Antioch, an alternate name is requested.

3-24

- Page 10 in the Transportation Impact Analysis, the limits of Auto Center Drive need to be changed from West Tenth Street to Fourth Street.

3-24
cont'd

- Please provide to the City of Antioch, for review, the count information for existing LOS calculations in Table 3 in the Transportation Impact Analysis.

3-25

- Figure 5 - Existing Pedestrian and Bicycle Facilities. As shown, the Delta De Anza Regional Trail extends west from Somersville road along the EBMUD right-of-way just south of Los Medanos College. This trail is also shown (not labeled) extending east of Somersville Road from the easterly point of the development and along the north side of Canal Park on the CCWD right-of-way. There is a gap in the trail adjacent to the project and extending beyond Buchanan Road to the trail portion of the trail along the EBMUD. To support the 5% reduction of vehicle trips utilized in the Transportation Impact Analysis, due to the development's location adjacent to bicycle lanes and/or bus transit corridors (Page 25, 5.1 second paragraph), the portion of the trail adjacent to the project boundary along the CCWD right of way should be constructed by the project or eliminate or reduce the 5% reduction in vehicle trips. Antioch is currently pursuing funding for the remainder of the gap in the trail.

3-26

- Figure 8 in the Transportation Impact Analysis shows a "Proposed Project Multi-Use Trail Connection" on the north side of the CCWD canal extending the "Planned Multi-Use Trail". This trail has a gap along the northeast boundary of the project to the existing Delta De Anza Regional Trail east of Somersville Road. The City of Antioch requires new development to construct trails identified in the General Plan that are within or adjacent to the project and requests that this portion of the trail be a condition of approval of the project.

3-27

- Page 25, Table 5, Per the CCTA technical procedures manual, "Transit Usage and Availability. Trip generation rates reflect average conditions for the projects studied. Unfortunately, information about the sites studied is generally not available in the ITE report. If no transit service is available to the proposed project site, the trip generation rate used should normally be higher than the ITE weighted average. The trip generation rate used for sites adjacent to BART stations should be lower. Any adjustments to the project trip generation rates should be applied only to home-based work (HBW) trips. This will require the segmentation of project trips by trip purpose. Mode choice information from the Authority's Countywide Model can be used to estimate HBW trips." Table 3 in the manual allows for a 3% reduction of trips on home-work based trips only. Per the ITE trip generation guidelines, this project is not a transit oriented development and the reduction in trips in the study is excessive.

3-28

- Page 26 of the Transportation Impact Analysis, 2nd full paragraphs states, "It should also be noted that under cumulative conditions it was assumed, as per ITE guidelines, that there would be some additional internal trips between Tuscany Meadows and the adjacent subdivisions in the Cumulative Plus Project scenario where the James Donlon Boulevard Extension is assumed to be completed. This factor was assumed to result in a reduction of about 5% (about 50 peak hour trips) to the external trips generated by the project and this was only accounted for in the analysis Cumulative impacts." There are no connections to adjacent subdivisions shown on the Project Site Plan in Figure 2; therefore, any trips to adjacent subdivisions would need to be included in external trips generated by the project. There could possibly be a change in trip distribution due to some trips going to or from an adjacent subdivision, but not a reduction in external trips. AM and PM peak hour trips are generally home-to-work, home-to-shopping, or home-to-school. Provide clarification on the 5% reduction of trips due to "trips internal to the

**Letter 3
cont'd**

3-28
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City of Pittsburg
December 15, 2014
Page 7

subdivision once James Donlon Extension is completed". It is unsubstantiated that a 5% reduction in trips to account for internal trips during the peak period is realistic for a subdivision with no schools, shopping, or jobs.

3-29

- The TAZ in the CCTA model contains 866 single family units and 219 multifamily units. It is unclear if the additional density was added to the model trips in the cumulative scenario.

If you have any questions regarding the City's requirements for this project, please contact me at (925) 779-6133 or [mgentry@ci.antioch.ca.us](mailto:mgency@ci.antioch.ca.us), or in my absence, please contact Alexis Morris at (925) 779-6141 or amorris@ci.antioch.ca.us.

We look forward to reviewing the response to comments and necessary changes to the DEIR.

Sincerely,

C. Hammers for Mindy Gentry

Mindy Gentry
Senior Planner

Enclosure (5)

cc: Tina Wehrmeister, City of Antioch
Ron Bernal, City of Antioch
Lynne Filson, City of Antioch
Alexis Morris, City of Antioch
Perl Perlmutter, Shute, Mihaly, & Weinberger, LLP

**Letter 3
cont'd**



May 31, 2012

Ms. Leigha Schmidt
City of Pittsburg
Development Services Department - Planning Division
65 Civic Avenue
Pittsburg, CA 94565

RE: Tuscany Meadows Subdivision (Chevron East Property)

Ms. Schmidt:

Thank you for providing the City of Antioch with a Project Referral – Request for Comments/Conditions and the opportunity to comment on the proposed Tuscany Meadows Subdivision, which is located south of Buchanan Road, west of Somersville Road. The proposed project application includes a vesting tentative subdivision map dividing the 169.7-acre property into 998 single family lots, one 14.6-acre lot, three park/detention lots, and two overland release/easement lots. The project also includes the approval of a Development Agreement, amendment to the City of Pittsburg Sphere of Influence to include the project site, and annexation into the City of Pittsburg.

Please consider this as notification that the City of Antioch would like to be included on any notifications for future environmental review for this project.

Per LAFCO's November 23, 2009 Notice of Incomplete Application letter there was a recommendation, item number 4, that the City of Pittsburg and the City of Antioch meet to discuss the proposed annexation. The City of Antioch has formed a subcommittee to discuss the matter with the City of Pittsburg, which was similar to a subcommittee formed back in the 1990s relating to this issue. Please be advised, the City of Antioch does not constitute this letter as consultation and would request a day and time the City of Antioch subcommittee would be able to meet with the City of Pittsburg to discuss this project. Furthermore, enclosed with this letter for your records is a Stipulated Judgment between the City of Antioch and the City of Pittsburg pertaining to the subject property.

The City of Antioch has the following preliminary comments on the Tuscany Meadows Subdivision:

Community Development Department
Planning Division

P.O. Box 5007 • 200 H Street • Antioch, CA 94531 5007 • Tel: 925 779-7035 • Fax: 925 779 7034 • www.ci.antioch.ca.us

**Letter 3
cont'd**

City of Pittsburg
May 31, 2012
Page 2

1. The Markley Creek Park was envisioned to be expanded to the north when the subject project area was to be developed. Based on the language contained with the Markley Creek Park staff report, the City of Antioch envisioned creating a park approximately eight to ten acres in size. The City of Antioch encourages the City of Pittsburg to retain the vision of the larger park.
2. Markley Creek Park is too close to the backyards of lots 966 thru 981.
3. Remove the 30' pedestrian access between lots 854 and 966 from the terminus of Summit Way to R Drive.
4. Create a turnaround at the end of Summit Way which is now a dead end; it was anticipated the road was to be extended to the north when the subject area developed.
5. Per the City of Antioch's General Plan, Tuscany Meadows Drive shall be an arterial street from James Donlon Boulevard to Buchanan Road.
6. The applicant shall pay its fair share based on an engineer's estimate for improvements to construct Standard Oil Road between Buchanan Road and Delta Fair Boulevard.
7. Standard Oil Road and Tuscany Meadows Drive are to intersect at Buchanan Road.
8. The existing sanitary sewer main serving the Black Diamond Ranch subdivision and extending through the proposed project is to be relocated to public streets within the subdivision. Upon exiting the City of Antioch limit line, the sanitary sewer pipe shall be maintained by the City of Pittsburg.
9. Somersville Road shall be constructed and completed by the project applicant to the City of Antioch arterial road standards. The project shall be required to fund its fair share of maintaining the landscaping in perpetuity along Somersville Road adjacent to the project.
10. A lot line adjustment shall be processed to include the Somersville Road right-of-way into the City of Antioch and it shall be dedicated to the City of Antioch up to the masonry wall. The Somersville Road right of way shall be annexed into the City of Antioch.
11. The property owned by SPPI – Somersville, Inc. to the east of Somersville Road shall run the sewer within Somersville Road to the City of Antioch collection system and not through the proposed project as shown.
12. The project shall pay their fair share of cost of the traffic signals to be installed at the intersections of Somersville Road and Sequoia Drive, James Donlon Boulevard and Tuscany Meadows Drive/Metcalf Street, and James Donlon Boulevard and Summit Way.
13. All project drainage shall meet the C.3 and predevelopment flow requirements.
14. The sewer capacity shall be studied to verify the impact of the upstream development is taken into account.
15. Induction street lights shall be used in all City of Antioch right-of-way and property.
16. A lot line adjustment shall be processed for the right-of-way at James Donlon west of Tuscany Meadows Drive. The area shall be annexed into the City of Antioch and dedicated to the City of Antioch.
17. The project shall fund the cost of a water analysis to determine impacts completing water improvements in accordance with the Water Master Plan. Costs associated with the mitigation of impacts shall be paid by the project.

**Letter 3
cont'd**

City of Pittsburg
May 31, 2012
Page 3

These comments are preliminary in nature and subject to revision and modification upon further review of environmental documents and infrastructure analysis studies.

If you have any questions regarding the City's requirements for this project, please contact me at (925) 779-6133 or mgentry@ci.antioch.ca.us.

Sincerely,



Mindy Gentry
Senior Planner

Enclosure (1)

cc: LAFCO
James Davis, City of Antioch
Tina Wehrmeister, City of Antioch
Ron Bernal, City of Antioch

Letter 3
cont'd

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DEC 22 1986
CHARLES J. WILLIAMS
A Professional Corporation
WILLIAMS, CAPLOE & ROBBINS
1060 Grant Street, Suite #201
P. O. Box 698
Benicia, California 94510

FILED
DEC 18 1986

J.R. OLSSON, County Clerk
CONTRA COSTA COUNTY

By P. MONDLOCH, Deputy

(415) 228-3840
(707) 746-1011
City Attorney of Pittsburg

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA

CITY OF ANTIOCH, a municipal
corporation,

Petitioner,

vs.

CITY COUNCIL OF THE CITY OF
PITTSBURG,

Respondent,

A.D. SEENO CONSTRUCTION CO.,
et al.

Real Party In Interest.

CASE NO. 267181

CITY OF PITTSBURG, a municipal
corporation,

Petitioner,

vs.

CITY OF ANTIOCH and CITY COUNCIL
OF ANTIOCH and KAUFMAN AND BROAD
a corporation, Real Party in
Interest

CASE NO. 258762

STIPULATED JUDGMENT

The parties hereto stipulate as follows:

RECEIVED

DEC 26 1986

CITY OF ANTIOCH
CITY ATTORNEY

**Letter 3
cont'd**

1 rights-of-ways and construction of street improvements in
2 connection with subdivision approvals as indicated on Exhibit
3 "A" attached hereto.

4 5. Final design plans for the street improvements
5 constructed under paragraph 4 will be submitted for review and
6 comment to the other city prior to their approval.

7 6. (a) If the City of Pittsburg requires a Buchanan Road
8 Bypass, the City of Antioch with reference to the Arata
9 property and the City of Pittsburg with reference to the
10 Chevron property will, in connection with the development of
11 those properties, exercise their discretionary authority to
12 require that the developers of the Arata and Chevron properties
13 share equally in the cost of acquisition and construction of a
14 Buchanan Road Bypass to the extent that and limited to that
15 portion of the route of the Bypass which is a commonly shared
16 boundary between the properties.

17 (b) Where the future street right-of-way required for
18 the Buchanan Road Bypass is presently shared between the owners
19 of the Arata and Chevron properties, as referred to in
20 paragraph 6(a), the rough grading for the entire street will be
21 performed by the owner of the property first developed unless
22 the owner of the Chevron property refuses to allow such grading
23 on its property.

24 7. The City of Antioch agrees that it will not allow
25 James Donlon Boulevard to be connected to Buchanan Road and
26 consents to the construction of a barricade at the future
27 intersection of James Donlon Blvd and the Buchanan Road ~~XXXXXX~~

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**Letter 3
cont'd**

WFO
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~~by the City of Pittsburg~~ blocking that connection until such time as either the Buchanan Bypass is completed between James Donlon Boulevard and Kirker Pass Road or James Donlon Extension is completed and full connection to Highway 4 within its jurisdiction in both east and west directions is made.

8. The City of Pittsburg and the City of Antioch each recognizes its obligation to share equally in the local share of funds necessary to construct the Highway 4/Standard Oil Avenue interchange. Each City acknowledges and agrees that its obligation in this regard is subject to the exercise of its own discretion as to the manner of financing and the timing of its participation in the construction of the interchange.

9. The City of Antioch will support the concept of Pittsburg's Buchanan Road Bypass, and will vote for its inclusion for funding requests to the Metropolitan Transportation Commission or other transportation agencies, provided that the parties recognize that the improvement of Highway 4 between Willow Pass Avenue and Hillcrest Avenue has the highest regional priority.

10. The City of Pittsburg agrees that before any construction of buildings may take place on the Baker property, an environmental impact report will be required.

11. The City of Pittsburg agrees that before occupancy of any buildings on the Baker property, it will construct or cause to be constructed a signalized entry into the Baker property at a location on the westerly boundary of Somersville Road opposite the intersection of Sycamore Way and Somersville Road.

**Letter 3
cont'd**

1 12. The City of Pittsburg will not oppose Antioch's
2 construction of the James Donlon Boulevard Extension (Standard
3 Oil Road) from Buchanan Road to Highway 4 providing Antioch
4 prepares or causes to be prepared an EIR mitigating adverse
5 environmental effects, agrees to actions proposed by the EIR to
6 mitigate those effects and otherwise complies with CEQA
7 requirements.

8 13. This stipulation is entered into to resolve the
9 present traffic and boundary disputes that exist amongst the
10 parties, and each party will cooperate and use its good faith
11 efforts to implement this stipulation.

12
13 DATED: 12/9/86

DATED: 12-11-86

14 Charles G. Williams
15 Charles G. Williams
16 City Attorney of Pittsburg

William R. Galstan
William R. Galstan
City Attorney of Antioch

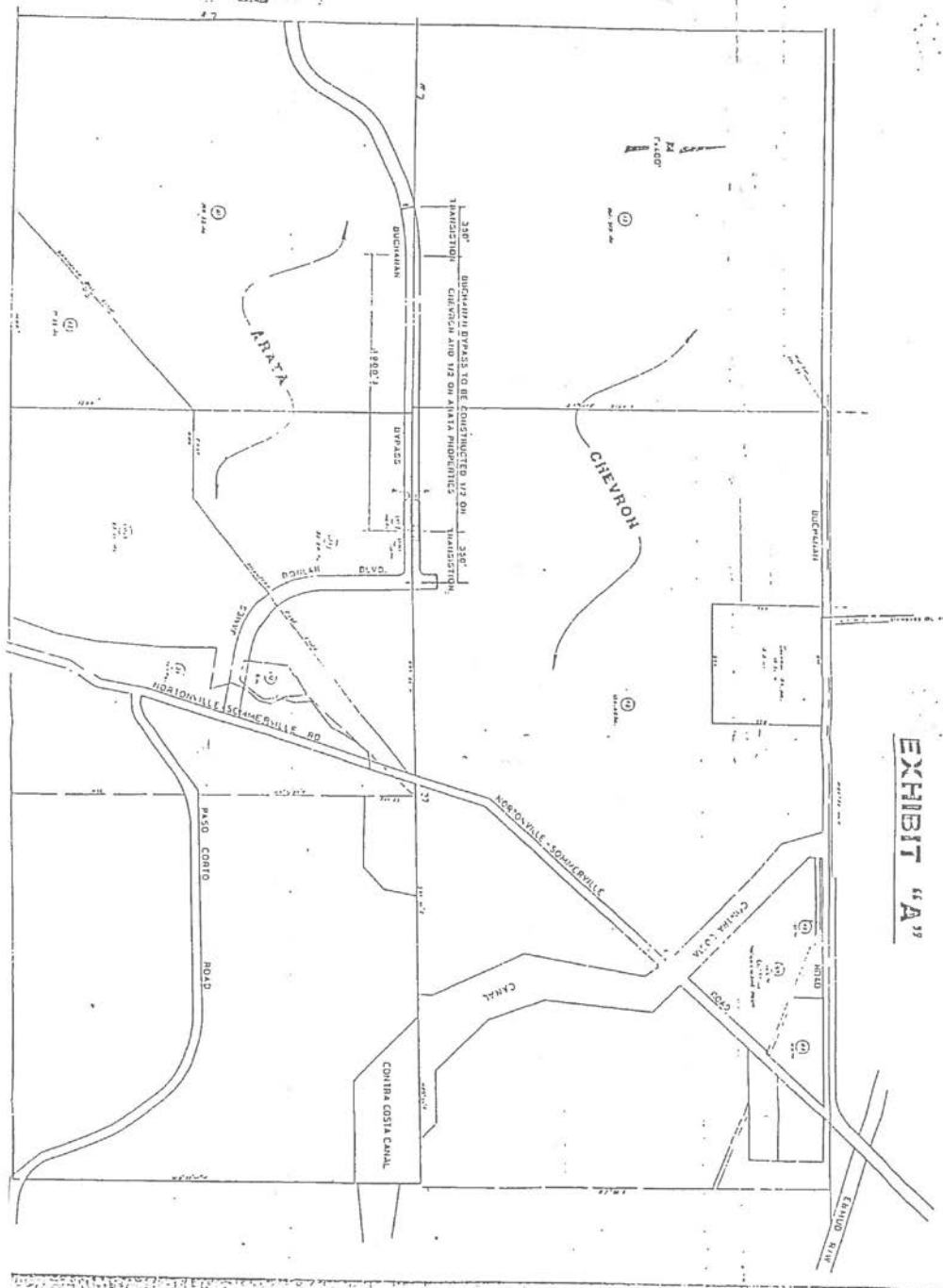
17 DATED:

Robert J. Rossi
18 Robert J. Rossi
19 Attorney for Seeno Construction
20 Co.

21 SO ORDERED: 12-16-86

22
23 NORMAN SPELLBERG
24 Norman Spellberg
25 Judge of the Superior Court
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Letter 3
cont'd



**Letter 3
cont'd**



September 20, 2012

Ms. Leigha Schmidt
City of Pittsburg
Development Services Department - Planning Division
65 Civic Avenue
Pittsburg, CA 94565

RE: Tuscany Meadows Subdivision (Chevron East Property)

Ms. Schmidt:

Thank you for providing the City of Antioch with a Project Referral – Request for Comments/Conditions and the opportunity to comment on the second submittal for the proposed Tuscany Meadows Subdivision, which is located south of Buchanan Road, west of Somersville Road. The City of Antioch preliminarily commented on the subject project via a letter dated May 31, 2012 with concerns related to the project design. The revised proposed project application includes a vesting tentative subdivision map dividing the 169.7-acre property into 963 single family lots, one 14.6-acre lot, two park/detention lots, one entry monument lot, and two overland release/easement lots. The project also includes the approval of a Development Agreement, amendment to the City of Pittsburg Sphere of Influence to include the project site, and annexation into the City of Pittsburg.

The City of Antioch still maintains its interest in obtaining any notifications for future environmental review for this project.

While the revised project does address some of the City's concerns, it did not address them all. The City of Antioch still has the following preliminary comments on the revised Tuscany Meadows Subdivision:

1. The Markley Creek Park was envisioned to be expanded to the north when the subject project area was to be developed. Based on the language contained with the Markley Creek Park staff report, the City of Antioch envisioned creating a park approximately eight to ten acres in size. The City of Antioch encourages the City of Pittsburg to retain the vision of the larger park.
2. Markley Creek Park is too close to the backyards of lots 931 thru 947.
3. Remove the 30' pedestrian access between lots 819 and 931 from the terminus of Summit Way to R Drive.
4. Create a turnaround at the end of Summit Way which is now a dead end; it was anticipated the road was to be extended to the north when the subject area developed.

Community Development Department
Planning Division

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**Letter 3
cont'd**

City of Pittsburg
September 20, 2012
Page 2

5. Per the City of Antioch's General Plan, Tuscany Meadows Drive shall be an arterial street from James Donlon Boulevard to Buchanan Road.
6. The applicant shall pay its fair share based on an engineer's estimate for improvements to construct Standard Oil Road between Buchanan Road and Delta Fair Boulevard.
7. Standard Oil Road and Tuscany Meadows Drive are to intersect at Buchanan Road.
8. Somersville Road shall be constructed and completed by the project applicant to the City of Antioch arterial road standards. The project shall be required to fund its fair share of maintaining the landscaping in perpetuity along Somersville Road adjacent to the project.
9. A lot line adjustment shall be processed to include the Somersville Road right-of-way into the City of Antioch and it shall be dedicated to the City of Antioch up to the masonry wall. The Somersville Road right of way shall be annexed into the City of Antioch.
10. The project shall pay their fair share of cost of the traffic signals to be installed at the intersections of Somersville Road and Sequoia Drive, James Donlon Boulevard and Tuscany Meadows Drive/Metcalf Street, and James Donlon Boulevard and Summit Way.
11. All project drainage shall meet the C.3 and predevelopment flow requirements.
12. According to the response of the applicant an updated sewer capacity study is being conducted. The City of Antioch would like to review the report upon its completion.
13. Induction street lights shall be used in all City of Antioch right-of-way and property.
14. A lot line adjustment shall be processed for the right-of-way at James Donlon west of Tuscany Meadows Drive. The area shall be annexed into the City of Antioch and dedicated to the City of Antioch.
15. The City of Antioch understands the City of Pittsburg is getting a cost quote to conduct an analysis of the Water Master Plan; the City of Antioch would like to review the analysis upon its completion.

These comments are preliminary in nature and subject to revision and modification upon further review of environmental documents and infrastructure analysis studies.

If you have any questions regarding the City's requirements for this project, please contact me at (925) 779-6133 or mjentry@ci.antioch.ca.us.

Sincerely,



Mindy Gentry
Senior Planner

cc: James Davis, City of Antioch
Tina Wehrmeister, City of Antioch
Ron Bernal, City of Antioch

**Letter 3
cont'd**



November 29, 2012

Ms. Leigha Schmidt
City of Pittsburg
Development Services Department - Planning Division
65 Civic Avenue
Pittsburg, CA 94565

RE: Tuscany Meadows Subdivision (Chevron East Property)

Ms. Schmidt:

Thank you for providing the City of Antioch with a Project Referral – Request for Comments/Conditions and the opportunity to comment on the third submittal for the proposed Tuscany Meadows Subdivision, which is located south of Buchanan Road, west of Somersville Road. The City of Antioch preliminarily commented twice on the subject project via letters dated May 31, 2012 and September 20, 2012 with concerns related to the project design. The revised proposed project application includes a vesting tentative subdivision map dividing the 169.7-acre property into 917 single family lots, one 14.6-acre lot, three park/detention lots, and two overland release/easement lots. The project also includes the approval of a Development Agreement, amendment to the City of Pittsburg Sphere of Influence to include the project site, and annexation into the City of Pittsburg.

The City of Antioch still maintains its interest in obtaining any notifications for future environmental review for this project.

The revised project still does not address the City's concerns. The City of Antioch still has the following preliminary comments on the revised Tuscany Meadows Subdivision:

1. The Markley Creek Park was envisioned to be expanded to the north when the subject project area was to be developed. Based on the language contained with the Markley Creek Park staff report, the City of Antioch envisioned creating a park approximately eight to ten acres in size. The City of Antioch encourages the City of Pittsburg to retain the vision of the larger park.
2. Markley Creek Park is too close to the backyards of lots 885 thru 901.
3. Remove the 30' pedestrian access between lots 775 and 885 from the terminus of Summit Way to R Drive.
4. Create a turnaround at the end of Summit Way which is now a dead end; it was anticipated the road was to be extended to the north when the subject area developed.
5. Per the City of Antioch's General Plan, Tuscany Meadows Drive shall be an arterial

Community Development Department
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**Letter 3
cont'd**

City of Pittsburg
November 29, 2012
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- street from James Donlon Boulevard to Buchanan Road.
6. The applicant shall pay its fair share based on an engineer's estimate for improvements to construct Standard Oil Road between Buchanan Road and Delta Fair Boulevard.
 7. Standard Oil Road and Tuscany Meadows Drive are to intersect at Buchanan Road.
 8. Somersville Road shall be constructed and completed by the project applicant to the City of Antioch arterial road standards. The project shall be required to fund its fair share of maintaining the landscaping in perpetuity along Somersville Road adjacent to the project.
 9. A lot line adjustment shall be processed to include the Somersville Road right-of-way into the City of Antioch and it shall be dedicated to the City of Antioch up to the masonry wall. The Somersville Road right of way shall be annexed into the City of Antioch.
 10. The project shall pay their fair share of cost of the traffic signals to be installed at the intersections of Somersville Road and Sequoia Drive, James Donlon Boulevard and Tuscany Meadows Drive/Metcalf Street, and James Donlon Boulevard and Summit Way.
 11. All project drainage shall meet the C.3 and predevelopment flow requirements.
 12. According to the response of the applicant an updated sewer capacity study is being conducted. The City of Antioch would like to review the report upon its completion.
 13. Induction street lights shall be used in all City of Antioch right-of-way and property.
 14. A lot line adjustment shall be processed for the right-of-way at James Donlon west of Tuscany Meadows Drive. The area shall be annexed into the City of Antioch and dedicated to the City of Antioch.
 15. The City of Antioch understands the City of Pittsburg is getting a cost quote to conduct an analysis of the Water Master Plan; the City of Antioch would like to review the analysis upon its completion.

These comments are preliminary in nature and subject to revision and modification upon further review of environmental documents and infrastructure analysis studies.

If you have any questions regarding the City's requirements for this project, please contact me at (925) 779-6133 or mgency@ci.antioch.ca.us.

Sincerely,



Mindy Gentry
Senior Planner

cc: Tina Wehrmeister, City of Antioch
Ron Bernal, City of Antioch

**Letter 3
cont'd**



December 27, 2012

Ms. Leigha Schmidt
City of Pittsburg
Development Services Department - Planning Division
65 Civic Avenue
Pittsburg, CA 94565

RE: Tuscany Meadows Subdivision (Chevron East Property)

Ms. Schmidt:

Thank you for providing the City of Antioch with the Notice of Preparation of an Environmental Impact Report for the Proposed Tuscany Meadows project, which is located south of Buchanan Road, west of Somersville Road. The City of Antioch preliminarily commented on the subject project with concerns related to the project design with letters dated: May 31, 2012, September 20, 2012, and November 29, 2012. The proposed project application includes a vesting tentative subdivision map for up to 917 low density residential single-family lots on approximately 135.6 acres, up to 365 multi-family units on 14.6 acres, and approximately 18.6 acres of parks and/or detention basins. The single-family lots would average approximately 4,400 square feet and range from 4,000 square feet to approximately 10,700 square feet in size.

The City of Antioch has the following comments regarding the preparation of the EIR for the Tuscany Meadows project.

Aesthetics

The impacts of the proposed water tank and its location should be analyzed with photo simulations. The City wants to ensure the tank will be entirely hidden and will not have any visual impacts as outlined in the City's General Plan.

As stated in earlier letters regarding the project design of Tuscany Meadows, a lot line adjustment shall be processed to include the Somersville Road right-of-way and at James Donlon Boulevard, west of Tuscany Meadows Drive to ensure the roadways stay within one jurisdiction. The roadways shall be analyzed for consistency with the City of Antioch's Design Guidelines and General Plan to ensure compliance for streetscape and street design. The current Somersville Road design does not provide an area of adequate width between the back of sidewalk and the proposed masonry wall.

Community Development Department
Planning Division

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**Letter 3
cont'd**

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December 27, 2012
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Hazards and Hazardous Materials

The subject site is the former Chevron Los Medanos Tank Farm and is listed on the Department of Toxic Substance Control "Cortese" list. The following contaminants have been identified as being potential containments of concern on the site: isopropylbenzene, lead, naphthalene, petroleum, and volatile organics. The site is considered by the DTSC as a voluntary active cleanup site. This site should be studied in depth for containments with appropriate mitigation measures to ensure the site can be developed with residential uses. Impacts from the neighboring landfill should also be taken into consideration and analyzed.

The City of Antioch has several documents containing information on contamination of the subject property which will be useful in the preparation of the EIR. These documents are enclosed with this letter.

Hydrology and Water Quality

A full hydrological study showing the flow from the project into the City of Antioch should be included as part of the analysis. The City of Antioch would also like the opportunity to review and comment on this study. The stormwater flows shall be managed to provide stormwater treatment and post-development flow control, compliant with the provisions of C.3.

Public Services

The project should study the impacts to existing fire protection services and if new facilities will be required to serve the project. The EIR should also examine the Contra Costa County Fire Protection District's ability to serve to project in the short term as well as the long term in light of the budgetary issues the District has been facing and the announcement of the closing of four stations.

Noise

While the NOP indicates there will be studies for potential project-generated noise impacts such as the increase in vehicular traffic, construction, and operational noise; defined positions for measurements of the noise environment have not been identified and the noise analysis should contain locations within the City of Antioch for the Environmental Impact Report due to the project being surrounded to the north, east, and south by Antioch. Further, the City of Antioch General Plan CNEL thresholds should be utilized for noise related impacts for measurement points within the City of Antioch.

Transportation and Traffic

Standard Oil Road is shown in both the City of Antioch's and the City of Pittsburg's General Plans from James Donlon Road to Delta Fair Boulevard. The traffic impact analysis should be inclusive of Standard Oil Road and determine the applicant's responsibility to construct the road as well as analyze and determine the timing of the road construction. The City of Antioch has a concern because the General Plan identifies Standard Oil Road as an arterial, which is not being proposed by the project applicant.

**Letter 3
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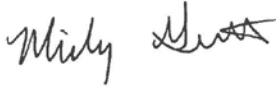
City of Pittsburg
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Page 3

The following intersections to be studied as part of the traffic impact analysis: Buchanan Road/Somersville Road and State Route 4/Somersville Road as well as any traffic impacts to John Turner Elementary School and Mission Elementary School.

These comments are preliminary in nature and subject to revision and modification upon review of the Environmental Impact Report and the supporting studies.

If you have any questions regarding the City's requirements for this project, please contact me at (925) 779-6133 or mgentry@ci.antioch.ca.us.

Sincerely,



Mindy Gentry
Senior Planner

Enclosure (1)

cc: Tina Wehrmeister, City of Antioch
Ron Bernal, City of Antioch

**Letter 3
cont'd**

04-08-14

**SECOND AMENDMENT TO SETTLEMENT AGREEMENT,
MUTUAL RELEASE AND COVENANT NOT TO SUE**

THIS SECOND AMENDMENT TO SETTLEMENT AGREEMENT, MUTUAL RELEASE AND COVENANT NOT TO SUE ("SECOND AMENDMENT") is entered into by and between the CITY OF ANTIOCH, a California municipal corporation ("CITY" and "ANTIOCH"), on the one hand, and DISCOVERY BUILDERS, INC., a California corporation, BLACK DIAMOND LAND INVESTORS, LLC, a California limited liability company, SEECON FINANCIAL & CONSTRUCTION CO., INC., a California corporation, SPPI-SOMERSVILLE, INC., a California corporation, and SOMERSVILLE-GENTRY, INC., a California corporation (collectively, "DISCOVERY BUILDERS"), on the other hand. These entities shall sometimes be collectively referred to as "PARTIES" and individually as "PARTY" in this SECOND AMENDMENT. Certain other signatories, identified below as "OWNERS AND AFFILIATED ENTITIES", have agreed to certain releases as specified in this SECOND AMENDMENT.

RECITALS

- A. WHEREAS, on or about September 15, 2009, ANTIOCH, SPPI-Somersville, Inc., and Somersville-Gentry, Inc. entered into a Settlement Agreement, Mutual Release and Covenant Not to Sue ("Settlement Agreement"), which agreement was subsequently amended on June 14, 2011 ("Amendment"), in which, among other things, Discovery Builders, Inc., Black Diamond Land Investors, LLC, and Seecon Financial & Construction Co., Inc. each became a PARTY thereto (collectively, the "2009 AGREEMENT").
- B. WHEREAS, by entering into this SECOND AMENDMENT, the PARTIES intend to amend the 2009 AGREEMENT as expressly stated herein, but only as expressly stated herein, and do not intend to amend any other provisions of the 2009 AGREEMENT.
- C. Definitions used in this Second Amendment are as defined in the 2009 AGREEMENT unless otherwise indicated.
- D. WHEREAS, on or about April 10, 2013, DISCOVERY BUILDERS filed an arbitration action against Antioch in the JAMS Walnut Creek office entitled *Albert D. Seeno Construction Company v. City of Antioch*, JAMS Ref. No. 1100073616, seeking reimbursement for remaining costs incurred for the construction of the Mira Vista Water Tank.
- E. WHEREAS, DISCOVERY BUILDERS has had several other disputes with CITY regarding various development proposals and some of these disputes have resulted in litigation and/or other settlement agreements.
- F. WHEREAS, DISCOVERY BUILDERS has also expressed concerns to CITY regarding the proposed Northeast Antioch Annexation Reorganization as generally described in the May 2013 Mitigated Negative Declaration prepared by Circlepoint

**Letter 3
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("Northeast Area Annexation"), a proposal that CITY considers vital to the future well-being of its residents.

