

**CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT**

November 8, 2017 (Agenda)

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Agenda Item 6

LAFCO 17-07 **Sphere of Influence (SOI) Amendments – Cities of Antioch and Pittsburg**

APPLICANT City of Pittsburg

ACREAGE & LOCATION The City of Pittsburg proposes to expand its SOI by 193.48± acres (APNs 089-150-015/-016) and remove the same area from the City of Antioch's SOI. The City of Pittsburg has also submitted a corresponding application to annex the area to the City of Pittsburg, Contra Costa Water District (CCWD), and Delta Diablo (DD), and detach the same area from County Service Area (CSA) P-6.

The subject area is bounded on the north by Buchanan Road, on the south by Black Diamond Estates residential development, to the east by the Contra Costa Canal and Somersville Road, and to the west by the Highlands Ranch residential development (Attachment 1). The area is currently an unincorporated island surrounded by the cities of Antioch and Pittsburg.

PURPOSE The purpose of the proposal is to allow for the future development of the Tuscany Meadows Residential Subdivision on 170± acres, including 917 single-family lots, up to 353 multi-family units, and parks, open space and storm water detention basins. The subject area also includes a 23-acre Chevron property, surrounded on three sides by the development site; there are no plans for development on the Chevron parcel.

BACKGROUND

The City of Pittsburg filed an application with LAFCO to amend the SOIs of the cities of Antioch and Pittsburg. The City also submitted a corresponding boundary reorganization proposal to annex the subject properties along with remnant rights-of-ways to the City of Pittsburg, CCWD and DD, and detach the same area from CSA P-6. The areas proposed for annexation to CCWD and DD are already within the district SOIs. The reorganization proposal is currently under review. The purpose of the proposed SOI amendments and corresponding boundary changes is to serve the Tuscany Meadows Residential Subdivision.

The subject area is within the City's Urban Limit Line (ULL). In November 2011, the Pittsburg voters approved Measure I, which amended Pittsburg's General Plan to include the 193± acre site in the City's ULL. Measure I also rezoned the land within the amended ULL to include single family residential, high density residential and general industrial uses. In conjunction with the approval of Measure I, the City of Pittsburg amended its General Plan to include the proposed SOI amendment, and noting that this area has historically been considered a part of Pittsburg and is a logical extension of the Highlands Ranch development.

As noted above, the proposal also includes a parcel owned by Chevron designated for industrial use. The existing Chevron facility is currently utilized as a pumping facility and a field office. Chevron operates two active, high pressure buried pipelines, which are used to transport crude oil and natural gas, in the vicinity of project site. The pipelines cross Buchanan Road from the north to the existing Chevron

facility and from the Chevron facility along Buchanan Road to the east, along the northeastern portion of the project site. The existing Chevron facility will remain in place and unchanged, and is being included with the annexation to avoid creation of an island.

Historically, the Chevron property was used as an above-ground crude oil tank farm. The tanks and associated piping were removed from the site in 1981. The site is currently undergoing soil remediation. In 2006, a Remedial Action Plan (RAP) was prepared for the site to establish the site clean-up standards and criteria to be met prior to redevelopment of the site. The California Regional Water Quality Control Board (RWQCB) is responsible for overseeing the site's clean-up and remediation. The State must attest to and certify the completion of adequate soil remediation and containment prior to any future use or development of the site. The landowner is ultimately responsible for the clean-up.

Further, the City of Pittsburg has adopted a mitigation measure in response to the soil contamination, as part of its environmental and approval processes. The mitigation measure provides that the City *will not issue a grading permit for the Tuscan Meadows subdivision until the applicant provides proof that the soil contamination on-site has been contained in accordance with the RAP and has been remediated to the satisfaction of the RWQCB.* We requested information on the status of the clean-up and await an update.

DISCUSSION

The Cortese-Knox-Hertzberg Act (CKH) empowers LAFCO with the responsibility for developing and determining the SOI of each local agency within the county, and for enacting policies designed to promote the logical and orderly development of areas within the spheres.

