

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

December 13, 2017 (Agenda)

December 13, 2017
Agenda Item 6

LAFCO 17-02 151 Circle Drive Annexation to City of Walnut Creek and Corresponding Detachment from County Service Area (CSA) P-6

PROPONENT Patricia Stull, Landowner

SYNOPSIS The landowner proposes to annex one parcel (APN 184-211-031) to the City of Walnut Creek and detach said parcel from CSA P-6 (P-6 funds enhanced police services in unincorporated areas). The parcel comprises 0.179± acres (approximately 7,797 sq. ft.), is located at 151 Circle Drive in unincorporated Walnut Creek, and is a remnant parcel created by the widening of Interstate 680 in the 1990s. The parcel currently does not have access to the adjacent roadway at Circle Drive. The landowner also owns an adjacent parcel located at 1660 Lilac Drive, which is in the City of Walnut Creek. Both lots are currently vacant.

At the request of the landowner, the City of Walnut Creek recently rezoned 151 Circle Drive. The rezoning and proposed annexation will allow the owner to develop both lots, with access to the subject parcel provided through an easement on the adjacent lot at 1660 Lilac Drive.

DISCUSSION

The landowner filed an application with LAFCO to annex the property to the City of Walnut Creek. The proposed annexation will facilitate the development of two single family residential dwelling units.

Government Code §56668 sets forth factors that the Commission must consider in evaluating a proposed boundary change as discussed below. In the Commission's review, no single factor is determinative. In reaching a decision, each is to be evaluated within the context of the overall proposal.

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

The area proposed for annexation is within the City of Walnut Creek's SOI, and within the County Urban Limit Line.

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

The County General Plan designation for the subject parcel is SM (single family residential – medium); and the County zoning is R-10 (single family residential; lot size 10,000 sq. ft. minimum). The City's General Plan designation is SFM (single family medium); and the City's zoning is R-10 (single family residential). Although the subject parcel is smaller than the minimum lot size for the zoning district in which it is located, the combined lot area of the Circle Drive lot and the adjacent parcel fronting on Lilac Drive is sufficient for both lots to be considered conforming to applicable zoning provisions.

Land use designations in the surrounding areas include I-680 to the east and residential to the north, south and west. No changes are proposed to the General Plan or zoning designations as part of this proposal.

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

The subject property contains no prime farmland or land covered under Williamson Act Land Conservation agreements; there are no agricultural uses on the property proposed for annexation.

4. Topography, Natural Features and Drainage Basins:

The topography of the subject parcel and surrounding areas are relatively flat. There are no natural features that will affect this proposal.

5. Population:

Development of one single family residential dwelling unit is planned for the annexation area. The estimated population increase for the annexation area is approximately 2.14 based on the 2017 California Department of Finance estimate of number of persons per household for the City of Walnut Creek.

6. Fair Share of Regional Housing:

In its review of a proposal, LAFCO must consider 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 (Gov. Code §65584).

In Contra Costa County, the Association of Bay Area Governments (ABAG) determines each city'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. In July 2013, ABAG adopted the 2014-2022 Regional Housing Needs Allocation (RHNA) Plan for the San Francisco Bay Area. The RHNA Plan includes the following allocations for the City of Walnut Creek: total RHNA is calculated at 2,235 units, including 895 above moderate, 381 moderate, 355 low and 604 very low income units. The proposed annexation includes a total of one single family residential unit which would help the City meet its current regional housing obligation for above moderate units. Also, the development will provide a benefit to moderate income units through the payment of an in-lieu fee under the provisions of the City's inclusionary housing regulations.

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

An application for a change of organization or reorganization requires a plan for providing services within the subject area (Gov. Code §56653). The plan shall include all of the following information and any additional information required by the Commission or the LAFCO Executive Officer:

- (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 annexation area is currently served by various local agencies including, but not limited to, Contra Costa County, Contra Costa County Fire Protection Central Contra Costa Sanitary District (CCCSD), and East Bay Municipal Utility District (EBMUD).

