

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

July 9, 2008 (Agenda)

LAFCO 08-21 County Service Area (CSA) M-31 Sphere of Influence (SOI) Amendment - San Francisco Bay Area Rapid Transit District (SF BART)

PROPOSERS SF BART – landowner/petitioner

ACREAGE & LOCATION Approximately 19.26 acres generally located within the boundaries of Treat Blvd., Jones/Coggins Road, Las Juntas Way and Oak Road in the unincorporated Walnut Creek area (APNs 148-221-015/034/035/038 and 148-250-071)

PURPOSE The proposed annexation is a condition of the County’s project approval in order to fund area wide trip reduction measures and participate in Transportation Demand Management (TDM) for the Pleasant Hill BART station.

SYNOPSIS

The landowner filed an application with LAFCO to amend the SOI for CSA M-31 to include 19.26± acres. The landowner also submitted a corresponding application to annex the same properties to CSA M-31; the annexation proposal is currently pending.

The CSA M-31 SOI and service boundary are coterminous. The purpose of the proposed SOI expansion is to allow for the future annexation and subsequent funding enhancements to support TDM programs and services.

The area proposed for inclusion in the CSA M-31 SOI is contiguous to the District’s existing SOI and service boundary, and is located within the County Urban Limit Line. The proposed land uses are consistent with the County General Plan, as summarized below.

BACKGROUND

The Cortese-Knox-Hertzberg Act (CKH Act) empowers LAFCO with the responsibility of determining the SOI of each local agency within the county, and enacting policies designed to promote the logical and orderly development of areas within the spheres.

An SOI is defined as a plan for the probable physical boundaries and service area of a local agency, as determined by LAFCO. The intent of an SOI is to identify the most appropriate areas for an agency’s extension of services in the foreseeable future (e.g., 10-20 year horizon). Accordingly, territory included in an agency’s sphere is an indication that the probable need for service has been established, and that the subject agency has been determined by LAFCO to be the most logical service provider for the area.

The CKH Act requires that LAFCO decisions regarding boundary changes be consistent with SOIs of local agencies. LAFCO is prohibited from approving annexations that are not within the annexing agency’s SOI. Once a sphere is established, annexations must still be individually weighed and evaluated on their own merits.

State law also requires LAFCO to review and update, as necessary, the adopted SOI of each local agency not less than every five years. In conjunction with the SOI update, LAFCO must prepare a Municipal Services Review (MSR). In February 2004, the Commission accepted the MSR report covering CSA M-31 and affirmed the District’s SOI.

DISCUSSION

In determining a sphere, LAFCO is required to consider and prepare a written statement of determinations with respect to certain factors prior to making a decision [Government Code §56425(e)(i)]. These factors are discussed below.

SOI Determinations

1. The present and planned uses in the area, including agricultural and open space lands.

The area proposed for inclusion in the District's SOI consists of five parcels (APNs 148-221-015/034/035/038 and 148-250-071) totaling 19.26± acres. The property is owned by BART and includes the Pleasant Hill BART station and associated parking garage. The property is zoned Planned Unit Development (P-1); the County General Plan designation is Pleasant Hill BART Mixed Use (M-3).

In 2005, the County approved a project to redevelop the existing Pleasant Hill BART Station area to include 549 multi-family residential units; 12,310 sq. ft. (10 units) of live-work retail; 35,590 sq. ft. of commercial (retail); 270,000 sq. ft. of commercial (office); 19,400 sq. ft. of conference area; and 1,816 structured parking spaces.

This new development will create numerous vehicular trips. The project is required to annex to CSA M-31 as a condition of the County's approval. All parcels within CSA M-31 pay an assessment to support TDM programs.

The property is located in an area designated for urban uses. The proposed uses will have no impact to agricultural lands. There are no current Williamson Act Land Conservation Agreements within the site.

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

2. The present and probable need for public facilities and services in the area.

The proposal before the Commission is to expand the District's SOI to include the BART parcels and allow for the future annexation of these parcels to CSA M-31. The District is essentially a funding mechanism used to support area wide trip reduction measures and TDM programs and services. The level and range of services will be similar to those provided by CSA M-31 to properties currently within its boundaries.

As part of the project and associated environmental review, the County evaluated the provision of public services, including utilities and infrastructure, to support the underlying project. The County concluded that the project is within the existing urban boundaries of various service providers, including Central Contra Costa Sanitary District, Contra Costa Water District and Contra Costa County Fire Protection District. The County will provide most other municipal services. The County indicates that the proposed project will not result in a need for new systems or supplies.