- G. WHEREAS, DISCOVERY BUILDERS has expressed a desire to rezone several parcels from non-residential to residential designations including the Proposed Rialto Place Project(former Gentry Property APN 076-010-030, 076-010-031 and 076-010-032), the Proposed Villa Sorrento Project(APN 076-021-012, 076-021-017 and 076-021-018), and to re-subdivide Oakley Knolls-Subdivision 8501, and develop the existing residentially zoned Proposed Quail Cove Project; and to have CITY diligently process these projects through CITY staff for consideration by CITY Planning Commission and Council.
- H. WHEREAS, the PARTIES have been engaged in a productive dialogue regarding the various disputes and desire to establish a more cooperative relationship not only to resolve these specific disputes but also minimize future disputes regarding DISCOVERY BUILDERS' properties and development proposals within CITY.

AMENDMENT

In consideration of the mutual obligations, benefits, and other valuable consideration set forth in this SECOND AMENDMENT and in the 2009 AGREEMENT and other agreements referenced below, and to clarify those obligations and benefits, and in the interest of avoiding costly and time-consuming litigation or other dispute resolution, the PARTIES hereby agree as follows:

- I. **Black Diamond Project** is generally located west of the Somersville Road / James Donlon Boulevard intersection and as defined and approved in City Council Resolution No. 98/164 and Planning Commission Resolution 03-29 ("Black Diamond Project").
- A. **Markley Creek Culvert Project.** Pursuant to Section 2 of the Amendment, the parties agree that DISCOVERY BUILDERS shall reimburse CITY the sum of \$1,349,484.40 for the Culvert Project costs in full satisfaction of DISCOVERY BUILDERS' reimbursement obligations therefor. DISCOVERY BUILDERS shall pay such reimbursement through (i) use of the remaining CREDIT of \$1,277,341.75 (resulting in a zero CREDIT balance) and (ii) payment to CITY of the sum of \$72,143.05. Such payment shall be made by check to CITY within ten (10) days of the Effective Date of this Second Amendment. Upon such payment being received by CITY, the parties agree that the obligations in Sections 2(d) and 2(i) of the Amendment have been satisfied. The parties (as well as the OWNERS AND AFFILIATED ENTITIES as defined below)also agree that, as of the Effective Date of this Second Amendment, there is no remaining CREDIT pursuant to Section V.3 of the Settlement Agreement; that DISCOVERY BUILDERS and all related and affiliated individuals and companies to these entities, Albert D. Seeno Jr., Albert D. Seeno III, which companies exist now or in the future ("OWNERS AND AFFILIATED ENTITIES")release CITY from any claims, costs, causes of action, damages, injunctive relief or other relief related to that CREDIT; and that the obligations of CITY and of the Antioch Development Agency(and its successors) under Sections 2(a), 2(b), 2(c), 2(f), 2(g), 2(h) and 2(p) of the Amendment, and of CITY under Section V.5 of the Agreement, have all been fully satisfied.

**Letter 3
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B. Somersville Road

1. Pursuant to section V.2 of the Settlement Agreement and Section 2(n) of the Amendment, DISCOVERY BUILDERS will complete the ROAD PROJECT by December 31, 2014, with the landscaping described below completed by July 1, 2015. If the road and landscaping is not completed by these deadlines, DISCOVERY BUILDERS shall be required to pay the City \$5000 per month pursuant to Section 2(o) of the Amendment. DISCOVERY BUILDERS also acknowledges and confirms its agreement to comply with its existing obligations in section 2(o), 2(q), 2(s), 2(t) of the Amendment.
2. To assist DISCOVERY BUILDERS in meeting the deadlines for construction of the ROAD PROJECT, CITY agrees to close Somersville Road continuously to through traffic for no more than 105 calendar days, with the road closure starting no sooner than May 15, 2014 and ending no later than September 1, 2014. CITY further agrees to allow two lanes of traffic if needed by DISCOVERY BUILDERS for the period of time from September 1, 2014 through December 31, 2014. CITY's obligation to close Somersville Road as set forth in this Paragraph I.B.2. shall not take effect unless (i) DISCOVERY BUILDERS has submitted a traffic control plan in compliance with all applicable CITY requirements by April 1, 2014; and (ii) CITY has approved that traffic control plan. CITY shall promptly process and, provided that it complies with all applicable requirements, approve any such traffic control plan. CITY shall review and respond to the traffic control plan submittal within fourteen (14) days of submission. All applicable traffic control measures contained within the approved traffic control plan for each phase shall be in place a minimum of 30 days prior to full street closure and until the project is reopened.
3. CITY agrees to work with DISCOVERY BUILDERS to modify and re-approve the Improvement Plans for the ROAD PROJECT prepared by Isakson and Associates and signed by CITY on June 15, 2007 ("Improvement Plans") as follows:
 - a. The storm drain pipe from Somersville Road to the drainage outfall area on the Proposed Tuscany Meadows Project may be omitted and the open earth ditch may be permitted, installed and maintained at the cost of DISCOVERY BUILDERS over the Proposed Tuscany Meadows Project (defined below) property (APN 089-150-013) and owned by Seecon Built Homes, Inc. (a company affiliated with Albert D. Seeno Jr.) but only until such time as the Proposed Tuscany Meadows Project requires the installation of any underground piping system. A drainage release, in the form attached as Exhibit A-1, shall be executed and recorded on the Proposed Tuscany Meadows Project property to allow the drainage from Somersville Road through the ditch ("Drainage Release"). Upon acceptance of the construction of the underground storm water piping system and acceptance of the associated recorded, permanent property right for the stormwater (e.g. easement, right of way including stormwater) by the jurisdiction where the Proposed Tuscany Meadows Project is located, CITY through its City Manager shall execute a Quitclaim of Drainage Release in the form attached as Exhibit A-2 within five (5) working days of such request. Should a title company require any further documentation from CITY in order to

**Letter 3
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remove the Drainage Release from title to the Proposed Tuscany Meadows Project property, CITY shall promptly respond to such request within five (5) working days of such request.

- b. Landscaping
 - i. All of the Somersville landscaping shown on the Odyssey Design Group Improvement Plans signed September 27, 2007 ("Landscape Plans") will be completed with the construction of Somersville Road, with the exception of landscaping along the west side of Somersville south of Station 8+40, which is not required to be constructed.
 - ii. Provided it is verified as acceptable by CITY, DISCOVERY BUILDERS may make a connection to the 16-inch Zone III water main to provide median irrigation water. Based on an analysis to be completed by Brown & Caldwell at DISCOVERY's request and expense, and if approved by CITY, the water main diameter within Somersville Road may be adjusted.
 - c. CITY will not require installation of a sidewalk and retaining wall along the east side of Somersville Road along CITY property frontage adjacent to the closed landfill. In lieu of installing a sidewalk and retaining wall, DISCOVERY BUILDERS shall grade and place a 6-foot wide decomposed granite path over compacted aggregate base along CITY property frontage on the east side of Somersville Road up to the driveway at Station 18+64 where it will become a 6' concrete sidewalk up to Station 21+00.
 - d. DISCOVERY BUILDERS shall include the following in the ROAD PROJECT revised Improvement Plans: (i) sewer and water and stormdrain stubs for future development on the east side of Somersville Road (approved Sequoia Business Park/proposed Rialto Place Project which has yet to receive CITY approvals); (ii) irrigation stubs/services to the east and west side of Somersville Road so when the frontage landscaping is installed, cut backs into Somersville Road will not be necessary; and (iii) conduit for the future signal at Sequoia Avenue and Somersville Road.
 - e. DISCOVERY BUILDERS shall be responsible for all associated CITY staff time plan review costs up to a cap of \$5000 regarding the revisions to the Improvement Plans and Landscape Plans; i.e. CITY will not charge DISCOVERY BUILDERS for the costs incurred in excess of \$5,000. Any consultant time for the water line resizing shall be reimbursed by DISCOVERY BUILDERS at cost regardless of the cap.
4. Prior to commencing improvements on Somersville Road as set forth above, DISCOVERY BUILDERS shall obtain the Drainage Release referred to in Section I.B.3(a) above to be recorded over APN089-150-013 for the benefit of the CITY for the purpose of overland drainage from Somersville Road to an established drainage outfall maintained by the owner of the property and successor and assigns. DISCOVERY BUILDERS and OWNERS AND AFFILIATED ENTITIES release the City from all claims, and agrees to indemnify, defend and hold harmless the City and its officers, employees and agents from any claims, costs, causes of action,

**Letter 3
cont'd**

damages, injunctive relief or other relief arising from, or related to, claims arising from the ditch or drainage on the Tuscany Meadows Property, except where such claims or damages arise from the gross negligence or willful failure of CITY to maintain Somersville Road. This obligation of DISCOVERY BUILDERS AND OWNERS AND AFFILIATED ENTITIES to release, indemnify, defend and hold harmless the City and its officers, employees and agents shall survive the Quitclaim of Drainage Release referred to in Section I.B.3(a) above.

5. DISCOVERY BUILDERS shall obtain an irrevocable offer of dedication to the City from the owner of the property described in Exhibit B and in section II.A.(2) below, which dedication will be accepted by the CITY within 10 business days after the City determines: a) DISCOVERY BUILDERS has completed the ROAD PROJECT in accordance with applicable requirements and in a condition to be accepted by CITY into the City streets system; and b) the property described in Exhibit B is annexed to the City of Antioch or the CITY and Contra Costa County have an agreement allowing for the City to accept and maintain the property described in Exhibit B and the improvements on it before annexation occurs. DISCOVERY BUILDERS agrees to the terms in the Agreement between the County of Contra Costa and the City of Antioch for the Joint Exercise of Powers Relating to the Widening and Maintenance of Somersville Road dated ~~4/29/14~~ ("JEPA") and will undertake the Developer obligations described in that JEPA, including but not limited to warranty repairs to the ROAD PROJECT, reimbursement of County costs for development of the JEPA, reimbursement of the City's costs for the annexation of property described in Exhibit B, insurance and indemnity protections for the City and County for the ROAD PROJECT, and allowing the property described in Exhibit B to be open to the public once the ROAD PROJECT is complete and the City accepts the dedication pursuant to the JEPA if that occurs before the annexation of this property to the City of Antioch.
- C. As to the Black Diamond Project, DISCOVERY BUILDERS and OWNERS AND AFFILIATED ENTITIES agree that all CITY obligations under Section V.6 of the Settlement Agreement have been satisfied. DISCOVERY BUILDERS and OWNERS AND AFFILIATED ENTITIES also unconditionally release the CITY from any claims, costs, causes of action, damages, injunctive relief or other relief arising from, or related to, its contributions pursuant to the Residential Development Allocation program as set forth in City Council Resolution No. 2003/92 and the Development Agreement for the Black Diamond Project dated October 14, 2003, and to any other fees, dedications or exactions related to the Black Diamond Project that have been imposed or should have been known as of the Effective Date. With respect to the foregoing waiver and release, DISCOVERY BUILDERS and OWNERS AND AFFILIATED ENTITIES understand and knowingly and specifically waive their rights under California Civil Code section 1542 that provides as follows: "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affect his settlement with the debtor."

- II. Proposed Tuscany Meadows Project is proposed to be located generally on the west side of Somersville Road to the south of Buchanan Road as defined and described in the City of

**Letter 3
cont'd**

Pittsburg's Notice of Preparation of an Environmental Impact Report for the Proposed Tuscany Meadows Project dated November 29, 2012 ("Proposed Tuscany Meadows Project").

- A. CITY acknowledges that the Proposed Tuscany Meadows Project is being proposed for annexation to, and development within, the City of Pittsburg. CITY shall not challenge or object to the annexation to the City of Pittsburg of the properties included in the Proposed Tuscany Meadows Project (as of November 29, 2012), provided that the following conditions are satisfied:

(1) the City of Pittsburg boundary line is moved on Somersville Road to just east of the proposed CMU (concrete masonry unit) or precast masonry wall ("Wall");

(2) in the jurisdiction of Antioch, adjacent to the Proposed Tuscany Meadows Project, an irrevocable offer of dedication of the right of way is provided to CITY by the property owner, in the form attached as Exhibit B, to dedicate the property that includes the sidewalk and minimum 18-foot future landscaping between the back of curb and Wall north of the Markley Creek culvert crossing to the Contra Costa Water District Canal;

(3) the design of the landscaping described in subsection (A)(2) above shall be approved by CITY and its installation by DISCOVERY BUILDERS shall be approved in accordance with the procedures set forth in Section 2.n of the 2011 Amendment to the 2009 AGREEMENT;

(4) CITY will maintain the right of way and landscaping described in Subsection (A)(2) above, but the Wall shall be maintained by the Proposed Tuscany Meadows Project or homeowners of that Project with the City responsible for removing graffiti on the east exterior side of the Wall only;

(5) concurrently with the annexation of the Proposed Tuscany Meadows Project property to the City of Pittsburg, DISCOVERY BUILDERS shall process and pay all costs involved with the CITY petitioning LAFCO to annex the property east of the Wall along the Proposed Tuscany Meadows Project frontage to the City of Antioch;

(6) CITY retains the right to comment upon, object to, appeal, and otherwise challenge any decisions, actions, or approvals regarding the Proposed Tuscany Meadows Project and environmental review for that project, including the environmental review for the annexation, by the City of Pittsburg and any other governmental agency.

- B. CITY agrees not to block, impair or impede vehicular access to Somersville Road from or to the Proposed Tuscany Meadows or Proposed Rialto Place projects at the current intersection of Sequoia Drive and Somersville Road as shown on the existing Sequoia Business Park final map for Subdivision 7120 if: 1) all CEQA traffic and other traffic and public safety requirements of the Proposed Tuscany Meadows and Proposed Rialto Place projects at Somersville Road and Sequoia Drive are met by the developer of the Projects at no cost to CITY; and 2) Somersville ROAD PROJECT is completed and accepted.

- C. For six years from the Effective Date or until any portion of the future James Donlon Boulevard Extension is open for traffic, whatever occurs first, CITY agrees to grant a temporary non-exclusive encroachment permit to DISCOVERY BUILDERS over a portion of the unopened James Donlon Boulevard identified in attached Exhibit C dated March 20, 2014 granting DISCOVERY BUILDERS the right to transport fill material from the Sky Ranch II Project to the proposed Tuscany Meadows Project. The

**Letter 3
cont'd**

encroachment permit shall be in accordance with City standards and ordinances (including but not limited to limitations on hours, noise, etc.) and the requirements below. DISCOVERY BUILDERS shall repair and restore the area impacted by this dirt moving operation to the condition that existed immediately prior to commencement of work. This permission to use the future James Donlon Boulevard area and requirement to repair and restore the impacted area shall not be effective until DISCOVERY BUILDERS obtains an encroachment permit from CITY and provides a bond or other security acceptable to the CITY to ensure any necessary repair and restoration occurs.

- III. Mira Vista Project is generally located south of James Donlon Boulevard in southwest Antioch and as generally described in the project approvals including the final map and improvement plans approved in City Council Resolution No. 94/88 ("Mira Vista Project") and the Meadow Creek Project is generally located south of Lone Tree Way and east of Hillcrest Avenue as generally described in the project approvals including the Vesting Tentative Map Tract 7111 approved in City Council Resolution No.89/346 ("Meadow Creek Project").
- A. CITY shall pay to DISCOVERY BUILDERS the lump sum of \$445,869.96 as a check made payable to Albert D. Seeno Construction Co. as full and final reimbursement by CITY for the Mira Vista water tank costs within ten (10) days after the Effective Date of this SECOND AMENDMENT. Within five (5) days of receiving such payment, DISCOVERY BUILDERS shall dismiss with prejudice the pending arbitration regarding the Mira Vista Project filed in JAMS Walnut Creek office on April 10, 2013, *Albert D. Seeno Construction Company v. City of Antioch*, JAMS Ref. No. 1100073616 ("Arbitration"). The PARTIES agree to stay the Arbitration in the interim.
- B. DISCOVERY BUILDERS and OWNERS AND AFFILIATED ENTITIES agree that all of CITY's obligations under the 1994 Mutual Settlement Agreement (Meadow Creek Estates/City of Antioch) have been satisfied and unconditionally releases the CITY from any claims, costs, causes of action, damages, injunctive relief or other relief, arising from, or related to, the costs, fees, dedications or exactions related to the Mira Vista Project and Meadow Creek Project.
- C. As to the Mira Vista Project and Meadow Creek Projects, DISCOVERY BUILDERS and OWNERS AND AFFILIATED ENTITIES agree that all of CITY's obligations under Section V.6 of the Settlement Agreement have been satisfied and it unconditionally releases CITY from any claims, costs, causes of action, damages, injunctive relief or other relief arising from, or related to, the fees, dedications or exactions related to those Projects. With respect to the foregoing waiver and release, DISCOVERY BUILDERS and OWNERS AND AFFILIATED ENTITIES understand and knowingly and specifically waive their rights under California Civil Code section 1542 that provides as follows: "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affect his settlement with the debtor."
- IV. Proposed Pointe Project is generally located at the intersection of James Donlon Boulevard and Somersville Road (APN 089-160-010) for which the City Council allowed

**Letter 3
cont'd**

an application for development of the subject parcel under certain conditions pursuant to Resolution No. 2005/133 and as described in the proposed Mitigated Negative Declaration dated March 2013 and prepared by Douglas Herring & Associates ("Proposed Pointe Project").

DISCOVERY BUILDERS and OWNERS AND AFFILIATED ENTITIES unconditionally release the CITY from any claims, costs, causes of action, damages, injunctive relief or other relief arising from, or related to, the Residential Development Allocation program for the Proposed Pointe Project or denial of the Project presented to the City Council on January 28, 2014. This release does not apply to any future applications submitted, if any, for development on all or a portion of the Property (APN 089-160-010). If DISCOVERY BUILDERS submits a future application for development of this Property, CITY shall utilize relevant information from the March 2013 Mitigated Negative Declaration prepared by Douglas Herring & Associates in preparing the subsequent environmental review in an effort to reduce costs. With respect to the foregoing waiver and release, DISCOVERY BUILDERS and OWNERS AND AFFILIATED ENTITIES understand and knowingly and specifically waive their rights under California Civil Code section 1542 that provides as follows: "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affect his settlement with the debtor."

- V. Northeast Antioch Area Reorganization is generally described in the May 2013 Proposed Mitigated Negative Declaration prepared by Circlepoint ("Northeast Area Annexation").

The Northeast Area Annexation is a critical component of CITY's long-term vision for its orderly development, maintenance of the quality of life for its residents, protection of the general and regional welfare, and long-term fiscal health of CITY. DISCOVERY BUILDERS and OWNERS AND AFFILIATED ENTITIES, shall not challenge, object or file any lawsuit or cause of action or instigate or assist any other person or corporation to challenge, object, or file any lawsuit or cause of action arising from, or related to the Northeast Area Annexation (including but not limited to any related rezoning or other planning approval and any environmental documentation or actions under CEQA). DISCOVERY BUILDERS and OWNERS AND AFFILIATED ENTITIES unconditionally release CITY from any claims, costs, causes of action, damages, injunctive relief or other relief arising from, or related to, the Northeast Area Annexation. With respect to the foregoing waiver and release, DISCOVERY BUILDERS and OWNERS AND AFFILIATED ENTITIES understand and knowingly and specifically waive their rights under California Civil Code section 1542 that provides as follows: "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affect his settlement with the debtor."

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VI. Impact Fees.

- A. DISCOVERY BUILDERS, and OWNERS AND AFFILIATED ENTITIES shall not challenge, object or file any lawsuit or cause of action or instigate or assist any other person or corporation to challenge, object, or file any lawsuit or cause of action arising from, or related to, (1) the CITY's prior, existing and currently proposed (ordinance introduced at the March 11, 2014 City Council meeting) Residential Development Allocation program; (2) CITY's current development impact fees adopted pursuant to California Government Code section 66000 (AB 1600) and park in-lieu fees adopted pursuant to the Subdivision Map Act and any other impact fee, dedication or exaction requirements under the Antioch Municipal Code currently in effect or as applied to any project of DISCOVERY BUILDERS or any OWNERS AND AFFILIATED ENTITIES entitled in the City of Antioch as of the Effective Date; and (3) the proposed development impact fees pursuant to California Government Code section 66000 (AB 1600) and park in-lieu fees adopted pursuant to the Subdivision Map Act as described in the Development Impact Fee Study by Economic & Planning Systems, Inc. dated February 2014 and introduced by ordinance at the March 11, 2014 City Council meeting.
- B. CITY agrees that remaining lots in the existing recorded final map for the 286-lot Black Diamond Project for which a building permit has not been issued as of the Effective Date will be subject to the City's impact fees in place on March 1, 2014 and not the proposed development impact fees cited in this Section VI(A)(3). In the event an application for residential development on the subject parcel identified in Section IV above (089-160-010) is approved by CITY, then the CITY agrees that no more than five (5) lots in such development will be subject to the CITY's impact fees in place on March 1, 2014, and not the proposed development impact fees cited in this Section VI(A)(3). Additional lots in excess of these five (5) lots would be subject to all impact fees in effect at time of building permit issuance. Nothing in this provision is intended to be construed as an agreement or approval by the CITY of any development on the subject parcel identified in Section IV above (089-160-010).
- C. DISCOVERY BUILDERS and OWNERS AND AFFILIATED ENTITIES unconditionally release CITY from any claims, costs, causes of action, damages, injunctive relief or other relief arising from, or related to, the Residential Development Allocation program and development impact fees, dedications and exactions as described above. With respect to the foregoing waiver and release, DISCOVERY BUILDERS and OWNERS AND AFFILIATED ENTITIES understand and knowingly and specifically waive their rights under California Civil Code section 1542 that provides as follows: "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affect his settlement with the debtor."

VII. General Provisions.

- A. For purposes of this SECOND AMENDMENT, the term "Effective Date" shall mean the date of the public meeting when the ANTIOCH City Council adopts and approves this SECOND AMENDMENT, provided that DISCOVERY BUILDERS has already approved and executed this SECOND AMENDMENT.


**Letter 3
cont'd**


- B. This SECOND AMENDMENT may be executed in one (1) or more counterparts, each of which shall be deemed an original, notwithstanding that the signatures and the PARTIES' designated representatives do not appear on the same page, all of which when taken together shall constitute one (1) and the same instrument and which shall be binding on the PARTIES.
- C. The PARTIES agree to execute such other documents and perform such other acts as may be reasonably requested to carry out this SECOND AMENDMENT in a reasonable and timely manner.
- D. The PARTIES agree that this SECOND AMENDMENT reflects the joint drafting efforts of the PARTIES. In the event any dispute, disagreement, or controversy arises regarding this SECOND AMENDMENT, the PARTIES shall be considered joint authors and no provision shall be interpreted against any PARTY because of authorship. Each PARTY also agrees that it is fully informed as to the meaning and intent of all terms and conditions of the SECOND AMENDMENT as a whole and has been advised by counsel in that regard. This SECOND AMENDMENT is the product of negotiation and preparation by and between the PARTIES to this SECOND AMENDMENT and their respective attorneys. The PARTIES therefore expressly acknowledge and agree that this SECOND AMENDMENT shall not be deemed prepared or drafted by one (1) PARTY or another, or its attorneys, and will be construed accordingly.
- E. Each PARTY warrants and agrees that this SECOND AMENDMENT may not be altered, amended, modified, or otherwise changed except in writing duly executed by an authorized representative of each of the PARTIES which expressly agrees to a modification of the SECOND AMENDMENT and which is duly executed by an authorized representative of each PARTY. In the event any nonmaterial provisions contained in this SECOND AMENDMENT shall, for any reason, be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of this SECOND AMENDMENT.
- F. Each signatory to this SECOND AMENDMENT warrants and represents that he or she is competent and authorized to enter into this SECOND AMENDMENT on behalf of the PARTY or PARTIES for whom he or she purports to sign.
- G. Except as amended herein, all other provisions of the 2009 SETTLEMENT AGREEMENT shall remain in full force and effect.


**Letter 3
cont'd**

IN WITNESS WHEREOF, the PARTIES enter into and date this SECOND AMENDMENT
this 17th day of April, 2014.


DISCOVERY BUILDERS:

ALBERT D. SEENO, Jr.
By: 

ALBERT D. SEENO, III
By: 

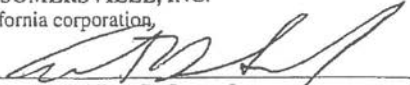
DISCOVERY BUILDERS, INC.
a California corporation
By: 
Name: Albert D. Seeno, III
Its: President

BLACK DIAMOND LAND INVESTORS, LLC, a
California limited liability company
By: DISCOVERY BUILDERS, INC.,
a California corporation
Its: Manager
By: 
Name: Albert D. Seeno, III
Its: President

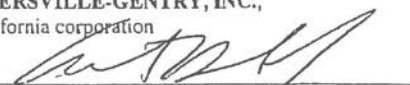
SECON FINANCIAL & CONSTRUCTION CO.,
INC., a California corporation
By: 
Name: Albert D. Seeno, Jr.
Its: President

**Letter 3
cont'd**

SPPI-SOMERSVILLE, INC.
a California corporation

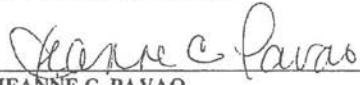
By: 
Name: Albert D. Seeno, Jr.
Its: President

SOMERSVILLE-GENTRY, INC.,
a California corporation

By: 
Name: Albert D. Seeno, Jr.
Its: President

APPROVED AS TO FORM:

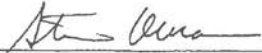
Dated: April 9, 2014

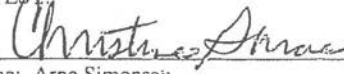

JEANNE C. PAVAO
Attorney for Discovery Builders, Inc., Black Diamond
Land Investors, LLC, Seecon Financial &
Construction Co., Inc., SPPI-Somersville, Inc., and
Somersville-Gentry, Inc.

**Letter 3
cont'd**

ANTIOCH:

CITY OF ANTIOCH,
a California municipal corporation

By: 
Name: Steven Duran
Its: City Manager

ATTEST:
By: 
Name: Arne Simonsen
Its: City Clerk of the City of Antioch

for

APPROVED AS TO FORM:

Dated: _____

ROBERT S. PERLMUTTER
Attorney for the City of Antioch

- Exhibit A-1 – Drainage Release and Agreement
- Exhibit A-2 – Quitclaim of Drainage Release and Agreement
- Exhibit B – Irrevocable Offer of Dedication for Somersville Road Widening
- Exhibit C – James Donlon Boulevard encroachment area

**Letter 3
cont'd**

ANTIOCH:

CITY OF ANTIOCH,
a California municipal corporation

By: _____
Name: Steven Duran
Its: City Manager

ATTEST:

By: _____
Name: Arne Simonsen
Its: City Clerk of the City of Antioch

APPROVED AS TO FORM:

Dated: April 11, 2014


ROBERT S. PERLMUTTER
Attorney for the City of Antioch

- Exhibit A-1 – Drainage Release and Agreement
- Exhibit A-2 – Quitclaim of Drainage Release and Agreement
- Exhibit B – Irrevocable Offer of Dedication for Somersville Road Widening
- Exhibit C – James Donlon Boulevard encroachment area

**Letter 3
cont'd**

Exhibit A-1

PLEASE RECORD AND
WHEN RECORDED MAIL TO:

City of Antioch
Third and "H" Streets
Antioch, CA 94509
Attn: City Attorney

DRAINAGE RELEASE AND AGREEMENT

THIS DRAINAGE RELEASE AND AGREEMENT ("Release") is made this ____ day of _____, 2014, by Seecon Built Homes, Inc., herein called "Owner" and the City of Antioch, herein called "City."

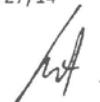
WITNESSTH:

WHEREAS, Owner's Property, which is commonly known as Tuscan Meadows (Assessor's Parcel No. 089-150-013) is described and shown in Exhibits "1" and "2" attached hereto and made a party hereof; and

WHEREAS, Owner's Property has historically accepted drainage from Somersville Road area; and

WHEREAS, pursuant to the approvals for the Black Diamond Ranch, including a Development Agreement dated October 14, 2003 among the City, Discovery Builders and Seecon Financial and Construction Co., affiliated companies of Owner, Improvement Agreement dated March 17, 2004, Deferred Improvement Agreement dated May 1, 2007, as well as a Settlement Agreement, Mutual Release and Covenant Not to Sue dated September 15, 2009 and amended on June 14, 2001, Discovery Builders and affiliated companies of

03/27/14



**Letter 3
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Owner agreed to widen Somersville Road south of the Contra Costa Canal, which includes the area adjacent to the east boundary of the Owner's Property; and

WHEREAS, pursuant to the Improvement Plans prepared by Isakson and Associates on behalf of Discovery Builders and affiliated companies of Owner and signed by the City on June 15, 2007, the design of the Somersville Road Widening Project as shown on the Improvement Plans will collect drainage waters from roadway surfaces to be conveyed by an underground pipe to an existing downstream discharge pipe under the Contra Costa Canal and;

WHEREAS, pursuant to the Second Amendment to Settlement Agreement, Mutual Release and Covenant Not to Sue dated _____ ("Second Amendment to the Settlement Agreement"), Discovery Builders and affiliated companies of Owner now desire certain revisions to these Improvement Plans, including the option not to construct an underground pipe to handle the storm water flow and instead to use an open earth ditch across Owner's Property until Owner's Property is developed;

NOW, THEREFORE, the Owner, based on consideration in the Second Amendment to the Settlement Agreement and being allowed to defer construction of the underground storm water pipe, agrees to accept the flow of drainage waters from the widened Somersville Road indefinitely subject to the following terms and conditions:

1. As set forth in the Second Amendment to the Settlement Agreement, upon completion of the Somersville Road Widening Project, the drainage waters flowing from and through the right of way, including but not limited to the roadway, landscaping and sidewalk, may discharge onto the Owner's Property at Point A, the approximate location as shown on Exhibit "2". Owner will accept such waters and construct either a swale or a pipe, at its sole option, to

03/27/14



**Letter 3
cont'd**

transport such waters to the existing point of discharge from the Owner's Property at Point B, the approximate location as shown

on Exhibit "2". Owner may at its sole discretion relocate such swale or pipe provided the drainage waters from Somersville Road continue to be accommodated. Owner shall be responsible for the maintenance of such swale or pipe. In addition, future development of the Owner's Property shall be designed to accommodate such drainage waters.

2. Upon installation of a permanent underground storm water piping system which will convey the drainage waters from Somersville Road to the final point of discharge, and acceptance of Owner's dedication of underground storm water piping system and acceptance of the associated recorded, permanent property right for the storm water (e.g. easement, right of way including storm water) by the jurisdiction where Owner's Property is located, this Release shall automatically terminate and Owner shall be entitled to record the Quitclaim Deed, a copy of which is attached as Exhibit "3". City agrees to cooperate with Owner and promptly provide any additional documentation necessary to remove this Release from title to Owner's Property.

3. Owner and Albert D. Seeno Jr., on behalf of any companies affiliated with him, release the City and agree to indemnify, defend and hold harmless the City and its officers, employees and agents from any claims, costs, causes of action, damages, injunctive relief or other relief arising from, or related to, claims arising from the drainage on Owner's Property, except where such claims or damages arise from the gross negligence or willful failure of City to maintain Somersville Road. Owner and Albert D. Seeno Jr., on behalf of any companies affiliated with him, agree that they expressly waive, for themselves and any successor in interest, the provisions of Section 1542 of the Civil Code of the State of California, which reads as follows:

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**Letter 3
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"A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing of this release, which if known by him or her must have materially affected his or her settlement with the debtor.

THIS RELEASE shall run with the land and be binding upon the heirs, successors, and assigns of Owner and any public successor to the City.

OWNER

SEECON BUILT HOMES, INC.

By: _____
Albert D. Seeno, Jr.
President

ALBERT D. SEENO, JR.

By: _____
Albert D. Seeno, Jr.

