

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

July 9, 2008 (Agenda)

LAFCO 07-21: Ambrose Park Annexations to the City of Pittsburg

PROPONENT: City of Pittsburg – City Council Resolution 07-10896 adopted October 1, 2007

ACREAGE & LOCATION: Approximately 12.3± acres generally located on the north side of W. Leland Road, south of Highway 4 and east of Bailey Road (APNs 094-016-001/017 and 094-030-011)

SYNOPSIS

The City of Pittsburg filed an application with LAFCO to annex Ambrose Park to the City. The park includes a large swimming pool, picnic/BBQ facilities, three play structures, mature trees and grassy play areas, tennis and basketball courts, a baseball field, unimproved open space and fire/hiking trail, three parking lots and several maintenance buildings. The purpose of the annexation is to enable the City of Pittsburg, in collaboration with the Ambrose Recreation and Park District, to develop a master plan for Ambrose Park and direct park funds for facility improvements.

DISCUSSION

The CKH Act sets forth factors that the Commission is required to consider in evaluating any proposed change of organization or reorganization as discussed below (Government Code §56668). In the Commission's review and evaluation, no single factor is determinative. In reaching your decision, each is to be evaluated within the context of the overall proposal.

1. Consistency with the Sphere of Influence of Any Local Agency:

LAFCO is charged with both regulatory and planning functions. Annexations are basically a regulatory act, while establishing spheres of influence (SOIs) is a planning function. The SOI is an important benchmark as it defines the primary area within which urban development is to be encouraged. In order for the Commission to approve an annexation, it must be consistent with the jurisdiction's adopted SOI.

The annexation area is within the City of Pittsburg's SOI. The site is within the Contra Costa County Urban Limit Line and outside the City of Pittsburg's Urban Limit Line.

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

The annexation area consists of three parcels. The Ambrose Park site currently includes a number of parks and recreational facilities as described above.

Surrounding land uses include single-family residential to the south and southeast (Pittsburg) and west (Bay Point), the Contra Costa Canal to the northeast with open space beyond the canal, and Highway 4 to the north.

Among the factors LAFCO must consider in reviewing a proposal is "Consistency with city or county general and specific plans." (Government Code §56668)

The Contra Costa County General Plan designates the site as Parks and Recreation (PR) and County zoning is P-1 "Planned Unit" District. The City of Pittsburg's General Plan designations for the site include Park and Low Density Residential Development; the City has rezoned the site as OS "Open Space" District.

No changes in land use are proposed. Pursuant to the Government Code §56375(e), no subsequent change may be made to the general plan for the annexed territory or zoning that is not in conformance to the rezoning designations for a period of two years after the completion of the annexation, unless the legislative body for the city makes a finding at a public hearing that a substantial change has occurred in the circumstances that necessitate a departure from the rezoning in the application to your Commission.

3. The Effect on Maintaining the Physical and Economic Integrity of Agricultural Lands:

The properties proposed for annexation contain no prime farmland or land covered under Williamson Act Land Conservation Agreements. A majority of the project site is designated Open Space in both the County and City General Plans.

4. Topography, Natural Features and Drainage Basins:

The park area is generally located in a valley. There are natural undeveloped hillsides within the park boundaries which contain fire/hiking trails. Surrounding areas include Highway 4 to the north, and older single family homes to the east, west and south.

5. Population:

Given the nature of the proposal, there will be no increase in population.

6. Fair Share of Regional Housing:

Pursuant to §56668 of the CKH Act, LAFCO must consider in the review of a proposal the extent to which the proposal will assist the receiving entity in achieving its fair share of the regional housing needs as determined by the regional council of governments.

The proposal will have no impact on the fair share of regional housing.

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

In accordance with Government Code §56653, whenever a local agency submits a resolution of application for a change of organization or reorganization, the local agency must also submit a plan for providing services within the affected territory. The plan shall include all of the following information and any additional information required by LAFCO:

- (1) An enumeration and description of the services to be extended to the affected territory.
- (2) The level and range of those services.
- (3) An indication of when those services can feasibly be extended to the affected territory.
- (4) An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
- (5) Information with respect to how those services will be financed.

The City's "Plan for Providing Services" was included with the annexation application. In accordance with this proposal, the City of Pittsburg will provide a range of municipal services, including general government, police, code enforcement, community development, solid waste management, public works and parks and recreation. The Contra Costa Water District provides wholesale water to the area, and Delta Diablo Sanitation District provides wastewater services. Fire services are provided by the Contra Costa County Fire Protection District. No changes in utility or fire services are proposed.

Police Services – The Contra Costa County Sheriff's Department currently provides law enforcement services to Ambrose Park. Upon annexation, police services would be provided by the City of Pittsburg. Given the nature of the proposal, the City anticipates a minor increase in calls for service; however, no significant increase in police services is anticipated.

Solid Waste Services (Garbage and Recycling) – The annexation area currently receives solid waste services from Allied Waste (or Bayshore Disposal). Upon annexation, the park property would receive these services through Pittsburg Disposal.