3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

CSA M-31 was created in 2002 in conjunction with the Pleasant Hill BART Station transit village to fund various TDM programs and services, including ridesharing, car/van pooling, flex time, telecommuting, etc.

CSA M-31 provides financial support through special assessments to fund these programs which are designed to reduce the number of vehicular trips generated by the development within the District.

The funding generated by the special assessments is sufficient to fund these services and programs.

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.*

CSA M-31 collects an assessment on all properties within the District boundaries to fund the TDM programs and services. The property owners within the District have an economic interest in realizing the benefit of their assessment.

In addition to the above determinations, the Commission, when adopting, amending, or updating an SOI for a special district, shall establish the nature, location, and extent of any functions or classes of services provided by existing districts.

CSA M-31 was established to fund the TDM program in conjunction with the Pleasant Hill BART redevelopment area. The TDM program is targeted at reducing the number of single passenger vehicle trips to and from work by offering van pools, ridesharing, flex time/telecommuting and other programs and services.

Environmental Impact of the Proposal

In 2002, the County, as Lead Agency, prepared a Mitigated Negative Declaration (MND) for the underlying project. The environmental document identified potential impacts to most environmental topic areas, including aesthetics, air quality, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, recreation and transportation/traffic associated with the site development. Mitigation measures and a Mitigation Monitoring Program were adopted. In April 2005, the County prepared an Addendum to the MND that identifies revisions to the project development plan. Copies of these documents are available in the LAFCO office.

The County's environmental documents included analysis of some LAFCO related issues, but did not specifically mention LAFCO or the LAFCO actions. The LAFCO Environmental Coordinator reviewed the proposed LAFCO project to determine whether there was a potential for any adverse environmental impacts. It can be seen with certainty that the LAFCO action will have no significant impacts. For this reason, the General Rule Exemption from CEQA pursuant to Government Code Section 15061(b)(3) is recommended.

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 Approve the sphere expansion to include 19.26± acres generally located within the boundaries of Treat Blvd., Jones/Coggins Road, Las Juntas Way and Oak Road in the unincorporated Walnut Creek area (APNs 148-221-015/034/035/038 and 148-250-071).

A. Find the proposal to be exempt from CEQA pursuant to Government Code §15061(b)(3).

B. Adopt this report and amend the Sphere of Influence of CSA M-31 to include a total of 19.26± acres as described herein.

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:

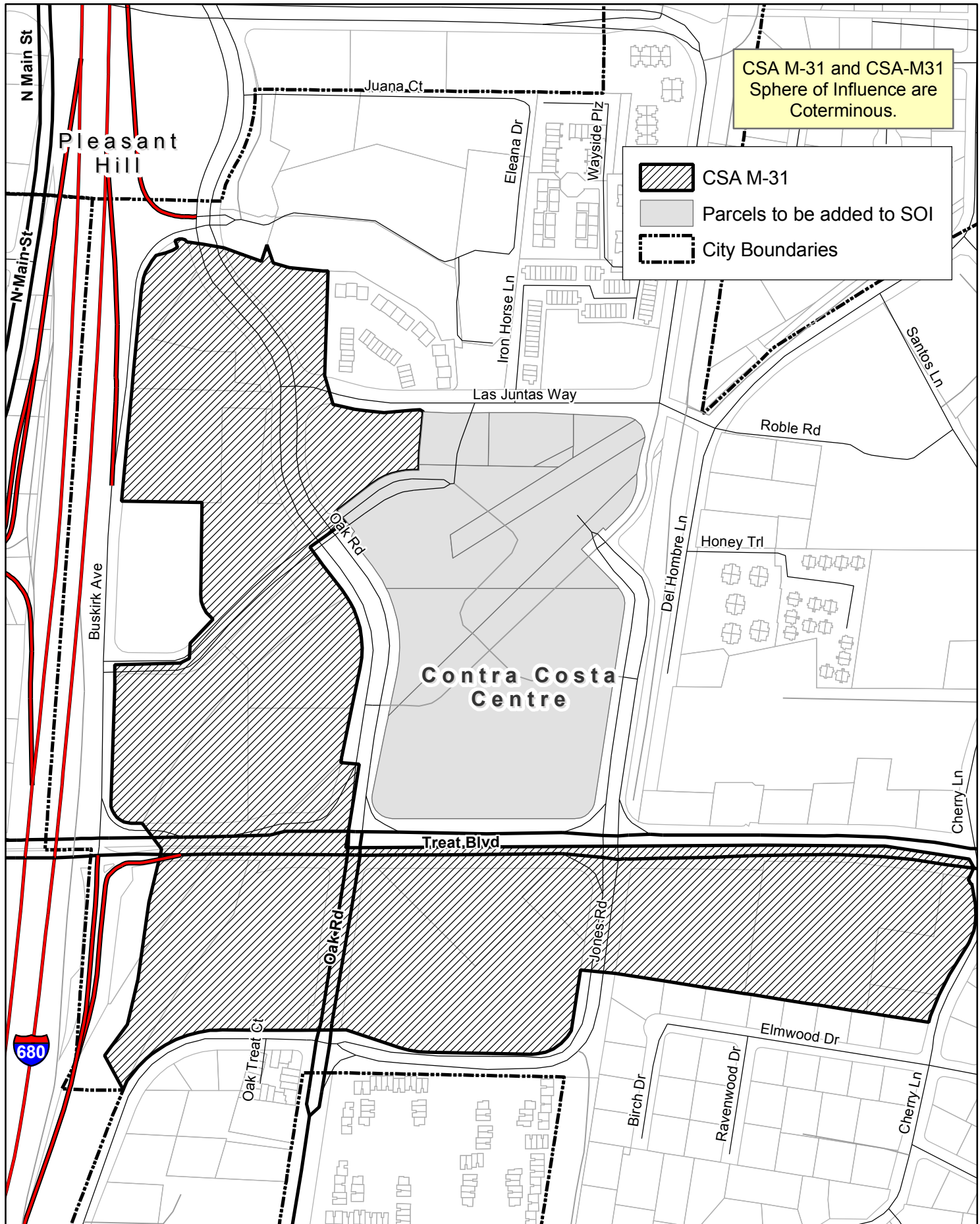
Approve Option 1.