CITY OF ANTIOCH

By: _____

03/27/14



**Letter 3
cont'd**

EXHIBIT 1

The land situated in the unincorporated area of the County of Contra Costa, State of California, and described as follows:

PARCEL ONE:

Parcel B, as shown on the Parcel Map filed January 22, 1987, in Book 126 of Parcel Maps, Page 7, Contra Costa County Records, described as follows:

EXCEPTING FROM PARCEL ONE:

A portion of Parcel B, as shown on the Parcel Map filed January 22, 1987, in Book 126 of Parcel Maps, Page 7, Contra Costa County Records, described as follows:

Beginning at the southwest corner of Parcel A, as shown on said Map (126 P.M. 7); thence from said point of beginning, North 89° 06' 48" West, along the south line of said Parcel A, 1124.96 feet; thence South 0°52' 40" West, 142.20 feet; thence South 89° 06' 48" East, 1124.94 feet; thence North 0° 53' 02" East 142.20 feet to the point of beginning.

(Being Area 2 as shown on the Record of Survey Lot Line Adjustment LL 20-87, filed January 13, 1988, in Book 86 of Licensed Surveyors Maps, Page 24, Contra Costa County Records.)

ALSO EXCEPTING FROM PARCEL ONE: The following rights reserved in the Deed from Chevron U.S.A. Inc., a Pennsylvania corporation, recorded February 2, 1987, Book 13424, Page 141, Series No. 87-24729, Official Records:

- A) All oil, gas and other hydrocarbons; non-hydrocarbon gasses or gaseous substances; all other minerals of whatsoever nature, without regard to similarity to the above-mentioned substances; and all substances that may be produced therewith from said real property.
- B) All geothermal resources, embracing: indigenous steam, hot water and hot brines; steam and other gasses, hot water and hot brines resulting from water, gas or other fluids artificially introduced into subsurface formations; heat or other associated energy found beneath the surface of the earth; and byproducts of any of the foregoing such as minerals (exclusive of oil or hydrocarbon gas that can be separately produced) which are found in solution or association with or derived from any of the foregoing.
- C) The sole and exclusive right from time to time to bore or drill and maintain wells and other works into and through said real property and adjoining streets, roads and highways below a depth of five hundred feet (500') for the purpose of exploring for and producing energy resources and the right to produce, inject, store and remove from and through said bores, wells or works, oil, gas, water, and other substances of whatever nature, and the right to perform below said depth any and all operations deemed by Grantor necessary or convenient for the exercise of such rights. The rights hereinabove excepted and reserved to Grantor do not include and do not except or reserve to Grantor any right of Grantor to use the surface of said real property or the first five hundred feet (500') below said surface or to conduct any operations thereon or therein. Unless hereinafter specifically excepted and reserved, all rights and interests in the surface of said real property are hereby conveyed to Grantee.



**Letter 3
cont'd**

PARCEL TWO:

A Portion of Parcel A as shown on the Parcel Map filed January 22, 1987, in Book 126 of Parcel Maps, page 7, Contra Costa County records, described as follows:

Beginning at the northwest corner of said Parcel A; thence from said point of beginning, along the exterior line of said Parcel A as follows: South 0°52' 40" West, 849.99 feet and South 89°06' 48" East, 100.00 feet; thence North 0°52' 40" East, 175.56 feet; thence northeasterly along the arc of a tangent curve to the right with a radius of 750.00 feet, through a central angle of 36° 22' 25", an arc distance of 476.13 feet; thence North 37° 15' 05" East, 49.62 feet; thence North 42° 57' 43" East, 60.30 feet; thence North 37° 15' 05" East, 180.03 feet to the north line of said Parcel A; thence North 89° 07' 20" West, along said North line, 422.73 feet to the point of beginning.

(Being Area 1, as shown on the record of Survey Lot Line Adjustment LL 20-87, filed January 13, 1988, in Book 86 of Licensed Surveyors Maps, page 24, Contra Costa County Records.)

EXCEPTING FROM PARCEL TWO: The following rights reserved in the Deed from Chevron U.S.A. Inc., a Pennsylvania corporation, recorded May 9, 1989, Book 15053, Page 667, Series No. 89-84454, Official Records:

A) All oil, gas and other hydrocarbons; non-hydrocarbon gasses or gaseous substances; all other minerals of whatsoever nature, without regard to similarity to the above-mentioned substances; and all substances that may be produced therewith from said real property.

B) All geothermal resources, embracing: indigenous steam, hot water and hot brines; steam and other gasses, hot water and hot brines resulting from water, gas or other fluids artificially introduced into subsurface formations; heat or other associated energy found beneath the surface of the earth; and byproducts of any of the foregoing such as minerals (exclusive of oil or hydrocarbon gas that can be separately produced) which are found in solution or association with or derived from any of the foregoing.

C) The sole and exclusive right from time to time to bore or drill and maintain wells and other works into and through said real property and adjoining streets, roads and highways below a depth of five hundred feet (500') for the purpose of exploring for and producing energy resources and the right to produce, inject, store and remove from and through said bores, wells or works, oil, gas, water, and other substances of whatever nature, and the right to perform below said depth any and all operations deemed by Grantor necessary or convenient for the exercise of such rights. The rights hereinabove excepted and reserved to Grantor do not include and do not except or reserve to Grantor any right of Grantor to use the surface of said real property or the first five hundred feet (500') below said surface or to conduct any operations thereon or therein. Unless hereinafter specifically excepted and reserved, all rights and interests in the surface of said real property are hereby conveyed to Grantee.

(End of Legal Description)



Letter 3
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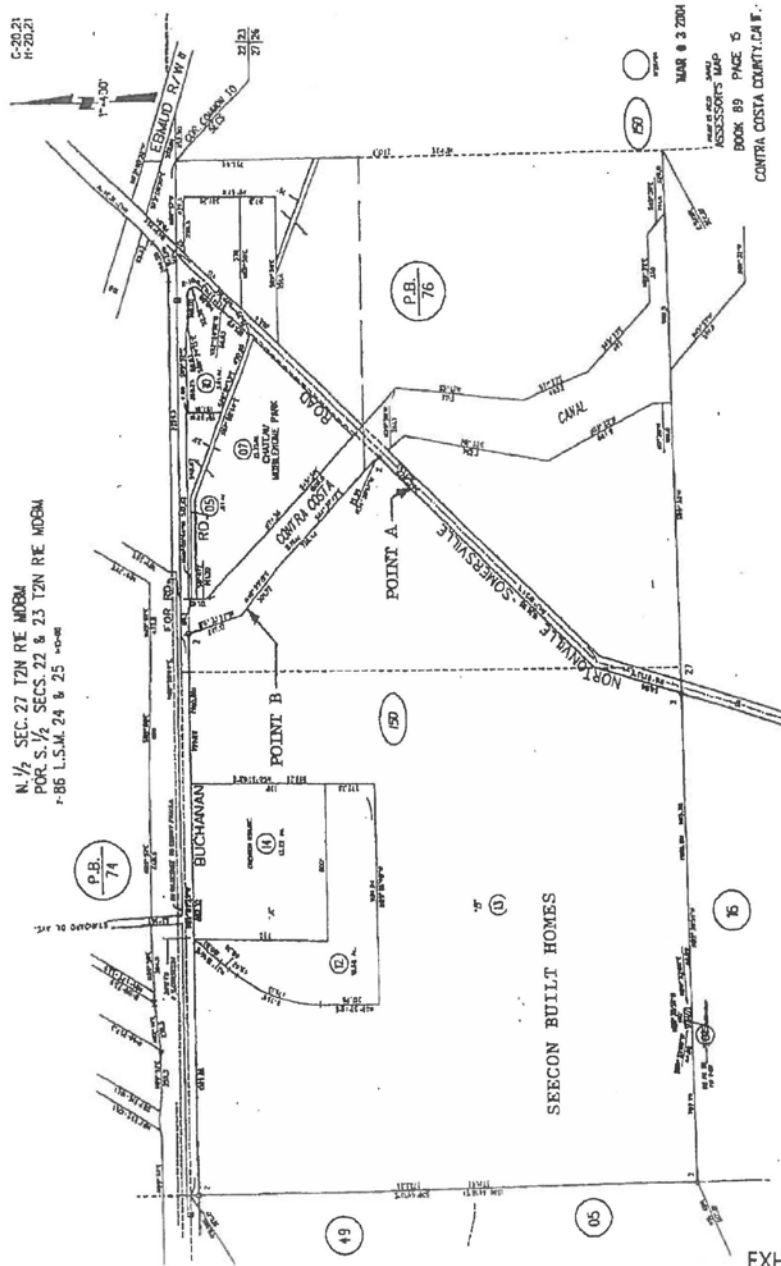


EXHIBIT 2

**Letter 3
cont'd**

EXHIBIT A-2

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Seecon Built Homes, Inc.
Attn.: Albert D. Seeno, Jr.
4061 Port Chicago Hwy.
Concord, CA 94520

Space Above This Line For Recorder's Use

QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is acknowledged,
CITY OF ANTIOCH, a municipal corporation ("CITY") does hereby RELEASE, REMISE and
QUITCLAIM to SEECON BUILT HOMES, INC., a California corporation ("Seecon"), any and
all of CITY's right, title and interest in that certain Drainage Release and Agreement entered into
by and between CITY and SEECON and recorded in the Recorder's Office of Contra Costa
County, California on _____, 201_, as Instrument No. _____.

IN WITNESS WHEREOF the undersigned has executed this QUITCLAIM DEED this __ day of
_____, 201_.

CITY OF ANTIOCH,
a municipal corporation

By: _____
Name: _____
Its: _____



**Letter 3
cont'd**

Exhibit "B"

WHERE RECORDED RETURN TO:

City of Antioch
Third & "H" Streets
Antioch, CA 94509

NO FEE DOCUMENT

APN: 089-150-013 (Portion)

Space Above for Recorder's Use Only

IRREVOCABLE OFFER OF DEDICATION

SEECON BUILT HOMES, INC., a California corporation,

Does hereby irrevocably offer for dedication to the City of Antioch, a municipal corporation, for any and all public purposes, the right-of-way for the widening of Somersville Road on, over, under and across that certain real property in the City of Antioch, County of Contra Costa, State of California, described as follows:

SEE EXHIBIT "A" attached hereto and made a part hereof

The roadway hereby dedicated shall not be opened to public traffic until this Offer of Dedication has been accepted by the City of Antioch and recorded in the Contra Costa County Official Records.

Date: _____

SEECON BUILT HOMES, INC.
a California corporation

By: _____

Name: _____

Title: _____

Accepted by the City of Antioch pursuant to Resolution _____

By: _____

Date: _____

City Clerk



**Letter 3
cont'd**

**EXHIBIT A-1'
PARCEL 4A**

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL 'B' OF THAT RECORD OF SURVEY, LOT LINE ADJUSTMENT LL 20-87 FILED ON JANUARY 13, 1988 IN BOOK 86 LICENSED SURVEYORS MAPS AT PAGE 24 IN THE OFFICE OF THE RECORDER, CONTRA COSTA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 2" IRON PIPE MARKING THE CENTER OF SECTION 27 TOWNSHIP 2 NORTH, RANGE 1 EAST, MOUNT DIABLO BASE AND MERIDIAN, THENCE ALONG THE NORTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 27 NORTH 89°37'12" WEST 122.75 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 'B' (86 LSM 24), SAID POINT ALSO BEING ON THE WESTERLY RIGHT OF WAY LINE OF SOMERSVILLE ROAD, SAID POINT ALSO BEING THE NORTHEAST CORNER OF PARCEL 'B' AS SAID PARCEL IS SHOWN ON THAT SUBDIVISION MAP ENTITLED "BLACK DIAMOND RANCH UNIT 1" FILED ON NOVEMBER 10, 2003 IN BOOK 458 AT PAGE 9 IN THE OFFICE OF THE RECORDER, CONTRA COSTA COUNTY, SAID POINT BEING THE POINT OF BEGINNING;

THENCE ALONG THE NORTH LINE OF SAID PARCEL 'B' (458 M 9) NORTH 89°37'12" WEST, 12.05 FEET;

THENCE LEAVING SAID NORTH LINE NORTH 19°29'00" EAST, 314.69 FEET;

THENCE NORTH 00°51'42" WEST, 17.95 FEET;

THENCE, ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 29.00 FEET, THROUGH A CENTRAL ANGLE OF 52°12'01", AND AN ARC LENGTH OF 26.42 FEET;

THENCE NORTH 51°20'20" EAST, 7.27 FEET;

THENCE, ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1458.00 FEET, WHOSE RADIUS POINT BEARS SOUTH 69°40'49" EAST THROUGH A CENTRAL ANGLE OF 01°33'07", AND AN ARC LENGTH OF 39.49 FEET TO A POINT ON SAID WESTERLY RIGHT OF WAY LINE OF SOMERSVILLE ROAD,

THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE OF SOUTH 18°01'43" WEST, 398.74 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,760 SQUARE FEET OR 0.06 ACRES OF LAND, MORE OR LESS.

END OF DESCRIPTION

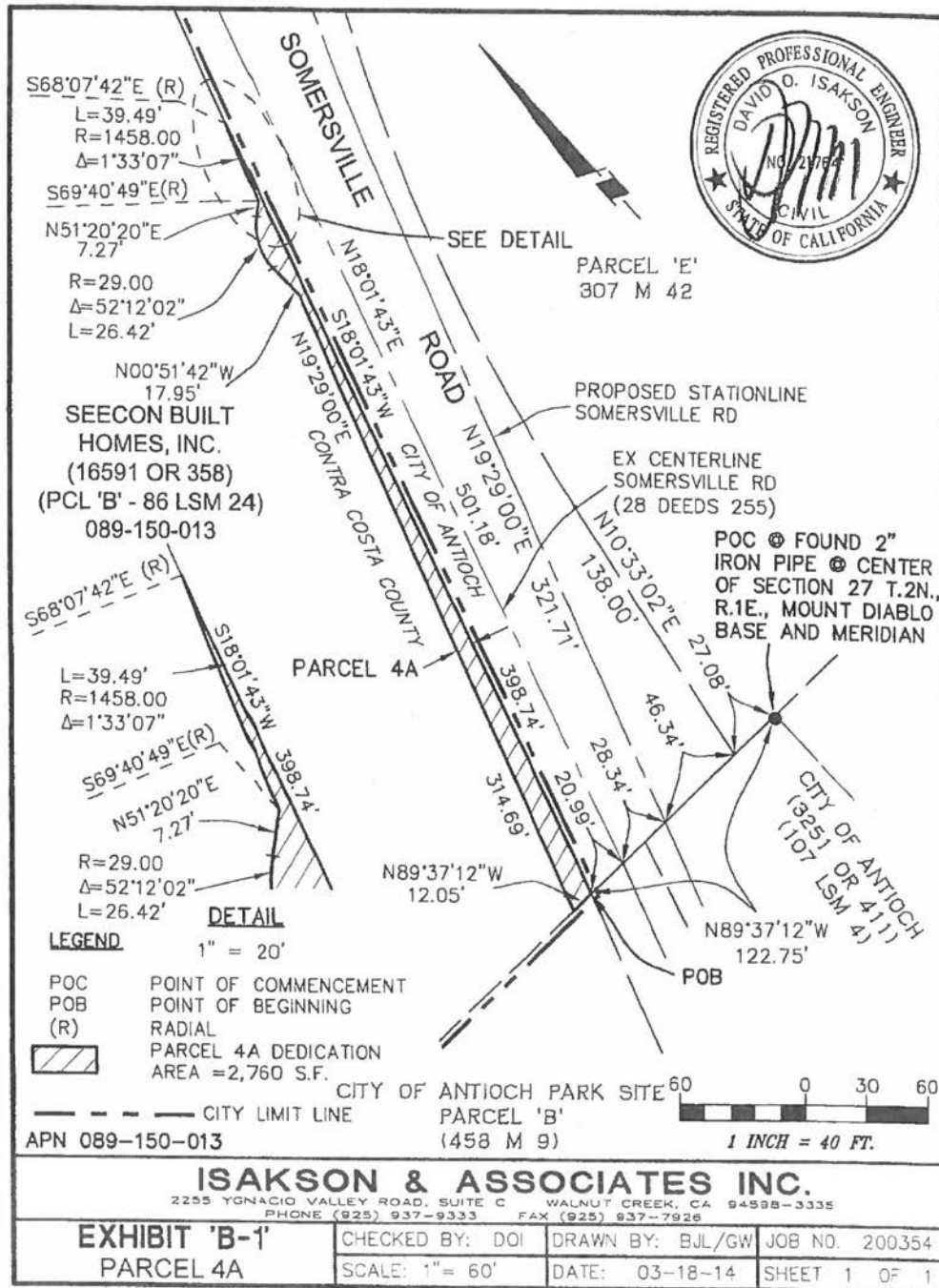
March 18, 2014
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Page 1 of 1



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Letter 3
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Art.

**Letter 3
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**EXHIBIT 'A-2'
PARCEL 4C**

ALL THAT REAL PROPERTY SITUATE IN THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL 'B' OF THAT RECORD OF SURVEY, LOT LINE ADJUSTMENT LL 20-87 FILED ON JANUARY 13, 1988 IN BOOK 86 LICENSED SURVEYORS MAPS AT PAGE 24 IN THE OFFICE OF THE RECORDER, CONTRA COSTA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND 2" IRON PIPE MARKING THE CENTER OF SECTION 27 TOWNSHIP 2 NORTH, RANGE 1 EAST, MOUNT DIABLO BASE AND MERIDIAN, THENCE ALONG THE NORTH LINE OF THE SOUTHWEST ¼ OF SAID SECTION 27 NORTH 89°37'12" WEST 122.75 FEET TO THE NORTHEAST CORNER OF PARCEL 'B' AS SAID PARCEL IS SHOWN ON THAT SUBDIVISION MAP ENTITLED "BLACK DIAMOND RANCH UNIT 1" FILED ON NOVEMBER 10, 2003 IN BOOK 458 AT PAGE 9 IN THE OFFICE OF THE RECORDER, CONTRA COSTA COUNTY, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID PARCEL 'B' (86 LSM 24);

THENCE ALONG THE EAST LINE OF SAID PARCEL 'B' (86 LSM 24) NORTH 18°01'43" EAST, 512.03 FEET;

THENCE NORTH 43°18'42" EAST 42.74 FEET TO THE POINT OF BEGINNING,

THENCE CONTINUING ALONG SAID EAST LINE NORTH 43°18'42" EAST, 1494.28 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE CONTRA COSTA CANAL;

THENCE LEAVING SAID EAST LINE OF PARCEL 'B' (86 LSM 24) AND ALONG SAID SOUTHERLY RIGHT OF WAY LINE NORTH 35°05'06" WEST, 52.95 FEET;

THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE SOUTH 43°20'42" WEST, 874.90 FEET;

THENCE SOUTH 78°20'13" WEST, 24.41 FEET;

THENCE SOUTH 43°20'42" WEST, 60.00 FEET;

THENCE SOUTH 08°21'10" WEST, 24.41 FEET;

THENCE SOUTH 43°20'42" WEST, 141.42 FEET;



March 18, 2014
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Page 1 of 2

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**Letter 3
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THENCE, ALONG A TANGENT CURVE TO THE LEFT WITH A RADIUS OF 1458.00 FEET, THROUGH A CENTRAL ANGLE OF 15°27'25", AND AN ARC LENGTH OF 393.34 FEET TO THE POINT OF BEGINNING.

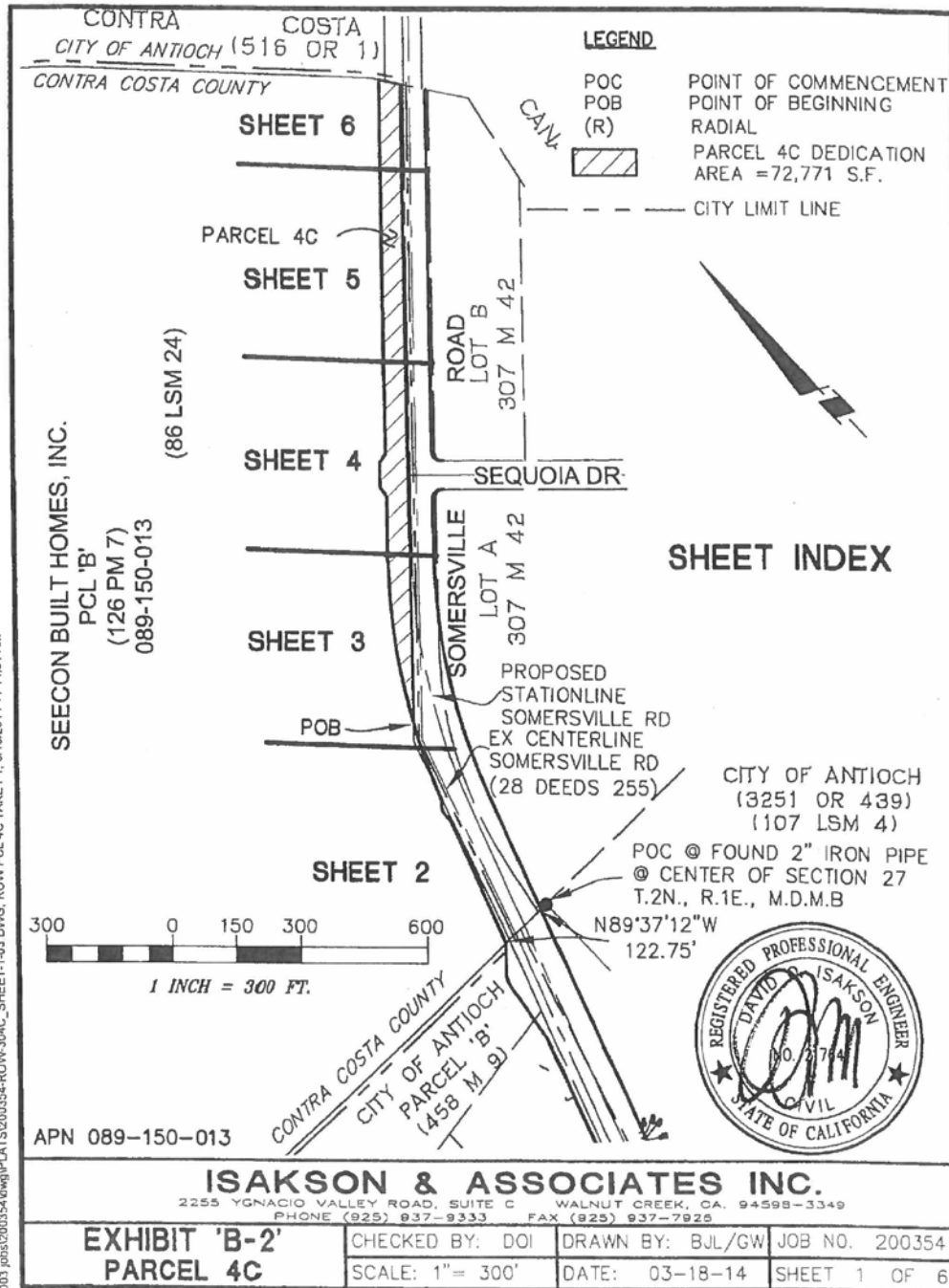
CONTAINING 72,771 SQUARE FEET OR 1.67 ACRES OF LAND, MORE OR LESS.

END OF DESCRIPTION



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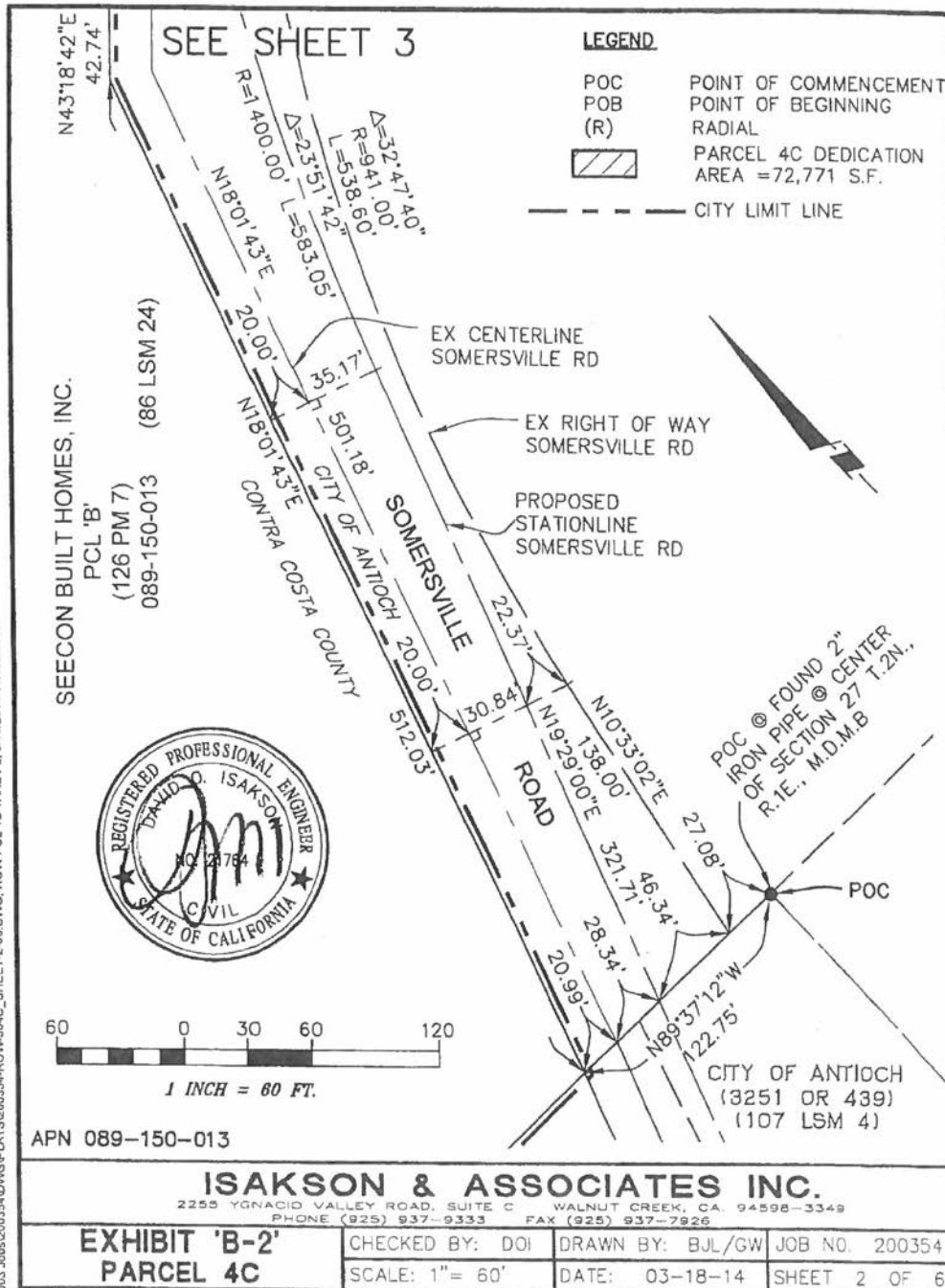
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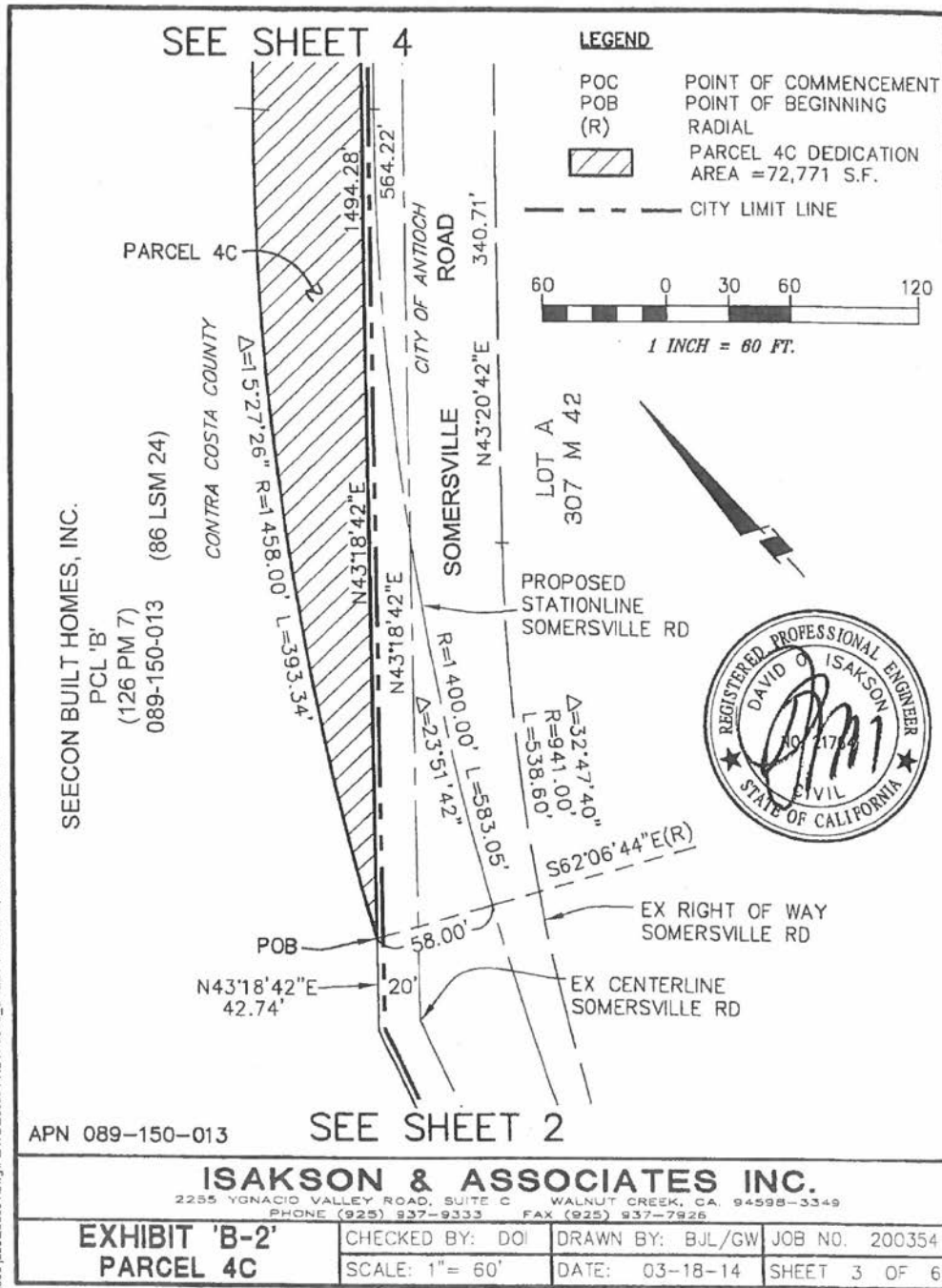
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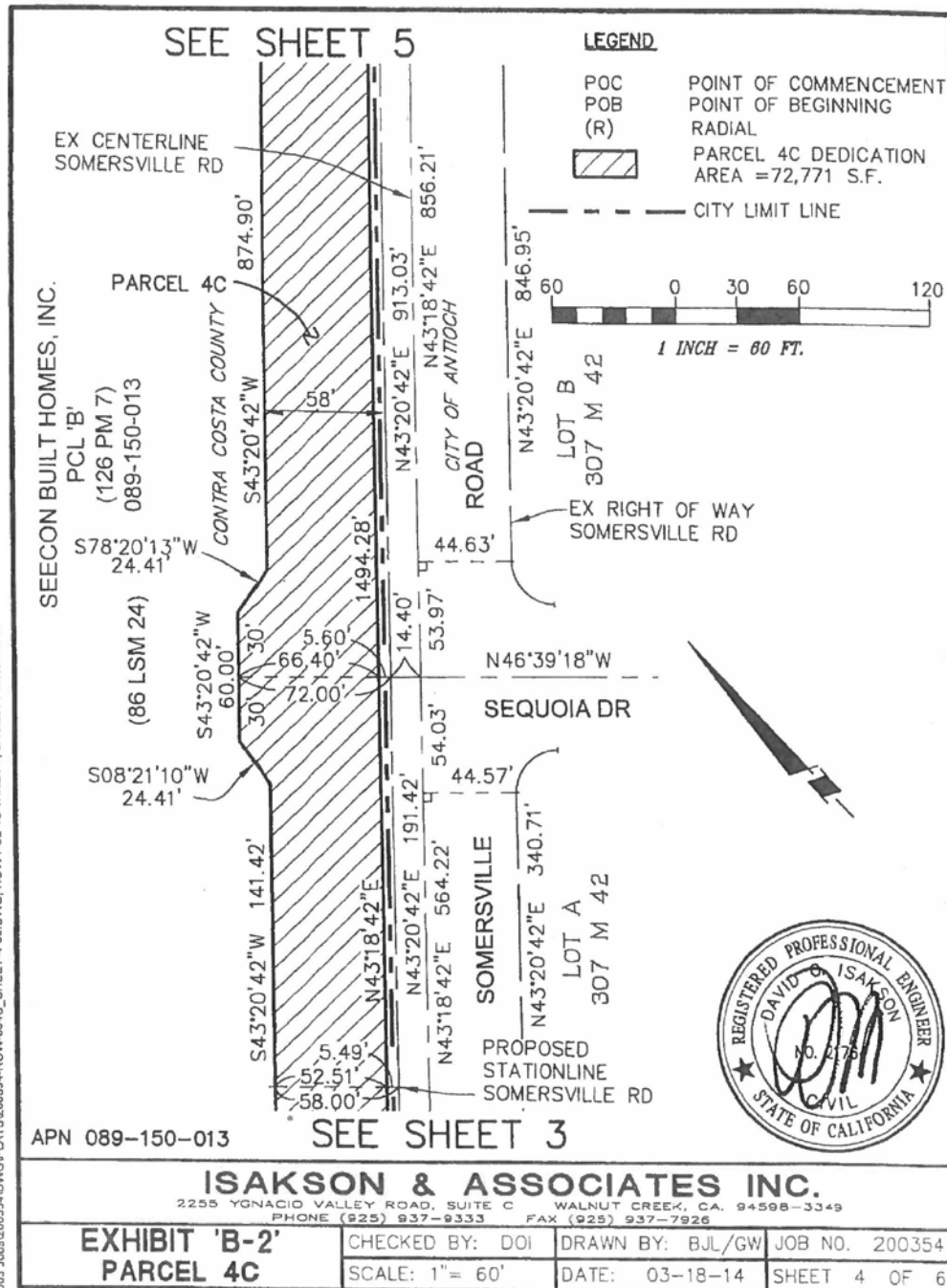
Letter 3
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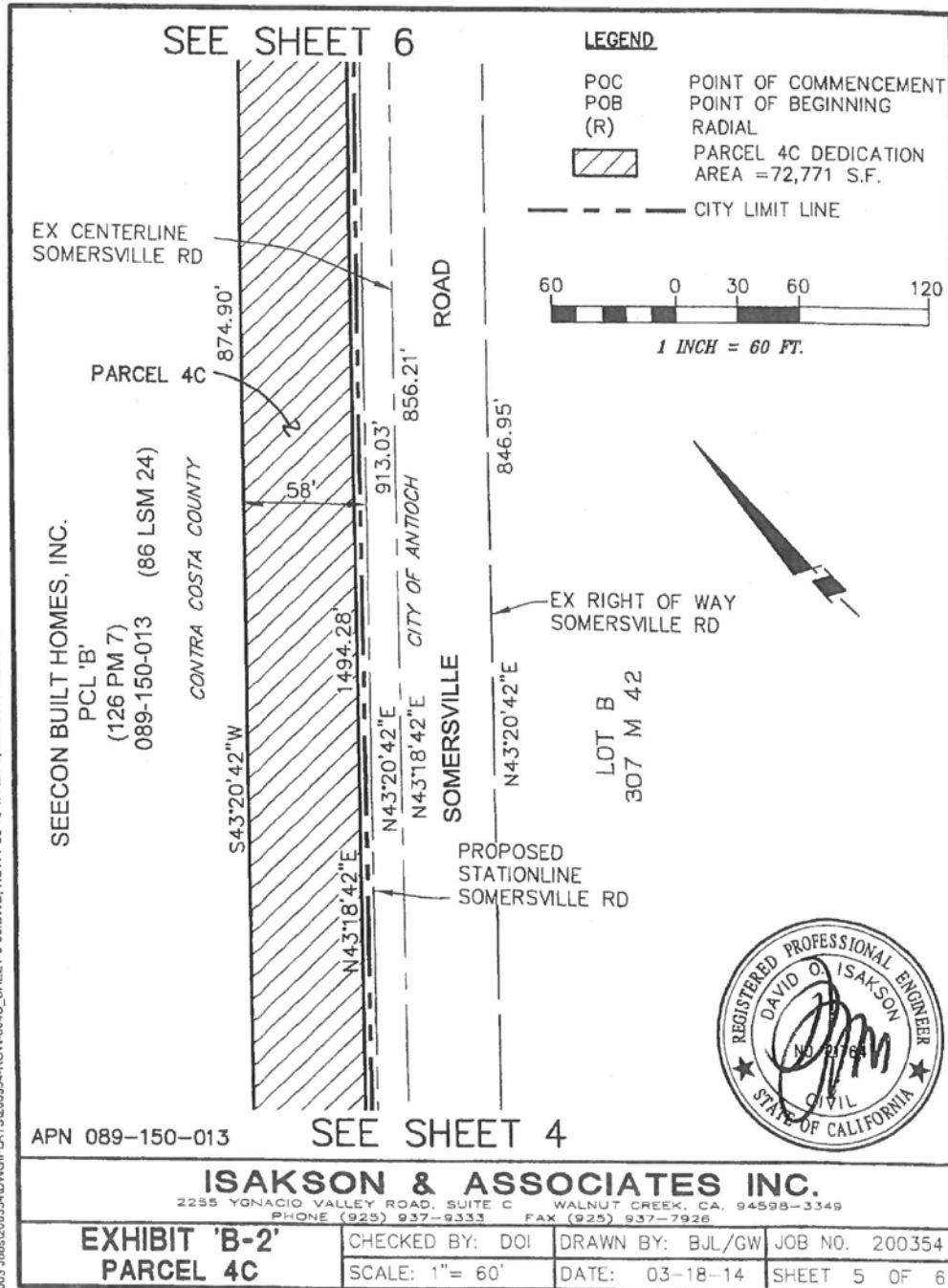
Letter 3
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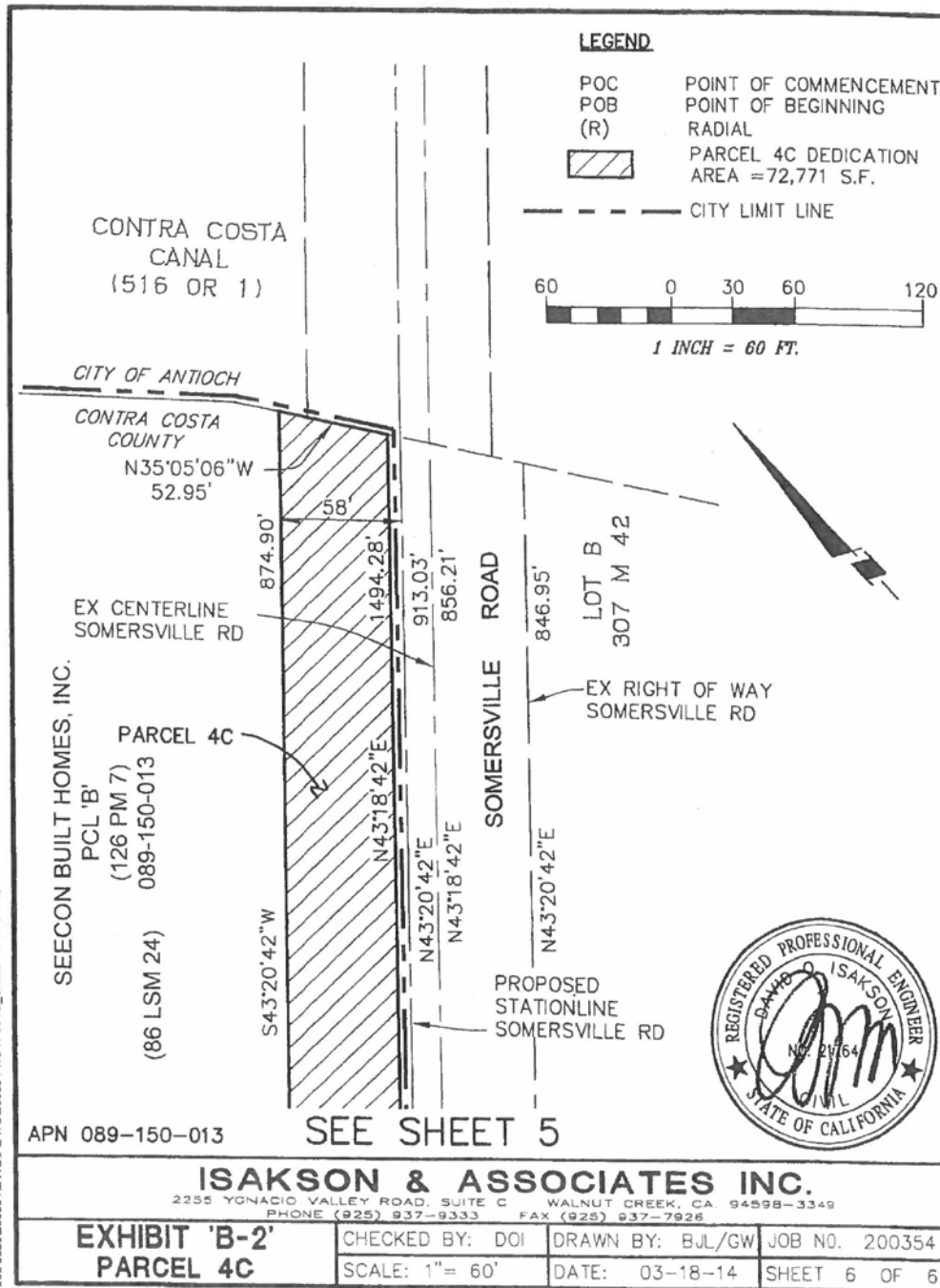
Letter 3
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**Letter 3
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**Letter 3
cont'd**

