

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT – Revised

June 9, 2021 (Agenda)

June 9, 2021
Agenda Item 7

LAFCO 20-07 Laurel Place II – Subdivision 9389 - Annexation to City of Concord and Corresponding Detachment from County Service Area (CSA) P-6

APPLICANT Laurel Ranch III, LLC, Applicant

SYNOPSIS This is an application to annex seven parcels (APNs 116-063-026 thru -032) to the City of Concord and detach the same parcels from CSA P-6. The parcels total 3.58± acres and are located at Myrtle Drive and Bailey Road in unincorporated Concord (Ayers Ranch) - see Exhibit A.

The applicant constructed seven single-family residential homes on the subject property as approved by Contra Costa County. The annexation/detachment is in accordance with the City's pre-annexation agreement and LAFCO's conditions of approval of out of agency wastewater service in August 2018.

Note: This staff report was revised on June 7, 2021 to reflect a corresponding detachment from CSA P-6.

DISCUSSION

Government Code (GC) §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 subject area proposed is within the SOI of the City of Concord.

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

The subject property is a small infill area comprised of seven lots upon which seven single family homes were constructed and are now occupied.

The County General Plan designation for the site is Single-Family Residential - Low Density and the County's zoning is R-15 Single Family Residential (lot size 15,000 sq. ft. minimum). The City of Concord rezoned the property RR-20 (Rural Residential) and the City's General Plan designation is RR (Rural Residential). The subject area is located within the voter approved Urban Limit Line.

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

The project site is zoned for single-family residential development and is surrounded by single-family residential development to the east, west, and south; and Concord Naval Weapons Station land to the north. The subject area contains no prime farmland, land covered under a Williamson Act Land Conservation agreement, or designated open space.

4. **Topography, Natural Features and Drainage Basins:**

The subject and surrounding areas are generally flat with no significant natural features.

5. **Population:**

The average household size in the City of Concord is 2.75 and the average family size is 3.28. The estimated population for the seven single family homes is approximately 20-23 people. (Data source: US Census Bureau American Community Survey, 5-year estimates 2015-2019). The subject area currently has seven registered voters; thus, the subject area is uninhabited.

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. All seven homes were sold at market rate and will add to the City's housing stock.

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

If a proposal for a change of organization or reorganization is submitted, the applicant shall also submit a plan for providing services within the affected territory (Gov. Code §56653). The plan for services is included with the application. The plan shall include all the following information and any additional information required by the Commission or the 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 subject area is currently served by various local agencies including, but not limited to, Contra Costa County, Contra Costa Fire Protection District, and Contra Costa Water District (CCWD).

The City of Concord provides wastewater services to the subject area pursuant to an out of agency service agreement approved by LAFCO on August 8, 2018.

8. Timely Availability of Water and Related Issues:

The subject area is within the service boundary of CCWD. CCWD's boundary encompasses 220± square miles in central and eastern Contra Costa County. CCWD's untreated water service area includes Antioch, Bay Point, Oakley, Pittsburg, and portions of Brentwood and Martinez. The District's treated water service area includes Clayton, Clyde, Concord, Pacheco, Port Costa, and parts of Martinez, Pleasant Hill, and Walnut Creek.

9. Assessed Value, Tax Rates, and Indebtedness:

The subject area is within tax rate area 79036. The assessed value for the subject area is \$6,228,409 (2020-21 roll). The territory being annexed shall be liable for all authorized or existing taxes and bonded debt comparable to properties presently within the annexing agencies.

10. Environmental Impact of the Proposal:

In 2016, Contra Costa County, as Lead Agency, prepared and approved an Initial Study/Mitigated Negative Declaration (IS/MND) in conjunction with the Laurel Place II project. The environmental factors potentially affected by this project include Biological Resources, Noise, Air Quality, and Geology and Soils. The County's MND notes that although the project could have a significant effect on the environment, there will be no significant effects because revisions in the project have been made or agreed to by the project proponent.

11. Landowner Consent and Consent by Annexing Agency:

All landowners and registered voters within the proposal area and within 300 feet of the exterior boundaries of the area(s) were sent notice of the LAFCO hearing.

According to County Elections, there are currently six registered voters in the subject area; thus, the subject area is considered uninhabited. The affected property owners signed pre-annexation agreements and consent to the proposed annexation. Therefore, if the Commission approves the annexation/detachment, the Commission shall waive the protest hearing (Gov. Code §56662) as no affected landowners have filed a protest.