An SOI is defined as a plan for the probable physical boundaries and service area of a local agency, as determined by LAFCO. The intent of an SOI is to identify the most appropriate areas for an agency's extension of services in the foreseeable future (e.g., 10-20 year horizon). Accordingly, territory included in an agency's sphere is an indication that the probable need for service has been established, and that the subject agency has been determined by LAFCO to be the most logical service provider for the area.

The CKH requires that LAFCO decisions regarding boundary changes be consistent with SOIs of local agencies. LAFCO is prohibited from approving annexations that are not within the annexing agency's SOI. Once an SOI is established, annexations must still be individually weighed and evaluated on their own merit.

The CKH also requires consultation with other affected agencies - in this case, Contra Costa County and the City of Antioch - in conjunction with SOI amendments. As noted in the City of Pittsburg's SOI application, Pittsburg has consulted with the County and the City of Antioch on the proposed SOI amendments and boundary changes. Accordingly, the City of Antioch has adopted a resolution joining the City of Pittsburg in this proposal and has entered into an agreement with the developer to address traffic concerns.

In determining a sphere, LAFCO is required to consider and prepare a written statement of determinations with respect to certain factors prior to making a decision, as discussed below (Gov. Code §56425).

1. ***The present and planned uses in the area, including agricultural and open space lands*** – The land use designations are summarized below.

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

The subject area is inside the ULLs of the County and the cities of Antioch and Pittsburg. The area is surrounded by residential to the north, west, east and south, with some open space and agricultural designations to the southeast. There are no current Williamson Act Land Conservation Agreements within the subject area, and the proposed SOI amendments and boundary changes will have no direct impact on agricultural land or open space lands.

2. ***The present and probable need for public facilities and services in the area*** – The City of Pittsburg has approved entitlements for development of the 135.6± acre project site to include 917 single-family lots, up to 353 multi-family units, along with 18.6± acres for parks, open space and storm water detention basins. The proposed development will include mixed housing including single and multi-family and accessory units. With the proposed development, there will be the need for public facilities and services in the area, including water, wastewater, and other municipal services.
3. ***The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide*** – Development of the project site will require a full range of public facilities and municipal services, including water and wastewater services. As proposed, the City of Pittsburg will provide water treatment and distribution; wastewater collection; drainage; streets/roads; police, parks and recreation; street lighting; and library services to the project site. Contra Costa County Fire Protection District will continue to provide fire service to the area.

CCWD provides wholesale water to the City of Pittsburg. The City’s Water Supply Assessment estimates that the project could utilize up to 732 acre feet of treated water per year once the Tuscany Meadows development is built out. CCWD’s primary sources of water are the U.S. Bureau of Reclamation (USBR) Central Valley Water Project and delta diversions. One of CCWD’s prerequisites for service, including annexation, is inclusion in the Central Valley Project (CVP) Service Area. The CVP inclusion review is a separate process, and requires specific environmental documents.

DD will provide wastewater conveyance, treatment and disposal. According to DD, the estimated wastewater discharge from the proposed subdivision is approximately 261,750 gallons per day.

The City of Pittsburg, CCWD and DD have all indicated that they have the capacity to serve the project site.

4. ***The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency*** – The primary social or economic communities of interest that are relevant to the proposed SOI amendments are the Pittsburg community and the CCWD and DD customer base. The SOI amendments are consistent with the Pittsburg voter approved ULL and the countywide ULL, and would reflect a logical extension of the CCWD and DD boundaries.
5. ***Nature, location, extent, functions & classes of services to be provided*** - When adopting, amending, or updating an SOI for a special district, LAFCO shall establish the nature, location, and extent of any functions or classes of services provided by existing districts.

CCWD’s untreated water service area includes Antioch, Bay Point, Oakley, Pittsburg, and portions of Brentwood and Martinez. The District’s treated water service area includes Clayton, Clyde, Concord, Pacheco, Port Costa, and parts of Martinez, Pleasant Hill, and Walnut Creek. CCWD also treats and delivers water to the City of Brentwood, Golden State Water Company (Bay Point), Diablo Water District (Oakley), and the City of Antioch.

DD provides water resource recovery (wastewater collection) services for the unincorporated community of Bay Point, and the cities of Antioch and Pittsburg. DD also operates the Delta Household Hazardous Waste Collection Facility for residents in the eastern portion of the County.