EXHIBIT C
SHEET 1 OF 2

LEGAL DESCRIPTION

ALL THAT REAL PROPERTY SITUATE IN THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF JAMES DONLAN BOULEVARD, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH BEARS NORTH 00°41'52" WEST, 50.01 FEET FROM THE SOUTHWEST CORNER OF PARCEL 'B' AS SAID PARCEL IS SHOWN ON AND SO DESIGNATED ON THAT RECORD OF SURVEY FILED ON JANUARY 13, 1988 IN BOOK 86 OF LICENSED SURVEYORS MAPS AT PAGE 24 IN THE OFFICE OF THE RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA, THENCE ALONG THE NORTHERLY RIGHT OF WAY OF JAMES DONLAN BOULEVARD SOUTH 89°37'12" EAST, 126.59 FEET;

THENCE ALONG A TANGENT CURVE TO THE RIGHT, WITH A RADIUS OF 1,495.00 FEET, THROUGH A CENTRAL ANGLE OF 00°53'50", AND AN ARC LENGTH OF 23.41 FEET;

THENCE LEAVING SAID RIGHT OF WAY LINE, SOUTH 56°24'15" WEST, 178.61 FEET TO THE INTERSECTION OF THE WESTERLY BOUNDARY LINE OF BLACK DIAMOND RANCH UNIT 1 FILED ON NOVEMBER, 10, 2003 IN BOOK 458 OF MAPS AT PAGE 9 IN THE OFFICE OF THE RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA, AND THE SOUTHERLY RIGHT OF WAY LINE OF JAMES DONLAN BOULEVARD;

THENCE ALONG SAID WESTERLY LINE NORTH 00°41'52" WEST, 100.02 FEET TO THE POINT OF BEGINNING.

CONTAINING: 7,512 SQUARE FEET OF LAND. MORE OR LESS

END OF DESCRIPTION

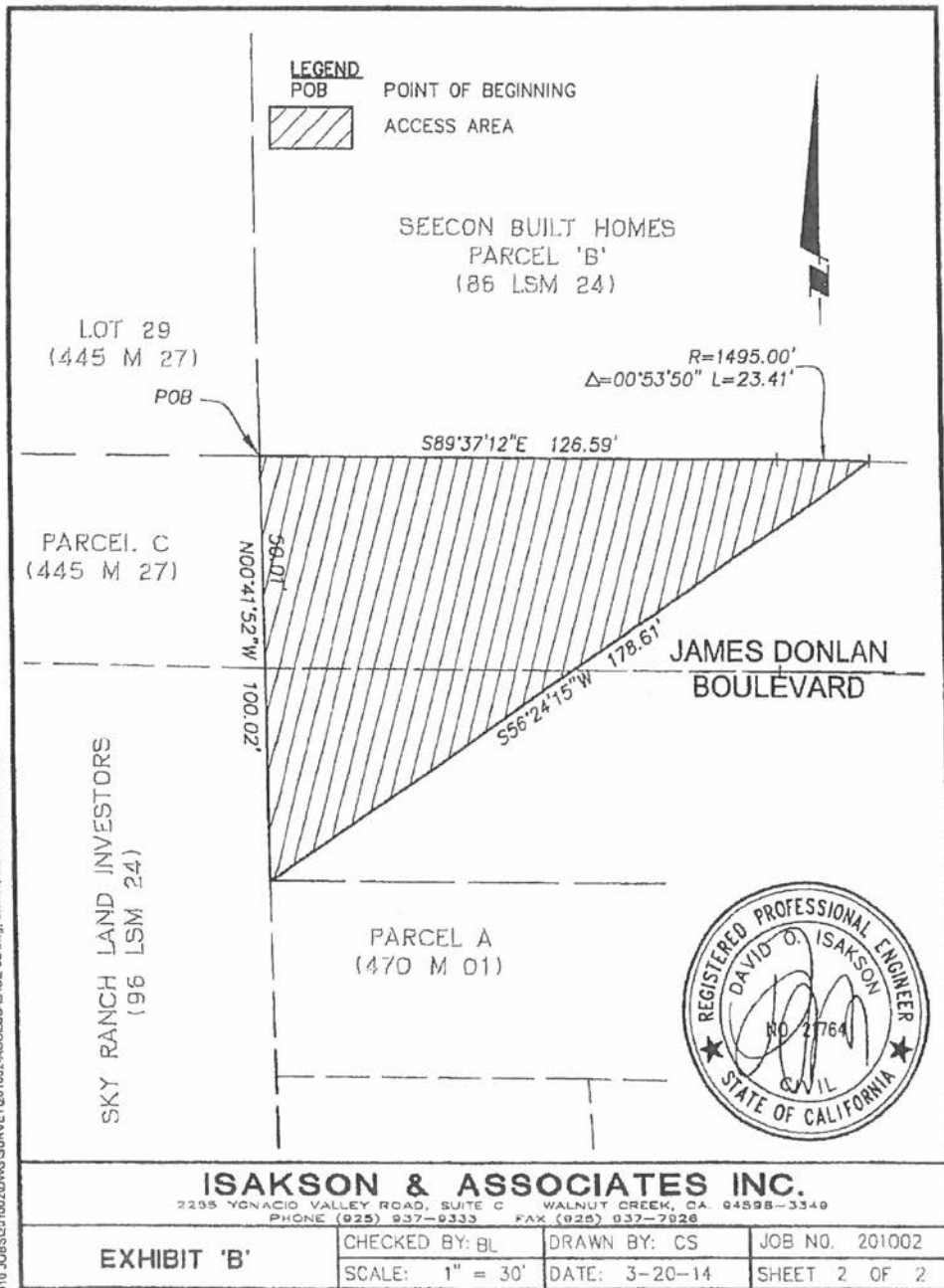


201002-ACC-EASE-02.doc

3/20/2014

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**Letter 3
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LETTER 3: MINDY GENTRY, CITY OF ANTIOCH

Response to Comment 3-1

The comment is an introductory statement that does not specifically address the adequacy of the Draft EIR.

Response to Comment 3-2

The comment does not specifically address the adequacy of the Draft EIR. The commenter's concerns regarding the conditions of the "Agreement" will be forwarded to the decision-makers for their consideration.

Response to Comment 3-3

Comment noted. The applicant has provided revised legal descriptions and exhibits to the cities of Pittsburg and Antioch which appear to be consistent with the 'Agreement.' The legal descriptions and exhibits will be submitted to LAFCo as part of the proposed annexation.

Response to Comment 3-4

The comment does not specifically address the adequacy of the Draft EIR. The commenter's concerns regarding the sidewalk and landscaping north of the Markley Creek culvert crossing, the design of the landscaping, and the maintenance of the proposed wall will be forwarded to the decision-makers for their consideration. It should be noted that a landscaping plan will be completed and submitted to the City of Pittsburg prior to issuance of a building permit. Proposed landscaping within Antioch's jurisdiction shall require review and approval by the City of Antioch prior to installation.

Response to Comment 3-5

The comment does not specifically address the adequacy of the Draft EIR. It should be noted that the applicant has acknowledged both cities will require the developer to pay all costs incurred as part of any petitions made to LAFCo.

Response to Comment 3-6

The conditions expressed in Comments 3-3 through 3-5 do not result in environmental impacts that require further analysis in the EIR.

Response to Comment 3-7

Based on the comment, page 3-9 of the Project Description, Chapter 3 of the Draft EIR, is hereby amended as follows:

Review or Approvals by Other Agencies

The following agency permits and approvals may be required in order to implement the proposed project:

- Bay Area Air Quality Management District (BAAQMD) – The Air District would approve construction and operation permits;
- California Department of Fish and Wildlife (CDFW) – The CDFW would approve any necessary biological permits;
- City of Antioch – The City of Antioch would approve landscaping and other infrastructure improvements within their jurisdiction following annexation;
- Contra Costa Local Agency Formation Commission (LAFCo) – The Contra Costa LAFCo approval would be required for the amendment to the City of Pittsburg and the City of Antioch Spheres of Influence and LAFCo would also approve annexation of the project site to the City of Pittsburg and annexation of some right-of-way portions along Somersville Road and James Donlon Boulevard to the City of Antioch. In addition, annexation to the CCWD and Delta Diablo and amendment of service boundaries would require approval by LAFCo in conjunction with the CCWD and Delta Diablo;
- Contra Costa Water District (CCWD) – Annexation to the CCWD and amendment of service boundaries would require approval by LAFCo in conjunction with the CCWD. In addition, inclusion into the CCWD's contractual service area for Central Valley Project (CVP) water would require approval by CCWD through the U.S. Bureau of Reclamation;
- Delta Diablo – As stated above, annexation and amendment to the Delta Diablo service boundaries would require approval by LAFCo in conjunction with Delta Diablo;
- East Contra Costa County Conservancy (ECCCC) – The ECCCC would approve any required payment of fees and any additional conditions to grading permits;
- San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) – The SFBRWQB would certify adequate cleanup of site per RAP prior to any on-site development, and would approve Waste Discharge Requirements; and
- United States Bureau of Reclamation - Approval of the application for inclusion into the CCWD's contractual service area for Central Valley Project (CVP) water would be required through this federal agency.

Response to Comment 3-8

This comment does not address the adequacy of the Draft EIR. For informational purposes, the cities of Pittsburg and Antioch will be responsible for petitioning LAFCo to change their respective spheres of influence and annexing portions of the project site.

Response to Comment 3-9

As noted in Response to Comment 3-4, a landscaping plan will be completed and submitted to the City of Pittsburg prior to issuance of a building permit. Proposed landscaping within Antioch's jurisdiction shall require review and approval by the City of Antioch prior to installation.

Response to Comment 3-10

Sequoia Drive was not included in the project-level or cumulative analysis as a through road connecting to Somersville Road. As shown in Figures 6 and 9 of the Traffic Impact Analysis, the Sequoia Drive and Somersville Road intersection (Intersection #23) does not include Sequoia Drive connection in either the near-term or cumulative conditions.

The Rialto Place project is not considered a reasonably foreseeable project for the following reasons: 1) the property is not currently zoned for residential use; 2) a formal application for development of the property has not been submitted or approved; and 3) the Antioch City Council recently voted to direct staff to look into conducting soil tests to determine if residential land uses would be possible on the site. In addition, the predevelopment plan for the Rialto Place project was submitted in March 2014, which was after the Notice of Preparation for the proposed project was released to the public on November 29, 2012.

Response to Comment 3-11

Aesthetic impacts were addressed in the Initial Study (Appendix C of the Draft EIR). The physical and environmental impacts related to aesthetics were analyzed per the lead agency's thresholds of significance for aesthetics. The analysis included in the Initial Study is considered adequate for CEQA purposes. It should be noted that a landscaping plan will be completed and submitted to the City of Pittsburg prior to issuance of a building permit. Proposed landscaping within Antioch's jurisdiction shall require review and approval by the City of Antioch prior to installation. In addition, the roadways which would be annexed into the City of Antioch would comply with the Antioch Streetscape Design Guidelines. For example, sidewalks and crosswalks would be in compliance with the American Disabilities Act (ADA) requirements and sidewalks would be enhanced with landscaping. Street trees would be planted along all roadways in order to provide a unified street scene.

Response to Comment 3-12

This comment does not specifically address the adequacy of the Draft EIR. The Stormwater Control Plan for Tuscany Meadows East, Stormwater Control Plan for Tuscany Meadows West, and Tuscany Meadows C.3 Memo were included as Appendices M, N, and O of the Draft EIR,

respectively. In addition, although not included as an Appendix to the Draft EIR, a Drainage Study was prepared by Isakson & Associates, Inc. in February 2013, which was available for review at the City of Pittsburg. The Drainage Study includes project-specific analysis that accounts for local watershed parameters, and accounts for all contributing flows that discharge to the proposed drainage basin. The Drainage Study concluded that the proposed project would not impact development upstream from the project site; therefore, per the CEQA Guidelines, further analysis is not required. It should be noted that the Drainage Study was sent to the City of Antioch on January 27, 2015 and has been incorporated into the Volume II of the Draft EIR as part of the Final EIR (See Attachment 1 of this Final EIR).

Response to Comment 3-13

As Lead Agency, the City chose to utilize the City of Pittsburg noise standards to analyze the impacts of traffic noise on existing and proposed sensitive receptors. Noise impacts due to increased vehicular traffic, construction, and operation of the project were analyzed on pages 4.7-23, 4.7-12, and 4.7-17 of the Draft EIR, respectively. Specifically, traffic noise along Somersville Road is anticipated to increase from 70 dBA CNEL under existing conditions to approximately 71 dBA CNEL at a distance of 75 feet from the roadway centerline under cumulative conditions. A three dBA noise increase is allowed in areas where the Antioch General Plan's noise objectives are already exceeded. Traffic noise along Buchanan Road is anticipated to increase by approximately one dBA CNEL under cumulative conditions reaching 71 dBA CNEL at a distance of 75 feet. The increase along Buchanan Road would be below the three dBA noise increase allowed by the City of Antioch's General Plan. For more information, please see Impact 4.7-4 on page 4.7-23 of the Draft EIR related to transportation noise impacts to existing sensitive receptors in the project vicinity.

Response to Comment 3-14

The comment is an introductory comment with details addressed below.

Response to Comment 3-15

Comment 3-15 correctly notes that construction or funding of construction of Standard Oil Road was not identified as a mitigation measure for the proposed project. For the reasons described below, proposed improvements to Standard Oil Road were not identified as a mitigation measure for the project because such improvements are not feasible and would worsen traffic conditions in the vicinity of the project, and because available sources of funding for any such improvements do not exist.

As described in more detail in Section 6.9 of the Traffic Impact Analysis technical appendix, the analysis conducted for proposed project determined that the construction of Standard Oil Road would not mitigate or improve traffic operations in the area regardless of whether or not the proposed project is constructed. In fact, not only would the extension not improve traffic operation, the Level of Service (LOS) analysis indicated the construction of this roadway would be forecast to cause additional intersections, such as the new connection to Delta Fair Boulevard, to exceed the established LOS standards. In other words, the analysis concluded that Standard Oil Road

would actually cause additional traffic impacts in the area and would therefore not be a viable mitigation.

With respect to funding, Standard Oil Road is being handled differently in the Draft EIR than the James Donlon Boulevard Extension. Based on the inclusion of the James Donlon Boulevard Extension in the Countywide Transportation Plan, the James Donlon Boulevard Extension was assumed to be in place under Cumulative Plus Project conditions. Unlike the Extension project, Standard Oil Road is not a project in any nexus fee study nor has a source of funding been identified for it. All the information reviewed by the traffic consultant indicates that a reasonable expectation that Standard Oil Road will ever be constructed does not exist; therefore, the improvement was studied as an alternative since the improvement cannot serve as a viable mitigation unless the improvement were included in a future roadway improvement program which has a viable funding plan (such as the Countywide Transportation Plan). Potential alternative sources of funding have not been identified for improvements to Standard Oil Road.

It should be noted that the proposed project would construct the fair share portion of Standard Oil Road through construction of Tuscany Meadows Drive, which has the same alignment as Standard Oil Road. Future projects would be responsible for the construction of the remaining segment north of Buchanan Road.

It should be further noted that the traffic analysis in the Draft EIR verified that constructing the remaining segment (from Buchanan Road to Delta Fair Boulevard) would not substantially improve traffic operations and would not be required (or viable) as a mitigation for any project transportation impacts. In addition, the construction of the remaining segment would immediately cause the potential new intersection of Standard Oil Road with Delta Fair Boulevard to operate at LOS "F", with or without implementation of the proposed project.

The Technical Appendix to the Traffic Impact Analysis is hereby added as an appendix to the Draft EIR (See Attachment 2 of this Final EIR). Therefore, page ii of the Table of Contents of the Draft EIR is hereby revised as follows:

APPENDICES

Appendix A	Notice of Preparation
Appendix B	Comments on the Notice of Preparation
Appendix C	Initial Study
Appendix D	Community Health Risk Assessment
Appendix E	Air Quality and Greenhouse Gas Modeling Results
Appendix F	Biological Planning Survey Report
Appendix G	Geotechnical Engineering Report
Appendix H	Remedial Action Plan
Appendix I	Noise Assessment
Appendix J	Water Supply Assessment
Appendix K	Sewage Impacts Evaluation
Appendix L	Traffic Study
Appendix M	<u>Traffic Study Technical Appendix</u>

Response to Comment 3-16

As noted on page 4.9-31 of Draft EIR Chapter 4.9, Transportation, Traffic, and Circulation, the construction for the James Donlon Extension is estimated to be approximately \$56 million and would therefore be too financially burdensome for one project to construct. Therefore, the construction of the James Donlon Extension was identified as economically infeasible as a project-level mitigation measure.

As noted on pages 4.9-31 and 4.9-35 of Draft EIR Chapter 4.9, Transportation, Traffic, and Circulation, the project applicant would be required to pay local and regional transportation impact fees, which would provide funding for roadway improvements. The fees would contribute to the construction of the entire Extension Project.

Response to Comment 3-17

The City of Antioch notes that project mitigation measures should include both the improvement of Buchanan Road and the construction of the James Donlon Boulevard Extension. For the reasons described below, the inclusion of both the improvement of Buchanan Road and the construction of the James Donlon Boulevard Extension would not mitigate the identified potentially significant environmental impacts.

In the Cumulative condition analyzed in the Draft EIR on page 4.9-41, the two intersections on Buchanan Road that were identified as having significant and unavoidable impacts are located at the two ends of the segment from Railroad Avenue to Somersville Road. The traffic operations at these two intersections are both just as dependent on conditions on Railroad Avenue and Somersville Road as they are on Buchanan Road. In fact, the traffic consultant verified that widening Buchanan Road would not mitigate any impact or improve operations at these two intersections because widening would, in fact, draw more traffic to use Buchanan Road which would in turn increase the forecast delay at these two intersections. In the future, the intersection of Somersville Road and Buchanan Road is forecast to operate at LOS F in the AM peak hour, even with other potential improvements that have been discussed for this intersection. Buchanan Road is already planned to be widened in the vicinity of Somersville Road and additional widening at other intersections along Buchanan Road would not mitigate the forecast congestion at these intersections.

The LOS standards used to determine the impacts at the Railroad Avenue and Somersville Road intersections are also relevant. Please note that Kirker Pass Road had an allowable standard of LOS mid-E according to the 2009 East County Action Plan and, under this standard, the cumulative operations at Railroad Avenue and Buchanan Road would be considered less than significant. However, the 2014 update to the East County Action Plan and the City's General Plan identify LOS D as the standard; therefore, the impact was identified as significant. At the intersection of Somersville Road and Buchanan Road, the significant impact is a result of the LOS D threshold being applied to this intersection. It should be noted that if the LOS standard for this intersection was set at mid-E, a significant impact would not occur under the Cumulative Plus Project scenario at this location.

Response to Comment 3-18

The commenter is correct that implementation of PM peak hour metering of southbound Kirker Pass Road at Pheasant Drive is identified as one of a number of possible alternative mitigation measures for potentially significant impacts under Baseline Plus Project conditions. The alternative mitigation measure requires approval by jurisdictions other than the lead agency and therefore is not considered to be feasible.

Before the referenced mitigation measure could be deemed feasible, additional analysis of traffic operations on State Route (SR) 4 and other local roadways would indeed be required to verify that alternative mitigation for PM peak hour metering on Kirker Pass Road would not result in any ancillary traffic impacts due to shifts in traffic to other roadways that could potentially result from the mitigation. The alternative mitigation has already been identified as requiring approval from TRANSPLAN and the Contra Costa Transportation Authority (CCTA). Therefore, consistent with CEQA Guidelines Section 15091(a)(2), the mitigation cannot be assumed to be a viable or feasible mitigation for the purposes of CEQA analysis. Additional studies and approvals from outside agencies would clearly be required before any new metering locations could be implemented on Kirker Pass Road or Buchanan Road. However, the traffic analysis did verify that the alternative mitigation could indeed mitigate the significant impacts identified on Buchanan Road in the interim scenarios where the James Donlon Boulevard Extension was not assumed to be constructed by the East Contra Costa Regional Fee and Financing Authority (ECCRFFA).

Response to Comment 3-19

Part of the development agreement will require the applicant to help pay for signalization at Buchanan Road & Tuscany Meadows Drive, Buchanan Road & Tuscany Meadows Apartments, Somersville Road & Sequoia Drive, and Metcalf Street/Tuscany Meadows Drive & James Donlon Boulevard.

According to the Sky Ranch II Final EIR, the improvements required by Mitigation Measure 4.9-2(c) are identical to the mitigation measure required by the Sky Ranch II Project. Mitigation Measure 4.9-2(c) of the Tuscany Meadows EIR and Mitigation Measure H6 of the Sky Ranch II Project require additional left turn lanes on the northbound Somersville Road approach and the eastbound Buchanan Road approach. Therefore, the mitigation listed in the Tuscany Meadows Draft EIR is consistent with Sky Ranch. Regardless, the mitigation remains infeasible, and the impact would remain significant and unavoidable.

Response to Comment 3-20

The commenter states that “no documentation has been presented as to why the improvements (to Buchanan Road) are not feasible. For the reasons set forth below, the Draft EIR and referenced documents clearly illustrate the infeasibility of the proposed mitigation measures.

The infeasibility of widening Buchanan Road has been well documented in previous studies conducted by the City. In January of 2006, the City of Pittsburg commissioned two studies including the Buchanan Road Bypass Screening Analysis conducted by Fehr & Peers and the Buchanan Road Widening Feasibility Study conducted by RBF Consulting. The feasibility study

identified the various constraints to roadway widening in the area of Buchanan Road. The Buchanan Road Widening Feasibility Study determined that widening Buchanan Road would require a significant amount of private property to be purchased and 46 existing single family homes along the roadway would need to be obtained so the homes could be demolished or relocated. The report noted the project would also have impacts to school property and park property and would include relocating a major utilities and an important drainage channel in the area that operates year round.

The feasibility study concluded that widening Buchanan Road to four lanes (from Railroad Avenue to Somersville Road) would have “overwhelming social and monetary impacts.” The study went on to state that widening Buchanan Road in this area “will not enhance the movement of traffic” and ultimately concluded “the proposed bypass project represents the most favorable solution.” The feasibility study and screening analysis have been included as Attachment 3 and Attachment 4 to this Final EIR, respectively.

It should be noted that the traffic analysis for the proposed project conservatively assumed that a shift in traffic away from Buchanan Road would not occur due to increases to congestion in the interim period before the James Donlon Boulevard Extension is constructed. The traffic consultant identified the impacts as significant for the purposes of CEQA when, in fact, the possibility exists that future congestion in this area, combined with the completion of the SR 4 expansion and E-BART, could result in some reduction to the overall traffic volumes on Buchanan Road. The analysis assumed that the City of Pittsburg may prefer to review traffic operations once the SR 4 Expansion Project, E-BART, and possibly the James Donlon Boulevard Extension are constructed before making any final decision as to whether or not further widening of Buchanan Road might be necessary. In the meantime, the analysis assumed that TRANSPLAN may ultimately approve changing the standards at these intersections to allow LOS E operations until the James Donlon Boulevard Extension is constructed by ECCRFFA.

Please refer to the Response to Comment 3-18 for a discussion of the additional analysis that would be required before PM peak hour metering on Kirker Pass Road could be considered for approval by TRANSPLAN and the Contra Costa Transportation Authority.