The proposal before the Commission is to annex one parcel to the City of Walnut Creek and detach the parcel from CSA P-6. Upon annexation, the City will provide police, roads, drainage, public works, planning, parks & recreation and other city services. The City of Walnut Creek provided a letter indicating it is able and willing to extend City services to the annexation area.

8. Timely Availability of Water and Related Issues:

The property is within EBMUD's service boundary. EBMUD's service area is 331± square miles (Contra Costa and Alameda counties). The District provides potable water to approximately 1.3 million people within the two-county service area. Within Contra Costa County, EBMUD provides water service to a 146± square mile service area, serving an estimated 477,212 residents.

EBMUD's water supply is distributed through a collection system of aqueducts, reservoirs, and other components. The District's primary source of water is the Mokelumne River, which accounts for 90% of EBMUD's water supply. EBMUD's existing water rights allow the delivery of up to 325 mgd or approximately 364,046 acre-feet per year of water from the Mokelumne River. EBMUD can adequately serve the proposed single family residential dwelling unit.

9. Assessed Value, Tax Rates and Indebtedness:

The annexation area is within tax rate area 98002. The total assessed value for the annexation area is \$50,631 (2016-17 roll). The territory being annexed shall be liable for all authorized or existing taxes comparable to properties presently within the annexing agencies. The County and the City of Walnut Creek will rely on the master tax transfer agreement for this annexation.

10. Environmental Impact of the Proposal:

The City of Walnut Creek, as Lead Agency, found the project to be exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines §§15319(b) and 15303(a).

11. Landowner Consent and Consent by Annexing Agency:

According to County Elections, there are zero registered voters in the area proposed for annexation; thus, the area proposed for annexation is considered uninhabited.

The proposed annexation has 100% landowner consent; thus, if the Commission approves the annexation, the Commission may waive the protest hearing (Gov. Code §56662). All landowners and registered voters within the proposal area(s) and within 300 feet of the exterior boundaries of the area(s) have received notice of the December 13, 2017 LAFCO hearing.

12. Boundaries and Lines of Assessment:

The annexation area is within the City of Walnut Creek's SOI and contiguous to the City's service boundary. A map and legal description to implement the proposed boundary changes have been submitted and are subject to approval by the County Surveyor.

13. Environmental Justice:

LAFCO is required to consider the extent to which a change of organization or reorganization proposal 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.

14. Disadvantaged Communities:

In accordance with state law, local agencies and LAFCOs are required to plan for disadvantaged unincorporated communities (DUCs). Many of these communities lack basic infrastructure, including streets, sidewalks, storm drainage, clean drinking water, and adequate sewer service. LAFCO actions relating to Municipal Service Reviews, SOI reviews/ amendments, and annexations must take into consideration DUCs, and specifically the adequacy of public services, including sewer, water, and fire protection needs or deficiencies, to these communities. According to the County Department of Conservation and Development, the area proposed for annexation does not meet the criteria of a DUC.

15. Comments from Affected Agencies/Other Interested Parties

No comments were received from other affected agencies or parties.

16. Regional Transportation and Regional Growth Plans:

In its review of a proposal, LAFCO shall consider a regional transportation plan adopted pursuant to Gov. Code §65080 [Gov. Code §56668(g)]. Further, the commission may consider the regional growth goals and policies established by a collaboration of elected officials only, formally representing their local jurisdictions in an official capacity on a regional or subregional basis (Gov. Code §56668.5). Regarding these sections, LAFCO looks at consistency of the proposal with the regional transportation and other regional plans affecting the Bay Area.

SB 375, a landmark law, requires California’s regions to adopt plans and policies to reduce greenhouse gases (GHG), primarily from transportation. To implement SB 375, in July 2013, the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) adopted Plan Bay Area as the “Regional Transportation Plan and Sustainable Communities Strategy” for the San Francisco Bay Area through 2040. Plan Bay Area focuses on where the region is expected to grow and how development patterns and the transportation network can work together to reduce GHG emissions. The Plan’s key goals are to reduce GHG emissions by specified amounts; and to plan sufficient housing for the region’s projected population over the next 25 years.

