



Lou Ann Teixeira
Executive Officer

December 13, 2023

January 10, 2024
Agenda Item 10

Contra Costa Local Agency Formation Commission
40 Muir Road, 1st Floor
Martinez, CA 94553

Current and Potential LAFCO Applications

Dear Members of the Commission:

SUMMARY: This report includes active and potential LAFCO applications and is an informational item.

DISCUSSION: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 gives LAFCOs regulatory and planning duties to coordinate the formation and development of local government agencies and their municipal services. This includes approving and disapproving boundary changes, boundary reorganizations, formations, mergers, consolidations, dissolutions, incorporations, sphere of influence (SOI) amendments, and extension of out of agency services (OAS). Applications involving jurisdictional changes filed by landowners or registered voters are placed on the Commission's agenda as information items before action is considered by LAFCO at a subsequent meeting (Gov. Code §56857).

There is currently one approved proposal awaiting completion, six current applications that are either incomplete and/or awaiting a hearing date, and several potential applications.

Current Proposals – Approved and Awaiting Completion

Chang Property Reorganization (LAFCO 18-06)

Application filed by the landowner to annex 66.92± acres to City of San Ramon, Central Contra Costa Sanitary District and East Bay Municipal Utility District and detach from County Service Area P-6. The subject area is located at the intersection of Crow Canyon and Bollinger Canyon Roads in unincorporated San Ramon. The Commission approved the boundary reorganization in August 2017 with conditions. One of the conditions (i.e., open space easement) has not yet been met. The applicant requested and received several time extensions with the current extension to June 30, 2023 to complete the easement. On June 14, 2023, the Commission approved an extension of time to June 30, 2024.

Current Applications – Under Review/Pending

Bay's Edge Reorganization – Annexation to City of Martinez and Detachment from CSA P-6 (LAFCO 23-13)

On September 29, 2023, the City of Martinez filed an application to annex to the City and detach from CSA P-5 a 1.47± acre property located at the northwest corner of Sycamore St and Santa Fe Ave. The proposed boundary reorganization was a condition of LAFCO's approval for out of agency water service in April 2021.

Faria Southwest Hills (FSH) – Boundary Reorganization (LAFCO 21-05)

In June 2021, the City of Pittsburg filed an application with LAFCO to annex 606± acres to the City, Contra Costa Water District and Delta Diablo, and detach from CSA P-6. The project includes development of up to 1,500 residential units. The LAFCO application was deemed incomplete. Subsequently, a lawsuit was filed.

On February 9, 2022, Contra Costa County Superior Court ruled that the City violated CEQA. The Court issued a writ of mandate compelling the City to set aside the project approvals and the certification of the Final EIR, and that further consideration of the project must comply with CEQA and be consistent with the Court's ruling. On August 15, 2022, the City Council voted to repeal and set aside all approvals for the FSH Annexation Project.

In January 2023, the City of Pittsburg published a Notice of a Public Hearing regarding the *Faria/ Southwest Hills Annexation Project* and *Revised and Updated Final Environmental Impact Report*. Between 2010 and 2023, LAFCO staff submitted 10 comment letters regarding the City's CEQA documents noting project and EIR deficiencies. Only one of LAFCO's comments was addressed. The comment letters also note staff's concerns that the "Revised and Updated EIR" was not recirculated under CEQA Guidelines section 15088.5.

Following recent City Planning Commission and City Council meetings where the Planning Commission denied the project and the City Council approved the project, the City resubmitted to LAFCO an updated application (May 2023). On July 10, 2023, LAFCO staff sent the applicant a letter with a list of questions and comments. On August 31, 2023, LAFCO staff received a response letter from the applicant. On September 21, 2023, LAFCO sent a follow-up/status letter. The applicant responded to most questions. Application is pending additional information.

✚ Tassajara Parks Project – Boundary Reorganization (LAFCO 16-06)

The landowner filed an application to annex 30± acres to Central Contra Costa Sanitary District (CCCSD) and East Bay Municipal Utility District (EBMUD). The project includes development of 125 single-family homes. The subject area is located east of the City of San Ramon and the Town of Danville. The application is currently incomplete. The project was litigated and on June 29, 2023, the Contra Costa County Superior Court ruled the final EIR prepared for the project provided insufficient information and analysis about the project's water supply. The LAFCO application is currently on hold pending additional court proceedings.

✚ LAFCO Tassajara Parks Project – SOI Amendments (LAFCO 16-07)

The landowner filed an application to amend the SOIs for CCCSD and EBMUD by 30± acres in anticipation of corresponding annexations. The application is currently incomplete as noted above.

Potential and Other Applications

On April 14, 2021, LAFCO approved extension of out of agency water service by the City of Martinez to the Bay's Edge Subdivision 9065 located in unincorporated Mt. View. LAFCO's approval was conditioned on the City's commitment to annex the subject parcels to the City of Martinez by *August 31, 2022*, in the event the entirety of Mt. View was not annexed to the City prior to that date. On August 10, 2022, the Commission approved extending the deadline to August 31, 2023. In March 2023, the City submitted a draft application to LAFCO staff for review. LAFCO staff provided comments. On September 29, 2023, the City submitted an application to LAFCO, which is currently under review.

There are several potential applications that may be submitted to LAFCO in the near future, including annexations to Byron Bethan Irrigation District, Contra Costa Water District, and Central Contra Costa Sanitary District. Also, since completion of the 2021 *Park & Recreation Municipal Services Review*, the Commission discussed dissolving CSA R-9. The matter was continued to March 2024 to allow additional time for community input.

RECOMMENDATION – Informational item – no actions required.

Sincerely,

LOU ANN TEXEIRA
EXECUTIVE OFFICER

Attachment – Current Applications Table