

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT

September 15, 2010 (Agenda)

September 15, 2010
Agenda Item 7

LAFCO 10-07 **Cities of Pinole and Richmond (Kay Road) Sphere of Influence (SOI) Amendments**

PROPONENTS City of Richmond – Resolution No. 66-10 dated June 1, 2010
Contra Costa County – Resolution No. 2010/381 dated July 13, 2010

ACREAGE & LOCATION The agencies propose to adjust the City of Pinole (reduce) and City of Richmond (expand) SOIs along Kay Road (0.195± acre) in the unincorporated Montalvin Manor area adjacent to the eastern city limit of the City of Richmond as shown in Attachment 1. There are no parcel numbers associated with the area as it is road right-of-way (ROW).

PURPOSE Boundary correction to provide for needed roadway safety improvements.

SUMMARY

The City of Richmond previously annexed Montalvin Manor. At that time, a 10-foot strip of Kay Road was excluded from the annexation as it was considered “private property.” Subsequently, the strip of road was dedicated for public use. Contra Costa County has approved a construction project in the area. As part of that project, the County will design and construct sidewalk and drainage improvements along Kay Road. Following construction completion, the City of Richmond has agreed to accept ownership and maintain future improvements. Thus, the 10-foot Kay Road ROW will need to be annexed to the City of Richmond. An annexation application was submitted to LAFCO on July 26, 2010.

As a precursor to the annexation, the area will need to be added to Richmond’s SOI. In addition, the area is currently within the City of Pinole’s SOI and will need to be removed. The City of Pinole has submitted a letter in conjunction with this proposal expressing no objection to the modification to Pinole’s SOI (see Attachment 2).

DISCUSSION

The Cortese-Knox-Hertzberg Act (CKH Act) empowers LAFCO with the responsibility for developing and determining the SOI of each local agency within the county, and for 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 an SOI is established, annexations must still be individually weighed and evaluated on their own merit.

State law requires LAFCO review and update, as necessary, the SOI of each local agency not less than every five years. In conjunction with an SOI update, LAFCO must prepare a Municipal Services Review (MSR). In November 2009, the Commission accepted the West County Sub-regional MSR covering the cities of Pinole and Richmond. The MSR included a review of city services along with SOI options and recommendations. In accordance with the MSR, the Commission updated the SOIs for both cities.

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, as discussed below (Gov. Code §56425).

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

In accordance with the General Plans for Contra Costa County and the cities of Richmond and Pinole, the present and future land uses for this area include Road Right-of-Way (ROW). The proposed SOI amendments will facilitate no changes in land use.

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

The public facilities and services to be extended to the road ROW will include all public services provided by the City of Richmond.

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

The City has over 280 miles of public streets, maintained by 48 employees within the Streets Division of the Public Works Department. The City of Richmond has agreed to maintain this segment of Kay Road ROW after completion of construction.

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.

The primary social or economic community of interest that is relevant to the proposed SOI amendment is the City of Richmond and its customer base. The SOI amendments are consistent with the County and city General Plans, within the countywide Urban Limit Line, and would reflect logical adjustments to the Richmond and Pinole SOIs.

Environmental Impact of the Proposal

The underlying project for the boundary change proposal is the Montalvin Manor Pedestrian and Transportation Access Improvement Project which was approved by the County Board of Supervisors on July 13, 2010. Contra Costa County, as Lead Agency, found the project Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant Section 15303, Class 3(d).

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 amendments to the SOIs of the City of Pinole (reduce) and City of Richmond (expand) of 0.195± acre located in the unincorporated Montalvin Manor area adjacent to the eastern city limit of the City of Richmond as depicted in Attachment 1.

- A. Determine that Contra Costa County, as Lead Agency, found the project to be **Categorically Exempt – Class 3(d), Section 15303 (New Construction or Conversion of Small Structures)**.
- B. The Commission determines the project is exempt pursuant to CEQA Guidelines, consistent with the determination of the County acting as Lead Agency.
- C. Adopt this report and amend the SOIs of the cities of Pinole and Richmond as described herein and shown in Attachment 1.