Response to Comment 3-21

The Technical Appendix of the Traffic Impact Analysis prepared for the proposed project has been included in the Final EIR as Attachment 2. It should be noted that the Technical Appendix of the Traffic Impact Analysis was forwarded to Mindy Gentry on May 15, 2015. The proposed project would construct the fair share portion of Standard Oil Avenue through construction of Tuscany Meadows Drive which has the same alignment as described in the Countywide Comprehensive Transportation Plan.

Response to Comment 3-22

The comment does not specifically address the adequacy of the Draft EIR. However, for informational purposes, impacts related to site access and circulation were analyzed on page 4.9-40 of Chapter 4.9, Transportation, Traffic, and Circulation, of the Draft EIR. Impacts related to safety and circulation were determined to be less than significant. The commenter's concerns regarding reconfiguring of the James Donlon Boulevard and Tuscany Meadows Drive intersection will be forwarded to the decision-makers for their consideration.

Response to Comment 3-23

The comment does not specifically address the adequacy of the Draft EIR. However, the City of Pittsburg will forward a recommendation to the decision makers requiring that Sequoia Drive be given an alternate name.

Response to Comment 3-24

Based on the comment, page 4.9-2 of the Transportation, Traffic, and Circulation, Chapter 4.9 of the Draft EIR, is hereby amended as follows:

- *Somersville Road/Auto Center Drive* – Somersville Road is a north-south roadway with a 35 mph speed limit that runs from Century Boulevard south to Black Diamond Mines Regional Park. Auto Center Drive extends north from Century Boulevard to Fourth Street ~~W. 10th Street~~. From Century Boulevard to James Donlon Boulevard, Somersville Road is identified as a Major Arterial in the Pittsburg 2020 General Plan with four lanes between Century Boulevard and the Contra Costa Canal and two lanes between the Contra Costa Canal and James Donlon Boulevard. The two lane section is planned to be expanded to four lanes in the future along with a new traffic signal at James Donlon Boulevard and Somersville Road. South of James Donlon Boulevard, Somersville Road provides access to the Black Diamond Mines Regional Park.

The above change is for clarification purposes only and would not change the technical analysis prepared for the project (e.g., air quality, noise, traffic, etc.). Accordingly, this revision does not alter the conclusions of the Draft EIR. The count information from the Transportation Impact Analysis was provided to the City of Antioch by Kristin Pollot, City of Pittsburg Planning Manager, on January 27, 2015.

Response to Comment 3-25

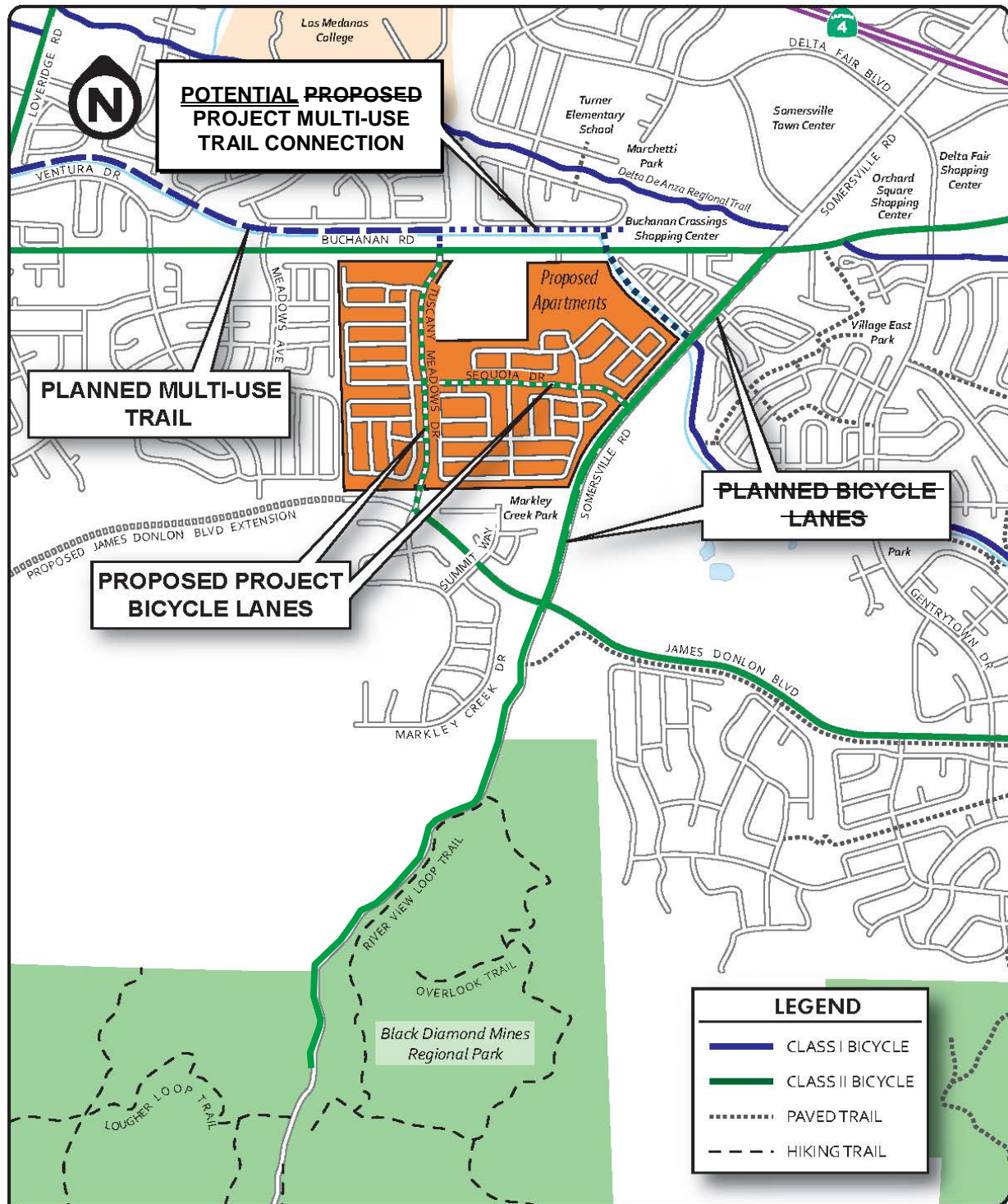
The section of trail at question is not required to provide safe access to any shopping or employment destinations and is not required to justify the five percent reduction to the project trips. It should be noted that the project is not only proposing to construct bus stops and shelters, but would also provide safe pedestrian connections to nearby shopping centers, elementary schools, and Los Medanos College. With the aforementioned improvements, the five percent

reduction for transit use, walking, and bicycling is reasonable and based on accepted industry standards and practice.

In addition, General Plan Policy 8-P-20 directs the City to, “Pursue the development extension of local and regional trails throughout the Planning Area by utilizing available public utility right-of-way including: Contra Costa Canal. The Contra Costa Canal provides a meandering right-of-way throughout the southern portion of Pittsburg. A trail along this right-of-way could link several neighborhoods with the Railroad Avenue commercial corridor.”

Therefore, although the proposed project would not have direct access to the section of planned trail described by the commenter and any pedestrians or bicyclists from the project would be unlikely to use this segment for anything other than recreational purposes, in order to provide flexibility regarding the ultimate location of the multi-use connection required by Mitigation Measure 4.9-5(b), Figure 4.9-3 on page 4.9-39 is hereby revised as shown on the following page.

**Figure 4.9-3
Planned Bicycle and Pedestrian System**



Note: The Planned Bicycle Lanes identified along Somersville Road have now been constructed.
Source: Abrams Associates, 2014.

Response to Comment 3-26

The comment does not specifically address the adequacy of the Draft EIR. The commenter's concerns regarding the trail gap in the City of Antioch will be forwarded to the decision-makers for their consideration.

Response to Comment 3-27

The commenter suggests that the proposed reduction in trips for transit usage and availability is excessive. As documented in the Draft EIR, the proposed project is located on a bus transit corridor that is expected to eventually provide bus connections to the planned Railroad Avenue E-BART station as discussed on page 4.9-9 of the Draft EIR. It should be noted that the five percent reduction comes from the ITE Trip Generation Manual (not the CCTA Technical Procedures) and the reduction is recommended for residential uses within 0.25-mile of a bus transit corridor. The ITE reduction applies to all trips, not just home based trips. In the case of the proposed project, the reduction is entirely reasonable according to the industry standard practice as the project is not only proposing to construct bus stops and shelters, but would also construct some connections that would encourage walking and bicycling.

With the proposed new trail connections improving access to nearby shopping centers, elementary schools, and Los Medanos College, the additional reductions for walking and bicycling will not just occur for home based work trips. For example, the proposed trail improvements would significantly improve access to a major regional shopping mall (the Somersville Towne Center) which is located less than 0.5-mile from the project site. It should be noted that the CCTA Technical Procedures specify that the combined transit and Transportation Demand Management (TDM) reductions (i.e., including reductions for increased bicycle and pedestrian use) should not exceed ten percent. The Draft EIR has only assumed a combined transit/TDM reduction of five percent which is considered to be reasonable given the project is within walking distance to many schools as well as substantial employment and shopping opportunities. It should also be noted that a large new shopping center approved by the City of Antioch is currently under construction directly across Buchanan Road from the proposed project. The close proximity of this planned shopping center provides further justification for the five percent alternative transit/TDM reduction assumed for the proposed project.

Response to Comment 3-28

The commenter seeks clarification regarding the proposed five percent reduction of trips due to trips internal to the subdivision once the James Donlon Boulevard Extension is completed. For clarification purposes, the trips assumed to be destined for adjacent subdivisions were mistakenly referred to as "internal" trips when in fact the analysis did not assume the trips would be internal, which is described on page 4.9-24 of the Draft EIR. Based on the fitted curve equations, an estimated approximately 50 peak hour trips would be destined/shared with the adjacent Black Diamond Subdivision. The aforementioned factor does not affect the total external trips and was only accounted for in the Cumulative scenario where the connection to that subdivision would exist. The connection would only be made once the James Donlon Boulevard Extension is constructed by ECCRFFA and is only assumed under Cumulative conditions. In the Near-Term

scenarios without the James Donlon Boulevard Extension, the destined/shared traffic is still assumed to occur and was assigned to the appropriate project study intersections. As such, the reference to “trips internal to the subdivision” was not correct as this was referring to the project site and the connected subdivision to the south (Black Diamond), which also includes a park (Markley Creek Park) that the proposed project would have a pedestrian connection to. As discussed in the Responses to Comment from the California Department of Transportation, the internal trips are intended to account for the higher number of internal trips and shared trips (such as carpools and combined deliveries) that have been proven to increase as the size of a continuous and interconnected residential area increases. However, it should be noted that the trips referred to in the comment were still included in the analysis as external project trips; the trips were assigned by the trip distribution to the adjacent residential areas connected to the project based on the factors described above.

Thus, page 4.9-24 of Chapter 4.9, Transportation, Traffic, and Circulation, of the Draft EIR is hereby revised as follows:

The total trip generation reflects all vehicle trips that would be counted at the project driveways, both inbound and outbound. Adjustments were not applied to trip generation to account for pass-by or ~~internal~~ trips because the project is residential. However, based on the potential for transit and bicycle use a 5 percent reduction has been applied to the project trip generation. The reduction is based on information provided by ITE on trip reductions for developments located adjacent to bicycle lanes and/or bus transit corridors. The project is forecast to generate approximately 797 vehicle trips during the AM peak hour and 947 trips during the PM peak hour.

Under cumulative conditions, per ITE guidelines, additional ~~internal~~ trips were assumed between Tuscany Meadows and the adjacent subdivisions in the Cumulative Plus Project scenario (with the connection of Tuscany Meadows Drive to James Donlon Boulevard). This connection resulted in a reduction of an additional 5 percent (about 50 peak hour trips) to the external trips generated by the project, and was only accounted for in the analysis of Cumulative impacts.

The above change is for clarification purposes only and would not change the technical analysis prepared for the project (e.g., air quality, noise, traffic, etc.). Accordingly, this revision does not alter the conclusions of the Draft EIR.

Response to Comment 3-29

For purposes of clarification, it should be noted that a conservative approach was used which assumed that the proposed project was not accounted for at all in the assumptions for the traffic analysis zone (TAZ) where the proposed project is located. Although some development was assumed for the site in the model, a conservative approach was utilized and the total project trip generation was added to the forecast model volumes for the area without reductions taken for development that may (or may not) have been designated for the project site in the County’s Travel Demand Model.

Letter 4

Kristin Pollot

From: Kerry Motts [klmotts@yahoo.com]
Sent: Monday, December 15, 2014 4:52 PM
To: Kristin Pollot
Subject: EIR for Tucany Meadows project

Kristen,

4-1

My name is Kerry Motts. I am the vice-chairman for Antioch's Planning Commission and. I wanted to address some mitigation measures for the Tuscany Meadows project. One of the mitigation measures listed in the .EIR was to establish a connection between the project and the Delta de Anza trail. I believe the best access from the Somersville side of the project would be to utilize the CCWD maintenance rd. on both sides of Buchannon Rd. which then connects with undeveloped Standard Oil Blvd...leading to the de Anza trail. This onnection could be expanded in the future as a direct multi-use path connection to Los Medanos College.

On the western side of the project, the recently expanded Somersville Rd. has a meandering path that starts at the CCWD CANAL and leads up to James Donlan Blvd and Markley Creek. This could easily be expanded to class 1 specs by adding material to either side as needed. A multi use path could then be o the constructed under the Markley Creek overpass. All of the above should be constructed to the standard set by East Bay Regional Parks and completed during initial phases of housing construction. The crossing(s) on Buchannon Ave. should be fully signalized with crosswalks.

4-2

In addition there is an opportunity to develop entries out of the development onto these trail-pedestrian right of ways. Such additions will enhance the lifestyle of those residentas as well as provide recreation, exercise, and connection to retail and education facilities without the need for automobiles. There is also the possibility d.f a future connection to the Dow Wetlands if trail access can be continued down Standard Oil Blvd.

Thank you for your efforts.

Kerry Motts

Vice Chair Antioch Planning Commission

President=Rivertown Preservation Community Group (Antioch).

LETTER 4: KERRY MOTTS, CITY OF ANTIOCH PLANNING COMMISSION

Response to Comment 4-1

The comment does not specifically address the adequacy of the Draft EIR. The commenter's suggestions regarding project access and proposed trails will be forwarded to the decision-makers for their consideration. For informational purposes, as noted on page 4.9-40 of Draft EIR Chapter 4.9, Transportation, Traffic, and Circulation, Mitigation Measures 4.9-5(a) through 4.9-5(c) require alternative transportation improvements to be included in the Improvements Plans for the project. Specifically, Mitigation Measure 4.9-5(b) requires completion of a multi-use trail/path connection to the Delta De Anza Trail.

Response to Comment 4-2

The comment does not specifically address the adequacy of the Draft EIR. The commenter's suggestion regarding pedestrian access will be forwarded to the decision-makers for their consideration.

Letter 5



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

December 17, 2014

Leigha Schmidt
City of Pittsburg
Planning Department
65 Civic Avenue
Pittsburg, CA 94565-3418

RECEIVED

DEC 19 2014

PLANNING DIVISION

Subject: Tuscany Meadows Project
SCH#: 2012112061

Dear Leigha Schmidt:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 15, 2014, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

“A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation.”

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

5-1

Document Details Report
State Clearinghouse Data Base

Letter 5
cont'd

SCH# 2012112061
Project Title Tuscany Meadows Project
Lead Agency Pittsburg, City of

Type EIR Draft EIR
Description The proposed project includes an amendment to the city of Pittsburg Sphere of Influence to encompass the project boundaries. In addition, the project includes annexation to the City of Pittsburg of both the approximately 170-acre area of proposed improvements (APN 089-150-013) and the existing approximately 23-acre Chevron facility property located near the northern portion of the project site (APN 089-150-015). It should be noted that the Chevron facility land use and operations would remain unchanged as result of the proposed project. Annexation of the site also includes annexation to the Contra Costa Water District (CCWD) and the Delta Diablo Sanitation District (DDSD) and amendment of service boundaries for the provision of water and wastewater services.

Lead Agency Contact

Name Leigha Schmidt
Agency City of Pittsburg
Phone (925) 252-4015
email
Address Planning Department
65 Civic Avenue
City Pittsburg
State CA **Zip** 94565-3418
Fax

Project Location

County Contra Costa
City Pittsburg
Region
Lat / Long 37° 59' 36.04" N / 121° 51' 18.20" W
Cross Streets Buchanan Road/Somersville Road
Parcel No. 089-150-013, 089-150-015
Township 2N **Range** 1E **Section** 27 **Base** MDBM

Proximity to:

Highways 4
Airports
Railways
Waterways Sacramento-San Joaquin River Delta, Contra Costa Canal, Contra Loma Reservoir
Schools Numerous
Land Use The proposed project site is currently undeveloped vacant land undergoing soil remediation. The site is designated as Single-Family Residential (RS-4), High Density Residential (RH), and General Industrial (IG), zones by the City of Pittsburg. The City of Pittsburg General Plan designates the site as Low Density Residential (LDR), High Density Residential (HDR), and Industrial (I) land uses.

Project Issues Biological Resources; Geologic/Seismic; Noise; Public Services; Recreation/Parks; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Water Supply; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 3; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Services, California; California Highway Patrol; Caltrans, District 4; Department of Housing and Community Development; Air Resources Board; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission; Delta Stewardship Council

Date Received 10/30/2014 **Start of Review** 10/31/2014 **End of Review** 12/15/2014

LETTER 5: SCOTT MORGAN, GOVERNOR’S OFFICE OF PLANNING AND RESEARCH

Response to Comment 5-1

The comment acknowledges that the City has complied with the State Clearinghouse review requirements, pursuant to CEQA. The comment does not address the adequacy of the Draft EIR.

Letter 6

Kristin Pollot

From: Greg Enholm [gbenholm@hotmail.com]
Sent: Monday, December 15, 2014 9:52 AM
To: Kristin Vahl
Cc: Bruce Ole Ohlson
Subject: Public Comment on Tuscany Meadows EIR

For Kristin Vahl, City of Pittsburg
kvahl@ci.pittsburg.ca.us

I am submitting the following Public Comment regarding the Tuscany Meadows housing development Environmental Impact Report as posted on your website.

As you can read at the end of this email, I am the elected Trustee for East Contra Costa for the Contra Costa Community College District. My comments are based on the needs of my 200,000 constituents to be able to access our District's facilities by all means of transportation so we can achieve our Vision and our Mission as shown below:

6-1

Vision – Contra Costa Community College District

To be a beacon of excellence in learning and equitable student success.

Mission – Contra Costa Community College District

To transform lives by providing outstanding learning opportunities, nurturing and empowering all students to achieve their educational goals.

<http://www.4cd.edu/about/default.aspx>

6-2

The Los Medanos College (LMC) Pittsburg campus is currently accessible from the Delta de Anza Trail, so a connection for the proposed development to the trail is also connection to LMC. That connection would be more direct, of course, if the trail connection from the development were placed on the Standard Oil Avenue right-of-way in preference to the Somersville Road crossing option.

6-3

The existing connection of LMC to the Delta de Anza Trail is on the west side of campus, near the lake. I have spoken with LMC Professor Curtis Corlew who commutes by bicycle to campus each day. He is conferring with college administration and requesting an additional entrance to the campus from the Delta de Anza Trail near the east edge of the campus be created. An administrator is concerned with District's liability (as am I) if a bicyclist enters the ring road at a high rate of speed and is hit by a car. Professor Corlew is working to find an engineer to suggest an acceptable design that will slow the bicyclist sufficiently to provide him or her the opportunity to look in each direction before entering the roadway. This design will be somewhat "Z" shaped with railings. The main leg of the "Z" will be about 20 feet long. The width of the path will be about 8 feet and will not be narrowed

6-3
cont'd

through the entrance structure. The upper part of the "Z" will approach the street at a right angle and will, of course, include a stop sign.

Letter 29
cont'd

Having been an avid bicyclist as both an undergraduate and graduate student, I know having the convenient option of using a bicycle to reach classes is a major plus.

6-4

I request that the City take all actions and place requirements on the development so that bicyclists will be accommodated. Bicyclists help reduce greenhouse emissions at very low cost to society as well as reduce traffic congestion and the need for wider roads and parking for vehicles. Bicycling is an excellent form of exercise which, when done safely, will promote a healthy lifestyle.

Thank you for your consideration of this Public Comment.

Greg Enholm

Elected Trustee for Contra Costa Community College District, Ward 5 Term: 2012-2016
Representing all or parts of Antioch, Bay Point, Bethel Island, Brentwood, Byron, Clyde,
Discovery Bay, Knightsen, Oakley, and Pittsburg (200,000 constituents) www.4cd.edu
Professor (Economics, Mathematics, and Statistics) DeVry University, San Francisco and
Oakland centers www.devry.edu
Cell 925.878.5515

LETTER 6: GREG ENHOLM, CONTRA COSTA COMMUNITY COLLEGE DISTRICT

Response to Comment 6-1

The comment is an introductory statement that does not address the adequacy of the Draft EIR.

Response to Comment 6-2

The comment does not specifically address the adequacy of the Draft EIR. The commenter's suggestion regarding the Delta De Anza Trail connection will be forwarded to the decision-makers for their consideration. For informational purposes, as noted on page 4.9-40 of Draft EIR Chapter 4.9, Transportation, Traffic, and Circulation, Mitigation Measures 4.9-5(a) through 4.9-5(c) require alternative transportation improvements to be included in the Improvements Plans for the project. Specifically, Mitigation Measure 4.9-5(b) requires completion of a multi-use trail/path connection to the Delta De Anza Trail.

Response to Comment 6-3

The comment does not specifically address the adequacy of the Draft EIR, but will be forwarded to the decision-makers for their consideration.

Response to Comment 6-4

The comment does not specifically address the adequacy of the Draft EIR. The commenter's suggestion regarding bicycle accommodation will be forwarded to the decision-makers for their consideration. For informational purposes, as noted on page 4.9-40 of Draft EIR Chapter 4.9, Transportation, Traffic, and Circulation, Mitigation Measures 4.9-5(a) through 4.9-5(c) require alternative transportation improvements to be included in the Improvements Plans for the project.

Letter 7



Board of Directors
Joseph L. Campbell
President
Lisa M. Borba
Vice President
Bette Boatman
John A. Burgh
Constance Holdaway
General Manager
Jerry Brown

February 2, 2015

*Sent Via Hard Copy & email:
kpollot@ci.pittsburg.ca.us*

Kristin Pollot
Planning Department
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565

Subject: Comment Letter Regarding Tuscany Meadows Project

Dear Kristin:

The Contra Costa Water District (CCWD) is in receipt of the City's Request for Comments related to the Tuscany Meadows Project. Our understanding of the Proposed Project is that it includes a Draft Environmental Impact Report, for a Project to construct 917 single family residences, located on approximately 170 acres within the Pittsburg area (APN# 089-150-013 and 015). The CCWD has previously commented on this project, our last letter was dated December 21, 2012 (attached).

7-1

The Proposed Project includes a sphere of influence amendment, annexation to the City of Pittsburg, annexation to the CCWD, inclusion in the Central Valley Project, annexation to the Delta Diablo Wastewater Resource Recovery District, a Tentative Map, and a Development Agreement with the City.

At this time, no water service is provided to the area where the Proposed Project is located, and no entitlements for water service have been obtained. CCWD would like to restate that the Contra Costa Canal right-of-way is adjacent to the Project site. Additionally, there is a water retention basin shown directly adjacent to the Contra Costa Canal. Within the Canal right-of-way is the Canal and the Multi-Purpose Pipeline (MPP). The canal system and right-of-way are owned by the United States Bureau of Reclamation (Reclamation). CCWD owns the MPP adjacent to the canal. CCWD operated and maintains these facilities.

7-2

The Tuscany Meadows project has included Draft EIR CEQA conditions that reflect an approach of conditioning commencement of construction via grading and building permits relative to receipt of water entitlements. The Draft EIR is a key support document for future water entitlement reviews. However, as discussed below, the Draft EIR does not include the analysis that is necessary for the Reclamation, who authorizes access to Central Valley Project (CVP) water, to be able to make decisions towards allowing water service to be available for the project site. CCWD is recommending that the City of Pittsburg conduct the needed environmental

**Letter 7
cont'd**

Kristin Pollot
City of Pittsburg
February 2, 2015
Page 2

**7-2
cont'd**

analysis at this time to provide greater certainty that Reclamation will be able to complete its CVP inclusion review on a timely basis.

7-3

One of the key issues for establishment of water service is the requirement that Reclamation authorize CCWD to include the proposed site for the use of CVP water. As CCWD has described within its previous correspondence CVP Inclusion will require National Environmental Policy Act (NEPA) review by Reclamation. Before NEPA can be completed, Reclamation will require Endangered Species Act (ESA) and Section 106 of the National Historic Preservation Act (Section 106) compliance.

7-4

Since water is an essential resource for residential development, and no water entitlements now exist at the subject site, it is recommended that the project applicant commence the Annexation and CVP Inclusion review as soon as possible. This will ensure that when the developer is ready to commence construction of the Tuscany Meadows site, water service entitlements are in place. Reclamation's CVP inclusion review process can be very time consuming. Ideally the CVP Inclusion Review can be completed as close in time as is possible after LAFCO approves the annexation of the Tuscany Meadows site to CCWD.

7-5

CEQA Guidelines Section 15378 defines a "Project" as including the whole of an action which has the potential for either direct or reasonably foreseeable indirect physical change in the environment, including both construction activities and resource allocation decisions related to water entitlements. When evaluating the potential for environmental impacts from a Project, CEQA Guidelines Section 15126 requires that all phases of planning, acquisition, development and operation be considered, and precludes deferral of analysis until some future time (as appears to have been done for the Proposed Project). The Proposed Project does not currently have water entitlements from either CCWD or the U.S. Bureau of Reclamation (Reclamation). CCWD holds the position that the absence of water entitlements could pose a significant impact related to the delivery of water service which has not been given consideration in the draft environmental document. Therefore, CCWD requests that the description for the Proposed Project be revised to include details of the necessary water entitlements within the environmental analysis and to include consideration of essential studies, in particular, federal review related to inclusion within the Central Valley Project.

7-6

CCWD acknowledges that the Proposed Project has been revised to include annexation to the CCWD and Delta Diablo. The environmental document also requires that the project be included within the CVP by Reclamation. The environmental document now includes a water supply assessment. Please see our earlier comment letter dated December 21, 2012 for our concerns related to the processing of these entitlements. Please consult with CCWD as these entitlements are sought, as additional information will be needed.

**Letter 7
cont'd**

Kristin Pollot
City of Pittsburg
February 2, 2015
Page 3

Once the Tuscany Meadows site has the necessary water entitlements then the City of Pittsburg will provide treated (potable) water services to the Tuscany Meadows Project (per CCWD Code of Regulations Section 5) which includes the following conditions:

- All issues potentially affecting Reclamation property will need to be thoroughly reviewed by CCWD before approval of the project. Please contact Dino Angelosante at (925) 688-8152 if there is any need to encroach upon Reclamation property.
- Pittsburg shall provide to CCWD details on how the project developer will prevent the project from potentially impacting the Canal and the MPP.
- CCWD should review the proposed project drainage plan. Any and all drainage from the project and proposed detention basins and bio-swales should avoid the adjacent Canal and Canal right-of-way.
- No trail access or landscaping to occur within Reclamation property.
- Project bio swales and detention basins shall not impact Reclamation right-of-way.
- Developer will need to install 6 foot property line fencing along Canal ROW. See CCWD regulations. A six foot high property line fence is required to protect the Canal as well as a liner fence, if not already installed. Any damage to existing Canal fences from construction must be repaired to the satisfaction of CCWD. A permit will be required from CCWD to enter and construct the fence.
- Reclamation and CCWD pipelines must be protected from damage by heavy construction equipment possibly crossing or working adjacent to the Canal and the MPP. Prior to any grading or crossing the Canal or the MPP with heavy equipment, the project developer must provide CCWD with information on the type and weight of equipment that will be crossing the facilities, identify how their work may impact the existing facilities, and identify their proposed mitigation and protection measures.
- The project developer shall be responsible for any costs incurred by CCWD to repair any damage to Reclamation or CCWD facilities.
- No runoff or drainage allowed from Project onto ROW or into Canal itself.
- CCWD notes that the Proposed Project is in close proximity to lands owned by the United States (U.S. Bureau of Reclamation). If lands owned by the United States are potentially affected by the Project improvements, including the contemplated water line connections, storm water runoff or other construction impacts, a joint CEQA-NEPA

7-7

**Letter 7
cont'd**

Kristin Pollot
City of Pittsburg
February 2, 2015
Page 4

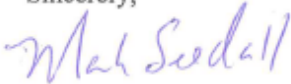
**7-7
cont'd**

document (such as a combined EIR-EIS or Negative Declaration-Finding of No Significant Impact) is required pursuant to CEQA Guidelines Section 15222. Therefore, we advise the lead agency to consult with the CCWD regarding the applicability of a joint CEQA-NEPA document as soon as possible.

- Contra Costa Water District provides untreated water to the municipality serving treated water to this Project/Property. Each new service requiring a meter will be assessed a Facility Reserve Charge (FRC) fee (**Reg. 5.20.010 and/or 5.14.020**). Further review by CCWD is recommended.
- Further information and answers to a number of frequently asked questions regarding water service and CCWD regulations can be found on the CCWD's web site at www.ccwater.com.

Should you require any further clarification on CCWD comments, please contact Mark Seedall at 925-688-8119 within the CCWD Engineering Department.

Sincerely,



Mark Seedall
Principal Planner

MAS

Attachment: Letter dated December 21, 2012

cc: Cathy James, (Reclamation, Tracy)

**Letter 7
cont'd**

Mark



**CONTRA COSTA
WATER DISTRICT**

1331 Concord Avenue
P.O. Box H20
Concord, CA 94524
(925) 688-8000 FAX (925) 688-8122
www.ccwater.com

December 21, 2012

Directors
Joseph L. Campbell
President

Karl L. Wandry
Vice President

Bette Boatman
Lisa M. Borba
John A. Burgh

Jerry Brown
General Manager

VIA FACSIMILE (925) 252-4814
Hard Copy to Follow

Ms. Leigha Schmidt
Development Services Dept.
City of Pittsburg Planning Division
65 Civic Ave.
Pittsburg, CA 94565

**Subject: Comments on the NOP for the Proposed Tuscany Meadows Project
(Project No. 12-843)**

Dear Ms. Schmidt:

The Contra Costa Water District (CCWD) has received your request for comments on the Notice of Preparation (NOP) for the proposed Tuscany Meadows project (Subdivision 8654), formerly Tuscany Meadows Project No. AP-12-843 and its predecessor the Chevron East project (Project No. AP-10-695). CCWD comments on the NOP for the current Tuscany Meadows project are similar to the comments made in our June 12, 2012 comment letter on the earlier Tuscany Meadows project (attached) and the July 29, 2010 comment letter on the Chevron East Project (attached). CCWD notes the changes in the current site plan from the earlier projects, namely the proposed 5.4-acre park at Parcel "M," the proposed 6.6-acre park and detention area at Parcel "B," and the expanded 6.6 acre park and detention center at Parcel "C."

The Contra Costa Canal (Canal) right-of-way is adjacent to the Project site. Within the Canal right-of-way is the Canal and the Multi-Purpose Pipeline (MPP). The Canal system and right-of-way are owned by the United States Bureau of Reclamation. CCWD owns the MPP adjacent to the Canal. CCWD operates and maintains these facilities.

CCWD provides untreated water service from the United States Bureau of Reclamation to the City of Pittsburg who in turn provides retail water service. At this time, no water service is provided to the area where the project is proposed.

**Letter 7
cont'd**

Leigha Schmidt
Tuscany Meadows Project NOP
December 21, 2012

CCWD requests that the EIR on the project consider the following:

-The proposed project is outside of the City of Pittsburg and is outside of the Contra Costa Water District. This area has no entitlements to allow for the provision of water service on either a temporary or long term basis.

-Under CCWD regulations any proposed use of water will require that the area where such water will be used be annexed to the CCWD service area. In addition, any use of water will require review by the United States Bureau of Reclamation for inclusion to its Central Valley Project area. Before water service entitlements are established, United States Bureau of Reclamation review will require National Environmental Policy Act (NEPA) review. Of particular importance for the NEPA review is the Endangered Species Act and Cultural Resources (Section 106 of the National Historic Preservation Act). The CEQA document should clearly identify whether the project intends to use the East Contra Costa County Habitat Conservation Plan to support Endangered Species Act compliance.

-The City of Pittsburg would need to submit to CCWD an application on behalf of the project developers for an annexation to CCWD and inclusion into the Central Valley Project (CVP).

-The environmental review should clearly define the amount of construction water that will be needed as well as the degree of permanent landscaping that will be included. The environmental document should also clearly limit the start of any construction activities until CCWD advises the City of Pittsburg in writing that all water related entitlements as well as all CCWD regulations have been obtained.