Streets and Roadways – The existing street, paved road and parking lots are privately owned and maintained by the Ambrose Recreation & Park District (ARPD). No change in these services is proposed in conjunction with the annexation.

Public Works – Following annexation, the City of Pittsburg, in conjunction with the ARPD, will develop a master plan for park and facility improvements. The City indicates that it will work with the District to develop a joint agreement relating to these improvements.

Recreation and Park Services – As proposed, the Ambrose Park property will remain with the ARPD boundaries. Park operations are currently funded through a park assessment fee that is collected from all residential property owners within the ARPD boundaries. Following annexation, these assessment fees would continue to be collected for ongoing maintenance, which will continue to be the responsibility of the ARPD.

The City indicates that following annexation, the park property would also be eligible for funding through the City's parkland dedication fund. This funding could be used for future capital projects and expansion of park services.

8. Timely Availability of Water and Related Issues:

The Ambrose Park property receives retail water service through the Golden State Water Company, which provides retail water service for the unincorporated Bay Point community. Golden State is an investor-owned utility that operates under the oversight of the California Public Utilities Commission. The Contra Costa Water District wholesales treated water to the Golden State Water Company. No change in water service or use is proposed.

9. Assessed Value, Tax Rates and Indebtedness:

The annexation area is within tax rate area 79024. The assessed value for the parcels is \$274,235 (2007-08 roll). The territory being annexed shall be liable for all authorized or existing taxes comparable to properties presently within the annexing agencies.

10. Environmental Impact of the Proposal:

In October 2007, the City of Pittsburg, as Lead Agency, adopted a Negative Declaration in conjunction with the pre-zoning of the Ambrose Park and proposed annexation. The City determined that no significant impacts would occur as a result of this proposal. Copies of the environmental document were previously provided to the Commission and are available in the LAFCO office.

11. Landowner Consent and Consent by Annexing Agency:

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

The ARPD owns the Ambrose Park property and supports the proposed annexation, as confirmed by the District Board of Directors on February 8, 2007, and in a letter from District staff dated March 5, 2007.

Both the affected landowner and annexing agency have consented to the annexation and waiver of the conducting authority (protest) proceedings.

12. 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.

13. 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 socio-economic demographics for the City of Pittsburg and ARPD (serving the Bay Point community) are similar. 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 the City of Pittsburg, as Lead Agency, adopted a Negative Declaration relating to the annexation of Ambrose Park to the City.
 - B. Certify that the Commission has reviewed and considered the information contained in the CEQA document prepared by the City of Pittsburg.
 - C. Adopt this report and approve the proposal, to be known as the Ambrose Park Annexation to the City of Pittsburg, subject to the following terms and conditions:
 - 1. The territory being annexed shall be liable for the continuation of any authorized or existing special taxes, assessments and charges comparable to properties presently within the annexing agencies.
 - 2. The City of Pittsburg and the Ambrose Recreation & Park District work together to develop a Master Plan for Ambrose Park improvements.
 - 3. Prior to recordation, the applicant shall deliver an executed indemnification agreement providing for the applicant to indemnify LAFCO against any expenses arising from any legal actions challenging the reorganization.
 - D. Find that: 1) the subject territory is uninhabited, 2) all affected landowners have consented to the annexation and 3) the annexing agencies have consented to the waiver of conducting authority proceedings.
 - E. Waive conducting authority proceedings and direct the staff to complete the proceeding.
- Option 2** Adopt this report and DENY the proposal.
- Option 3** If the Commission needs more information, CONTINUE this matter to a future meeting.

