

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

June 14, 2023 (Agenda)

June 14, 2023  
Agenda Item 8

<u>LAFCO 23-09</u>	Delta Diablo (DD) Sphere of Influence (SOI) Amendment – Loreto Bay
<u>APPLICANT</u>	Discovery Builders, Landowner
<u>ACREAGE &amp; LOCATION</u>	The applicant proposes to expand the DD SOI by 2.88± acres (Assessor Parcel Number 096-050-016) located at the northeast corner of Pullman Avenue and Fairview Avenue in unincorporated Bay Point as shown in Exhibit A.
<u>PURPOSE</u>	The purpose of the proposal is to allow DD to extend municipal wastewater services to the project site. As proposed, the project includes development of 15 residential units and related infrastructure.
<u>DISCUSSION</u>	<p>The Cortese-Knox-Hertzberg Act (CKH Act) authorizes LAFCO to develop and determine the SOI of each local agency within the County, and to enact policies designed to promote the logical and orderly development of areas within the SOIs.</p> <p>An SOI is defined as <i>a plan for the probable physical boundary and service area of a local agency, as determined by LAFCO</i>. The intent of an SOI is to identify the most appropriate area for an agency's extension of services in the foreseeable future (e.g., 10–20-year horizon). Accordingly, territory included in an agency's SOI is an indication that there is a probable need for municipal services, and that the subject agency is the most logical service provider as determined by LAFCO.</p> <p>Pursuant to Government Code section 56425, when amending an SOI for a local agency, LAFCO is required to consider and prepare a written statement of determinations with respect to the following:</p> <ol style="list-style-type: none"><li><b><i>The present and planned uses in the area, including agricultural and open space lands</i></b> – The project site is currently vacant. On February 7, 2023, the Contra Costa County Board of Supervisors approved a rezone of the property from Heavy Industrial Zoning District (H-I), Railroad Corridor Combing District (-X) to Planned Unit Development (P-1) to allow development of 15 residences units consistent with areas to the south and west of the project site. The County General Plan designation is Single-Family Residential High Density. The subject area is located within the voter approved Urban Limit Line.</li><li><b><i>The present and probable need for public facilities and services in the area</i></b> – The proposed development requires public services and facilities including wastewater. Municipal wastewater services from DD are needed to support development of the proposed project. A corresponding annexation proposal was also submitted to LAFCO to expand DD's service boundary. The subject area is already within the local water and fire district boundaries.</li><li><b><i>The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide</i></b> – DD provides wastewater conveyance and treatment services for over 215,000 customers in the cities of Antioch and Pittsburg, and the unincorporated community of Bay Point. The District encompasses approximately 54 square miles.</li></ol> <p>DD's key infrastructure include the following:</p> <ul style="list-style-type: none"><li>43 miles of gravity sewer lines in the Bay Point wastewater collection system. The cities own, operate and maintain the collection systems in Antioch [130 miles] and Pittsburg [300 miles], which discharge into the District's wastewater conveyance system.</li></ul>

- 18.5 miles of pressurized sewer force mains and 14 miles of gravity sewer interceptors
- Five pump stations with 54 million gallons of flow equalization storage facilities
- Wastewater Treatment Plant with 19.5 million gallons per day of permitted dry weather capacity and 16 million gallons on-site storage basin capacity
- Recycled Water Facility with 12.8 million gallons per day of permitted capacity
- 16 miles of recycled water distribution pipeline

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 subject area is located at the northeast corner of Pullman Avenue and Fairview Avenue in unincorporated Bay Point, which is a disadvantaged unincorporated community.
5. ***Nature, location, extent, functions & classes of services to be provided*** – DD provides wastewater services to the cities of Antioch and Pittsburg, and the unincorporated community of Bay Point serving over 215,000 customers.

**Environmental Impact of the Proposal** – In conjunction with the development project, Contra Costa County, as Lead Agency, prepared a Mitigated Negative Declaration with mitigation measures addressing Aesthetics, Air Quality, Cultural Resources, Geology/Soils, Noise, and Tribal Cultural Resources.