Environmental Impact of the Proposal – The City of Pittsburg, as Lead Agency, prepared and certified the Tuscany Meadows Environmental Impact Report (EIR). The EIR concluded that the project will result in significant and unavoidable individual impacts in air quality and noise, and significant and unavoidable individual and cumulative impacts in transportation/circulation. In its approval of the project, the City adopted findings of overriding considerations and a Mitigation Monitoring and Reporting Program (MMRP). No environmental effects related to the proposed SOI amendments were identified in the EIR.

The MMRP contains several mitigation measures relating to municipal services, specifically Public Services/ Recreation/Utilities and Transportation/Traffic/Circulation. The MMRP includes mitigation measures to address water services and inclusion of the project in the CVP; dedication of parkland; alternative transportation facilities (bus turnouts, shelters, bike racks,) and completion of a pedestrian trail.

ALTERNATIVES FOR COMMISSION ACTION

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

- Option 1** Approve the proposed expansion of the City of Pittsburg’s SOI and corresponding reduction to the City of Antioch’s SOI to include 193.48± acres (APNs 089-150-015/-016) as depicted on the attached map (Attachment 1).
- A. Determine that the City of Pittsburg, as Lead Agency, prepared and certified the Tuscany Meadows EIR, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program.
 - B. Certify that LAFCO has reviewed and considered the information contained in the EIR prepared and certified by the City of Pittsburg and in the City’s CEQA documentation.
 - C. Find that there are no direct or indirect environmental effects that would result from LAFCO’s approval of the SOI amendments; and, therefore, no additional mitigation measures are required beyond those already included in the EIR certified by the City of Pittsburg.
 - D. Adopt this report and amend the SOIs of cities of Antioch and Pittsburg as described herein and shown on the attached map.

Option 2 Adopt this report and DENY the proposal.

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

RECOMMENDATION Option 1 – approve the SOI amendments.

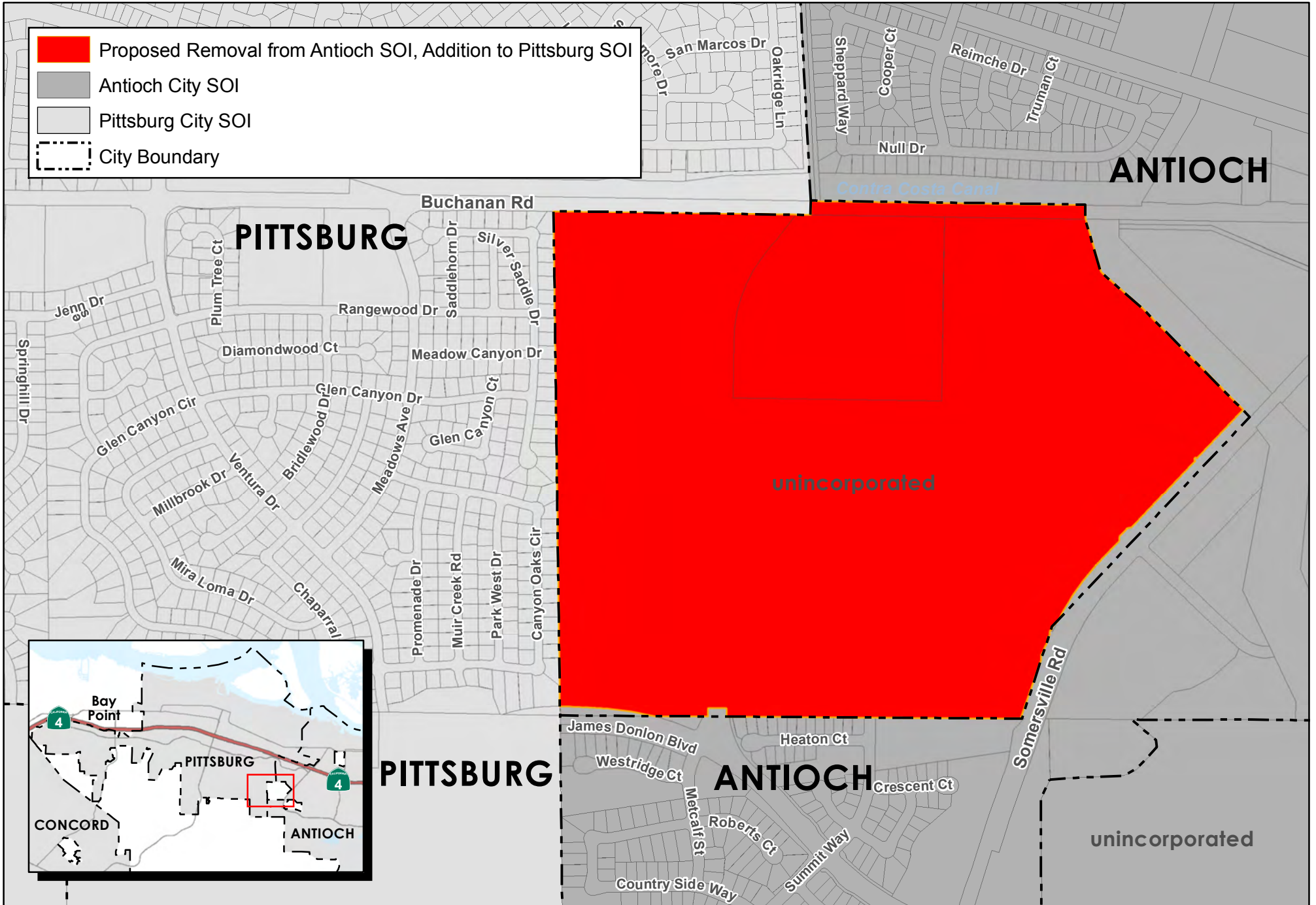
LOU ANN TEXEIRA, EXECUTIVE OFFICER
CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