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.

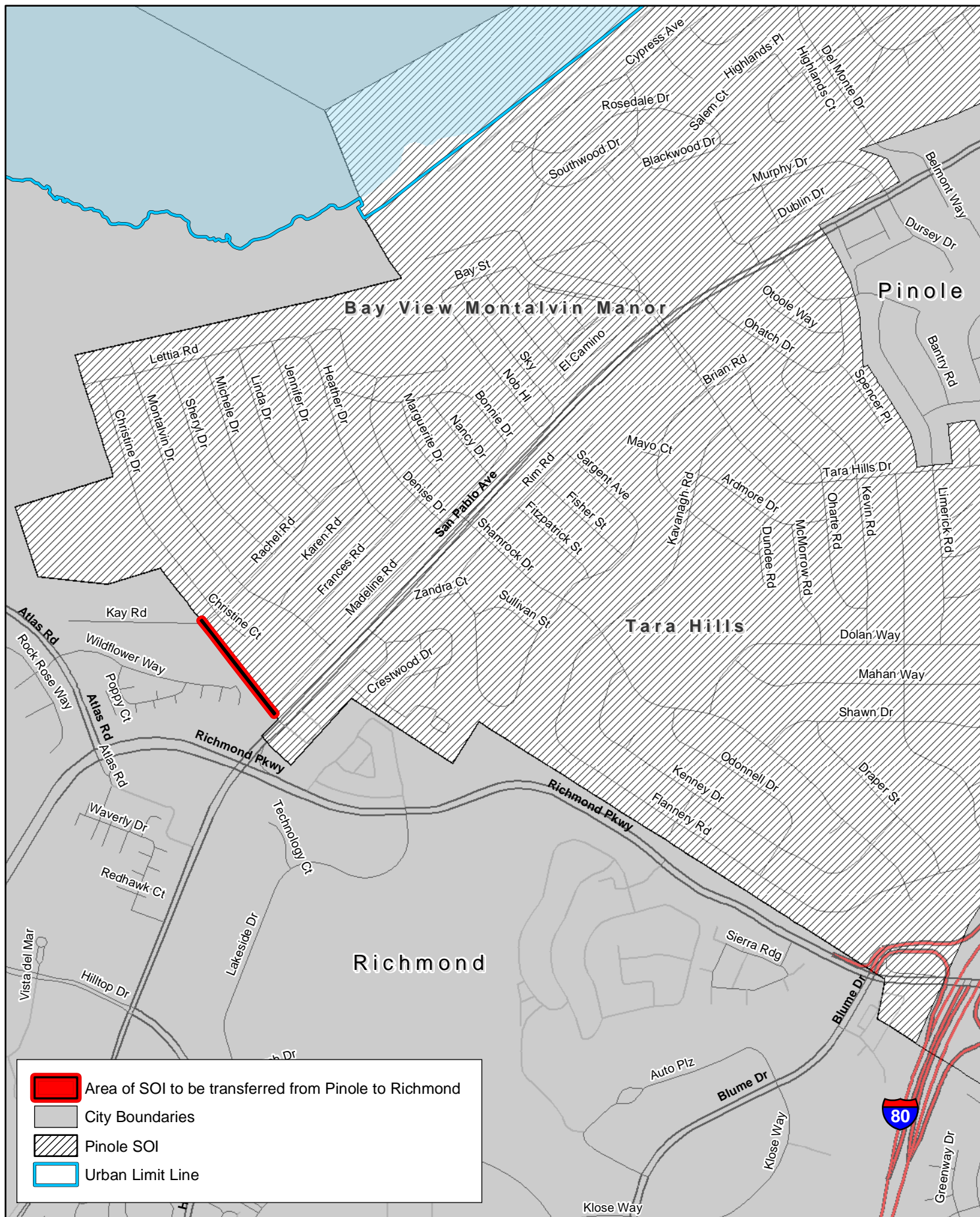
LOU ANN TEXEIRA, EXECUTIVE OFFICER
LOCAL AGENCY FORMATION COMMISSION





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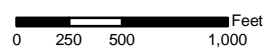
Attachments