In July 2017, ABAG and MTC adopted Plan Bay Area 2040, which updates the 2013 Plan Bay Area and reaffirms the goals and targets identified in the earlier version. Plan Bay Area establishes “Priority Conservation Areas” (PCAs) and “Priority Development Areas” (PDAs), and focuses growth and development in nearly 200 PDAs. These existing neighborhoods are served by public transit and have been identified as appropriate for additional, compact development. The area proposed for annexation is not within a PCA or a PDA; however, the proposed annexation does not appear to conflict with the regional transportation or growth plans.

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 annexation as proposed.

- A. The project is exempt pursuant to CEQA Guidelines, Sections 15319(b) and 15303(a).
- B. Adopt this report, approve LAFCO Resolution No. 17-02 (Attachment 2), and approve the proposal, to be known as *151 Circle Drive Annexation to City of Walnut Creek and Detachment from CSA P-6* 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. That the applicant has delivered an executed indemnification agreement providing for the landowner to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
- C. Find that the subject territory is uninhabited, the proposal has 100% landowner consent, and the conducting authority (protest) proceedings are hereby waived.

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:

Option 1 – Approve the annexation as proposed.

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

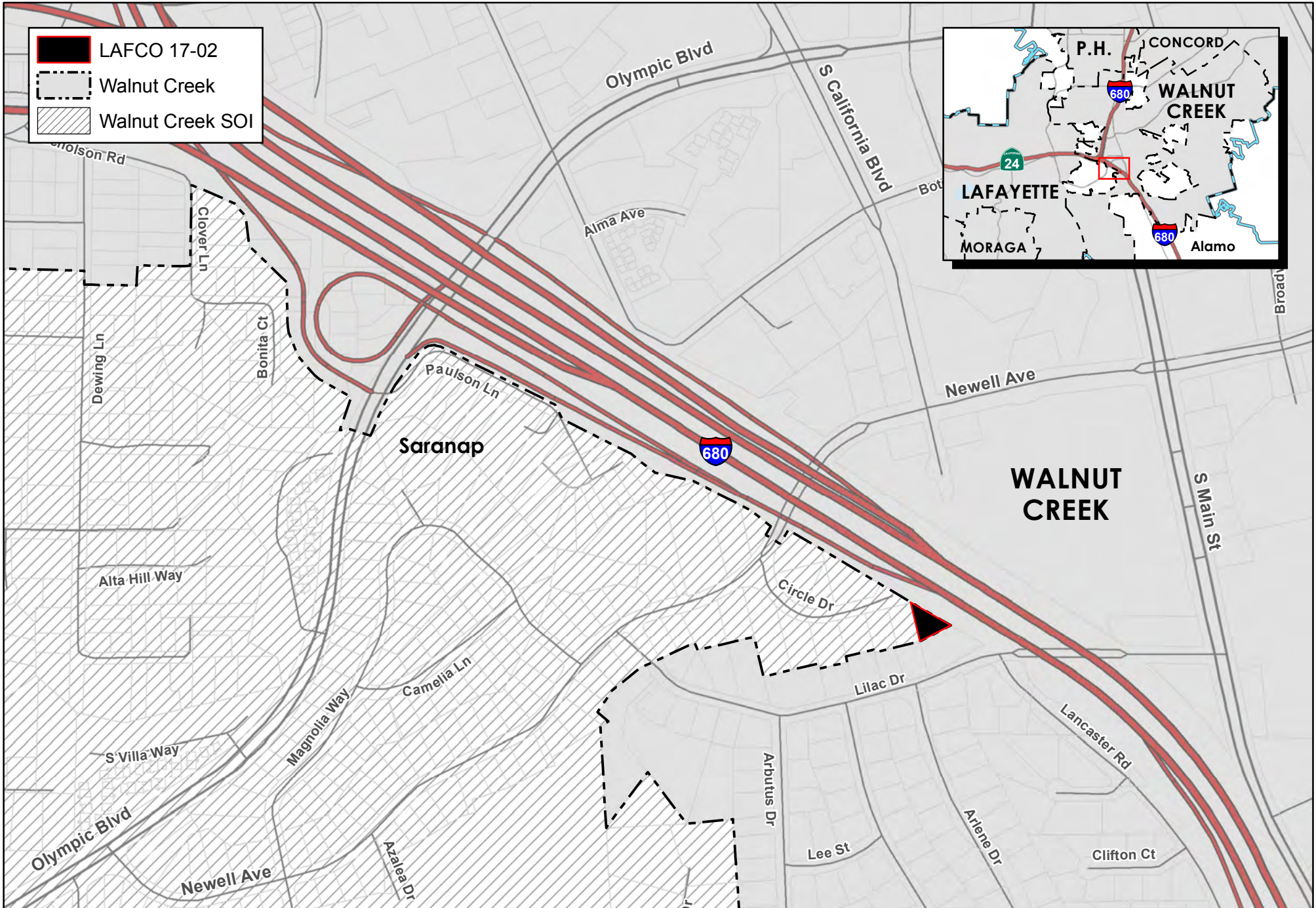
Exhibits

A – City of Walnut Creek Annexation Map

B – Draft LAFCO Resolution 17-02

c: Distribution

LAFCO No.17-02 151 Circle Drive Reorg: Annexation to City of Walnut Creek and Detachment from CSA P-6



Map created 11/20/2017
 by Contra Costa County Department of
 Conservation and Development, GIS Group
 30 Muir Road, Martinez, CA 94553
 37:59:41.791N 122:07:03.756W

This map or dataset was created by the Contra Costa County Department of Conservation and Development 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.

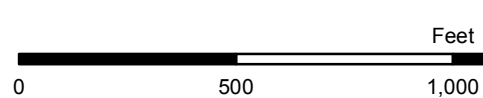


Exhibit A



RESOLUTION NO. 17-02

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
 MAKING DETERMINATIONS AND APPROVING
**151 CIRCLE DRIVE ANNEXATION TO CITY OF WALNUT CREEK AND DETACHMENT
 FROM COUNTY SERVICE AREA P-6**