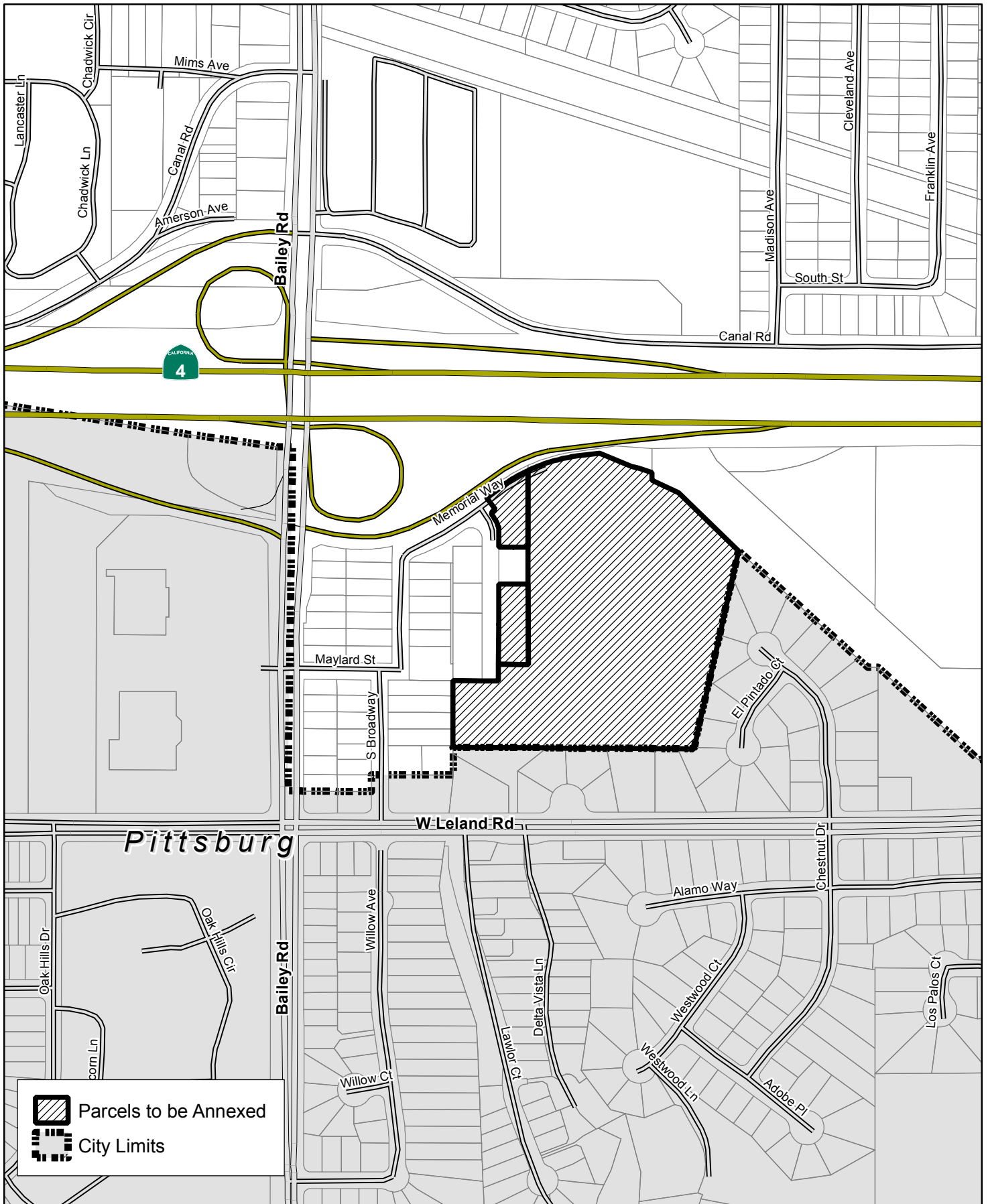
RECOMMENDED ACTION:

Approve Option 1.

LOU ANN TEXEIRA
EXECUTIVE OFFICER
CONTRA COSTA LAFCO

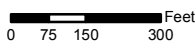
Attachment - Vicinity Map
c: Distribution

LAFCO 07-21: Ambrose Park Annexation to the City of Pittsburg



Map created 10/22/2007
 by Contra Costa County Community Development, GIS Group
 651 Pine Street, 4th Floor North Wing, Martinez, CA 94553-0095
 37:59:48.455N 122:06:35.384W

This map was created by the Contra Costa County Community Development Department 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.



RESOLUTION NO. 07-21

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING THE
AMBROSE PARK ANNEXATION TO THE CITY OF PITTSBURG**

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the Contra Costa Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Section 56000 et seq. of the Government Code); 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 documents and determinations, Spheres of Influence and applicable General and Specific Plans; and

WHEREAS, information satisfactory to the Commission has been presented that no affected landowners within the reorganization area object to the proposal; and

WHEREAS, the annexing agencies have consented to waiving the conducting authority proceedings; and

WHEREAS, the Local Agency Formation Commission determines the proposal to be in the best interests of the affected area and the total organization of local governmental agencies within Contra Costa County;

NOW, THEREFORE, the Contra Costa Local Agency Formation Commission DOES HEREBY RESOLVE, DETERMINE AND ORDER as follows:

1. The Commission determines that the City of Pittsburg, as Lead Agency, prepared and adopted a Negative Declaration in conjunction with the proposed Ambrose Park annexation.
2. Certify that the Commission has reviewed and considered the information contained in the Negative Declaration prepared by the City of Pittsburg.
3. Said annexation is hereby approved.
4. The subject proposal is assigned the distinctive short-form designation:

AMBROSE PARK ANNEXATION TO THE CITY OF PITTSBURG
5. Said territory is found to be uninhabited.
6. The boundaries of the affected territory are found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.

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7. The subject territory shall be liable for any authorized or existing taxes, charges and assessments comparable to properties within the annexing agencies.
8. The City of Pittsburg and the Ambrose Recreation & Park District should work together to develop a Master Plan for Ambrose Park improvements.
9. 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.
10. Satisfactory proof having been given that no affected landowners oppose the reorganization, and the annexing agencies have given written consent to the waiver of conducting authority proceedings, said conducting authority proceedings are hereby waived.
11. All subsequent proceedings in connection with this annexation shall be conducted only in compliance with the approved boundaries set forth in the attachments and any terms and conditions specified in this resolution.

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.

Dated: July 9, 2008

Lou Ann Texeira, Executive Officer