Attachments

- 1 - Map – Proposed Amendments to SOIs of the Cities of Antioch and Pittsburg
- 2 - Draft LAFCO Resolution – Antioch and Pittsburg SOI Amendments

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

LAFCO 17-07 Pittsburg/Antioch SOI Amendment (Tuscany Meadows) - Removal from Antioch SOI & Addition to Pittsburg SOI



SPHERE OF INFLUENCE RESOLUTION NO. 17-07

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
 MAKING DETERMINATIONS AND AMENDING THE SPHERES OF INFLUENCE
 OF THE CITIES OF ANTIOCH AND PITTSBURG (TUSCANY MEADOWS SUBDIVISION)

WHEREAS, a proposal to expand the sphere of influence (SOI) of the City of Pittsburg and reduce the SOI of the City of Antioch was filed with the Contra Costa Local Agency Formation Commission (LAFCO) pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code §56425); and

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

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, SOIs and applicable General and Specific Plans and all testimony, correspondence and exhibits received during the public hearing, all of which are included herein by reference;

NOW, THEREFORE, the Contra Costa LAFCO DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. The matter before the Commission is the proposed expansion of the City of Pittsburg's SOI (APNs 089-150-015 and -016) totaling 193.48± acres. The subject area is bounded on the north by Buchanan Road, on the south by Black Diamond Estates residential development, to the east by the Contra Costa Canal and Somersville Road, and to the west by the Highlands Ranch residential development. The City of Pittsburg has also submitted a corresponding application to annex the area to the City of Pittsburg, Contra Costa Water District (CCWD), and Delta Diablo (DD), and detach the same area from County Service Area (CSA) P-6.
2. LAFCO is a Responsible Agency under the California Environmental Quality Act (CEQA). The City of Pittsburg, as Lead Agency, prepared and certified the Tuscany Meadows Environmental Impact Report (EIR), Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program. In accordance with CEQA, the Commission certifies it has reviewed and considered the information contained in the City's EIR and related CEQA documents; and finds that there are no direct or indirect environmental effects that would result from LAFCO's approval of the SOI amendments; and therefore, no additional mitigation measures are required beyond those already included in the EIR certified by the City of Pittsburg.
3. The City of Antioch's SOI is hereby reduced by 193.48± acres and the City of Pittsburg's SOI is hereby expanded by 193.48± acres as shown on the attached map (Exhibit A).
4. The Commission has considered the criteria set forth in Government Code §56425 and determines as follows:

The present and planned uses in the area, including agricultural and open space lands.

