

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

October 13, 2010 (Agenda)

October 13, 2010  
Agenda Item 7

LAFCO 10-08

**Kay Road Annexation to the City of Richmond**

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 project site (0.195± acre) is located along Kay Road in the unincorporated Montalvin Manor area adjacent to the eastern city limit of the City of Richmond (Attachment 1). There are no parcel numbers associated with the area as it is a 10-foot strip of road right-of-way (ROW).

PURPOSE:

Boundary correction to provide for needed roadway safety improvements.

SUMMARY

Contra Costa County filed an application with LAFCO to annex a 10-foot strip of Kay Road to the City of Richmond. The City previously annexed Montalvin Manor, and at that time, this portion of Kay Road was excluded from the annexation as it was considered “private property.” Subsequently, the strip of road was dedicated for public use. The County has approved a construction project in the area, and as part of the project, 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 road improvements.

DISCUSSION

The Government Code (§56668) sets forth factors that the Commission must consider in evaluating any proposed change of organization or reorganization as discussed below. 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 SOI.

On September 15, the Commission approved SOI amendments removing the strip of roadway from the City of Pinole's SOI and adding the area to Richmond's SOI. Thus, the annexation area is now within the City of Richmond's SOI, and is within the countywide urban limit line.

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

The annexation area includes a 10-foot wide section of the eastern side of Kay Road. The current and future land uses include road ROW.

Surrounding land uses include single family homes to the east and north, commercial uses to the south, and road ROW to the west.

Among the factors LAFCO must consider in reviewing a proposal is "Consistency with city or county general and specific plans." The City of Richmond and Contra Costa County General Plans designate the area as road ROW. There are no proposed zoning changes within the project area; the existing and future uses are consistent with General Plan and zoning designations.

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

The project site contains no prime farmland or Williamson Act land.

4. Topography, Natural Features and Drainage Basins:

The project site and surrounding areas are relatively flat. There are no significant natural features that affect this proposal.

5. Population:

The project area is uninhabited as it contains fewer than 12 registered voters. Due to the nature of the proposal (i.e., road ROW), no increase in population will result.

6. Fair Share of Regional Housing:

In the 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. Given the current and future land uses, the proposed annexation will have no effect on regional housing needs.

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 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 "Plan for Providing Services within the Affected Territory" is on file in the LAFCO office. The City of Richmond indicates that it is able and willing to serve the property. The level and range of services, including road maintenance, will be comparable to those provided by the City to similar properties currently within the City limits. Costs associated with serving the site will be borne by the City.

8. Timely Availability of Water and Related Issues:

The proposal will not result in or facilitate an increase in water usage.

9. Assessed Value, Tax Rates and Indebtedness:

The property is within tax rate area 85168. There is no Assessor Parcel Number and no assessed value for the site as it is a roadway.

10. Environmental Impact of the Proposal:

On June 7, 2010, an Initial Study was prepared by Contra Costa County. The project was found to be Categorically Exempt pursuant to the California Environmental Quality Act (CEQA), Section 15303, Class 3d. The LAFCO Environmental Coordinator has reviewed the document and finds it adequate for LAFCO purposes.

11. Landowner Consent and Consent by Annexing Agency:

The City of Richmond and Contra Costa County consent to the annexation, and to waiving the protest proceedings. Thus, the Commission may waive the 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 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 reorganization as submitted.
- A. Determine that Contra Costa County, as Lead Agency, found the project to be Categorically Exempt pursuant to CEQA, Section 15303, Class 3d.
  - 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 approve the proposal, to be known as Kay Road Annexation to the City of Richmond, subject to the following terms and conditions:
    - 1. 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.

