



May 12, 2009

Lou Ann Texeira
Executive Officer
Contra Costa LAFCO
651 Pine Street, 6th Floor
Martinez, CA 94553

Subject: Negative Declaration - Sphere of Influence Amendments - City of Pittsburg, Contra Costa Water District, Delta Diablo Sanitation District

Dear Ms. Texeira:

The East Bay Regional Park District (the 'District') has reviewed the Negative Declaration and Initial Study for the proposed Sphere of Influence (SOI) amendments for the City of Pittsburg, Contra Costa Water District (CCWD), and the Delta Diablo Sanitation District (DDSD). The Negative Declaration describes the project area as encompassing 3,161 acres in 13 separate areas to coincide with the voter approved urban limit lines (ULLs) for the cities of Pittsburg and Antioch and notes that inclusion of these areas within an agency's SOI implies the probable need for municipal service and corresponding development in the area within the foreseeable future.

The District respects the efforts of LAFCO, the City of Pittsburg, CCWD, and DDSD to implement the voter approved Urban Limit Line included in Measures P and K and supports the efforts to provide for planned orderly growth throughout Pittsburg and Antioch. However, we are concerned about the precedent set by the potential LAFCO approval of provision of municipal services prior to the approval of development projects and without a complete and thorough environmental review of known development proposals.

The initial study for the Sphere of Influence acknowledges the likelihood for future development and recognizes the intent behind the SOI expansions is to enable future development, but defers the analysis of the effects of such development. While the District recognizes the need to implement the voter approved Urban Limit Line, we are interested in ensuring that the impacts and level of service needs are fully addressed as early in the process as possible to ensure we can work collaboratively towards addressing future growth issues while protecting open space and critical habitat throughout the region.

The Initial Study Fails to Evaluate the Reasonably Foreseeable Effects

CEQA Guidelines Sec. 15378 (a) states that a "project" shall include the "whole of an action which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment...". A "project" as defined by CEQA includes "an activity

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involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one for more public agencies." (CEQA Guidelines Sec. 15378(a)(3)).

The expansion of the SOI's is clearly a project pursuant to CEQA and the known planned development of the dwelling units identified within Tables 3 and 4 of the Initial Study are reasonably foreseeable projects resulting from the SOI expansions that must be included in the project description of the Initial Study and included in the environmental review. The scope of environmental review should encompass the whole of the action and include a level of analysis consistent with the information that is known about the proposed developments.

The expansion of the SOI's is intended to enable the provision of municipal services to the dwelling units identified within the Initial Study. A full environmental review that considers the direct effects and reasonably foreseeable indirect effects of development throughout the SOI areas should be prepared as early in the process as feasible and an Environmental Impact Report (EIR) should be prepared that evaluates the development proposals prior to approval of the SOI expansions.

SOI Expansion Would Occur Prior To Project Approval

Voters in Pittsburg and Antioch passed Measures P and K in November of 2005. These measures expanded the Contra Costa County Urban Limit Line to include the lands considered for proposed SOI expansions.

These measures also included amendments to the City's General Plans and rezoning for the property, resulting in zoning of open space to planned development zones. Under standard planning practice and California law, a General Plan Amendment and rezoning of these properties would require thorough environmental analysis through preparation of an EIR and action by a land use decision making body such as a City Council or Planning Commission.

These lands have received a General Plan Amendment and rezoning designation for development of the area and LAFCO approval of the SOI expansions would enable the provision of municipal services. However, no project has been approved for these lands.

The District respects the efforts of LAFCO, the City of Pittsburg, CCWD, and DDS to implement Measures P and K. However, the District is concerned that project approval by a land use decision making body and environmental review of known development proposals continues to be deferred. Such a decision and thorough environmental review should be conducted prior to the expansion of the SOI areas.

SOI Expansion Would Proceed Without Implementation of General Plan Policies

In October of 2005, the Pittsburg City Council authorized the appropriation of funds for the preparation of hillside development guidelines and performance standards. In May of 2008, processing and development of Hillside Design Guidelines was suspended indefinitely. To date, no draft guidelines have been presented and no environmental review of the draft guidelines has been completed pursuant to CEQA.

The Pittsburg General Plan (GP Policy 2-P-21) includes polices to develop a Hillside Preservation Ordinance and Design Guidelines to reflect the General Plan policies of protecting ridgelines,

defining protected viewsheds, and designating the location and density of low-density hillside residential development based on slope stability and visual impact.

LAFCO should not be considering approval of the SOI expansions which would enable the provision of municipal services prior to the development of a Hillside Preservation Ordinance and Design Guidelines to implement the goals of the Pittsburg General Plan of providing for ridgeline protection and determination of appropriate development sites on hillsides in the city.

The City of Pittsburg should have the opportunity to develop and approve a Hillside Preservation Ordinance and Design Guidelines to determine the appropriate locations for development prior to expanding the SOI for municipal services to these areas.

Development within the SOI Expansion Areas Would Have the Potential to Result in Significant Environmental Impacts

The development of properties within the SOI expansion areas would have the possibility to cause a direct physical change to the environment and an EIR should be prepared at the earliest possible date.

As development parameters have been defined, rezoning completed, and the General Plan amended to accommodate development on these lands a full and thorough environmental review should be completed prior to approving the provision of municipal services to these areas.

Development of the SOI areas would have the potential to result in significant impacts including, but not limited to, the following:

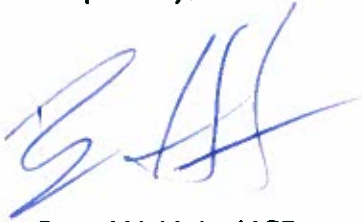
- Aesthetics - change of visual character, adverse effects on scenic vistas, and introduction of substantial sources of light and glare;
- Air Quality - introduction of new greenhouse gas emissions, compliance with AB32, increase in vehicle miles traveled, and contributions to global climate change;
- Biologic Resources - loss of habitat including loss of critical habitat in areas not covered by the East Contra Costa County HCP, impacts to threatened and endangered species;
- Geology & Soils - development on potentially unstable slopes;
- Land Use & Planning - Consistency with Pittsburg General Plan, SB 375, regional transportation plans, East Contra Costa County Habitat Conservation Plan;
- Recreation - Potential for substantial increase in recreational demands, need to ensure access to publicly owned open space;
- Transportation & Traffic - Substantial increases to traffic, impacts to already congested roadways and intersections;
- Utilities and Service Systems - substantial increases in water and energy demands, limited budgets and long term economic impacts effects on provision of services.

Development within these areas should proceed thoughtfully with an informed public process that allows for thorough environmental review and public comment. The development of these lands has already gained significant entitlements that have circumvented standard California land use and environmental planning laws.

The provision of municipal services to these lands is an important discretionary act that is intended to enable future development in these areas and an early and thorough public approval and environmental review process that identifies all impacts and level of service demands is critical towards implementation of the voter approved ULL in a planned and orderly manner.

The District looks forward to working with all of the affected agencies and stakeholders to meeting the demands of future growth while protecting open space and critical habitat. Thank you for the opportunity to review SOI Expansion Initial Study and Negative Declaration. Please feel free to contact us should you need any additional information.

Respectfully,



Brian W. Holt, AICP
Senior Planner

Cc: P. O'Brien -General Manager (EBRPD)
R. Doyle -Assistant General Manager (EBRPD)
EBRPD Board of Directors