#### 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**      Adopt this report and adopt Resolution No. 23-09 (Attachment 2) making CEQA findings approving the proposed Delta Diablo SOI expansion of 2.88± acres.
- 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 expansion as proposed.**

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

#### Exhibit

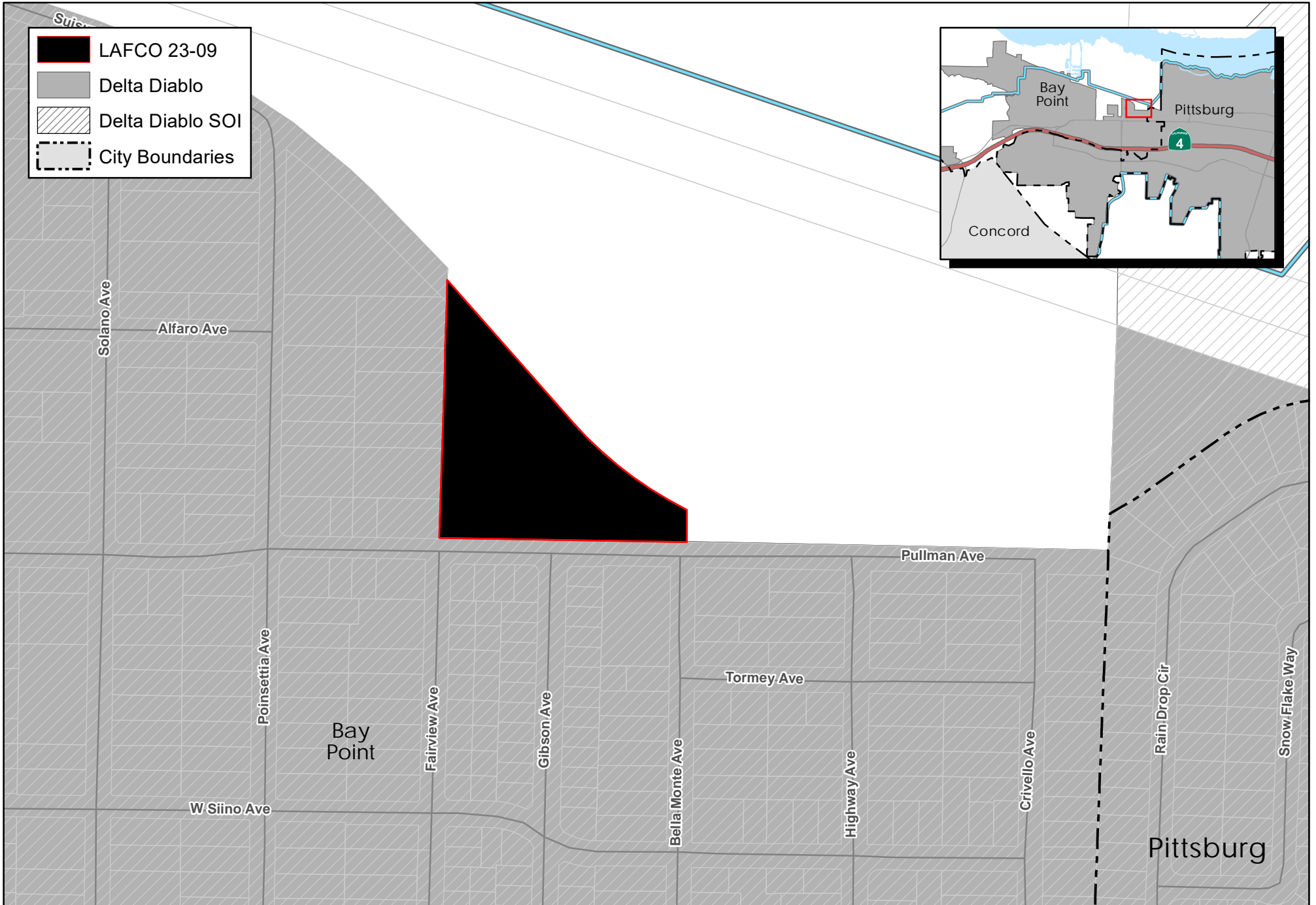
Exhibit A - Map – Proposed DD SOI Expansion – Loreto Bay





