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Decision on large development in Pittsburg postponed following community pushback

by [Aly Brown, Bay City News](#) April 16, 2024



The Los Medanos Ridgeline between Pittsburg and Concord, Calif., on March 30, 2023. The City of Pittsburg approved the Seeno/Discovery Builders' Faria development that proposes the construction of 1,500 homes on Feb, 21, 2021 and awaits Contra Costa Local Agency Formation Commission (LAFCo) approval. Save Mount Diablo's Save the Ridge initiative has rallied hundreds of letter writers who emailed LAFCo which postponed the decision until June 2024. (Cooper Ogden/Save Mount Diablo via Bay City News)

After receiving hundreds of emails opposing a housing project that would develop a portion of the Los Medanos Ridgeline between Pittsburg and Concord, the agency charged with deciding whether to annex the open space into the city of Pittsburg postponed its decision.

The [Contra Costa Local Agency Formation Commission](#) met Wednesday to consider approving a boundary change that would annex more than 600 acres located in the rolling hills southwest of the city of Pittsburg. The annex would allow for the [1,500-unit Faria development project](#) by Discovery Builders Inc., an Albert Seeno-owned developer company, to move forward.

But after receiving about 400 emails from opponents of the project, Lou Ann Texeira, LAFCo executive officer, said her two-person team needed more time and continued the item to June 12. Every county in the state has a [LAFCo](#), which has the power to act on boundary changes thanks to the [Cortese-Knox-Hertzberg Act of 2000](#).

Seeno's development project was at the heart of controversy for decades before it was [ultimately approved](#) by the Pittsburg City Council in 2021, when Faria was proposed as a 1,650-unit development on the ridgeline between Pittsburg and Concord.



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Shortly after the project's approval, [Save Mount Diablo](#) — a land trust and conservation organization — [took legal action](#), challenging the Council's decision to approve a project with an inadequate Environmental Impact Review. A Contra Costa County Superior Court judge sided with Save Mount Diablo, demanding the Council overturn its approval and conduct another EIR. A subsequent request for a retrial from Discovery Builders and the city of Pittsburg was denied.

In early 2023, a modified version of the project went before the Pittsburg Planning Commission, which recommended rejecting it — a recommendation the City Council ignored in April when approving the 1,500-unit project with no affordable houses. The city instead accepted in lieu fees from the developer.

Now, it's the city's application that awaits consideration from LAFCo to decide whether it will annex just over 600 acres.

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Save Mount Diablo representatives, however, say the EIR is still inadequate and barely different from previous iterations.

Seth Adams, Save Mount Diablo land conservation director, pointed out that without a proper EIR it was unclear how wildlife will be impacted, but he knows from studies of other regional agencies that there is at least one golden eagle nest in proximity to the project.

“They’ll say Save Mount Diablo is against housing. No, we’re not,” Adams said. “We’re against avoiding environmental review, and we think things should be mitigated, and we think location matters.”

Adams further pointed out that Measure P, a 2005 voter-approved ballot initiative that established the urban limit line, was authored by Seeno himself.

“It had a big loophole in it. It said it will protect the ridges and slopes, but it included a clause in the actual language of the initiative that said the city can change this with a vote, which the city did,” he said.

“So based on the zoning and the general plan and Measure P, there was a certain number of houses that could be accommodated on this rugged site, and in some places the developer increased that by 25, and then Mayor Shanelle Scales-Preston, Councilmember Jelani Killings, Councilmember Dionne Adams and Councilmember Angelica Lopez all approved those changes without question,” Adams said.

No one from the Pittsburg City Council responded to requests for comment at press time.

Revisiting call for retrial

In their request for a retrial in 2022, attorneys representing Discovery Builders and the city of Pittsburg said the EIR’s methodological approach was supported by substantial evidence, further writing:

“In 2017, shortly before the Draft EIR was circulated for public review, biological consultants revisited the project site to examine whether habitat conditions at the project site had changed since 2014 and whether the special-status plant species observed in 2014 could still be expected to occur at the project site. The 2017 study found that the project site ‘provides only marginal habitat for special-status plant species known from the region.’”

Texeira noted that the city of Pittsburg and Discovery Builders submitted all of the documentation that was required of them for the annexation application. Until June 12, LAFCo will continue reading through the 400 public comments and documents.

“I am encouraging the city and the developer and Save Mount Diablo to work together on some sort of permanent open space arrangement in the ridgeline area,” Texeira said.

Adams added that the houses, if built in that location, will be the most expensive in the city of Pittsburg, a strain on public services that are difficult to deliver to the top of the ridge and will impact the view for half of central Contra Costa County. He stressed the importance of moving the project.

“Save Mount Diablo calls on all the parties involved — Supervisor Glover, the Pittsburg City Council, the Concord City Council — to all get together with us and come up with a solution that will protect as much of the top of the Los Medanos Ridgeline as we can,” said Adams.

Environmentalists call this project ‘the worst ridgeline development in Northern California’ — and just got it delayed

Annexation vote delayed as parties try to work out agreement



A drone view of undeveloped hills and Mount Diablo seen from the San Marco development in unincorporated Pittsburg, Calif., on Tuesday, April 9, 2024. There is a proposal to develop 1,500 residential units in the area. (Jane Tyska/Bay Area News Group)



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CONTRA COSTA — Fearing the development of a major ridgeline just outside Pittsburg, environmentalists are hoping to convince local officials and the developer to create an open-space buffer between them.