12. Boundaries and Lines of Assessment:

The subject area is within the City of Concord's SOI. A map and legal description to implement the proposed annexation/detachment have been received and are subject to final approval by the County Surveyor.

13. Environmental Justice:

LAFCO is required to 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/detachment is not expected to promote or discourage the fair treatment of minority or economically disadvantaged groups.

14. Disadvantaged Communities:

In accordance with State legislation, 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 subject area does not meet the criteria of a DUC.

15. Comments from Affected Agencies/Other Interested Parties:

As of this writing, LAFCO has received no objection from any affected local agency, landowner, or registered voter within the subject area. If no objection is received from any affected party prior to the conclusion of the hearing on June 9th, the Commission shall waive the protest hearing.

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 sub regional 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 state law, requires California's regions to adopt plans and policies to reduce the generation of greenhouse gases (GHG), primarily from transportation. To implement SB 375, the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), in July 2013, 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/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 subject area is not within a PCA or a PDA; however, the proposed annexation/detachment 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/detachment as proposed.

- A. Find that, as a Responsible Agency under the California Environmental Quality Act (CEQA), LAFCO has reviewed and considered information contained in Contra Costa County’s Initial Study/Mitigated Negative Declaration in conjunction with the *Laurel Place II* project, and finds that there are no direct or indirect environmental effects that would result from LAFCO’s approval of the annexation/detachment; and therefore, no additional mitigation measures are required beyond those included in the CEQA documents prepared by Contra Costa County.
- B. Adopt this report, approve LAFCO Resolution No. 20-07 (Attachment 1), and approve the proposal, to be known as *Laurel Place II - Annexation to City of Concord and Corresponding Detachment from CSA P-6* subject to the following terms and conditions:
 1. The subject territory 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. The applicant has delivered an executed indemnification agreement providing for the applicant to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation/detachment.
 3. Find that the subject territory is uninhabited, and the subject landowner(s) do not object to the annexation/detachment; thus, the conducting authority 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: Approve Option 1