CCWD recommends that the following comments on the NOP be fully addressed in the EIR for the project and made conditions for approving the project:

-All issues potentially affecting Reclamation property will need to be thoroughly reviewed by CCWD before approval of the project. Please contact Dino Angelosante at (925) 688-8152 if there is any need to encroach upon Reclamation property.

-Pittsburg shall provide to CCWD details on how the project developer will prevent the project from potentially impacting the Canal and the MPP.

-CCWD should review the proposed project drainage plan. Any and all drainage from the project and proposed detention basins and bio-swales should avoid the adjacent Canal and Canal right-of-way.

- No trail access or landscaping to occur within Reclamation property.

-Project bio swales and detention basins shall not impact Reclamation right-of-way.

LETTER 7: MARK SEEDALL, CONTRA COSTA WATER DISTRICT

Response to Comment 7-1

The comment is an introductory statement that does not address the adequacy of the Draft EIR.

Response to Comment 7-2

The commenter is concerned that the Draft EIR does not include the analysis necessary for the U.S. Bureau of Reclamation, who authorizes access to the CVP water, to be able to make decisions towards allowing water service to be available for the project site. As stated on page 3-8 of the Draft EIR, final CEQA and National Environmental Policy Act (NEPA) documentation and other environmental information, including evidence of compliance with federal regulations, must be completed and coordinated through CCWD for submission to the U.S. Bureau of Reclamation as part of the application for inclusion into the CCWD's contractual service area for CVP water. As such, the inclusion application process requires a separate environmental review that would address NEPA concerns and Section 106 consultation, which is not part of this CEQA project.

The City and the applicant are aware of the additional NEPA requirements for inclusion into the Central Valley Project (CVP). The NEPA documentation, including the Section 106 consultation, will occur during the processing of the CVP inclusion. This comment does not address the adequacy of the Draft EIR and will be forwarded to the decision-makers for informational purposes.

Response to Comment 7-3

See Response to Comment 7-2 above. The comment does not address the adequacy of the Draft EIR.

Response to Comment 7-4

The comment does not address the adequacy of the Draft EIR. The approved CEQA document for the project would be included in the LAFCo application, and the CVP inclusion process will follow with the appropriate NEPA review for the inclusion process.

Response to Comment 7-5

The commenter implies that the Draft EIR deferred analysis, as the commenter states that delivery of water service was not given consideration in the Draft EIR. However, the delivery of water service, including the conveyance infrastructure necessary for adequate service and delivery of water to the project site, is address in detail on pages 4.8-35 and 4.8-36 of the Draft EIR. As such, the Draft EIR does not defer analysis, and the analysis and conclusions of the Draft EIR remain adequate. In addition, the commenter requests that the Project Description of the EIR include consideration of federal review related to inclusion within the CVP. As discussed in Response to Comment 7-2 above, the inclusion application process requires a separate environmental review

that would address NEPA concerns and Section 106 consultation, which is not part of this CEQA project. Page 3-8 of the Project Description chapter of the Draft EIR identifies that the CVP process, including NEPA review, must be completed as part of an inclusion application coordinated through CCWD for submission to the U.S. Bureau of Reclamation.

Response to Comment 7-6

The comment does not address the adequacy of the Draft EIR.

Response to Comment 7-7

The comment does not address the adequacy of the Draft EIR.

Letter 8

Kristin Pollot

From: Glenda Barnhart [gbarnhart@me.com]
Sent: Monday, December 15, 2014 8:24 AM
To: Kristin Vahl
Subject: Comments for EIR on 1250 unit housing development

Ms. Vahl

8-1

As the owner of Bay Area Bikes in Pittsburg and a board member of Bike East Bay (formerly known as East Bay Bicycle Coalition), quality of life for all residents has an impact on our business. Furthermore, studies show that the better the bicycling and walking infrastructure in a community, the more people will feel safer about bicycling in that community. In addition, this is an opportunity to make recreational bike riding more accessible to residents. Studies show the dramatic health benefits that can be attained by bicycling. It is with these concerns that I offer the following comments on the EIR for the development planned west of Somersville Road between Buchanan Road and the James Donlon Boulevard.

8-2

1. Please widen the sidewalk along the west side of Somersville Road between the CCWD's canal and James Donlon Boulevard. This inexpensive widening will connect the Delta de Anza Trail to the Black Diamond Regional Preserve with a facility that meets the East Bay Regional Park District's standards for a Class 1 bicycle facility.

8-3

2. Work with the East Bay Regional Park District to connect the Somersville Road sidewalk (above) to Black Diamond Regional Preserve by building a multi-use trail under the Markley Creek under-crossing of James Donlon Boulevard.

8-4

3. One of the mitigations called for by the EIR is to connect the development with the Delta de Anza Trail. This is mitigation 4.9-5(b). A potential connection is at the easternmost point of the development near the CCWD's canal. The Delta de Anza Trail is just across Somersville Road from this point, running along Somersville Road on the eastern sidewalk and then turning east onto the canal's maintenance road. Another potential connection is through the proposed park/detention area to the maintenance road of the CCWD's canal. If either of these points is selected to connect to the Delta de Anza Trail, a full-blown (pedestrian push-button actuated) traffic signal must be installed so that pedestrians and bicyclists can SAFELY get across Somersville Road at this point. If either of these options is selected to connect the development to the Delta de Anza Trail, it should be constructed at the same time that the park/detention area is constructed, and it must meet the standards of the East Bay Regional Park District for a multi-use path. Even if the connection of the development to the Delta de Anza Trail is not made through the east border of the development, a ped/bike connection to the "outside" should be made somewhere along the northern edge of Somersville Road.

8-5

4. One additional option to connect this development to the Delta de Anza Trail is to build a multi-use trail on the Standard Oil Avenue right of way between the signalized intersection of Tuscany Meadows Drive at Buchanan Road and the Delta de Anza Trail. Standard Oil Avenue is a utility right of way that extends from the Pittsburg-Antioch Highway in the north to Buchanan Road on the edge of the proposed development. The idea of constructing a public street on the southern part of Standard Oil Avenue has been bandied about, but it is not sufficiently wide to support a 21st Century street (2 traffic lanes, 2 sidewalks, 2 bike lanes, and a median/center-turn-lane). It would, however, be perfect for a multi-use path. This multi-use path must be constructed to the standards of the East Bay Regional Park District. If this is the selected option for the connection to the Delta de Anza Trail, it must be constructed so that the first residents of the new development will be able to use it. Pittsburg's bicycle community would LOVE to see both of these connections to the Delta de Anza Trail constructed.

**Letter 8
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8-6

5. Along with a bike-ped connection to the "outside" at the easternmost corner of the proposed development (above), please also create a bike-ped connection from the proposed development to the existing public streets in the development to the west that would allow bikes and pedestrians to move west in the city on quiet residential streets without being forced to enter a major arterial (Buchanan Road) to access parks, schools, shopping, and other points in the city.

8-7

6. Along with the bike-ped connections listed above to the east and to the west, there should also be a connection between the proposed development and Markley Park in the southeast corner of the development.

8-8

7. If Buchanan Road is "adjusted" during the construction of a westbound Buchanan Road left turn lane to the the proposed Tuscano Meadows Drive, the bike lanes on both sides of Buchanan Road must be maintained to Caltrans design standards.

8-9

8. The development must connect to the existing sidewalk system of the City of Pittsburg with a sidewalk constructed along the entire frontage of of the development. The new sidewalk must be the same width as the sidewalk to which it connects.

8-10

9. All new signalized intersections constructed or modified as part of this development should include crosswalks in all four quadrants of each intersection.

Thank you for your time and attention; let's continue to make Pittsburg more accessible for walking and biking!

Happy Trails,
Glenda Barnhart



www.bayareabikes.com

510-763-BIKE (shop)

650-238-7116 (mobile)

www.BayAreaBikeRentals.net

510-836-2311 (rentals only)

LETTER 8: GLENDA BARNHART, BAY AREA BIKES

Response to Comment 8-1

The comment is an introductory statement that does not address the adequacy of the Draft EIR.

Response to Comment 8-2

The comment does not specifically address the adequacy of the Draft EIR. The commenter's suggestion regarding widening the sidewalk along the west side of Somersville Road between the CCWD's canal and James Donlon Boulevard will be forwarded to the decision-makers for their consideration. For informational purposes, a Class II Bike Lane currently exists adjacent to the project site along Somersville Road and that the Antioch General Plan as discussed on page 7-4 of the Antioch General Plan, does not call for a Class I facility at this location.

Response to Comment 8-3

The comment does not specifically address the adequacy of the Draft EIR. The commenter's suggestion regarding connecting the Somersville Road sidewalk to the Black Diamond Regional Preserve will be forwarded to the decision-makers for their consideration.

Response to Comment 8-4

The comment does not specifically address the adequacy of the Draft EIR. The commenter's suggestion regarding connection to the Delta De Anza Trail will be forwarded to the decision-makers for their consideration. For informational purposes, as noted on page 4.9-40 of the Draft EIR, Mitigation Measure 4.9-5(c) requires a pedestrian trail connection between the multi-family and single-family residential portions of the project site, for review and approval by the City Engineer. The aforementioned measure would require connection in the northeastern project area near the CCWD canal. In addition, as noted beginning on page 4.1-28, Mitigation Measure 4.1-2(d) requires that the subdivision include a designated pedestrian route interconnecting all internal uses, site entrances, primary building entrances, public facilities, and adjacent uses to existing external bicycle and pedestrian facilities and streets, where feasible and appropriate.

Response to Comment 8-5

The comment does not specifically address the adequacy of the Draft EIR. The commenter's suggestion regarding connection to the Delta De Anza Trail will be forwarded to the decision-makers for their consideration.

Response to Comment 8-6

The comment does not specifically address the adequacy of the Draft EIR. The commenter's suggestion regarding connection to the easternmost corner of the proposed development will be forwarded to the decision-makers for their consideration. For informational purposes, the

development to the west of the project site could be accessed by bicycle once the James Donlon Extension is complete.

Response to Comment 8-7

The comment does not specifically address the adequacy of the Draft EIR. The commenter's suggestion regarding connection between the proposed development and Markley Park will be forwarded to the decision-makers for their consideration. For informational purposes, Markley Park would be accessible by bicycle from the project site by taking Sequoia Drive to Somersville Road. Alternatively, a bicyclist could take Tuscany Meadows Drive south to James Donlon Boulevard and enter the Park through Summit Way. In addition, a 30-foot wide pedestrian access easement between Lot Numbers 773 and 885 is proposed connecting the subdivision to Summit Way, adjacent to Markley Park.

Response to Comment 8-8

The comment does not specifically address the adequacy of the Draft EIR. The commenter's concern regarding maintenance of bicycle lanes during construction will be forwarded to the decision-makers for their consideration. For informational purposes, if such adjustment were to be necessary, the bike lanes would be modified to City standards.

Response to Comment 8-9

The comment does not specifically address the adequacy of the Draft EIR. The commenter's suggestion regarding connection to the existing sidewalk system will be forwarded to the decision-makers for their consideration. For informational purposes, the sidewalk would extend the entire length of the development frontage from Highlands Ranch Unit 3 to Chevron property and from the Chevron Property to the mobile home park.

Response to Comment 8-10

The comment does not specifically address the adequacy of the Draft EIR. The commenter's suggestion regarding the inclusion of crosswalks in all four quadrants of new signalized intersections will be forwarded to the decision-makers for their consideration. For informational purposes, the proposed project's would have a signalized primary entrance on Buchanan Road at the main residential entrance, another signalized entrance into the apartments, and a signalized entrance on Somersville Road. In addition, the project would have a future signalized connection at the Metcalf St/Tuscany Meadows Drive & James Donlon Boulevard intersection. In addition, all proposed intersections would include sidewalks.

Letter 9

Kristin Pollot

From: Bruce Ole Ohlson [bruceoleohlson@hotmail.com]
Sent: Monday, December 15, 2014 9:25 AM
To: Kristin Vahl
Cc: Bruce Ole Ohlson; BEB Dave Campbell; DPB Dave Stoeffler
Subject: Comments on Tuscany Meadows EIR

Kristin, (kvahl@ci.pittsburg.ca.us)

Here are my comments regarding the EIR for the Tuscany Meadows development. They concern, almost exclusively, bicycle access to, from, and around the development. Please acknowledge your receipt of this input.

Thank you for caring about our community.

All best wishes,

~Ole

Bruce "Ole" Ohlson
Bike East Bay
Delta Pedalers Bicycle Club
Contra Costa Countywide Bicycle Advisory Committee
CCTA Bicycle & Pedestrian Advisory Committee
Caltrans District 4 Bicycle Advisory Committee
Disclosure: Pittsburg Planning Commissioner
Pittsburg Planning Commission appointee to TRANSPLAN

9-1

* Please widen the sidewalk along the west side of Somersville Road between the CCWD's canal and James Donlon Boulevard. It is currently about four and a half feet wide. It needs to be eight feet wide or wider. As currently constructed, it "meanders." The widening could be accomplished by judiciously adding concrete on one side or the other of the path to maintain the meander. This inexpensive widening will connect the Delta de Anza Trail to the Black Diamond Regional Preserve with a facility that meets the East Bay Regional Park District's standards for a Class 1 multi-use path. The Pittsburg General Plan 8-G-3 and 8-P-17 call

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for such connections and the encouraging of pedestrian and bicycle activity.

9-2

* Work with the East Bay Regional Park District to connect the Somersville Road sidewalk (above) to Black Diamond Regional Preserve by building a multi-use trail along side Markley Creek as it goes under the bridge of James Donlon Boulevard. Pittsburg General Plan 8-G-3 and 8-P-17 and many other Goals and Policies support this connection.

9-3

* Mitigation 4.9-5(b), called for by the EIR, is to connect the development with the Delta de Anza Trail. A potential connection is at the easternmost point of the development near the CCWD's canal. The Delta de Anza Trail is just across Somersville Road from this point. The DdA Trail runs along Somersville Road on its eastern sidewalk between Buchanan Road and the Canal maintenance road. It then turns east onto the canal's maintenance road. An additional potential connection from the development to the eastbound Delta de Anza Trail is through the proposed park/detention area to the maintenance road of the CCWD's canal and thence east to the trail. If either of these points is selected to connect to the Delta de Anza Trail, a full-blown (pedestrian push-button actuated) traffic signal must be installed so that pedestrians and bicyclists can SAFELY get across Somersville Road at this point. If either of these options is selected to connect the development to the Delta de Anza Trail, it should be constructed at the same time that the park/detention area is constructed, and it must meet the standards of the East Bay Regional Park District for a multi-use path. Even if the connection of the development to the Delta de Anza Trail is not made through the east border of the development, a ped/bike connection to the "outside" should be made between the development and a point somewhere along the northern edge of Somersville Road.

9-4

* An option to connect this development to the westbound Delta de Anza Trail is to build a multi-use trail on the Standard Oil Avenue right of way between the signalized intersection of

**Letter 9
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**9-4
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Tuscany Meadows Drive at Buchanan Road and the Delta de Anza Trail. Standard Oil Avenue is a utility right of way that extends from the Pittsburg-Antioch Highway in the north to Buchanan Road on the edge of the proposed development. The idea of constructing a public street on the southern part of Standard Oil Avenue has been suggested and is, in fact, in Antioch's General Plan. This utility right of way is not sufficiently wide to support a 21st Century street (2 traffic lanes, 2 sidewalks, 2 bike lanes, and a median/center-turn-lane). It would, however, be perfect for a multi-use path. This multi-use path must be constructed to the standards of the East Bay Regional Park District. If this is the selected option to connect the development to the Delta de Anza Trail, any east-west traverse between the intersection of proposed Tuscany Meadows Road and the entrance to the Standard Oil Avenue utility corridor must be built to Class I standards, not just routed on the sidewalk or placed on the existing bike lanes of Buchanan Road. If this is the selected option for the mandated connection to the Delta de Anza Trail, it must be constructed so that the first residents of the new development will be able to use it. Pittsburg's bicycle community would LOVE to see this new development connected to the Delta de Anza Trail both at its eastern edge and at its northern edge where the Delta de Anza Trail passes close to the development.

9-5

* Along with a bike-ped connection to the "outside" at the easternmost corner of the proposed development and at a northern point as described above, we should also create a bike-ped connection from the proposed development to the existing public streets in the development to the west. This connection might best be constructed in the vicinity of the north-south midpoint of the development. This connection would then allow bicyclists and pedestrians to move west in the city on quiet residential streets without being forced to enter a major arterial (Buchanan Road) to access parks, schools, shopping, and other points in the city. This connection would be in keeping with the Contra Costa County Community Development Department's desire to provide bicycle facilities that are usable by any citizen between the ages of 8 and 80. Because the development to the

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west of Tuscany Meadows has already been built out, the developer might have to purchase an easement or perhaps an entire house to facilitate the construction of this pathway connection. This connection should be constructed when the new houses adjacent to the existing development to the west are constructed as part of the Tuscany Meadows development. This connection is supported by the Pittsburg General Plan as listed in the EIR.

9-6

* Along with the bike-ped connections listed above to the east and to the west, we should also construct a connection between the proposed development and Markley Park in the southeast corner of the development. This connection should be completed at the same time that houses adjacent to Markley Park are constructed. This connection is supported by the Pittsburg General Plan as listed in the EIR.

9-7

* The three connections listed above (to the east, west, and south) are supported by the California Air Pollution Control Officers Association (CAPCOA) recommendation that energy conservation through community layout and design be included in all new development. Specifically, walkability and bikeability are "encouraged through a highly connected street system." As currently proposed, there will be only two entrances to the development one on Buchanan Road and one on Somersville Road. With the additional connections as suggested above, the number of connections usable by people moving under their own steam will be more than doubled to five.

9-8

* If Buchanan Road is "adjusted" as part of the construction of this development so that a westbound Buchanan Road left-turn lane is available for traffic to enter the the proposed Tuscany Meadows Drive, the bike lanes on both sides of Buchanan Road must be maintained to Caltrans design standards.

9-9

* The development must connect to the existing sidewalk system of the City of Pittsburg with a sidewalk constructed along the entire frontage of of the development along Buchanan Road. The

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**9-9
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new sidewalk must be the same width as the sidewalks to which it connects.

9-10

* All new signalized intersections constructed as part of this development, must include crosswalks in all four quadrants of each intersection.

9-11

* All signalized intersections modified in any way as part of this development, should include crosswalks in all four quadrants of each intersection.

LETTER 9: BRUCE OHLSON, BIKE EAST BAY

Response to Comment 9-1

The comment does not specifically address the adequacy of the Draft EIR. See Response to Comment 8-2 regarding the widening of the Somersville Road sidewalk. The commenter's recommendations will be forwarded to the decision-makers for their consideration. For informational purposes, the streetscape improvements have recently been completed that incorporate a Class II Bike Lane providing this connection. In addition, this right-of-way would be in the City of Antioch's jurisdiction and that Antioch's General Plan does not call for a Class I trail along this roadway (nor does it call for a Class II) as discussed on page 7-3 of the Antioch General Plan.

Response to Comment 9-2

The comment does not specifically address the adequacy of the Draft EIR. See Response to Comment 8-3 regarding connecting the Somersville Road sidewalk to the Black Diamond Regional Preserve. The commenter's recommendation will be forwarded to the decision-makers for their consideration.

Response to Comment 9-3

The comment does not specifically address the adequacy of the Draft EIR. See Response to Comment 8-4 regarding connection to the Delta De Anza Trail. The commenter's recommendation will be forwarded to the decision-makers for their consideration.

Response to Comment 9-4

The comment does not specifically address the adequacy of the Draft EIR. See Response to Comment 8-5 regarding connection to the Delta De Anza Trail. The commenter's recommendation will be forwarded to the decision-makers for their consideration.

Response to Comment 9-5

The comment does not specifically address the adequacy of the Draft EIR. See Response to Comment 8-6 regarding connection to the easternmost corner of the proposed development. The commenter's recommendation will be forwarded to the decision-makers for their consideration. However, it should be noted that connecting Tuscany Meadows to Highlands Ranch Unit 3 would require an eminent domain action, which is unlikely to occur. In addition, as illustrated in Figure 4.9-3 on page 4.9-39 of the Transportation, Traffic, and Circulation chapter of the Draft EIR, existing and proposed bike lane connections are located along the James Donlon Boulevard and Somersville Road.

In order to provide flexibility regarding the ultimate location of the multi-use connection required by Mitigation Measure 4.9-5(b), Figure 4.9-3 on page 4.9-39 has been revised to include a potential connection along the Contra Costa Canal alignment to the northeast.

Response to Comment 9-6

The comment does not specifically address the adequacy of the Draft EIR. See Response to Comment 8-7 regarding connection between the proposed development and Markley Park. The commenter's recommendation will be forwarded to the decision-makers for their consideration.

Response to Comment 9-7

The comment does not specifically address the adequacy of the Draft EIR. The commenter's suggestion regarding additional project access points will be forwarded to the decision-makers for their consideration. For informational purposes, proposed bike lane connections are also located at Tuscan Meadows Drive and the James Donlon Boulevard.

Response to Comment 9-8

The comment does not specifically address the adequacy of the Draft EIR. See Response to Comment 8-8 regarding maintenance of bicycle lanes during construction.

Response to Comment 9-9

The comment does not specifically address the adequacy of the Draft EIR. See Response to Comment 8-9 regarding connection to the existing sidewalk system.

Response to Comment 9-10

The comment does not specifically address the adequacy of the Draft EIR. See Response to Comment 8-10 regarding the inclusion of crosswalks in all four quadrants of new signalized intersections.

Response to Comment 9-11

The comment does not specifically address the adequacy of the Draft EIR. The commenter's suggestion regarding the inclusion of crosswalks in all four quadrants of modified signalized intersections will be forwarded to the decision-makers for their consideration.

Letter 10



December 15, 2014

Kristin Vahl Pollot, AICP
Senior Planner
City of Pittsburg, Planning Department
65 Civic Avenue
Pittsburg, CA 94565

Re: Comments on EIR for the Tuscany Meadows Development

Dear Ms Pollot:

10-1

Bike East Bay is a bicycle advocacy organization working to make Contra Costa County more bikeable and we work closely with Bruce Ole Olson on many East County projects. I know he has submitted comments on the Tuscany Meadows Development Project and I want to reiterate his comments and add some additional ones.

10-2

Bike East Bay Comments:

1. Bike facilities on Buchanan Road need to be completed and upgraded. While much of Buchanan Road has shoulders and bike lanes, the bike facilities need to be continuous, as Mr. Olson points out, but they also need to be upgraded with buffered bike lanes, as shown here. On streets with prevailing traffic speeds higher than 30mph, people need separation from high speed traffic when they are bicycling. This may require widening the shoulder for sufficient space, but buffered bike lanes on Buchanan Road are necessary. And I want to reiterate the needed traffic signal at a potential new pathway connection at Somersville Road to the Delta de Anza. New residents on the Tuscany Meadow are



PO Box 1736, Oakland, CA 94604
510 845 RIDE (7433) • info@bikeeastbay.org

**Letter 10
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**10-2
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certainly not going to want to dodge cars to get to the Delta de Anza Trail.

Reiterating Mr. Olson's Comments:

- Please widen the sidewalk along the west side of Somersville Road between the CCWD's canal and James Donlon Boulevard. It is currently about four and a half feet wide. It needs to be eight feet wide or wider. As currently constructed, it "meanders." The widening could be accomplished by judiciously adding concrete on one side or the other of the path to maintain the meander. This inexpensive widening will connect the Delta de Anza Trail to the Black Diamond Regional Preserve with a facility that meets the East Bay Regional Park District's standards for a Class 1 multi-use path. The Pittsburg General Plan 8-G-3 and 8-P-17 call for such connections and the encouraging of pedestrian and bicycle activity.
- Work with the East Bay Regional Park District to connect the Somersville Road sidewalk (above) to Black Diamond Regional Preserve by building a multi-use trail along side Markley Creek as it goes under the bridge of James Donlon Boulevard. Pittsburg General Plan 8-G-3 and 8-P-17 and many other Goals and Policies support this connection.
- Mitigation 4.9-5(b), called for by the EIR, is to connect the development with the Delta de Anza Trail. A potential connection is at the easternmost point of the development near the CCWD's canal. The Delta de Anza Trail is just across Somersville Road from this point. The Delta de Anza Trail runs along Somersville Road on its eastern sidewalk between Buchanan Road and the Canal maintenance road. It then turns east onto the canal's maintenance road. An additional potential connection from the development to the eastbound Delta de Anza Trail is through the proposed park/detention area to the maintenance road of the CCWD's canal and thence east to the trail. If either of these points is selected to connect to the Delta de Anza Trail, a full-blown (pedestrian push-button actuated) traffic signal must be installed so that pedestrians and bicyclists can SAFELY get across Somersville Road at this point. If either of these options is selected to connect the development to the Delta de Anza Trail, it should be constructed at the same time that the park/detention area is constructed, and it must meet the standards of the East Bay Regional Park District for a multi-use path. Even if the connection of the development to the Delta de Anza Trail is not made through the east border of the development, a ped/bike connection to the "outside" should be made between the development and a point somewhere along the northern edge of Somersville Road.

10-3

**Letter 10
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BikeEastBay.org

**10-3
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- An option to connect this development to the westbound Delta de Anza Trail is to build a multi-use trail on the Standard Oil Avenue right of way between the signalized intersection of Tuscany Meadows Drive at Buchanan Road and the Delta de Anza Trail. Standard Oil Avenue is a utility right of way that extends from the Pittsburg-Antioch Highway in the north to Buchanan Road on the edge of the proposed development. The idea of constructing a public street on the southern part of Standard Oil Avenue has been suggested and is, in fact, in Antioch's General Plan. This utility right of way is not sufficiently wide to support a 21st Century street (2 traffic lanes, 2 sidewalks, 2 bike lanes, and a median/center-turn-lane). It would, however, be perfect for a multi-use path. This multi-use path must be constructed to the standards of the East Bay Regional Park District. If this is the selected option to connect the development to the Delta de Anza Trail, any east-west traverse between the intersection of proposed Tuscany Meadows Road and the entrance to the Standard Oil Avenue utility corridor must be built to Class I standards, not just routed on the sidewalk or placed on the existing bike lanes of Buchanan Road. If this is the selected option for the mandated connection to the Delta de Anza Trail, it must be constructed so that the first residents of the new development will be able to use it. Pittsburg's bicycle community would LOVE to see this new development connected to the Delta de Anza Trail both at its eastern edge and at its northern edge.
- Along with a bike-ped connection to the "outside" at the easternmost corner of the proposed development and at a northern point as described above, we should also create a bike-ped connection from the proposed development to the existing public streets in the development to the west. This connection might best be constructed in the vicinity of the north-south midpoint of the development. This connection would then allow bicyclists and pedestrians to move west in the city on quiet residential streets without being forced to enter a major arterial (Buchanan Road) to access parks, schools, shopping, and other points in the city. This connection would be in keeping with the Contra Costa County Community Development Department's desire to provide bicycle facilities that are usable by any citizen between the ages of 8 and 80. Because the development to the west of Tuscany Meadows has already been built out, the developer might have to purchase an easement or perhaps an entire house to facilitate the construction of this pathway connection. This connection should be constructed when the new houses adjacent to the existing development to the west are constructed as part of the Tuscany Meadows development. This connection is supported by the Pittsburg General Plan as listed in the EIR.

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- Along with the bike-ped connections listed above to the east and to the west, we should also construct a connection between the proposed development and Markley Park in the southeast corner of the development. This connection should be completed at the same time that houses adjacent to Markley Park are constructed. This connection is supported by the Pittsburg General Plan as listed in the EIR.
- The three connections listed above (to the east, west, and south) are supported by the California Air Pollution Control Officers Association (CAPCOA) recommendation that energy conservation through community layout and design be included in all new development. Specifically, walkability and bikeability are "encouraged through a highly connected street system." As currently proposed, there will be only two entrances to the development one on Buchanan Road and one on Somersville Road. With the additional connections as suggested above, the number of connections usable by people moving under their own steam will be more than doubled to five.
- If Buchanan Road is "adjusted" as part of the construction of this development so that a westbound Buchanan Road left-turn lane is available for traffic to enter the proposed Tuscany Meadows Drive, the bike lanes on both sides of Buchanan Road must be maintained to Caltrans design standards.
- The development must connect to the existing sidewalk system of the City of Pittsburg with a sidewalk constructed along the entire frontage of of the development along Buchanan Road. The new sidewalk must be the same width as the sidewalks to which it connects.
- All new signalized intersections constructed as part of this development, must include crosswalks in all four quadrants of each intersection.
- All signalized intersections modified in any way as part of this development, should include crosswalks in all four quadrants of each intersection.

Thank you for considering our comments with this development project.

Sincerely,

Dave Campbell
Advocacy Director
Bike East Bay

PO Box 1736, Oakland, CA 94604
510 845 RIDE (7433) • info@bikeeastbay.org

LETTER 10: DAVE CAMPBELL, BIKE EAST BAY

Response to Comment 10-1

The comment does not specifically address the adequacy of the Draft EIR.

Response to Comment 10-2

The comment does not specifically address the adequacy of the Draft EIR. The commenter's suggestions regarding bicycle lane upgrades on Buchanan Road and installation of a traffic signal at Somersville Road and the Delta De Anza Trail will be forwarded to the decision-makers for their consideration. For informational purposes, Mitigation Measure 4.9-5(b) on page 4.9-40 of the Draft EIR requires the completion of a multi-use trail/path connection to the Delta De Anza Trail. The final location and design of the trail/path will be submitted to the City Engineer for review and approval prior to approval of Improvement Plans.

Response to Comment 10-3

The comment does not specifically address the adequacy of the Draft EIR. The commenter has reiterated the concerns included in Letters 8 and 9. As such, please refer to the responses for Letters 8 and 9. Specifically, please see the following responses: Response to Comment 8-2 regarding the widening of the Somersville Road sidewalk; Response to Comment 8-3 regarding connecting the Somersville Road sidewalk to the Black Diamond Regional Preserve; Response to Comment 8-4 regarding connection to the Delta De Anza Trail; Response to Comment 8-5 regarding connection to the Delta De Anza Trail; Response to Comment 8-6 regarding connection to the easternmost corner of the proposed development; Response to Comment 8-7 regarding connection between the proposed development and Markley Park; Response to Comment 9-7 regarding additional project access points; Response to Comment 8-8 regarding maintenance of bicycle lanes during construction; Response to Comment 8-9 regarding connection to the existing sidewalk system; Response to Comment 8-10 regarding the inclusion of crosswalks in all four quadrants of new signalized intersections; and Response to Comment 9-11 regarding the inclusion of crosswalks in all four quadrants of modified signalized intersections.

Letter 11



Mike N. Oliphant
Project Manager
Mining and Special
Project

**Chevron Environmental
Management Company**
P.O. Box 6012
San Ramon, CA 94583
Tel (925) 790 6431
Fax (925) 790 6772
mike.oliphant@chevron.com

December 15, 2014

Stakeholder Communication – City of Pittsburg

Ms. Leigha Schmidt
Project Planner
City of Pittsburg
Planning Department
65 Civic Avenue
Pittsburg, California 94565

**Subject: Comments on the Draft Environmental Impact Report for the
Tuscany Meadows Project (State Clearinghouse No. 2012112061)
Historical Pipeline Portfolio–Bakersfield to Richmond**

Dear Ms. Schmidt:

11-1

On behalf of Chevron Environmental Management Company (CEMC), Leidos Engineering, LLC (Leidos; CEMC contract consultant) recently became aware of the Draft Environmental Impact Report for the Tuscany Meadows Project (State Clearinghouse No. 2012112061). The information contained in this letter may help you in subsequent planning efforts to understand something about Chevron's former pipeline operations in Pittsburg, as residual weathered crude oil, abandoned pipeline, and asbestos-containing materials (ACM) could potentially be encountered during subsurface construction activities in this former pipeline right of way (ROW).

11-2

A portion of the former Old Valley Pipeline (OVP) existed in the vicinity of the proposed project area. This formerly active pipeline was constructed in the early 1900s and carried crude oil from the southern San Joaquin Valley to the San Francisco Bay Area. Pipeline operations for the OVP ceased in the 1940s, at which point, the pipeline was taken out of commission. The degree and method of decommissioning varied; in some instances the pipeline was removed, while in others, it remained in place. Because this pipeline has been decommissioned, with the majority of pipeline having been removed, it is not readily identified as underground utilities through the Underground Service Alert North System or utility surveys. Figure 1 illustrates the location of the former OVP ROW with respect to the proposed project area. Figure 2 illustrates the location of the former OVP ROW with respect to the proposed project's vesting tentative map. The location of the pipeline shown on Figures 1 and 2 is based on historical as-built drawings and the approximated positional accuracy of the alignments is generally +/-50 feet. The OVP pipeline was installed at depths of up to 10 feet below ground surface. The steel pipeline was typically encased in a protective coating composed of coal tar and ACM.