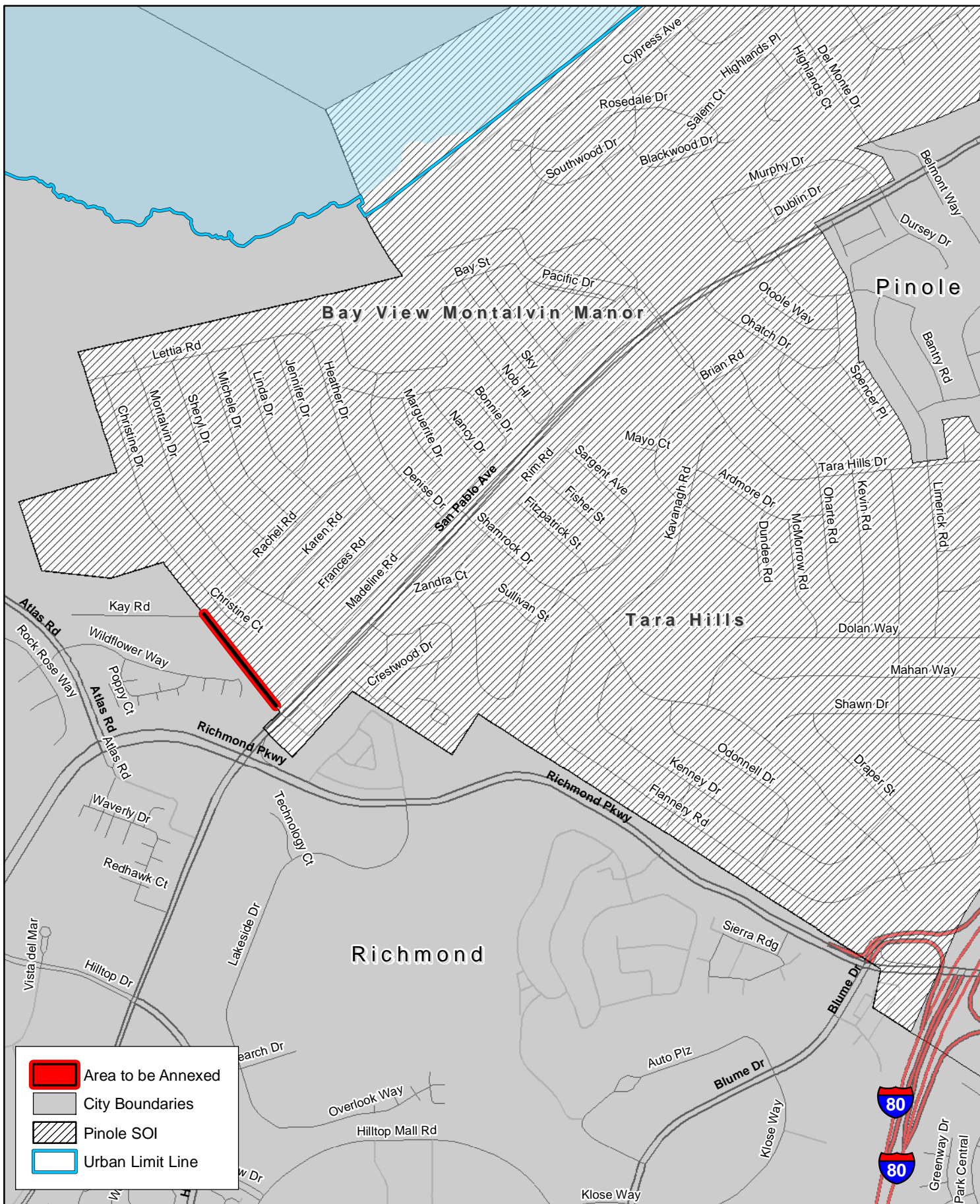
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LOU ANN TEXEIRA, EXECUTIVE OFFICER  
LOCAL AGENCY FORMATION COMMISSION

Attachment 1 - Map  
Attachment 2 - Draft Resolution

c: Distribution

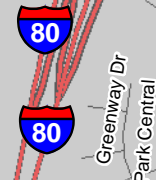
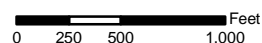
# LAFCO No. 10-08: Kay Road Annexation to the City of Richmond



	Area to be Annexed
	City Boundaries
	Pinole SOI
	Urban Limit Line

Map created 9/21/2010  
 by Contra Costa County Conservation and Development Department-GIS Group  
 651 Pine Street, 4th Floor North Wing, Martinez, CA 94553-0095  
 37:59:48.455N 122:06:35.384W

This map or dataset was created by the Contra Costa County Conservation and 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. 10-08**

**RESOLUTION OF THE CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND APPROVING  
KAY ROAD ANNEXATION TO CITY OF RICHMOND**

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 no affected landowners/registered voters within the reorganization area object to the proposal; 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 Contra Costa County, as Lead Agency, found the project to be Categorically Exempt pursuant to the California Environmental Quality Act (CEQA), Section 15303, Class 3d.
2. Certify that the Commission determines the project is exempt pursuant to CEQA Guidelines, consistent with the determination of the County acting as Lead Agency.
3. Said annexation is hereby approved.
4. The subject proposal is assigned the distinctive short-form designation:

**KAY ROAD ANNEXATION TO CITY OF RICHMOND**

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.
6. That Contra Costa County, as applicant, delivered an executed indemnification agreement between the County and Contra Costa LAFCO providing for the County to indemnify LAFCO against any expenses arising from any legal actions challenging the annexation.
7. The territory proposed for annexation is uninhabited.

Contra Costa LAFCO  
Resolution No. 10-08

8. The proposal has 100% landowner consent, and the affected agencies have 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.

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PASSED AND ADOPTED THIS 13<sup>th</sup> day of October 2010, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

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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.*

Dated: October 13, 2010

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Lou Ann Texeira, Executive Officer