WHEREAS, a landowner petition was filed with the Executive Officer of the Contra Costa Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act (Government Code §56000 et seq.) to annex 151 Circle Drive to the City of Walnut Creek and detach the same parcel from County Service Area (CSA) P-6 ; 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 151 Circle Drive Annexation to the City of Walnut and detachment from CSA P-6; and

WHEREAS, the Commission held a public hearing on December 13, 2017 to consider the 151 Circle Drive reorganization proposal; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to this 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.

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

1. The project is exempt pursuant to CEQA Guidelines, Sections §§15319(b) and 15303(a).
2. Said reorganization is hereby approved.
3. The subject proposal is assigned the distinctive short-form designation:
**151 CIRCLE DRIVE ANNEXATION TO CITY OF WALNUT CREEK AND
 DETACHMENT FROM CSA P-6**
4. 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.
5. Approval of the 151 Circle Drive Annexation to the City of Walnut Creek and Detachment from CSA P-6 is subject to the following:
 - a. 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.
 - b. The landowner has delivered an executed indemnification agreement between the landowner and Contra Costa LAFCO providing for the landowner to indemnify LAFCO against any expenses arising from any legal actions challenging the 151 Circle Drive Annexation to the City of Walnut Creek and detachment from CSA P-6.
6. The subject territory is uninhabited, the proposal has 100% landowner consent, and the conducting authority (protest) proceedings are hereby waived.

Contra Costa LAFCO
Resolution No. 17-02

- 7. All subsequent proceedings in connection with 151 Circle Drive Annexation to the City of Walnut Creek and Detachment from CSA P-6 shall be conducted only in compliance with the approved boundary set forth in the attachments and any terms and conditions specified in this resolution.

PASSED AND ADOPTED THIS 13th day of December 2017, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

DONALD A. BLUBAUGH, 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: December 13, 2017

Lou Ann Texeira, Executive Officer