1. Map – City of Pinole and City of Richmond Proposed SOI Amendments
2. Letter dated July 26, 2010 from the City of Pinole
3. Draft LAFCO Resolution amending the SOIs for the cities of Pinole and Richmond

LAFCO No. 10-07: Cities of Richmond and Pinole SOI Amendment (Kay Road)



	Area of SOI to be transferred from Pinole to Richmond
	City Boundaries
	Pinole SOI
	Urban Limit Line





CITY OF PINOLE

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Office of the Mayor

August 17, 2010

Contra Costa LAFCO
Attention: Ms. Lou Ann Texeira
651 Pine Street, 6th Floor
Martinez, CA 94553

Subject: Kay Road Sphere of Influence Amendment Request

Dear Ms. Texeira:

Thank you for soliciting the City of Pinole's input on the Kay Road Sphere of Influence Amendment and related annexation to the City of Richmond. After considering the County-initiated roadway project and the current Kay Road right-of-way, the City of Pinole has no objection to this modification of our Sphere of Influence and views the request as a logical boundary adjustment to provide for needed roadway safety improvement. Should you have any questions concerning this matter, please contact Planning Manager Winston Rhodes by email at wrhodes@ci.pinole.ca.us or by phone at 510-724-9832.

Sincerely,

A handwritten signature in blue ink that reads 'Debbie Long'. The signature is fluid and cursive.

Debbie Long
Mayor

CC: Pinole City Council
Project File

SPHERE OF INFLUENCE RESOLUTION NO.10-07

RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND MODIFYING THE SPHERES OF INFLUENCE
OF THE CITY OF PINOLE (REDUCE) AND THE CITY OF RICHMOND (EXPAND)
KAY ROAD

WHEREAS, a proposal to modify the spheres of influence (SOIs) of the cities of Pinole and Richmond 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 proposed amendments to the SOIs of the City of Pinole (reduce) and the City of Richmond (expand) along Kay Road (0.195± acre) in the unincorporated Montalvin Manor area adjacent to the eastern city limit of the City of Richmond.
2. Contra Costa County, as Lead Agency, found the project Categorical Exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant Section 15303, Class 3(d). The Commission is a Responsible Agency under CEQA, and finds the project is exempt pursuant to CEQA Guidelines, consistent with the determination of the Lead Agency.
3. The City of Pinole and City of Richmond SOIs are hereby modified in the area as shown on the attached map (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 0.195± acre is deleted from the City of Pinole's SOI, and the corresponding 0.195± acre is added to the City of Richmond's SOI in order to correct a boundary irregularity and provide for needed roadway safety improvements.

The SOI area is located along Kay Road (0.195± acre) in the unincorporated Montalvin Manor area adjacent to the eastern city limit of the City of Richmond, and is designated as road right-of-way (ROW) in the County and city General Plans. There are no current Williamson Act Land Conservation Agreements within the project site. The proposed SOI amendments will facilitate no changes in land use.

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

The public facilities and services to be extended to the road ROW will include all public services provided by the City of Richmond.

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

The City has over 280 miles of public streets, maintained by 48 employees within the Streets Division of the Public Works Department. The City of Richmond has agreed to maintain this segment of Kay Road ROW after completion of construction.

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

The primary social or economic community of interest that is relevant to the proposed SOI amendment is the City of Richmond and its customer base. The SOI amendments are consistent with the County and city General Plans, within the countywide Urban Limit Line, and would reflect logical adjustments to the Richmond and Pinole SOIs.

PASSED AND ADOPTED THIS 15TH day of September 2010, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

MARTIN McNAIR, 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: September 15, 2010

Lou Ann Texeira, Executive Officer