Working under the direction of State regulatory agencies, CEMC conducted risk assessments at numerous locations with known historical crude-oil release points along the former OVP pipeline. Analytical results from these risk assessments indicated that the crude-contaminated soil was non-hazardous. Accordingly, it is likely that if soil affected by the historical release of crude oil from this former pipeline is encountered during construction activities it may be reused as backfill on site. Properly abandoned crude-oil pipeline may be left in the ground. Parties

**Letter 11
cont'd**

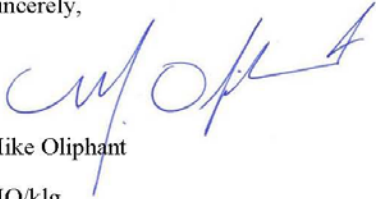
Ms. Leigha Schmidt – City of Pittsburg
December 15, 2014
Page 2 of 2

**11-2
cont'd**

conducting construction activities in the vicinity of this former pipeline ROW may wish to use the information provided in this letter to help prepare for the possibility of encountering abandoned pipeline and pipeline-related ACM during the course of their work.

For more information regarding this historic pipeline, please visit <http://www.hppinfo.com/>. If you would like additional information, or would like to request more detailed maps, please contact Leidos consultants Mike Hurd (michael.t.hurd@leidos.com) at (510) 466-7161 or Tan Hoang (tan.t.hoang@leidos.com) at (916) 979-3742.

Sincerely,



Mike Oliphant

MO/klg

Enclosures:

Figure 1. Historical Pipeline Right of Way – Tuscany Meadows – Vicinity Site

Figure 2. Historical Pipeline Right of Way – Tuscany Meadows – Vesting Tentative Map

cc: Mr. Mike Hurd – Leidos
1000 Broadway, Suite 675, Oakland, California 94607




FILE: G:\P93\TUSCANY MEADOWS\PROJECTS\ENVIRONMENTAL PROJECTS\COMMITTEE\TUSCANY MEADOWS\PROCESSES\FIGURE APSEP FIG 11 TUSCANY MEADOWS 1014 11.MXD

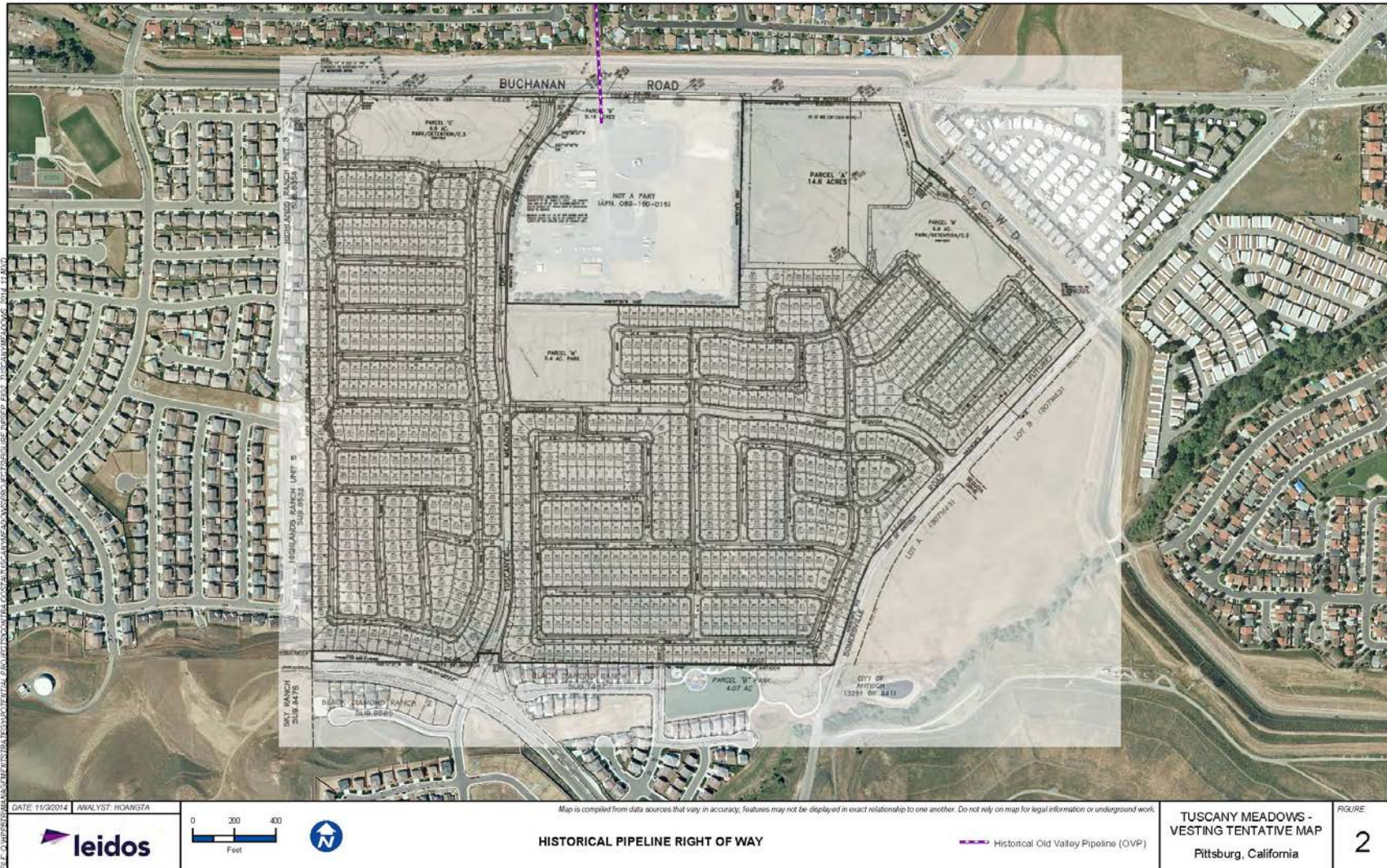
Map is compiled from data sources that vary in accuracy; features may not be displayed in exact relationship to one another. Do not rely on map for legal information or underground work.



 Proposed Project Boundary
 Historical Old Valley Pipeline (OVP)

HISTORICAL PIPELINE RIGHT OF WAY		
TUSCANY MEADOWS - VICINITY SITE Pittsburg, California		
DATE: 11/3/2014	ANALYST: HOANGTA	FIGURE:
		1

Letter 11
cont'd



LETTER 11: MIKE OLIPHANT, CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY

Response to Comment 11-1

The comment does not specifically address the adequacy of the Draft EIR.

Response to Comment 11-2

This comment does not address the adequacy of the Draft EIR and will be forwarded to the decision-makers for informational purposes. It should be noted that impacts related to the Chevron oil pipelines were addressed in Impact 4.4-2 of Chapter 4.2, Hazards and Hazardous Materials.

Letter 12

SEECON BUILT HOMES, INC
4021 PORT CHICAGO HWY
CONCORD, CA 94520

December 15th, 2014

To: City of Pittsburg
Kristin Pollot
65 Civic Avenue
Pittsburg, CA 94565

RE: Comment Letter on Tuscany Meadows Draft Environmental Impact Report

Kristin-

12-1

This letter represents our comments to the Tuscany Meadows Draft Environmental Impact Report (DEIR):

12-2

Mitigation Measure 4.1-2(d): Compliance with all of the City's Green Building Design Guidelines is not feasible or appropriate in some cases for this project. We cannot agree to include solar hot water systems or panels into the roofs or incorporate wind energy generation turbines. Also, we cannot agree to have raised bed garden spaces on the roofs, or create green/living roofs or be required that the roofs are cool roofs. Furthermore, based on the site plan, the mid-block pedestrian/bicycle path spacing guideline cannot be followed.

12-3

Mitigation Measure 4.3-2(a): The geotechnical report that has already been completed in 2012 provides sufficient recommendations for design of the construction documents. A registered geotechnical engineer will review the construction plans and also provide any updates to the report, but a new, separate report should not be warranted when considering the information in the 2012 report.

12-4

Mitigation Measure 4.7-1: We request that language be added indicating that the allowable time for construction activities can be adjusted if approved by the City.

12-5

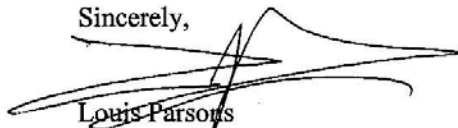
Mitigation Measure 4.8-1: There should not be a requirement that this project be annexed into the Central Valley Project prior to a grading permit being issued. We will likely need to pull a grading permit well before the annexation is completed to complete soil remediation.

**Letter 12
cont'd**

- | | |
|------|---|
| 12-6 | Mitigation Measure 4.9-2 (a): Since this improvement is infeasible, please confirm that this design does not need to be completed. |
| 12-7 | Mitigation Measure 4.9-5(a): It may not be possible to build a bus turnout on the north side of Buchanan as this may encroach into Contra Costa Canal right of way and could possibly trigger getting approvals from CCWD and USBR. |
| 12-8 | Mitigation Measure 4.9-5(b): A trail connection to the Delta De Anza trail should not be required. We can't be required to build a trail/path across land that we do not own. |

Thank you reviewing our comments and please contact me if you have any questions.

Sincerely,



Louis Parsons
Secon Built Homes, Inc.

LETTER 12: LOUIS PARSONS, SEECON BUILT HOMES, INC.

Response to Comment 12-1

The comment does not specifically address the adequacy of the Draft EIR.

Response to Comment 12-2

This comment does not address the adequacy of the Draft EIR and will be forwarded to the decision-makers for their consideration. It should be noted that Mitigation Measure 4.1-2(d) does not require all of the measures listed, but only those where the improvements are feasible and appropriate.

Response to Comment 12-3

Comment noted. Mitigation Measure 4.3-2(a) on page 4.3-11 of the Draft EIR has been revised as follows:

4.3-2(a) *Prior to approval of Improvement Plans and issuance of grading permit for the Tuscany Meadows subdivision, the project applicant shall submit to the City of Pittsburg Engineering Department, for review and approval, a ~~design-level~~ final geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The report shall include the recommendations in the report entitled, Geotechnical Engineering Report, Highlands Ranch II (Tuscany Meadows), dated February 3, 2012. The design-level report shall address, at a minimum, the following:*

- *Compaction specifications for on-site soils;*
- *Road and pavement design;*
- *Structural foundations, including retaining wall design (if applicable);*
- *Grading practices;*
- *Erosion/winterization; and*
- *Expansive/unstable soils.*

It is the responsibility of the developer to provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the report. Proof that earthwork has been performed in accordance with the recommendations of the design-level geotechnical report shall be provided to the City of Pittsburg Engineering Department.

Response to Comment 12-4

Comment noted. Mitigation Measure 4.7-1 beginning on page 4.7-14 of the Draft EIR has been revised as follows:

4.7-1 Prior to issuance of Building Permits, the contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. The plan shall implement, but not be limited to, the following available control measures to reduce construction noise levels as low as practical:

- *Construction activities shall be limited to the hours between 8:00 AM and 5:00 PM, Monday through Saturday. No construction activities should occur on Sundays or federal holidays (Consistent with General Plan Policy 12-P-9 and as approved by the City Engineer and Chief Building Official);*
- *Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;*
- *Prohibit all unnecessary idling of internal combustion engines;*
- *Route construction related traffic to and from the site via designated truck routes and avoid residential streets where possible;*
- *Utilize "quiet" models of air compressors and other stationary noise sources where technology exists;*
- *Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;*
- *Shield adjacent sensitive uses from stationary equipment with individual noise barriers or partial acoustical enclosures;*
- *Locate staging areas and construction material storage areas as far away as possible from adjacent land uses;*
- *Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at*

- the construction site and include the telephone number in the notice sent to neighbors regarding the construction schedule; and*
- *Hold a preconstruction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, construction schedule, and noise coordinator) are completed.*

The construction plan shall be submitted to the City Building Official for review and approval. If changes to the allowable time for construction activities must be adjusted, the changes shall be submitted to the City Building Official for review and approval.

Response to Comment 12-5

As noted on page 4.8-37 of the Draft EIR, “No grading or building permits shall be issued for the Tuscan Meadows Subdivision until the project site has been annexed into the CCWD service area and the developer provides the City with a “Will Serve” letter from the CCWD verifying that the project site has been included in the CVP.” The grading permit referred to in Mitigation Measure 4.8-1 is for the Tuscan Meadows Subdivision specifically, not for the grading permit for RAP activities.

Response to Comment 12-6

As noted on page 4.9-32 of the Draft EIR, Mitigation Measure 4.9-2(a) was determined infeasible because implementation would cause an increase in traffic flow at other intersections in the area where right of way constraints exist.

Response to Comment 12-7

Comment noted. Mitigation Measure 4.9-5(a) on page 4.9-40 of the Draft EIR has been revised as follows:

- 4.9-5(a) *Prior to approval of Improvement Plans for Phase I improvements, the Improvement Plans shall include, where determined feasible by the City Engineer, bus turnouts, including bus shelters, bicycle racks, and sidewalks shelters and bicycle racks, on both sides of Buchanan Road adjacent to the proposed intersection with Tuscan Meadows Drive. The turnouts, bus shelters, bicycle racks, and sidewalks shelters, and bicycle racks shall be constructed with the roadway improvements.*

Response to Comment 12-8

This comment does not address the adequacy of the Draft EIR and will be forwarded to the decision-makers for their consideration.

Letter 13

TM Comment Email from J Koontz 11.2.14

From: j1koontz2@comcast.net
Sent: Sunday, November 02, 2014 12:49 PM
To: Leigha Schmidt
Subject: DEIR for the Tuscany Meadows Project (Public Comment)

Dear Sirs

- 13-1** I am so concern about the approach of the Park at Tuscany Meadows Project.
I think it attacks all who is planning this for there life designing achievements
13-2 This crossroad project is going to bring congestion to one of your Gateway
intersections
to our city.
People are going to come north to go to Pittsburg from James Donlon.
When James Donlon is completed, Its just going to add to the mess we already have at
13-3 the Highway 4 intersection.
Now, please take another look at the Soccor fields location.
We Don't need it in this area, its going to backup Buchanan and people who live in
southwest Antioch will find is faster to shop east Antioch.
13-4 For example, now its faster to shop Walmart, Home Depot, Winco in Pittsburg, and all
the
store below the freeway are going suffer if this intersection gets to conjested.
I think since Pittsburg has no decent Tennis courts.
Please take a look at this.
13-5 Woodland Hills has a Tennis Court and No bathrooms.
Highland Ranch Court is faced in the wrong direction and has such a drainage angle
on
the court that hardly anyone wants to play there.
We need drastically two or three courts with lights like or Better than Antioch has
for
evening play and a nice or Better practice Wall like at Cowell Park in Concord.
Please consider a change.

Thank you for listening.
John Koontz

LETTER 13: JOHN KOONTZ, RESIDENT

Response to Comment 13-1

The comment is not specific enough to allow a detailed response and does not specifically address the adequacy of the Draft EIR.

Response to Comment 13-2

The comment is not specific enough to allow a detailed response and does not specifically address the adequacy of the Draft EIR. For informational purposes, transportation and traffic impacts were analyzed in Chapter 4.9 of the Draft EIR. As noted in Impact 4.9-7 beginning on page 4.9-42 of the Draft EIR, James Donlon Boulevard would operate acceptably in the Cumulative and Cumulative Plus Project Conditions. It should be noted that the James Donlon Boulevard Extension was not assumed to be in place under the Existing Plus Project Conditions.

Response to Comment 13-3

The comment is not specific enough to allow a detailed response and does not specifically address the adequacy of the Draft EIR. For informational purposes, Section 17.32.020 (D)(2) of the City of Pittsburg Municipal Code (PMC) requires new residential development to provide parkland based on the proposed number of units. As noted on page 4.8-43 of the Draft EIR, the only area identified for year-round park use is the 5.4-acre centrally located park. As a result, the project falls short of the required single family park acreage by 10.4 acres (5.4 acre park – 15.86 acre requirement).

Response to Comment 13-4

The comment does not specifically address the adequacy of the Draft EIR. The commenter's concern regarding stores south of the freeway will be forwarded to the decision-makers for their consideration. It should be noted that all transportation-related impacts were analyzed in Chapter 4.9, Transportation, Traffic, and Circulation, of the Draft EIR. As noted in Impact 4.9-3 beginning on page 4.9-33 of the Draft EIR, significant and unavoidable impacts were identified for the following Buchanan Road intersections: Loveridge Road and Buchanan Road; Buchanan Road and Ventura Drive; Buchanan Road and Tuscany Meadows Drive; and Buchanan Road and Tuscany Meadows Apartments Intersection.

Response to Comment 13-5

The comment does not specifically address the adequacy of the Draft EIR. The commenter's concern regarding tennis courts in Pittsburg will be forwarded to the decision-makers for their consideration.

Letter 14

December 10, 2014

Leigha Schmidt
Development Services Department- Planning Division
City of Pittsburg
65 Civic Avenue
Pittsburg CA 94565

SUBJECT: Tuscany Meadows Subdivision Draft EIR

Dear Ms. Schmidt:

Thank you for including the Contra Costa Local Agency Formation Commission (LAFCO) in the environmental review process for the proposed Tuscany Meadows Project (the "Project"). The recent release of the Draft Environmental Impact Report (DEIR) for this project represents an important milestone in the project's history.

Contra Costa LAFCO has followed the City's progress on this project and has provided prior comment letters dated November 23, 2009, May 25, 2012 and December 12, 2012. Our comments below should be taken in the context of information and comments contained in our prior letters all of which are incorporated herein by reference.

As described in the DEIR, the Project involves both the 170± acre development site (APN 089-150-013), and the 23± acre "Chevron" parcel (APN 089-150-015) which functions as a pumping facility for Chevron's various fuel pipelines. As used herein, the term "Project Site" refers to both the development site and the Chevron parcel.

The proposed Project seeks approval of the following governmental actions or entitlements:

- a sphere of influence (SOI) amendment, removing the Project Site from the Antioch SOI and placing it within the Pittsburg SOI;
- annexation of the Project Site to the City of Pittsburg;
- annexation of the Project Site to the Contra Costa Water District (CCWD) and inclusion in the Central Valley Project (CVP);
- annexation of the Project Site to the Delta Diablo Sanitary District (DDSD);
- a Vesting Tentative Map subdividing 135.6± acres of the development site into 917 low-density single-family lots, designating 14.6± acres of the development site for a 365-unit multi-family high-density residential development, along with sites for parks, open space and stormwater detention basins; and
- a Development Agreement to be negotiated with the City of Pittsburg which, among other things, would include details and assign responsibilities for the provision of all service utility, roadway infrastructure and land improvements necessary to support the proposed development.

In response to the Draft EIR, we offer general and specific comments below.

14-1

**Letter 14
cont'd**

Leigha Schmidt
City of Pittsburg
December 10, 2014
Page 2

General Comments

As a Responsible Agency pursuant to the California Environmental Quality Act (CEQA), LAFCO will need to rely on the City's EIR in consideration of any future SOI amendments and annexations in conjunction with this project. LAFCO is an independent, regulatory agency with discretion to approve or disapprove boundary changes.

LAFCO is required to consider a variety of factors when evaluating proposed changes to SOIs and local agency boundaries. The relevant factors include, but are not limited to, the project's potential impacts on agricultural land and open space, the provision of municipal services and infrastructure to the project site, the extent to which the proposal will affect the city's ability to achieve and fulfill its fair share of regional housing needs, the timely and available supply of water, and various other factors.

14-2

The factors relating to boundary changes are contained in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH" - Government Code section 56000 et seq.) and include §56668. (note: all references in this letter are to the California Government Code). In general, for this and other projects, we encourage the Lead Agency to reference and include consideration of the issues set forth in §56668 and other relevant sections of the CKH when preparing environmental documents for projects that require subsequent approvals by LAFCO, as doing so will facilitate the LAFCO application and review process. We are pleased to note that Pittsburg's DEIR includes an evaluation of the relevant CKH factors on which the LAFCO SOI and annexation decisions would be based.

Specific Comments

Set forth below is our assessment of the degree to which concerns raised in our most recent comment letter on this project¹ are addressed in the Draft EIR.

14-3

- 1) We acknowledge and appreciate that the DEIR specifically references the needed LAFCO action(s) in the Project Description, and that the DEIR identifies Contra Costa LAFCO as a public agency whose approval will be required.
- 2) We acknowledge and appreciate that the DEIR includes an evaluation of the relevant CKH factors on which LAFCO decisions regarding proposed SOI amendments and annexations would be based, particularly with regard to the factors included in CKH §56668. We commend the City for providing this analysis, as it will be useful for LAFCO. There are several CKH factors CKH, as discussed below, which require additional analysis.
- 3) We are satisfied with the discussion in the DEIR regarding the loss of agricultural lands – an important concern for LAFCO pursuant to CKH – and concur that in this case the impact to agricultural lands is not significant.

14-4

- 4) We acknowledge and appreciate that the DEIR includes a discussion of the project's role in helping to meet the City of Pittsburg's allocation of regional housing needs. This is a factor on which LAFCO will need to make a determination as required under CKH 56668(l). However, the DEIR fails to reference the City's current allocation of regional housing needs in quantitative terms, or how much the City has achieved and how far it has yet to go to meet its allocation, or how the Tuscan Meadows project fits into the City's plans for meeting its regional needs. The City's current Regional Housing Need Allocation for the period 2014 – 2022 calls for Pittsburg to generate 392 units for "Very Low" income households, 254 units for "Low Income" households, and 316 units for "Moderate" income households.² Should LAFCO assume that the Project's 1,282 dwelling units will all be market rate housing, and that none will be very low, low or moderate income housing? Please clarify.

**Letter 14
cont'd**

Leigha Schmidt
City of Pittsburg
December 10, 2014
Page 3

14-5

- 5) We acknowledge and appreciate that the DEIR includes a brief discussion of the Sustainable Communities Strategies document *Plan Bay Area*, and states that although the development site is not within a priority development area, the Project would include elements recommended in *Plan Bay Area* such as pedestrian trails and a mix of housing types.
- 6) We acknowledge and appreciate the DEIR's discussion of the history and status of clean-up efforts regarding groundwater contamination on the Chevron Parcel, and how the ultimate clean-up of hydrocarbon soil contamination on the development site is being addressed.

14-6

- 7) In our prior comment letters, we asked the City to demonstrate and provide substantial evidence to support the City's need for an additional 1,282 dwelling units, as proposed, in relation to historical trends of residential development and absorption in Pittsburg. This concern arises in relation to determinations that the Commission will be required to make pursuant to CKH §56425 (e)(2) as to the "present and probable need for public facilities and services in the area." The Commission's determination on this issue is related to the proposed amendments to the City's SOI.

The DEIR states that the City of Pittsburg's growth rate is about 1% per year or about 200–225 new dwelling units per year assuming an average household size of 3.3 persons per household. The "pipeline" of approved or reasonably foreseeable residential development, as indicated in Table 5-1 in the DEIR, shows a total of 9,325 units (in both Antioch and Pittsburg), of which 78% are single family dwellings. Considering only the units located in Pittsburg (estimated at 5,294 units) that are approved or "reasonably foreseeable," this represents a 24-year supply of new housing that can meet expected demand, assuming the City's average demand of 225 units per year. This projection does not include any consideration for vacant land available for additional residential development that is already within the City's corporate boundary. The proposed 1,282 dwelling units would add another 5.8 years' worth of supply.

In light of the City's average growth rate, it appears that the Project's proposed SOI amendment and annexation are premature because the need for facilities and services for this site are substantially beyond the 5-10 year time horizon used by LAFCO in considering the need for services. Please clarify.

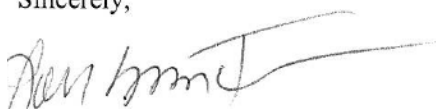
14-7

- 8) In regard to the proposed removal of the Project site from Antioch's SOI and placing it in Pittsburg's SOI, we previously asked that LAFCO be apprised of the results of consultation between representatives from the cities of Pittsburg and Antioch to address issues of mutual interest and concern relating to the Project. We find no information in the DEIR in response to our request.

The subject area is currently within the SOI and Urban Growth Boundary of the City of Antioch. We note that the City of Antioch has a number of concerns with the Project, as enumerated in Antioch's comment letter submitted in response to the NOP for this project. Pittsburg's responses to Antioch's concerns, and particularly those related to impacts to road and transportation and adequate provision of fire service, will be of interest to LAFCO when it considers the proposed SOI and boundary changes.

Thank you for your consideration of our comments and questions. Please contact the LAFCO office if you have any questions.

Sincerely,



Lou Ann Texeira
Executive Officer

c: LAFCO Planner

LETTER 14: LOU ANN TEXEIRA, CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

Response to Comment 14-1

The comment is introductory and provides background regarding LAFCo involvement in the process and a summary of the proposed project. The comment does not specifically address the adequacy of the Draft EIR, but refers to additional comments to follow.

Response to Comment 14-2

As noted in the comment, the Draft EIR includes an evaluation of the relevant Cortese-Knox-Hertzberg Local Government reorganization Act of 2000 (CKH) factors on which LAFCo SOI and annexation decisions would be based. Therefore, the comment does not specifically address the adequacy of the Draft EIR. However, the comment does provide important background information as to LAFCo's role in the CEQA process, evaluation factors to be utilized, and regulatory background.

Response to Comment 14-3

The comment identifies that three previous NOP comments were addressed in the Draft EIR and that LAFCo is satisfied with the discussions in the Draft EIR related to the identification of LAFCo as a public agency whose approval will be required, evaluation of the relevant CKH factors, and potential for loss of agricultural lands.

Response to Comment 14-4

The comment correctly identifies the City's current 2014-2022 Housing Needs Allocation. The City's current Housing Element states that, after accounting for approved housing units, Pittsburg has a remaining housing need of 196 extremely low-, 196, very low-, 131 low-, 244 moderate, and 136 above moderate-income units. As noted in the Draft EIR, the proposed project would help contribute to meeting the regional housing needs. The proposed project would be required to comply with the City's Inclusionary Housing Ordinance (Pittsburg Municipal Code [PMC] 18.86) through provision of on-site affordable units or payment of an in lieu fee (per PMC 18.86.080[c]). The extent to which the proposed project would provide affordable housing will be determined prior to Final Map, pursuant to PMC 18.86.120.

Response to Comment 14-5

The comment identifies that two previous NOP comments were addressed in the Draft EIR and that LAFCo appreciates the discussions in the Draft EIR related to the Sustainable Communities Strategies document, Plan Bay Area, and the history/status of the on-site remediation activities.

Response to Comment 14-6

CEQA requires the evaluation of potential physical impacts to the environment from implementation of the proposed project. The Draft EIR analyzed the potential impacts of the project as proposed (including consistency with applicable policies). The burden for providing evidence to support the need for the project does not fall on the EIR. Therefore, this comment does not address the adequacy of the Draft EIR. However, to provide LAFCo with the necessary information needed for the future LAFCo approvals needed, the City offers the following additional response.

The SOI amendment request would revise the current SOI boundary to be consistent with the voter-approved Urban Limit Line adjustment, which also resulted in voter-approved City of Pittsburg General Plan Land Use Designations and Rezoning for the project site. Therefore, the SOI Amendment is required to adjust the SOI to a more logical location given that City of Pittsburg General Plan Land Use Designations exist for the site, which is outside of the current Pittsburg SOI. In addition, removal of the project site from the City of Antioch's SOI and amending the Pittsburg SOI to encompass the project site would be required for consistency with Measure I.

Although the City's average growth rate could be met by other projects in the pipeline, the proposed project is consistent with the Urban Limit Line and would implement the City of Pittsburg's General Plan Designation for the site established under Measure I. It should be noted that the City is not the land owner, nor does the City have the authority to deny a proposed project that is consistent with the General Plan simply because other projects have been approved within the City.

Response to Comment 14-7

Although coordination with neighboring jurisdictions is encouraged under CEQA, the City as Lead Agency would not need to identify any impacts related to coordination. Therefore, the lack of discussion presented in the Draft EIR regarding the coordination with the City of Antioch does not address the adequacy of EIR analysis. However, to provide LAFCo with the necessary information needed for the future LAFCo approvals needed, the City offers the following additional response.

The City of Pittsburg met with the City of Antioch, Planning and Public Works Divisions, to discuss the proposed project and Draft EIR on April 9, 2015. In addition, the City of Antioch provided a comment letter on the Draft EIR (Comment Letter 3). Please refer to the responses to Comment Letter 3 for details regarding how the City of Pittsburg either has or intends to address the City of Antioch's concerns. Transportation impacts, including potential impacts to intersections within the City of Antioch, are addressed in Chapter 4.9, Transportation, Traffic, and Circulation of the Draft EIR. The provision of fire service to the proposed project is addressed in Chapter 4.8, Public Services, Recreation, and Utilities, Impact 4.8-4, beginning on page 4.8-40 of the Draft EIR. As concluded in the Draft EIR, a less-than-significant impact would result related to provision of fire services, but significant and unavoidable transportation impacts would result from the proposed project (including within the City of Antioch).

4. MITIGATION MONITORING AND REPORTING PROGRAM

4

MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

Section 15097 of the California Environmental Quality Act (CEQA) requires all State and local agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a “mitigated negative declaration” or specified environmental findings related to environmental impact reports.

The following is the Mitigation Monitoring and Reporting Program (MMRP) for the Tuscany Meadows Project. The intent of the MMRP is to ensure implementation of the mitigation measures identified within the Environmental Impact Report (EIR) for this project. Unless otherwise noted, the cost of implementing the mitigation measures as prescribed by this MMRP shall be funded by the applicant.

COMPLIANCE CHECKLIST

The MMRP contained herein is intended to satisfy the requirements of CEQA as they relate to the EIR for the Tuscany Meadows Project prepared by the City of Pittsburg. This MMRP is intended to be used by City staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMRP were developed in the EIR that was prepared for the proposed project.

The Tuscany Meadows Project EIR presents a detailed set of mitigation measures that will be implemented throughout the lifetime of the project. Mitigation is defined by CEQA Guidelines, Section 15370, as a measure that:

- Avoids the impact altogether by not taking a certain action or parts of an action;
- Minimizes impacts by limiting the degree or magnitude of the action and its implementation;
- Rectifies the impact by repairing, rehabilitating, or restoring the impacted environment;
- Reduces or eliminates the impact over time by preservation and maintenance operations during the life of the project; or
- Compensates for the impact by replacing or providing substitute resources or environments.

The intent of the MMRP is to ensure the implementation of adopted mitigation measures. The MMRP will provide for monitoring of construction activities as necessary and in-the-field identification and resolution of environmental concerns.

Monitoring and documenting the implementation of mitigation measures will be coordinated by the City of Pittsburg. The table attached to this report identifies the mitigation measure, the monitoring action for the mitigation measure, the responsible party for the monitoring action, and timing of the monitoring action. The applicant will be responsible for fully understanding and effectively implementing the mitigation measures contained within the MMRP. The City will be responsible for monitoring compliance.

During construction of the project, the City will assign an inspector(s) who will be responsible for field monitoring of mitigation measure compliance. The inspector(s) will report to the City Planning Department and will be thoroughly familiar with permit conditions and the MMRP.

MITIGATION MONITORING AND REPORTING PROGRAM

The following table indicates the mitigation measure number, the impact the measure is designed to address, the measure text, the monitoring agency, implementation schedule, and an area for sign-off indicating compliance.