Approximately 193.48 acres are added to the City of Pittsburg's and the same area is detached from the City of Antioch's SOI (APNs 089-150-015 and -016). The subject area is bounded on the north by Buchanan Road, on the south by Black Diamond Estates residential development, to the east by the Contra Costa Canal and Somersville Road, and to the west by the Highlands Ranch residential development. One of the parcels is vacant and the other is owned by Chevron and is currently utilized as a pumping facility and a field office.

The City of Pittsburg has approved entitlements for development of the 135.6± acre project site to include 917 single-family lots, up to 353 multi-family units, along with 18.6± acres for parks, open space and storm water detention basins.

The parcels are designated by both Contra Costa County and the City of Pittsburg for residential and industrial uses. The subject area is located inside the City of Pittsburg's Urban Limit Line (ULL) and the countywide ULL. There are no current Williamson Act Land Conservation Agreements within the project site. The proposed SOI amendment and pending annexation of the property will facilitate no changes in land use and will have no impact on agricultural land or open space lands.

The present and probable need for public facilities and services in the area.

With the proposed residential development, there will be the need for public facilities and services in the area, including water, wastewater, and other municipal services. Services necessary to serve the project are described in the City of Pittsburg's certified EIR and Plan for Service.

Preliminary estimates indicate that the water demand for the project will be up to 732 acre feet of treated water per year. The projected average wastewater generated by the project will be approximately 261,750 gallons per day. The demand for municipal services will be further evaluated with the future annexation proposal.

The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

CCWD's boundary encompasses 220± square miles in central and eastern Contra Costa County. CCWD's untreated water service area includes Antioch, Bay Point, Oakley, Pittsburg, and portions of Brentwood and Martinez. The District's treated water service area includes Clayton, Clyde, Concord, Pacheco, Port Costa, and parts of Martinez, Pleasant Hill, and Walnut Creek. CCWD also treats and delivers water to the City of Brentwood, Golden State Water Company (Bay Point), Diablo Water District (Oakley), and the City of Antioch. CCWD serves approximately 500,000 (61,085 water connections). The primary sources of water are the U.S. Bureau of Reclamation Central Valley Water Project and delta diversions. One of CCWD's prerequisites for service is inclusion in the CVP service area. The CVP inclusion review is a separate process, and requires specific environmental documents. The City, the landowners and CCWD will work together to complete the CVP process. CCWD indicates that it has the capacity to serve the project.

DD serves the cities of Antioch and Pittsburg and the unincorporated Bay Point community. DD serves over 190,000 residents in a service area of 49± square miles. DD has over 49 miles of sewer main and five pump stations. DD indicates that it has the capacity to serve the project.

The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.

The primary social or economic communities of interest that are relevant to the proposed SOI amendments are the Pittsburg community and the CCWD and DD customer base. The SOI amendments are consistent with the both the City of Pittsburg and countywide ULLs, and would reflect a logical extension of boundaries.

The nature, location, and extent of any functions or classes of services provided by the existing districts.

CCWD's untreated water service area includes Antioch, Bay Point, Oakley, Pittsburg, and portions of Brentwood and Martinez. The District's treated water service area includes Clayton, Clyde, Concord, Pacheco, Port Costa, and parts of Martinez, Pleasant Hill, and Walnut Creek. CCWD also treats and delivers water to the City of Brentwood, Golden State Water Company, Diablo Water District, and the City of Antioch.

DD provides water resource recovery (wastewater collection) services for the unincorporated community of Bay Point, and the cities of Antioch and Pittsburg. DD also operates the Delta Household Hazardous Waste Collection Facility for residents in the eastern portion of the County.

PASSED AND ADOPTED THIS 8th day of November 2017, by the following vote:

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

DONALD A. BLUBAUGH, CHAIR, CONTRA COSTA LAFCO

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

Dated: November 8, 2017

Lou Ann Texeira, Executive Officer