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07/06/2009 01:24 PM

To <ltexex@lafco.cccounty.us>
cc <saveourhills@friendsofpittsburg.org>
bcc
Subject 7-8-2009 agenda item #11

History: This message has been replied to and forwarded.

TO: LAFCO

RE: Consideration of sphere of influence expansion into Pittsburg hillsides

I am concerned about Agenda item 11 on your July 8, 2009 agenda. The meeting time of 1:00pm precludes my attendance at the meeting -- as is probably the case for many people who are interested in this item. However, I would like to make a few comments via e-mail.

This discussion seems to be putting the proverbial cart before the horse. No project is currently on the books to be approved for the Pittsburg hills. This is an attempt by the developer and the Pittsburg city manager to push through a pre-project approval -- which is not LAFCO's usual procedure -- in order to avoid meeting the necessary requirements.

Regulations require an initial study be done for a project and if that study shows the project would have significant effects on the environment, an EIR is required. The City of Pittsburg and the developer are attempting to avoid this required procedure.

This is an environmentally sensitive area and should require a full environmental impact report. Such an EIR has not yet been done and when the City Council was asked why in a recent meeting, the city manager replied that "It is too expensive and we can't afford it." Well, I don't believe we can afford not to do an EIR if we want to preserve our environment.

Last year the Pittsburg City Council shelved their Green Hillsides Regulations and refused to vote on it. These regulations would have preserved the hills and required any development to meet stringent guidelines and studies. There appears to be a lack of understanding that the hills need to be preserved to help preserve our environment and, yes, the scenic beauty and recreational opportunities of our area.

I encourage LAFCO to refuse this request, this attempt to bypass the normal process for approval, and require the City of Pittsburg and the developer to follow normal procedures and require them to do a full environmental impact report before proceeding with development of the Pittsburg hills.

Joyce A. Gunn
120 Heron Drive
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July 7, 2009

To: Lou Ann Texiera and LAFCO Commissioners

From: Kathy Gleason and members of the Concord Naval Weapons Station Neighborhood Alliance

RE: Los Medanos Hills and ridgeline

As a group of more than 1,800 concerned local residents, members of the CNWS Neighborhood Alliance find it frustrating that LAFCO Commissioners seemingly ignore our requests that you remember that you represent the overall community, and that you proceed to take steps to expand the Sphere Of Influence in the area of the Los Medanos Hills without a current and complete Environmental Impact Report. It is clear to us that this SOI expansion is the first step towards development of this property.

We expect LAFCO to follow the proper procedure by requesting that a full EIR be performed on this property, in order to allow true public input, before proceeding with an expansion of the Sphere Of Influence.

Per our May 11, 2009 letter to LAFCO, we again request that decisions on this issue be based on representation of the entire community, including residents of neighboring cities. Once again, we ask that a full EIR be performed on, particularly, the Los Medanos Hills site before expanding the SOI.

Thank you.



**MILLER STARR
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Wilson F. Wendt

July 8, 2009

Chairperson Gayle Ulkema and Members of the Commission
Contra Costa County Local Agency Formation Commission
651 Pine Street, 6th Floor
Martinez, CA 94553

Re: Consideration of Initial Study/Negative Declaration ("IS/ND"); Sphere of
Influence ("SOI") Update for City of Pittsburg, Contra Costa Water District
and Delta Diablo Sanitation District

Chairperson Ulkema and Members of the Commission:

We urge the Commission at your meeting on Wednesday, July 8, to adopt the IS/ND and satisfy your obligations under law to update the various SOI's.

A. The Staff Report raises, once again, the argument that an SOI should not be updated and increased without an application for a development project. The Cortese-Knox-Hertzberg Act requires that the Commission prepare MSR's and update SOI's not less than every five years. By statute, the Commission is permitted and required to make these determinations. Nothing precludes the Commission from making decisions on SOI's. The Cortese-Knox-Hertzberg Act does not direct a Commission to wait for development proposals before amending an SOI.

B. In December, 2008, the Commission determined that in order to amend the SOI's an environmental document in accordance with CEQA guidelines had to be prepared. Therefore, the Commission directed staff to enter into a contract with PMC and an environmental document has been prepared in accordance with CEQA at substantial cost. That document, prepared by Commission consultants recommended by LAFCO staff, determined that SOI changes for DDS, CCWD and the City of Pittsburg to be coterminous with the Urban Limit Line would have no negative environmental impacts. That document is finished, sufficient and ready for your approval.

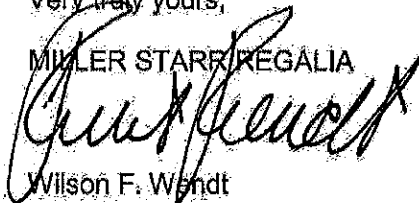
C. Virtually all of the comments in opposition to the IS/ND involve impacts that will occur with development. When and if development projects are applied for, full and complete environmental analysis (almost certainly in the form of an EIR) will be performed.

Chairperson Gayle Uilkema and Members of the Commission
July 8, 2009
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Conclusion: An adequate CEQA document has been prepared. The Commission has on at least three separate occasions indicated they would consider updating the SOI's once the environmental document was done. The MSR documents provided an option allowing the Commission to increase the SOI's to be consistent with the Urban Limit Line after appropriate CEQA review. We urge the Commission to approve the IS/ND and increase the SOI's to be consistent with the Urban Limit Line.

Very truly yours,

MILLER STARR REGALIA



Wilson F. Wendt

WFW:jj

cc: Silvano Marchesi, Esq.
Lou Ann Texeira
Louis Parsons
Jeanne C. Pavao, Esq.