MITIGATION MONITORING AND REPORTING PROGRAM TUSCANY MEADOWS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
4.1 Air Quality and Greenhouse Gas Emissions					
4.1-1	Short-term construction-related air quality.	4.1-1(a) <i>Prior to issuance of a grading permit for each phase of construction for the Tuscany Meadows Subdivision, the project applicant shall show on the grading plans via notation that the contractor shall ensure that all diesel-powered equipment larger than 50 horsepower and operating on the site for more than two days consecutively shall meet USEPA emissions standards for Tier 2 engines or equivalent. The grading plans shall be submitted for review and approval by the City Engineer.</i>	City Engineer	Prior to issuance of a grading permit for each phase of construction	
		4.1-1(b) <i>Prior to issuance of a grading permit for each phase of construction for the Tuscany Meadows subdivision, the project applicant shall show on the grading plans via notation that the contractor shall ensure that all generators shall be alternatively fueled or meet USEPA emissions standards for Tier 4 engines or equivalent. The grading plans shall be submitted for review and approval by the City Engineer.</i>	City Engineer	Prior to issuance of a grading permit for each phase of construction	
4.1-2	Long-term operational air quality and a conflict with or obstruction of implementation of regional air quality	4.1-2(a) <i>Wood-burning fireplaces, woodstoves, or similar wood-burning devices shall be prohibited throughout the proposed project plan area. Homes may be fitted with the applicable regulation compliant</i>	Chief Building Official	Prior to issuance of building permits	

MITIGATION MONITORING AND REPORTING PROGRAM TUSCANY MEADOWS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
	plans.	<p><i>natural gas burning appliances if desired. The prohibition shall be included on any project plans submitted prior to issuance of building permits, subject to review and approval by the Chief Building Official.</i></p> <p>4.1-2(b) <i>Electrical outlets shall be provided on the outside of the homes to encourage the use of electrical landscaping equipment. The provision shall be included on any project plans submitted prior to issuance of building permits, subject to review and approval by the Chief Building Official.</i></p> <p>4.1-2(c) <i>The use of electrical landscaping equipment shall be encouraged within the homeowner's guide to be provided following the signing of each purchasing agreement. In addition, the homeowner's guide shall discuss the benefits of limiting the use of certain consumer products, including, but not limited to, high-VOC paints, barbeque lighter fluid, and aerosol sprays.</i></p> <p>4.1-2(d) <i>The City's Green Building Design Guidelinesⁱ shall be used to promote a reduction in residential emissions where feasible and appropriate, including, but not limited to, implementation of the following measures, subject to review and</i></p>	<p>Chief Building Official</p> <p>Community Development Department</p> <p>City Planning Department</p>	<p>Prior to issuance of building permits</p> <p>Following the signing of each purchasing agreement</p> <p>Prior to issuance of building permits</p>	

MITIGATION MONITORING AND REPORTING PROGRAM TUSCANY MEADOWS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>approval by the City Planning Department:</i></p> <ul style="list-style-type: none"> <i>Secure and convenient storage for at least two bicycles should be provided along the street side of the house. The storage location should be accessible by driveway, other hardscape, or dedicated path, and securable by lock. The storage may be an external unit that is fully enclosed or enclosed on three sides closest to the street to hide the bicycles from street view, or an entrance into a garage or other space inside the residential unit with sufficient space to store the bicycles. External units should be located with consideration for the layout of the building, and complement the color and design of the building as much as possible. Storage units may be wall mounted and store bicycles vertically.</i> <i>Subdivisions should include a designated pedestrian route interconnecting all internal uses, site entrances, primary building entrances, public facilities, and</i> 			

MITIGATION MONITORING AND REPORTING PROGRAM TUSCANY MEADOWS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>adjacent uses to existing external bicycle and pedestrian facilities and streets.</i></p> <ul style="list-style-type: none"> ○ <i>Pedestrian and bicycle paths should provide safe, visible, and unobstructed bicycle and pedestrian access between facilities, from facility entrances to bicycle and pedestrian routes (sidewalks and bicycle lanes), and between facilities and existing or planned bicycle and pedestrian routes.</i> ○ <i>Greater emphasis should be placed on bicycle and pedestrian accessibility (location of routes) and connectivity (number of routes) rather than automobile accessibility/connectivity.</i> ○ <i>Cul-de-sacs should include pedestrian and bicycle pathways that cut through the block from the cul-de-sac to the next street behind the parcels lining the cul-de-sac.</i> 			

**MITIGATION MONITORING AND REPORTING PROGRAM
TUSCANY MEADOWS PROJECT**

Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>Green space may be used to connect adjacent cul-de-sacs, creating a pedestrian connection as well as community open space.</i></p> <ul style="list-style-type: none"> ○ <i>Spacing between pedestrian/bicycle connections should be no greater than 400 feet. This can be accomplished by creating mid-block paths and pedestrian shortcuts.</i> ● <i>Convenient, visible, and secure bicycle storage facilities should be available on site for multi-family residential areas, sufficient to accommodate demand of residents and guests.</i> <ul style="list-style-type: none"> ○ <i>Parking facilities may be lockers that may be locked individually.</i> ○ <i>Parking facilities may be locked storage rooms that are only accessible by building tenants and managers.</i> ○ <i>Parking facilities may be a storage area that is continuously monitored by on-site staff.</i> 			

MITIGATION MONITORING AND REPORTING PROGRAM TUSCANY MEADOWS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<ul style="list-style-type: none"> Roofs should be covered with a cool roof under the energy generation structures. Roof segments that are uncovered by energy systems should host raised bed garden space or greenhouses, a green/living roof, or cool roof surfaces. 			
4.1-3	Exposure of sensitive receptors to pollutant concentrations.	<p>4.1-3(a) <i>Implement Mitigation Measure 4.1-1(a); or the construction contractor shall use other measures to minimize construction period DPM emissions sufficient to reduce the predicted cancer risk below the applicable threshold of significance of 10 in one million. Such measures may include the use of alternative-powered equipment (e.g., LPG-powered forklifts), alternative fuels, added exhaust devices, or a combination of measures, provided that the measures are approved by the City Engineer. Verification that the chosen measures are sufficient to reduce cancer risk to below the applicable threshold of significance shall be provided to the City Engineer by the project proponent prior to issuance of a grading permit for each phase of construction for the Tuscany Meadows subdivision.</i></p> <p>4.1-3(b) <i>During any construction period ground disturbance of Areas 4 through 11 (as</i></p>	City Engineer	Prior to issuance of a grading permit for each phase of construction	
			City Engineer	Prior to issuance of a grading	

MITIGATION MONITORING AND REPORTING PROGRAM TUSCANY MEADOWS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>shown in Figure 4.1-1), the project applicant shall show on the grading plans via notation that the contractor shall ensure that 40 percent of all diesel-powered equipment larger than 50 horsepower and operating on the site for more than two days consecutively shall meet USEPA particulate matter emissions standards for Tier 4 engines or equivalent. The grading plans shall be submitted for review and approval by the City Engineer prior to issuance of grading permits for each phase of construction. The construction contractor shall use other measures to minimize construction period diesel particulate matter emissions to reduce the predicted cancer risk DPM emissions sufficient to reduce the predicted cancer risk below the applicable threshold of significance of 10 in one million. Such measures may include the use of alternative-powered equipment (e.g., LPG-powered forklifts), alternative fuels, added exhaust devices, or a combination of measures, provided that the measures are approved by the City Engineer prior to issuance of a grading permit for each phase of construction. Verification that the chosen measures are sufficient to reduce cancer risk to below the applicable threshold of significance</i></p>		<p>permit for each phase of construction</p>	

MITIGATION MONITORING AND REPORTING PROGRAM TUSCANY MEADOWS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
4.2 Biological Resources					
4.2-2	Impacts to San Joaquin kit fox.	<p>4.2-2(a) <i>Prior to the issuance of grading or construction permits for each phase of development of the Tuscany Meadows subdivision, the applicant shall pay the applicable East Contra Costa County HCP/NCCP per-acre fee in effect for Zone II in compliance with Section 15.108.070ⁱⁱ of the Pittsburg Municipal Code; or, per Section 15.108.080 of the Pittsburg Municipal Code, the applicant shall dedicate land in-lieu of some or all of the Development Fee that would otherwise be imposed upon the project. The Pittsburg Planning Department and the Contra Costa County Conservancy shall approve the final method of compliance with the East Contra Costa County HCP/NCCP provisions.</i></p> <p><i>Alternately, the project applicant may, in accordance with the terms of PMC Chapter 15.108, offer to dedicate land or create and restore wetlands in lieu of some or all of the mitigation fees. All applicable mitigation fees shall be paid, or an “in-lieu-of fee” agreement executed, prior to the issuance of a grading permit for the project.</i></p>	<p>City Planning Department</p> <p>East Contra Costa County Habitat Conservancy</p>	Prior to issuance of grading or construction permits for each phase of development	

MITIGATION MONITORING AND REPORTING PROGRAM TUSCANY MEADOWS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>4.2-2(b) <i>The project shall implement the following avoidance measures for potential effects on San Joaquin kit fox during construction:</i></p> <ol style="list-style-type: none"> 1. <i>Prior to any ground disturbance, a USFWS/CDFW-qualified biologist shall conduct a pre-construction survey within the proposed disturbance footprint and a surrounding 250-foot radius. The survey shall establish the presence or absence of San Joaquin kit foxes and/or suitable dens and evaluate use by kit foxes in accordance with USFWS survey guidelines (US Fish and Wildlife Service 1999). The pre-construction survey shall be conducted no more than 30 days prior to ground disturbance. On the parcel where the activity is proposed, the biologist shall survey the proposed disturbance footprint and a 250-foot radius from the perimeter of the proposed footprint to identify San Joaquin kit foxes and/or suitable dens. Adjacent parcels under different land ownership are not required to be surveyed. The</i> 	USFWS/CDFW approved biologist	Within 30 days of on-site ground disturbance	

MITIGATION MONITORING AND REPORTING PROGRAM TUSCANY MEADOWS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>status of all surveyed dens shall be determined and mapped. Written results of pre-construction surveys shall be submitted to USFWS within 5 working days after survey completion and before the start of ground disturbance. Concurrence is not required prior to ground disturbance.</i></p> <p>2. <i>If San Joaquin kit foxes and/or suitable dens are identified in the survey area, the measures described below shall be implemented.</i></p> <ul style="list-style-type: none"> • <i>If a San Joaquin kit fox den is discovered in the proposed development footprint, the den shall be monitored for 3 days by a USFWS/CDFW-qualified biologist using a tracking medium or an infrared beam camera to determine if the den is currently being used.</i> • <i>Unoccupied dens shall be destroyed immediately to prevent subsequent use.</i> • <i>If a natal or pupping den is found, USFWS and CDFW shall be notified immediately. The den shall not be destroyed</i> 	USFWS/CDFW approved biologist	If the surveys establish presence of San Joaquin kit fox	

MITIGATION MONITORING AND REPORTING PROGRAM TUSCANY MEADOWS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>until the pups and adults have vacated and then only after further consultation with USFWS and CDFW.</i></p> <ul style="list-style-type: none"> <i>If kit fox activity is observed at the den during the initial 3-day monitoring period, the den shall be monitored for an additional 5 consecutive days from the time of the first observation to allow any resident animals to move to another den while den use is actively discouraged. For dens other than natal or pupping dens, use of the den can be discouraged by partially plugging the entrance with soil such that any resident animal can easily escape. Once the den is determined to be unoccupied it may be excavated under the direction of the biologist. Alternatively, if the animal is still present after 5 or more consecutive days of plugging and monitoring, the den may have to be excavated when, in the judgment of the biologist, it is temporarily vacant (i.e.,</i> 			

MITIGATION MONITORING AND REPORTING PROGRAM TUSCANY MEADOWS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>during the animal's normal foraging activities).</p> <p>3. If dens are identified in the survey area outside the proposed disturbance footprint, exclusion zones around each den entrance or cluster of entrances shall be demarcated. The configuration of exclusion zones should be circular, with a radius measured outward from the den entrance(s). No ground disturbance activities shall occur within the exclusion zones. Exclusion zone radii for potential dens shall be at least 50 feet and shall be demarcated with four to five flagged stakes. Exclusion zone radii for known dens shall be at least 100 feet and shall be demarcated with staking and flagging that encircles each den or cluster of dens but does not prevent access to the den by kit fox.</p>	USFWS/CDFW approved biologist	If the surveys identify presence of San Joaquin kit fox dens	
4.2-3	Impacts to western burrowing owl.	<p>4.2-3(a) Implement Mitigation Measure 4.2-2(a).</p> <p>4.2-3(b) The project shall implement the following avoidance measures for potential effects on burrowing owl during construction:</p>	See Mitigation Measure 4.2-2(a)	See Mitigation Measure 4.2-2(a)	

MITIGATION MONITORING AND REPORTING PROGRAM TUSCANY MEADOWS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>1. <i>Prior to any ground disturbance, a USFWS/CDFW qualified biologist shall conduct a pre-construction survey of the project site for burrowing owls. The pre-construction survey shall establish the presence or absence of western burrowing owl and/or habitat features and evaluate use by owls in accordance with CDFW survey guidelines (California Department of Fish and Game 1993).</i></p> <p><i>On the parcel where the activity is proposed, the biologist shall survey the proposed disturbance footprint and a 500-foot radius from the perimeter of the proposed footprint to identify burrows and owls. Adjacent parcels under different land ownership shall not be required to be surveyed. Surveys should take place near sunrise or sunset in accordance with CDFW guidelines. All burrows or burrowing owls shall be identified and mapped. Surveys shall take place no more than 30 days prior to construction. During the</i></p>	<p>City Planning Department</p> <p>USFWS/CDFW approved biologist</p>	<p>No more than 30 days prior to construction</p>	

MITIGATION MONITORING AND REPORTING PROGRAM TUSCANY MEADOWS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>breeding season (February 1–August 31), surveys shall document whether burrowing owls are nesting in or directly adjacent to disturbance areas. During the nonbreeding season (September 1–January 31), surveys shall document whether burrowing owls are using habitat in or directly adjacent to any disturbance area. Survey results shall be valid only for the season (breeding or nonbreeding) during which the survey is conducted.</i></p> <p>2. <i>If burrowing owls are found during the breeding season (February 1–August 31), the project applicant shall avoid all nest sites that could be disturbed by project construction during the remainder of the breeding season or while the nest is occupied by adults or young. Avoidance shall include establishment of a non-disturbance buffer zone (described below). Construction may occur during the breeding season if a qualified biologist monitors the nest and determines that the birds have not begun egg-laying and</i></p>	USFWS/CDFW approved biologist	If a western burrowing owl or its sign is identified on the project site during pre-construction surveys	

MITIGATION MONITORING AND REPORTING PROGRAM TUSCANY MEADOWS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>incubation or that the juveniles from the occupied burrows have fledged. During the nonbreeding season (September 1– January 31), the project applicant shall avoid the owls and the burrows they are using, if possible. Avoidance shall include the establishment of a buffer zone (described below).</i></p> <p>4.2-3(c) <i>If construction begins and then is delayed for more than a year, as an interim measure, the project applicant shall periodically disk the graded areas of the project site to avoid recolonization by burrowing owls. Upon recommencement of project construction, the project applicant shall re-implement Mitigation Measure 4.2-3(b) prior to recommencement of any ground disturbing activities.</i></p>	City Building Official	Prior to restart of a delay in construction	
4.2-4	Impacts to other raptors covered under the East Contra Costa County HCP/NCCP, including Swainson’s hawk and golden eagle.	<p><u>Swainson’s hawk</u></p> <p>4.2-4(a) <i>Implement Mitigation Measure 4.2-2(a).</i></p> <p>4.2-4(b) <i>The project applicant shall implement the following avoidance measures for potential effects on Swainson’s hawk nests during construction:</i></p>	See Mitigation Measure 4.2-2(a)	See Mitigation Measure 4.2-2(a)	

MITIGATION MONITORING AND REPORTING PROGRAM TUSCANY MEADOWS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p>1. <i>Prior to ground disturbing activities during the nesting season (March 15 through September 15), a qualified biologist shall conduct a pre-construction survey no more than one month prior to construction to establish whether occupied Swainson's hawk nests occur on or within 1,000 feet of the area of proposed construction. If no occupied nests are found, then no further mitigation is required.</i></p> <p>2. <i>If occupied nests are found, there shall be no project construction activity within a 1,000 foot buffer zone distance from the nest unless a lesser buffer zone is approved by the City in consultation with CDFW. During the nesting season, construction activities shall be avoided within the established buffer zone to prevent nest abandonment. Construction monitoring shall be required to ensure that the established buffer zone is adhered to. If young fledge prior to September 15, construction activities can</i></p>	<p>USFWS/CDFW approved biologist</p> <p>USFWS/CDFW approved biologist</p>	<p>Prior to ground disturbance related activities that occur during the nesting season (March 15 – September 15)</p> <p>If burrowing owl nests are occupied during the pre-construction survey</p>	

MITIGATION MONITORING AND REPORTING PROGRAM TUSCANY MEADOWS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>proceed normally without a buffer zone. If an active nest site is present but shielded from view and noise by other development or other features, the City may waive this avoidance measure (establishment of a buffer zone) if approved by the CDFW.</i></p> <p><u>Golden Eagle</u></p> <p>4.2-4(c) <i>Implement Mitigation Measure 4.2-2(a).</i></p> <p>4.2-4(d) <i>The project shall implement the following avoidance measures for potential effects on golden eagles during construction:</i></p> <ol style="list-style-type: none"> <i>Based on the potential for active nests, prior to implementation of construction activities, including tree removal, a qualified biologist shall conduct a pre-construction survey to establish whether an active golden eagle nest is present on the project site. If an occupied nest is present, minimization requirements and construction monitoring shall be required, as detailed below.</i> <i>Construction activities shall be</i> 	<p>See Mitigation Measure 4.2-2(a)</p> <p>USFWS/CDFW approved biologist</p> <p>USFWS/CDFW</p>	<p>See Mitigation Measure 4.2-2(a)</p> <p>Prior to ground disturbance related activities</p> <p>During project</p>	

MITIGATION MONITORING AND REPORTING PROGRAM TUSCANY MEADOWS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>prohibited within 0.5 mile of active nests. Nests can be built and active at almost any time of the year, although mating and egg incubation occurs late January through August, with peak activity in March through July. If site-specific conditions or the nature of the construction activity (e.g., steep topography, dense vegetation, limited activities) indicate that a smaller buffer could be appropriate or that a larger buffer should be implemented, the Implementing Entity shall coordinate with CDFW/USFWS to determine the appropriate buffer size.</i></p> <p>3. <i>Construction monitoring shall ensure that no construction activities occur within the buffer zone established around an active nest. Construction monitoring shall ensure that direct effects to golden eagles are avoided.</i></p>	<p>approved biologist</p> <p>City Building Official</p>	<p>construction</p> <p>During project construction</p>	
4.2-5	Impacts to other raptors and migratory birds not covered under the East Contra Costa County HCP/NCCP.	<p><u>White-tailed kite</u></p> <p>4.2-5(a) <i>Prior to any ground disturbance related activities that occur during the nesting season (March 15-August 31), a qualified</i></p>	City Engineer	Prior to any ground disturbance	

MITIGATION MONITORING AND REPORTING PROGRAM TUSCANY MEADOWS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>biologist shall conduct a pre-construction survey no more than one month prior to construction to establish whether white-tailed kite is nesting in trees visible from the site. In the event active nests are found, the applicant shall develop and submit a construction monitoring plan to the East Contra Costa County Habitat Conservancy and the City of Pittsburg for review and approval prior to the commencement of construction activities.</i></p> <p><u>Migratory Birds</u></p> <p>4.2-5(b) <i>If possible, vegetation removal shall occur outside of the general bird nesting season (February 1 through August 31). Alternatively, a qualified biologist shall conduct a pre-construction survey no more than two weeks prior to vegetation removal. If active nests are found, vegetation removal shall be delayed until the young have fledged, as determined by a qualified biologist.</i></p>	<p>East Contra Costa County Habitat Conservancy</p> <p>City Engineer</p> <p>OR</p> <p>Qualified Biologist</p>	<p>related activities that occur during the nesting season (March 15-August 31)</p> <p>In the event active nests are found during the pre-construction survey</p> <p>During project construction</p> <p>OR</p> <p>No more than two weeks prior to vegetation removal</p>	
4.2-8	Cumulative loss of biological resources in the City of Pittsburg and the effects of ongoing urbanization in the region.	4.2-8	Implement Mitigation Measures 4.2-2 through 4.2-5.	See Mitigation Measures 4.2-2 through 4.2-5	See Mitigation Measures 4.2-2 through 4.2-5

MITIGATION MONITORING AND REPORTING PROGRAM TUSCANY MEADOWS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
4.3 Geology, Soils, and Seismicity					
4.3-2	Risks to people and structures associated with expansive soils and use of previously stockpiled soils as engineered fill.	<p>4.3-2(a) <i>Prior to approval of Improvement Plans and issuance of grading permit for the Tuscany Meadows subdivision, the project applicant shall submit to the City of Pittsburg Engineering Department, for review and approval, a final geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The report shall include the recommendations in the report entitled, Geotechnical Engineering Report, Highlands Ranch II (Tuscany Meadows), dated February 3, 2012. The design-level report shall address, at a minimum, the following:</i></p> <ul style="list-style-type: none"> • <i>Compaction specifications for on-site soils;</i> • <i>Road and pavement design;</i> • <i>Structural foundations, including retaining wall design (if applicable);</i> • <i>Grading practices;</i> • <i>Erosion/winterization; and</i> • <i>Expansive/unstable soils.</i> <p><i>It is the responsibility of the developer to provide for engineering inspection and</i></p>	City Engineering Department	Prior to approval of Improvement Plans and issuance of grading permit	

MITIGATION MONITORING AND REPORTING PROGRAM TUSCANY MEADOWS PROJECT					
Impact Number	Impact	Mitigation Measure	Monitoring Agency	Implementation Schedule	Sign-off
		<p><i>certification that earthwork has been performed in conformity with recommendations contained in the report. Proof that earthwork has been performed in accordance with the recommendations of the design-level geotechnical report shall be provided to the City of Pittsburg Engineering Department.</i></p> <p>4.3-2(b) <i>If any on-site soils identified for bioremediation are planned to be utilized for fill purposes, proof shall first be provided to the City of Pittsburg Engineering Department that such soils have been successfully remediated per the approved Remedial Action Plan.</i></p>	City Engineering Department	If any on-site soils identified for bioremediation are planned to be utilized for fill purposes	
4.3-3	Risks associated with substantial erosion or loss of topsoil.	<p>4.3-3 <i>Prior to issuance of a grading permit for the Tuscany Meadows subdivision, the project applicant shall submit, for the review and approval by the City Engineer, an erosion control plan that utilizes standard construction practices to limit the erosion effects during construction of the proposed project. Measures could include, but are not limited to, the following:</i></p> <ul style="list-style-type: none"> • <i>Hydro-seeding;</i> • <i>Placement of erosion control measures within drainageways</i> 	City Engineer	Prior to issuance of a grading permit	

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		<p><i>and ahead of drop inlets;</i></p> <ul style="list-style-type: none"> • <i>The temporary lining (during construction activities) of drop inlets with “filter fabric” (a specific type of geotextile fabric);</i> • <i>The placement of straw wattles along slope contours;</i> • <i>Directing subcontractors to a single designation “wash-out” location (as opposed to allowing them to wash-out in any location they desire);</i> • <i>The use of siltation fences; and</i> • <i>The use of sediment basins and dust palliatives.</i> 			
4.4 Hazards and Hazardous Materials					
4.4-2	An upset or accidental release of hazardous materials into the environment.	4.4-2(a) <i>Prior to issuance of a grading permit for the Tuscany Meadows subdivision, the project applicant shall provide proof to the City that the soil contamination on-site has been contained in accordance with the approved RAP and has been remediated to the satisfaction of the San Francisco Bay RWQCB.</i>	City Engineer	Prior to issuance of a grading permit	
		4.4-2(b) <i>Prior to approval of Grading and Improvement Plans, the project applicant shall coordinate with Chevron to determine the accurate depths and</i>	City Engineer Chevron	Prior to approval of grading and improvement plans	

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		<p><i>alignment of the pipelines by field checking and potholing the pipeline. Arrangements to potholing of the pipelines shall be made at least 48 hours in advance. The project applicant shall be responsible for providing a backhoe and operator, as well as a surveyor if needed. All construction plans that occur within Chevron's easement shall be submitted to Chevron to allow for review prior to commencing work within the easement.</i></p> <p><i>After determining the accurate depths and alignments of the pipelines, the project applicant shall further coordinate with Chevron regarding all work that could affect the pipelines in order to ensure compliance with applicable development restrictions and regulations, which would include, but would not be limited to, the following:</i></p> <ul style="list-style-type: none"> <i>• Maintain a minimum of 12 inches of clearance between the pipelines and other cross-lines that intersect at a 90-degree angle, or a minimum of 24 inches of clearance for intersection angles less than 90-degrees;</i> <i>• Maintain a minimum of 24 inches of undisturbed clearance between</i> 			

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		<p><i>the top of pipe and bottom of the sub grade for paving and grass or shallow rooted plants within the pipeline easements;</i></p> <ul style="list-style-type: none"> • <i>Prohibit deep-rooted trees and structures within pipeline easements;</i> • <i>All excavations within 24-inches of the pipelines shall be accomplished using hand tools only;</i> • <i>Restrict use of heavy vibratory equipment over pipelines; and</i> • <i>Notify Underground Service Alert (USA) at 800-227-2600 at least 48 hours prior to any excavation work.</i> 			
4.6 Land Use and Planning					
4.6-1	Compatibility with surrounding uses.	<p><i>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</i></p>	City Planning Department	Prior to approval of design review for each specific phase of development	

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		<i>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.</i>			
4.7 Noise					
4.7-1	Construction noise impacts to existing sensitive receptors in the project vicinity.	<p>4.7-1 <i>Prior to issuance of Building Permits, the contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. The plan shall implement, but not be limited to, the following available control measures to reduce construction noise levels as low as practical:</i></p> <ul style="list-style-type: none"> <i>Construction activities shall be limited to the hours between 8:00 AM and 5:00 PM, Monday through Saturday. No construction activities should occur on Sundays or federal holidays (Consistent with General Plan Policy 12-P-9</i> 	City Building Official	Prior to issuance of building permits	

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		<p><i>and as approved by the City Engineer and Chief Building Official);</i></p> <ul style="list-style-type: none"> • <i>Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;</i> • <i>Prohibit all unnecessary idling of internal combustion engines;</i> • <i>Route construction related traffic to and from the site via designated truck routes and avoid residential streets where possible;</i> • <i>Utilize “quiet” models of air compressors and other stationary noise sources where technology exists;</i> • <i>Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;</i> • <i>Shield adjacent sensitive uses from stationary equipment with individual noise barriers or partial acoustical enclosures;</i> • <i>Locate staging areas and construction material storage areas as far away as possible from</i> 			

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		<p><i>adjacent land uses;</i></p> <ul style="list-style-type: none"> • <i>Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include the telephone number in the notice sent to neighbors regarding the construction schedule; and</i> • <i>Hold a preconstruction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, construction schedule, and noise coordinator) are completed.</i> <p><i>The construction plan shall be submitted to the City Building Official for review and approval. If changes to the allowable</i></p>			

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		<i>time for construction activities must be adjusted, the changes shall be submitted to the City Building Official for review and approval.</i>			
4.7-2	Construction vibration impacts to existing sensitive receptors in the project vicinity.	4.7-2 <i>In conjunction with submittal of Grading Plans for the Tuscany Meadows subdivision, the applicant shall show on the Grading Plans to the satisfaction of the City Engineer that, if necessary, alternate vibratory compaction equipment, such as a plate compactor or smaller, rubber-tire equipment, shall be used when grading is required within 20 feet of existing residential land uses adjoining the project site.</i>	City Engineer	In conjunction with submittal of grading plans	
4.7-3	Transportation noise impacts to proposed sensitive receptors in the project vicinity.	4.7-3(a) <i>In conjunction with submittal of Improvement Plans, the applicant shall show on the Improvement Plans noise barriers six feet to twelve feet in height, as measured above the adjacent private outdoor activity areas, to shield private outdoor spaces adjacent to Buchanan Road, Somersville Road, and James Donlon Boulevard. In addition, the Plans shall require with notation that noise barrier walls shall be constructed of concrete panels, concrete masonry units, earthen berms, or any combination of these materials. Wood is not recommended due to eventual warping and degradation of acoustical performance. The specific</i>	City Engineer	In conjunction with submittal of improvement plans	

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		<p><i>height and locations of the noise barriers shall be confirmed based upon the final approved site and grading plans. See Figure 4.7-3 for the suggested location and heights of the preliminary noise barrier plan. The site and grading plans shall be subject to review and approval by the City Engineer. Final wall heights shall be determined by an acoustical engineer based on the final grade of the lots in order to bring noise levels to an acceptable level of 60 dB for the single-family development along Somersville Road and 65 dB for the multi-family development along Buchanan Road.</i></p> <p>4.7-3(b) <i>In conjunction with submittal of the Site Plan for the multi-family site, the applicant shall show on the Site Plan that the common outdoor use areas would be located a minimum distance of 205 feet from the Buchanan Road centerline, or in areas shielded by multi-family residential buildings or noise barriers, in order to reduce the noise exposure to 65 dBA CNEL or less. The location of outdoor use areas, or attenuation provided by buildings or noise barriers, shall be confirmed based upon the final approved site and grading plans. As an alternative, the applicant shall provide a noise report</i></p>	City Engineer	In conjunction with submittal of the site plan for the multi-family site	

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		<p><i>identifying the noise barriers aimed to decrease traffic noise at outdoor activity areas which would result in traffic noise levels that comply with the exterior noise level criterion of 65 dB CNEL. The site and grading plans shall be subject to review and approval by the City Engineer.</i></p> <p>4.7-3(c) <i>Prior to issuance of Building Permits, a qualified acoustical consultant shall review final site plans, building elevations, and floor plans prior to construction to calculate expected interior noise levels as required by the City of Pittsburg to confirm that the design results in interior noise levels reduced to 45 dBA CNEL or lower. The specific determination of what noise insulation treatments are necessary shall be conducted on a unit-by-unit basis. Results of the analysis, including the description of the necessary noise control treatments, shall be submitted to the City along with the building plans and approved prior to issuance of a building permit. Potential measures could include, but would not be limited to, restriction of two-story homes, or incorporation of noise-insulating building materials such as windows with a sound transmission class rating of 35-38 and resilient channels for walls, for homes adjacent to</i></p>	City Building Official	Prior to issuance of building permits	

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		<p><i>Buchanan Road, Somersville Road, and James Donlon Boulevard.</i></p> <p>4.7-3(d) <i>Prior to issuance of Building Permits, the applicant shall show on the construction drawings that a suitable form of forced-air mechanical ventilation shall be installed as determined by the City Building Official, for units throughout the site, so that windows can be kept closed at the occupant's discretion to control interior noise and achieve the interior noise standards.</i></p>	City Building Official	Prior to issuance of building permits	
4.8 Public Services, Recreation, and Utilities					
4.8-1	Result in insufficient water supply available to serve the project from existing entitlements and resources, or require the construction of new water delivery, collection, or treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	<p>4.8-1 <i>The developer shall provide all necessary documentation required by the CCWD for its application for inclusion of the project site in the CVP. No grading or building permits shall be issued for the Tuscany Meadows Subdivision until the project site has been annexed into the CCWD service area and the developer provides the City with a "Will Serve" letter from the CCWD verifying that the project site has been included in the CVP.</i></p>	City Planning Department	Prior to issuance of grading or building permits	
4.8-7	Increase the use of existing neighborhood and regional parks or	<p>4.8-7 <i>The subdivider shall dedicate the amount of park land required for dedication at the time of the filing of the final or parcel map</i></p>	City Planning Commission	Upon filing of the final or parcel map	

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	other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, or include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	<i>for the subdivision; or subject to approval by the Pittsburg Planning Commission, the subdivider shall provide a combination in-lieu fees and park dedication. Payment of in-lieu fees is required at a time consistent with subsections (E)(2)(b) and (c) of PMC Section 17.32.020.</i>			
4.9 Transportation, Traffic, and Circulation					
4.9-5	Alternative transportation facilities.	<p>4.9-5(a) <i>Prior to approval of Improvement Plans for Phase I improvements, the Improvement Plans shall include bus turnouts, including shelters and bicycle racks, on both sides of Buchanan Road adjacent to the proposed intersection with Tuscany Meadows Drive. The turnouts, shelters, and bicycle racks shall be constructed with the roadway improvements.</i></p> <p>4.9-5(b) <i>The Phase I improvements of the proposed project shall include completion of a multi-use trail/path connection to the Delta De Anza Trail. The final location</i></p>	City Engineer	Prior to approval of improvements plans for Phase I improvements	

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		<p><i>and design of the trail/path shall be submitted to the City Engineer for review and approval prior to approval of Improvement Plans.</i></p> <p>4.9-5(c) <i>Prior to approval of Improvement Plans for either the multi-family or the contiguous single-family residential portion of the proposed project, whichever is submitted first, the Improvement Plans shall include a pedestrian trail connection between the multi-family and single-family residential portions of the project site, for review and approval by the City Engineer.</i></p>			
4.9-9	Alternative transportation facilities under cumulative conditions.	4.9-9 <i>Implement Mitigation Measures 4.9-5(a), 4.9-5(b), and 4.9-5(c).</i>	See Mitigation Measures 4.9-5(a), 4.9-5(b), and 4.9-5(c).	See Mitigation Measures 4.9-5(a), 4.9-5(b), and 4.9-5(c).	

ⁱ City of Pittsburgh. *Development Review Design Guidelines, Section VI: Green Building Design Guidelines*. Adopted November 9, 2010.

ⁱⁱ City of Pittsburgh, Habitat Conservation Plan/Natural Community Conservation Plan Implementation Ordinance.