

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

May 14, 2008 (Agenda)

LAFCO 08-16 San Pablo Dam Road Annexation to County Service Area (CSA) L-100

PROPONENT Contra Costa County – Resolution 2008/49 adopted January 15, 2008

ACREAGE & LOCATION Approximately 24± acres located along San Pablo Dam Road in unincorporated El Sobrante (78 parcels)

PURPOSE Provide additional street lighting to the homes and subdivisions in the area.

SYNOPSIS

This is a proposal to annex territory to CSA L-100. Residents along San Pablo Dam Road from May Road to D'Avila Way approached the County requesting additional street lights. Development in this area occurred prior to the County requirement to install street lights and annex to CSA L-100. The County has agreed to install the street lights following annexation and support for the benefit assessment. The area is within the District's sphere of influence and inside the County Urban Limit Line.

PROPOSAL INFORMATION:

1. Land Use, Planning and Zoning - Present and Future:

The annexation area contains approximately 78 parcels which include single family homes, multi family units, vacant residential land, mixed commercial uses and a church.

County General Plan designations in the area include: Single Family High Density Residential (SH); Multiple Family Low Density Residential (ML), Multiple Family Medium Density Residential (MM), Multiple Family High Density Residential (MH), and Open Space (OS). Zoning designations include Single Family Medium Density Residential (R-7), Multiple Family Residential (M-12, M-17 and M-29), Retail Business (R-B) and Planned Unit (P-1).

Surrounding land uses include single family residential to the east and west, and City of Richmond to the north and south.

The existing and proposed uses are consistent with the County zoning and land use designations.

2. Topography, Natural Features and Drainage Basins:

The topography of the annexation and surrounding area consists of a complex series of major and minor ridges, rolling hills, and a relatively flat valley with an adjacent creek which drains to the southeast. No other significant natural features affect the proposal.

3. Population:

There are approximately 60 single family units and 121 multi-family units in the proposal area. No new dwelling units are proposed.

4. Governmental Services and Controls - Need, Cost, Adequacy and Availability:

The plan for providing services within the affected territory, as required by Government Code §56653, is on file. The level and range of services will be similar to those provided by CSA L-100 to developed properties currently within its boundaries.

It is estimated that up to eight new street lights will be installed. Ongoing maintenance and operational costs will be financed through property owner assessments. There will be no change to any other municipal service.

5. Assessed Value, Tax Rates and Indebtedness:

The area is within tax rate areas 85002 and 85038. The assessed value for the parcels is \$29,985,588 (current tax roll). Overall tax rates will not be changed by the annexation.

6. Environmental Impact of the Proposal:

On April 1, 2008, Contra Costa County, as Lead Agency, adopted a Negative Declaration for this project. The LAFCO Environmental Coordinator reviewed the document and finds it adequate for LAFCO purposes. A copy of the document is available for review in the LAFCO office.

7. Landowner Consent and Registered Voters:

The area proposed for annexation is considered inhabited, as there are more than 12 registered voters in the proposal area.

The County indicates that less than 100% of the affected landowners/voters have provided written consent to the annexation. Thus, the Commission's action is subject to notice, hearing, as well as conducting authority (protest), proceedings. A notice and display ad were published in a newspaper of general circulation, informing all affected landowners and registered voters, as well as those landowners/voters within 300 feet of the exterior boundaries of the area(s) of the proposed annexation and the May 14 LAFCO hearing.

If no written protest is received from an affected party prior to the conclusion of the hearing on May 14, the Commission may waive the protest proceedings. However, if written protest is received at any time prior to or during the hearing, then a protest hearing is required.

8. Boundaries and Lines of Assessment:

There are no conflicts with lines of assessment or ownership. A map to implement this change has been approved by the County Surveyor.

9. Environmental Justice:

Beginning January 1, 2008, Government Code §56668(o) requires that LAFCO consider the extent to which proposals for changes of organization or reorganization will promote environmental justice.

As defined by statute, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. The proposed annexation is not expected to promote or discourage the fair treatment of minority or economically disadvantaged groups.

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 options:

Option 1 Approve the annexation as submitted.

- A. Determine that Contra Costa County, as Lead Agency, adopted a Negative Declaration for the San Pablo Dam Road Street Lights Installation Project.
- B. Certify that the Commission has reviewed and considered the information contained in the CEQA documents prepared by Contra Costa County.
- C. Adopt this report and approve the proposal, to be known as the San Pablo Dam Road Annexation to CSA L-100, subject to the following terms and conditions:
 - 1. Determine that the territory being annexed shall be liable for any authorized or existing taxes, assessments and charges comparable to properties presently within the annexing agency.
 - 2. Prior to recordation, the applicant shall deliver an executed indemnification agreement between the applicant and Contra Costa LAFCO providing for the applicant to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
- D. Find that the subject territory is inhabited and that the annexing agency has consented waiving the conducting authority proceedings. However, less than 100% of the affected landowners/registered voters have provided written consent to the annexation. Should LAFCO receive any written protest to the annexation from an affected party prior to or during the public hearing, then a protest hearing is required. Should no written protest be received, then the Commission may waive the protest hearing and direct LAFCO staff to complete the proceedings.

Option 2 Adopt this report and DENY the proposal.

Option 3 If the Commission needs more information, CONTINUE this matter to a future meeting.

RECOMMENDED ACTION:

Approve Option 1.

LOU ANN TEXEIRA
EXECUTIVE OFFICER
LOCAL AGENCY FORMATION COMMISSION

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