#### Attachment

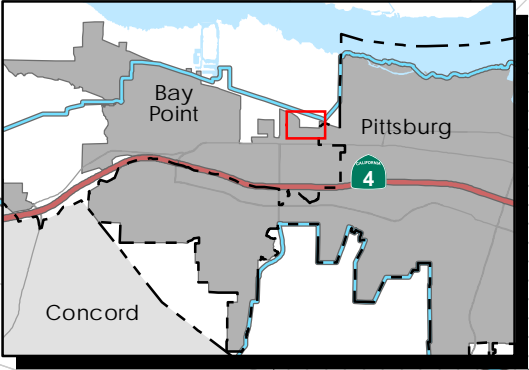
Attachment 1 - Draft LAFCO Resolution – DD SOI Expansion – Loreto Bay

cc:      Monte Davis, Discovery Builders Inc., Applicant  
         Louis Parsons, Discovery Builders Inc., Applicant  
         Vince De Lange, General Manager, Delta Diablo  
         Jennifer Cruz, Contra Costa County Department of Conservation and Development

# LAFCO 23-09 Delta Diablo SOI Amendment – Loreto Bay

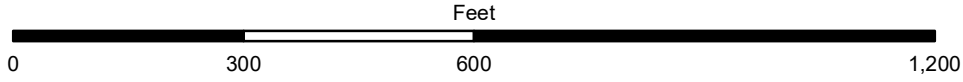


-  LAFCO 23-09
-  Delta Diablo
-  Delta Diablo SOI
-  City Boundaries



Map created 05/17/2023  
 by Contra Costa County Department of  
 Conservation and Development, GIS Group  
 30 Muir Road, Martinez, CA 94553  
 37:59:41.791N 122:07:03.756W

This map or dataset was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.



**SPHERE OF INFLUENCE RESOLUTION NO. 23-09**

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND EXPANDING THE SPHERE OF INFLUENCE  
OF DELTA DIABLO (LORETO BAY)**

**WHEREAS**, a proposal to expand the sphere of influence (SOI) of Delta Diablo (sanitation district) and corresponding annexation proposal were 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**, the LAFCO Executive Officer gave notice of the Commission's consideration of the proposed SOI expansion at the time and in the manner required by law; 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 Delta Diablo's (DD) SOI by 2.88± acres (one parcel), located on the northeast corner of Pullman Avenue and Fairview Avenue in unincorporated Bay Point.
2. The Commission is a Responsible Agency under the California Environmental Quality Act (CEQA), and in accordance with CEQA, considered the environmental effects of the project as shown in Contra Costa County's Initial Study/Mitigated Negative Declaration. The Commission finds that all changes or alterations in the project that avoid or substantially lessen its significant environmental effects are within the responsibility and jurisdiction of the County and not LAFCO, and that changes have been, or can and should be, adopted by the County as the lead agency.
3. The SOI of DD is hereby expanded to include the area as shown on the attached map (Exhibit A).
4. In conjunction with the SOI expansion, 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*** – The project site is currently vacant. The County Zoning designation in the subject area is Planned Unit Development (P-1) to allow development of 15 residential units and related infrastructure. The County General Plan designation is Single-Family Residential High Density. The subject area is located within the voter approved Urban Limit Line.

***The present and probable need for public facilities and services in the area*** – The proposed development requires public services and facilities including municipal wastewater from Delta Diablo (DD) A corresponding annexation proposal was also submitted to LAFCO to expand DD's service boundary.

***The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide*** – DD provides wastewater conveyance and treatment services for approximately 215,000 customers in the cities of Antioch and Pittsburg, and the unincorporated community of Bay Point. The District encompasses approximately 54 square miles. Key infrastructure includes 43 miles of gravity sewer lines in the Bay Point wastewater collection system; 18.5 miles of pressurized sewer force mains and 14 miles of gravity sewer interceptors; five pump stations with five million gallons of flow equalization storage facilities; a wastewater treatment plant with 19.5 million

gallons per day of permitted dry weather capacity and 16 million gallons of on-site storage basin capacity; a recycled water facility; and 16 miles of recycled water distribution pipeline.

*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 subject area is located on the northeast corner of Pullman Avenue and Fairview Avenue in unincorporated Bay Point. Bay Point is a disadvantaged community.

*Nature, location, extent, functions & classes of services to be provided* – DD provides wastewater services to the cities of Antioch and Pittsburg, and the unincorporated community of Bay Point serving over 215,000 customers.

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**PASSED AND ADOPTED THIS 14<sup>th</sup>** day of June 2023, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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FEDERAL GLOVER, 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: June 14, 2023

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Lou Ann Texeira, Executive Officer