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

Exhibit

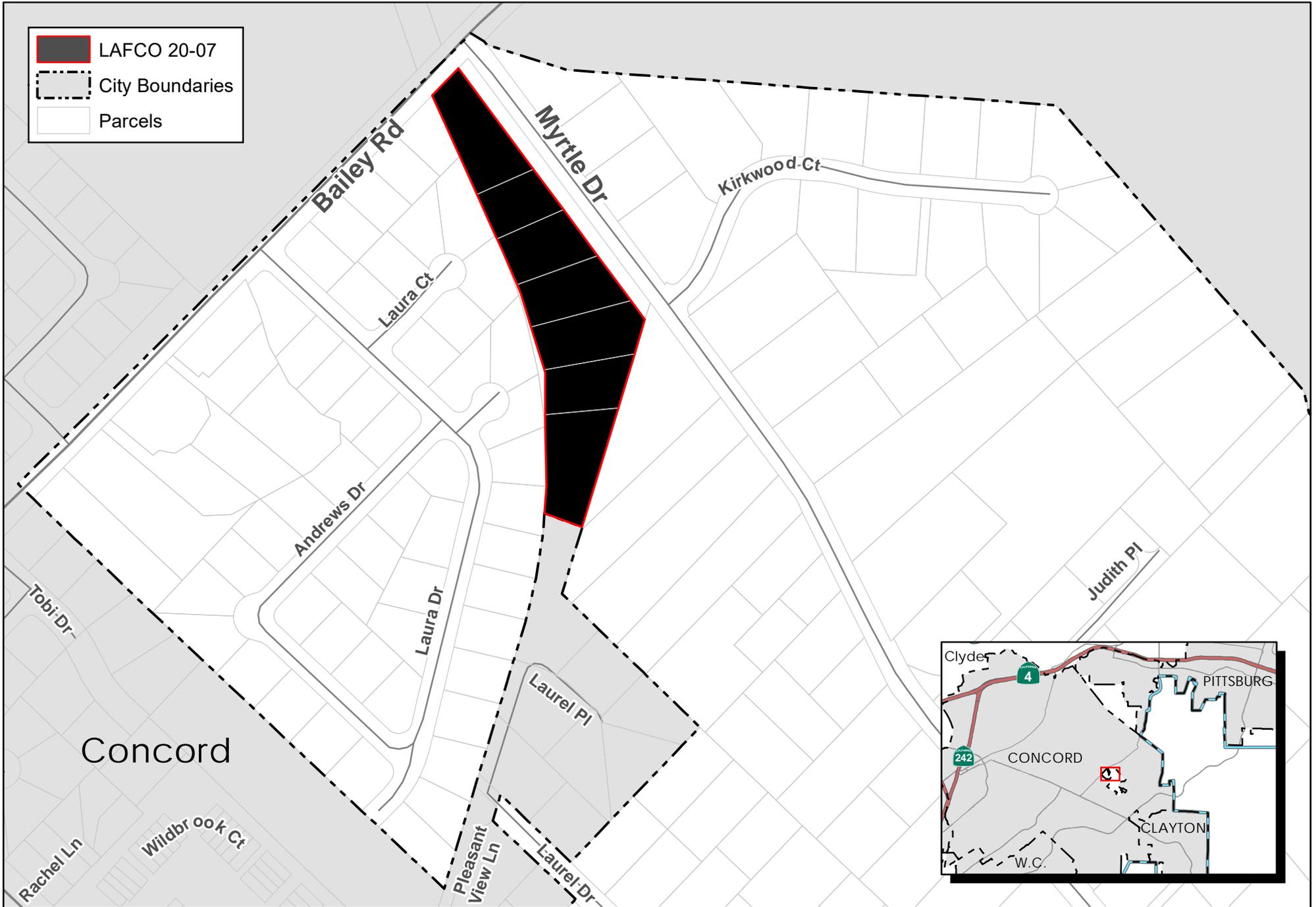
Annexation Map – Exhibit A

Attachment

1 – Draft LAFCO Resolution 20-07

c: Dan Freeman, President, Laurel Ranch III, LLC
Rick Rosenbaum, Lenox Homes
Mitra Abkenari, City of Concord

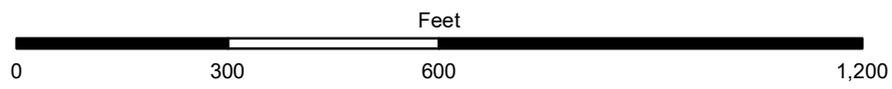
LAFCO 20-07 – Laurel Place II - Annexation to City of Concord and Detachment from County Service Area P-6



LAFCO 20-07
 City Boundaries
 Parcels

Map created 6/7/2021
 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
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RESOLUTION NO. 20-07 - REVISED
RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING
ANNEXATION TO CITY OF CONCORD
AND DETACHMENT FROM COUNTY SERVICE AREA (CSA) P-6
LAUREL PLACE II – SUBDIVISION 9389

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, the Executive Officer has examined the application and executed her certification in accordance with law, determining and certifying that the filing is sufficient; 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 Executive Officer has reviewed available information and prepared a report including her recommendations therein, and the report and related information have been presented to and considered by the Commission; and

WHEREAS, at a public hearing held on June 9, 2021, 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, applicable General and Specific Plans, consistency with the sphere of influence, contiguity with the District's boundary, and related factors and information including those contained in Gov. Code §56668; and

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

WHEREAS, the Local Agency Formation Commission determines the proposal to be in the best interest of the affected area and the 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. As a Responsible Agency under CEQA, the Commission has considered the information contained in the *Laurel Place II Initial Study/Mitigated Negative Declaration* as approved by Contra Costa County on September 19, 2017.
2. The applicant has delivered to LAFCO an executed indemnification agreement providing for the applicant to indemnify LAFCO against any expenses arising from any legal actions to challenging the annexation/detachment, and
3. The annexation/detachment is hereby approved.

4. The subject proposal is assigned the distinctive short-form designation:
LAUREL PLACE II – SUBDIVISION 9389 - ANNEXATION TO CITY OF CONCORD AND DETACHMENT FROM CSA P-6
5. The boundary of the affected territory is found to be definite and certain as approved and set forth in Exhibit A, attached hereto and made a part hereof.
6. The subject territory shall be liable for any authorized or existing taxes, charges, and assessments comparable to properties within the annexing agency.
7. The subject territory is uninhabited.
8. The proposal has 100% landowner consent, and the conducting authority (protest) proceedings are hereby waived.
9. All subsequent proceedings in connection with this annexation/detachment 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 June 2021, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

IGOR SKAREDOFF, 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: June 9, 2021

Lou Ann Texeira, Executive Officer