

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

August 13, 2008 (Agenda)

<u>LAFCO 08-19</u>	San Francisco Bay Area Rapid Transit (SF BART) Annexation to County Service Area (CSA) M-31
<u>PROPONENT</u>	SF BART – landowner/petitioner
<u>ACREAGE &amp; LOCATION</u>	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 148-221-015/034/035/036/038 and 148-250-071)
<u>PURPOSE</u>	To comply with the County’s condition of approval to fund area wide trip reduction measures and participate in Transportation Demand Management (TDM) program for the Pleasant Hill BART station area.
<u>SYNOPSIS</u>	

This is a proposal to annex territory to CSA M-31. The District 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..

The County and BART are working together to redevelop the existing Pleasant Hill BART Station area to include approximately 522 housing 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.

PROPOSAL INFORMATION:

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 area proposed for annexation is within the District’s SOI, as amended by the Commission in July 2008. The area is located within the County Urban Limit Line.

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

The annexation area 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).

Surrounding land uses include multi-family to the east and north, office buildings to the west, and a shopping center to the south.

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

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

The site 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.

4. Topography, Natural Features and Drainage Basins:

The topography of the annexation area is generally flat. Surrounding areas are developed and generally flat with no significant natural features.

5. Population:

The proposed development will provide approximately 559 multi family residential units and result in an estimated population of approximately 1,046 persons.

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. Regional housing needs are determined by the State Department of Housing and Community Development; the councils of government throughout the State allocate to each jurisdiction a "fair share" of the regional housing needs (Government Code §65584).

In Contra Costa County, the Association of Bay Area Governments (ABAG) determines each agency's fair share of regional housing needs. Each jurisdiction is required in turn to incorporate its fair share of the regional housing needs into the housing element of its General Plan. ABAG is currently working with local governments on the fourth revision of its Regional Housing Needs Allocations (RHNA) for the period 2006-14, which is expected to be finalized by Summer 2008.

The underlying project includes the development of approximately 522 housing units, of which 422 are apartments and 100 are condominiums. According to the County, 85 apartments will be affordable. Rents on these units may not exceed 20% of the median adjusted gross income for Contra Costa County (adjusted for family size).

7. 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 proposal before the Commission is to annex the property to CSA M-31 to support area wide trip reduction measures and participate in TDM programs for the Pleasant Hill BART station. The level and range of services will be similar to those provided by CSA M-31 to properties currently within its boundaries.

The County evaluated the provision of public services, including utility and other infrastructure services, as part of the environmental review. The County concluded that the underlying 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.

8. Assessed Value, Tax Rates and Indebtedness:

The annexation area is within tax rate areas 79002 and 98034. The assessed value *for the taxable parcel only* is \$1,173,200 (2007-08 roll). The territory being annexed shall be liable for all authorized or existing taxes comparable to properties presently within the annexing agencies.

9. 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.

10. Landowner Consent and Consent by Annexing Agency:

The landowners and District consent to the boundary change and waiver of conducting authority proceedings. The territory is currently uninhabited with fewer than 12 registered voters.

11. Boundaries and Lines of Assessment:

The annexation is contiguous to existing District boundaries. A map and legal description to implement this change have been approved by the County Surveyor.

12. 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. Find the proposal to be exempt from CEQA pursuant to Government Code §15061(b)(3).
- B. Adopt this report and approve the proposal to be known as the SF BART Annexation to CSA M-31, 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 agency.
  - 2. 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 annexation.

- C. Find: 1) the subject territory is uninhabited, 2) all affected landowners have consented to the annexation and 3) the annexing agency has consented to the waiver of conducting authority proceedings.
- D. Waive the conducting authority proceedings and direct the staff to complete the proceeding.

**Option 2**

- A. Determine that the County as Lead Agency has prepared and certified a Mitigated Negative Declaration and Addendum for the project.
- B. Adopt this report and DENY the proposal.