Twice approved by the Pittsburg City Council, the Discovery Builders' Faria project proposes to build some 1,500 homes in the hills southwest of Pittsburg overlooking Thurgood Marshall Regional Park in Concord, where the former Naval Weapons Station was once located.

But before any work can begin, the 606 acres of land must first be annexed into Pittsburg. The Contra Costa Local Agency Formation Commission, which oversees

such boundary changes, was set to do that this week, but the item was continued after the small agency was flooded with hundreds of emails and letters, mainly from members and supporters of the nonprofit Save Mount Diablo who have environmental concerns about the proposed project, according to Lou Ann Texeira, executive officer of LAFCO. On its website, Save Mount Diablo calls the planned development “the disastrous Faria project that would bulldoze the top of Pittsburg’s hills.”

Texeira said she reached out to the involved parties to arrange a meeting before the project comes before the agency again on June 12.

“I’m just encouraging them to talk to one another and maybe work something out, to preserve permanent open space in that area,” she said.

In an April 3 letter to LAFCO, Juan Pablo Galván Martínez, senior land use manager at Save Mount Diablo, laid out the group’s concerns, including the project’s potential grading and development of the major ridgeline between Pittsburg and Concord. The project, they say, “would damage resources and agricultural land,” and mitigations are “not sufficient.”



In the 10-page letter, the nonprofit said the Albert Seeno III development group “never provided project-level environmental review as LAFCO has repeatedly said it requires,” nor has it submitted a detailed grading plan or an engineered subdivision map with house lots and streets — something that routinely happens everywhere else at the beginning of environmental review.”

The environmental group also wants the developer to provide more detailed “information that would allow analyses of what would be visible and what would prevent drastic visual and biological impacts.”



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In addition, the group is

asking for a 400- to 500-foot buffer from Faria's western fence line to reduce aesthetic and biological impacts, reduce fire hazards and "offset negative impacts of carbon pollution due to project construction, and serve as mitigation for impacts to agricultural land."

Seth Adams, land conservation director for Save Mount Diablo, said the buffer zone would help.

"I think a whole bunch of issues can be resolved by making a bigger buffer on this county unincorporated land between the development footprint and the edge of Concord," he said.

Louis Parsons, president of Discovery Builders, said on Monday that Save Mount Diablo "is confused about the Contra Costa LAFCO's role or is attempting to confuse the public and decisionmakers."

"The fact is the shape and scope of the project is already approved by the city of Pittsburg," he wrote in an email.

As for LAFCO's role, it is to approve the city's boundaries and "is limited to determining whether the project site can be served by public facilities and services, and related matters," Parsons wrote. All service providers have already confirmed that they can provide necessary services, he said.

"The agency has enough information to make this decision," he added. "State law is very clear that LAFCO only needs, and only can demand, adopted zoning plans and general policies to make a decision in these circumstances."

Parsons further called the project's environmental review "robust, encompassing thousands of pages" and said the proposed development "satisfies all environmental regulations, including important habitat conservation policies adopted by various local cities and the Contra Costa County Habitat Conservancy."

He called Save Mount Diablo's challenge "meritless."

Plans to develop the hills date back to 2005 when voter-approved Measure P moved the Faria site within Pittsburg's urban boundary. The city then approved an agreement with Seeno that established guidelines for a permanent greenbelt buffer along the inner edges of the boundary.

The developer filed an application in 2010, modified it in 2014 and again in 2017. The council first approved a version of the project in 2021. But months later, Save Mount Diablo sued, challenging the city's approval of a planned 1,500-home project.

A judge in 2022 [ruled](#) that the city's environmental review failed to properly analyze the project's effects on air quality, traffic, water supply and possible impacts of the

proposed 150 accessory dwelling units. The developer's request for a new trial was rejected, and the city later revised some of the environmental documents. The project was dealt another [blow](#) in early 2023 when the city's planning commission failed to recommend it. But in April of that same year, the City Council gave it a [green light](#).

Pittsburg city officials could not be reached for comment.

Adams said the nonprofit is not against all development but noted there are ways to protect the ridgeline, and the Faria development could be improved to do that.

As it is, Adams called the project "the worst ridgeline development in Northern California." It not only would be overlooking park open space, "it would be next to it in various places," he said.

Discovery Builders, meanwhile, said they previously agreed with the East Bay Regional Park District "to better harmonize the proposed development" with the district's recreational plans. The developer had [sued](#) EBRPD in 2020, saying the new regional park would cause undisclosed impacts on the environment and their planned 606-acre Faria housing development. But after lengthy discussions, the parties settled, and the park district agreed not to object to annexation.

Adams blames any delays on the developer.

"All of the delays were caused by Seeno, primarily, because they've never, ever actually revealed the true nature of the project," he said.

Texiera, meanwhile, said that if LAFCO approves the project in June, there will be a 30-day reconsideration period before approvals would be finalized, unless there are more challenges.



A drone view of undeveloped hills seen from Bailey Road in unincorporated Pittsburg, Calif., on Tuesday, April 9, 2024. There is a proposal to develop 1,500 residential units in the area. The former Concord Naval Weapons Station is to the left. (Jane Tyska/Bay Area News Group)