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




Attachments

1. SOI Map
2. Draft LAFCO Resolution

LACFO No. 08-21: County Service Area M-31 Sphere of Influence Amendment



CSA M-31 and CSA-M31
Sphere of Influence are
Coterminous.

-  CSA M-31
-  Parcels to be added to SOI
-  City Boundaries



SPHERE OF INFLUENCE RESOLUTION NO. 08-21

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND MODIFYING THE SPHERE OF INFLUENCE
OF COUNTY SERVICE AREA (CSA) M-31 (SAN FRANCISCO BART)

WHEREAS, a proposal to modify the sphere of influence (SOI) of the CSA M-31 was 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, at the time and in the manner required by law the Executive Officer has given notice of the Commission's consideration of the proposal; 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 the SOI of the CSA-M31.
2. Find the proposal to be exempt from CEQA pursuant to Government Code §15061(b)(3).
3. The CSA M-31 SOI is hereby expanded to include the area shown on the attached map labeled "Exhibit A."
4. 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.

Approximately 19.26 acres generally located within the boundaries of Treat Blvd., Jones/Coggins Road, Las Juntas Way and Oak Road in the unincorporated Walnut Creek area (APNs 148-221-015/034/035/038 and 148-250-071).

The present and proposed land uses are consistent with the County's land use and zoning designations.

The property is located in an area designated for urban uses. The proposed uses will have no impact to agricultural lands. There are no current Williamson Act Land Conservation Agreements within the site.

The present and probable need for public facilities and services in the area.

CSA M-31 was established to fund the Transportation Demand Management (TDM) programs and services in conjunction with the Pleasant Hill BART redevelopment area. The TDM program is targeted at reducing the number of single passenger vehicle trips to and from work by offering van pools, ridesharing, flex time/telecommuting and other programs and services.

The underlying development project will create numerous vehicular trips, and is required to annex to CSA M-31 as a condition of the County's approval. All parcels within CSA M-31 pay an assessment to support TDM programs.

The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.

CSA M-31 provides financial support through special assessments to fund TDM programs and services which are designed to reduce the number of vehicular trips generated by the development within the District. The funding generated by the special assessments is sufficient to fund these services and programs.

The existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.

CSA M-31 collects an assessment on all properties within the District boundaries to fund the TDM programs and services. The property owners within the District have an economic interest in realizing the benefit of their assessment.

The nature, location, and extent of any functions or classes of services provided by the existing district.

CSA M-31 was established in 2002 to fund the TDM program in conjunction with the Pleasant Hill BART redevelopment area. The TDM program is targeted at reducing the number of single passenger vehicle trips to and from work by offering van pools, ridesharing, flex time/telecommuting and other programs and services.

PASSED AND ADOPTED THIS 9TH day of July 2008, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

ROB SCHRODER, 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: July 9, 2008

Lou Ann Texeira, Executive Officer