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

**RECOMMENDED ACTION:**

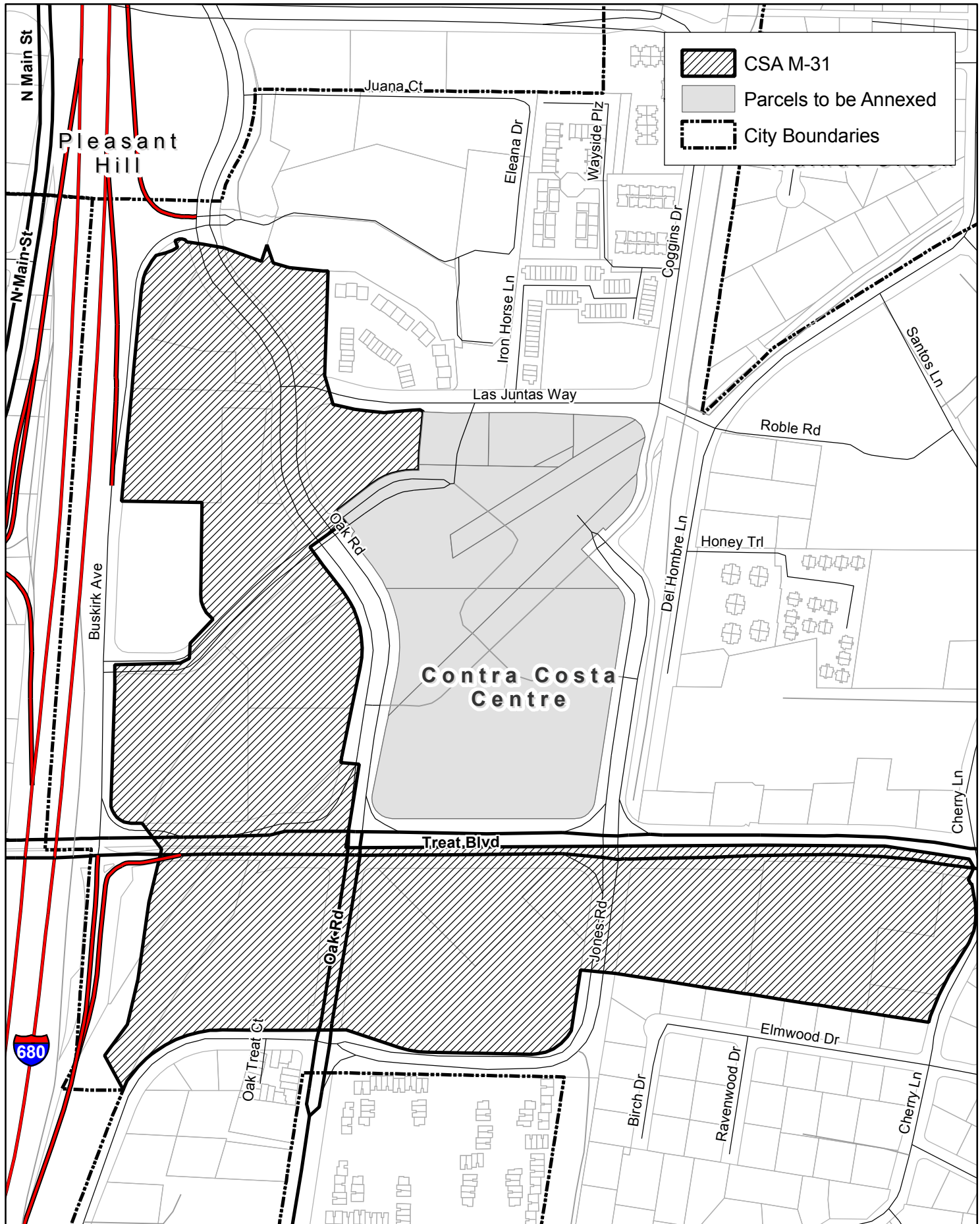
Approve Option 1.

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

Attachment (Map)  
c: Distribution

# LACFO No. 08-19: SF BART Annexation to County Service Area M-31



RESOLUTION NO. 08-19

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND APPROVING  
**SF BART ANNEXATION TO CSA M-31**

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 document or determination, Spheres of Influence and applicable General and Specific Plans; and

WHEREAS, information satisfactory to the Commission has been presented that all the owners of land within the affected territory have given their written consent to the proposal; and

WHEREAS, the annexing agency has 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. Determine that the County as Lead Agency has prepared and adopted a Mitigated Negative Declaration and Addendum for the project.
2. Said annexation is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:  
  
SF BART ANNEXATION TO CSA M-31
4. Said territory is found to be uninhabited.
5. 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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6. The subject territory shall be liable for any authorized or existing taxes, charges and assessments comparable to properties within the annexing agency.
7. 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.
8. Satisfactory proof having been given that all landowners have given their written consent to the proposal and the annexing agency has given written consent to the waiver of conducting authority proceedings, said conducting authority proceedings are hereby waived.
9. 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 13<sup>th</sup> day of August 2008, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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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: August 13, 2008

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Lou Ann Texeira, Executive Officer