



Lou Ann Texeira
 Executive Officer

MEMBERS

Donald A. Blubaugh
Public Member
Federal Glover
County Member
Michael R. McGill
Special District Member

Dwight Meadows
Special District Member
Mary N. Piepho
County Member
Rob Schroder
City Member

Don Tatzin
City Member

ALTERNATE MEMBERS

Candace Andersen
County Member
Sharon Burke
Public Member
Tom Butt
City Member
George H. Schmidt
Special District Member

May 14, 2014 (Agenda)

May 14, 2014
 Agenda Item 12

Contra Costa Local Agency Formation Commission
 651 Pine Street, Sixth Floor
 Martinez, CA 94553

Update – James Donlon Boulevard Extension Project

Dear Members of the Commission:

Background: The James Donlon Boulevard Extension (JDBE) project has a history dating back to 1988, at which time the Pittsburg General Plan identified the need for a “Hillside Limited Access Arterial Road” (i.e., Buchanan Road Bypass). The City indicates that the proposed roadway is also identified in the Contra Costa Transit Authority (CCTA) Countywide Comprehensive Transportation Plan, the Metropolitan Transportation Commission (MTC) Transportation Plan 2035, the East County Action Plan for Routes of Regional Significance, the State Route 4 Major Investment Study, and the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP).

In 1993, the Pittsburg City Council certified a program-level Environmental Impact Report (EIR) approving the Buchanan Road Bypass project. The Buchanan Road Bypass project analyzed in the 1993 EIR was not constructed in a timely manner.

In 2006, the City of Pittsburg took action to initiate a project-level EIR and engineering studies for the roadway extension project; and in 2011, the City allocated funding for the EIR and related studies. In February 2012, the City issued a Notice of Preparation of the JDBE project EIR, and in April 2013, the Draft EIR was released.

On April 7, 2014, the Pittsburg City Council was asked to certify the JDBE project EIR. As described in the EIR, the proposed project is a 1.71-mile extension of JDB from the western edge of the Sky Ranch subdivision to Kirker Pass Road. The area is currently in the unincorporated County, and within the City of Pittsburg’s Planning Area and Sphere of Influence (SOI).

LAFCO’s Involvement: The City’s EIR indicates that the proposed project will require annexation of two properties and the Kirker Pass Road right-of-way from Nortonville Road north to the City limit line. Consequently, LAFCO, as a Responsible Agency under the California Environmental Quality Act (CEQA), will need to rely on the City’s EIR in conjunction with any future annexation.

Since 2006, LAFCO staff has coordinated with City staff on this project. In response to the various CEQA notices, LAFCO staff has submitted several comment letters to the City noting a number of concerns with the proposed project, the most significant of which deals with the loss of agricultural lands.

The proposed road extension will bisect the Thomas Ranch which is currently used for cattle ranch operations. The City estimates that approximately 70 acres of the overall 475-acre area will be developed with the proposed roadway.

The proposed project and area proposed for annexation is located on land that is considered “prime agricultural land” pursuant to the Cortese-Knox-Hertzberg Act (CKH Act). The County’s General Plan designation for the project area is AL (Agricultural Land) and the zoning is A-4 (Agricultural Preserve). Portions of the project area, including the parcels proposed for annexation, are currently under an active Williamson Act contract. Other portions of the project site are under a Williamson Act contract which is in “non-renewal” status and will expire in 2016. In conjunction with the JDBE project, the City proposes to amend its General Plan land use designations on two of the parcels from Open Space and Hillside Low Density development to “Open Space.”

Prior to the April 7, 2014 City Council, meeting, LAFCO staff requested that the City Council continue to a later date its hearing on the JDBE project EIR to allow additional time for review and for LAFCO to perform its due diligence. A number of other agencies also submitted requests for a deferral. In response, the City continued the matter to May 19, 2014.

On April 15, City of Pittsburg and LAFCO staff met to further discuss the JDBE project and LAFCO’s concerns with the loss of agricultural land, given this is one of LAFCO’s principal objectives.

Pursuant to the CKH Act, LAFCO is charged with the following:

- Guiding development away from agricultural lands where possible and encouraging efficient development of existing vacant lands and infill properties within an agency’s boundaries prior to conversion of additional agricultural lands.
- Fully considering the impacts a proposal will have on existing agricultural lands.
- Minimizing the conversion of agricultural land to other uses.
- Promoting preservation of agricultural lands for continued agricultural uses while balancing the need for planned, orderly development and the efficient provision of services.

While the City’s EIR acknowledges that the JDBE project would represent an adverse impact on agricultural resources, it concludes that the impact is less than significant and therefore no mitigation is required. LAFCO staff disagrees.

From LAFCO staff’s perspective, the JDBE project would have a significant impact on agricultural resources as it would 1) convert 15% of the cattle ranch to non-agricultural uses, 2) encumber the agricultural activities as a result of bifurcating the property, and 3) jeopardize the future of agricultural uses on the remaining 400 acres as the zoning designations are merely legislative impositions and are not permanent.

Potential Remedies: At the City's suggestion, LAFCO staff developed the following proposed mitigation measures to address the loss of agricultural lands in conjunction with the proposed JD BE project:

1. The City could make a grant to a non-profit land conservation or agricultural land conservation organization (e.g., Nature Conservancy, Brentwood Area Land Trust, etc.) that is experienced in the business of acquiring and administering conservation easements on agricultural land.
2. The City could preserve agricultural land through the purchase of an off-site conservation easement.
3. Any other direct or indirect measure to mitigate the loss of agricultural land.

LAFCO staff will send a letter to the City by May 19th with the suggested mitigation measures.

RECOMMENDATION - Receive update.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER