

**ALAMEDA LOCAL AGENCY FORMATION COMMISSION
RESOLUTION NO. 2006-50**

**APPROVING AN UPDATE TO THE SPHERE OF INFLUENCE FOR THE
CITY OF BERKELEY**

WHEREAS, Government Code Section 56425 et seq. requires the Local Agency Formation Commission (LAFCo) to develop and determine the sphere of influence (SOI) of each local governmental agency within the County; and

WHEREAS, Government Code Section 56425(f) requires that LAFCo review and update the adopted SOI boundaries, as necessary, not less than once every five years; and

WHEREAS, Government Code Section 56430 requires that a municipal services review be conducted prior to or in conjunction with a SOI update; and

WHEREAS, LAFCo conducted a municipal services review of the services provided by the City of Berkeley and adopted written determinations as required by Government Code Section 56430 on May 11, 2006; and

WHEREAS, the City of Berkeley provides a full range of municipal services including police, fire, paramedic, ambulance transport, stormwater, park, recreation, library, vector control, wastewater, street and street light maintenance, solid waste collection and street sweeping services directly; and

WHEREAS, the City of Berkeley incorporated on April 4, 1878; and

WHEREAS, the City lies in the northwest corner of Alameda County, bordered by the cities of Albany to the northwest, Emeryville and Oakland to the south, and Contra Costa County to the northeast; and

WHEREAS, Berkeley's SOI was established by LAFCo on September 15, 1983 and is coterminous with its boundaries; and

WHEREAS, there have been no subsequent LAFCo actions affecting the City's boundary or SOI; and

WHEREAS, no change in regulation, land use or development will occur as a result of updating the City's SOI; and

WHEREAS, in the form and manner prescribed by law, the Executive Officer has given notice of a public hearing by this Commission regarding the location of this SOI map;

WHEREAS, the SOI action was duly considered at public hearings held on July 13 and November 9, 2006; and

WHEREAS, the Alameda LAFCo heard and received all oral and written protests, objections and evidence that were made, presented or filed, and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said action.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED that the Alameda LAFCo hereby:

1. Expand the SOI for the City of Berkeley to include the Panoramic Hill area, as generally depicted in Exhibit A attached hereto.
2. Adopt the following SOI Policy:

Policy Recommendation #1: LAFCo shall continue to encourage the cities of Berkeley and Oakland to work together to resolve service issues in the Panoramic Hill area including consideration of a reorganization of territory in the Panoramic Hill area.

2. Consider the criteria set forth in Government Code Section 56425(e) and determine as follows:
 - a. The present and planned land uses in the area, including agricultural and open-space lands – City land uses primarily consist of residential, institutional and commercial. Commercial uses are located around UC Berkeley. Industrial uses are adjacent to the railroad and San Pablo Avenue. Approximately 6% of land in the City limits is open space, which mainly includes public park and recreation facilities. Open spaces along the City’s western edge include the marina and Eastshore State Park. The UC Berkeley campus operates botanical gardens. The land use designation in the Panoramic Hill area is low density residential with small lots created in the early 1900s. The SOI is consistent with planned land uses.
 - b. The present and probable need for public facilities and services in the area – The population and jobs in the City is expected to continue to grow over the next 20 years. Berkeley’s growth is expected to occur primarily through infill development, redevelopment, and conversion and intensification opportunities throughout the community. Berkeley’s growth strategies include providing a building height bonus of one additional level for affordable housing. The General Plan (2002) identifies growth in the downtown area as well as the Southside redevelopment area located southwest of the UC Berkeley campus.
 - c. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide – For the most part, municipal services provided in the city are adequate with the exception of police service, wastewater service, street, and park service. Berkeley has a higher priority-one police response time than the County median. Traffic congestion was cited as an impediment to fast response times. Officers on bicycles often achieve higher response times than officers in vehicles. The State Regional Water Quality Control Board (RWQCB) requires an upgrade of Berkeley’s aged private laterals in poor condition, which contribute a very significant portion to the wastewater system infiltration and inflow. Berkeley’s stormwater system needs substantial improvement. Capital projects have been postponed due to lack of funding. Berkeley reported that the street network is very close to capacity. Pavement backlog in the City exceeds \$200,000 per street mile. Three segments, San Pablo Avenue, Shattuck Avenue, and Adeline Street operate under poor conditions. A small portion of streets was rehabilitated in FY 2004-05. Berkeley has a lower number of developed park acres per 1,000 residents than the statutory standards. Berkeley does not have additional planned park acres and park facilities. The City conducts productivity monitoring to improve service efficiency.
 - d. 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 City developed around the UC Berkeley campus community and its historic downtown. Economic communities include the downtown area, the UC Berkeley campus, various commercial districts and

the West Berkeley industrial areas. The Panoramic Way/Hill community is divided by the Oakland-Berkeley city boundary.

- e. The existence of agricultural preserves or other important agricultural or open space land in the area which could be considered within an agency's SOI, and the effect on maintaining the physical and economic integrity of such resources in the event that such resources are within a SOI of a local governmental agency – No agricultural, open space or Williamson Act lands will be affected as no SOI changes are proposed which include prime agricultural land or land included in a Williamson Act contract..
3. Determine, as lead agency for the purposes of the California Environmental Quality Act (CEQA), that the SOI update is categorically exempt under Section 15061(b)(3) of the CEQA Guidelines.
4. Direct staff to file a Notice of Exemption as lead agency under Section 15062 of the CEQA Guidelines.

* * * * *

This Resolution was approved and adopted by the Alameda Local Agency Formation Commission at a regular meeting held on November 9, 2006, at 7051 Dublin Boulevard in Dublin, California on the motion made by Commissioner Crowle, seconded by Commissioner Kamena, and duly carried.

Ayes: 6 (Commissioners Crowle, Haggerty, Kamena, Lockhart and Sblendorio)
Noes: 0
Excused: 3 (Commissioners Combs, Foulkes and Miley)

Janet Lockhart

Janet Lockhart, Chair, Alameda LAFCo

Approved as to Form:

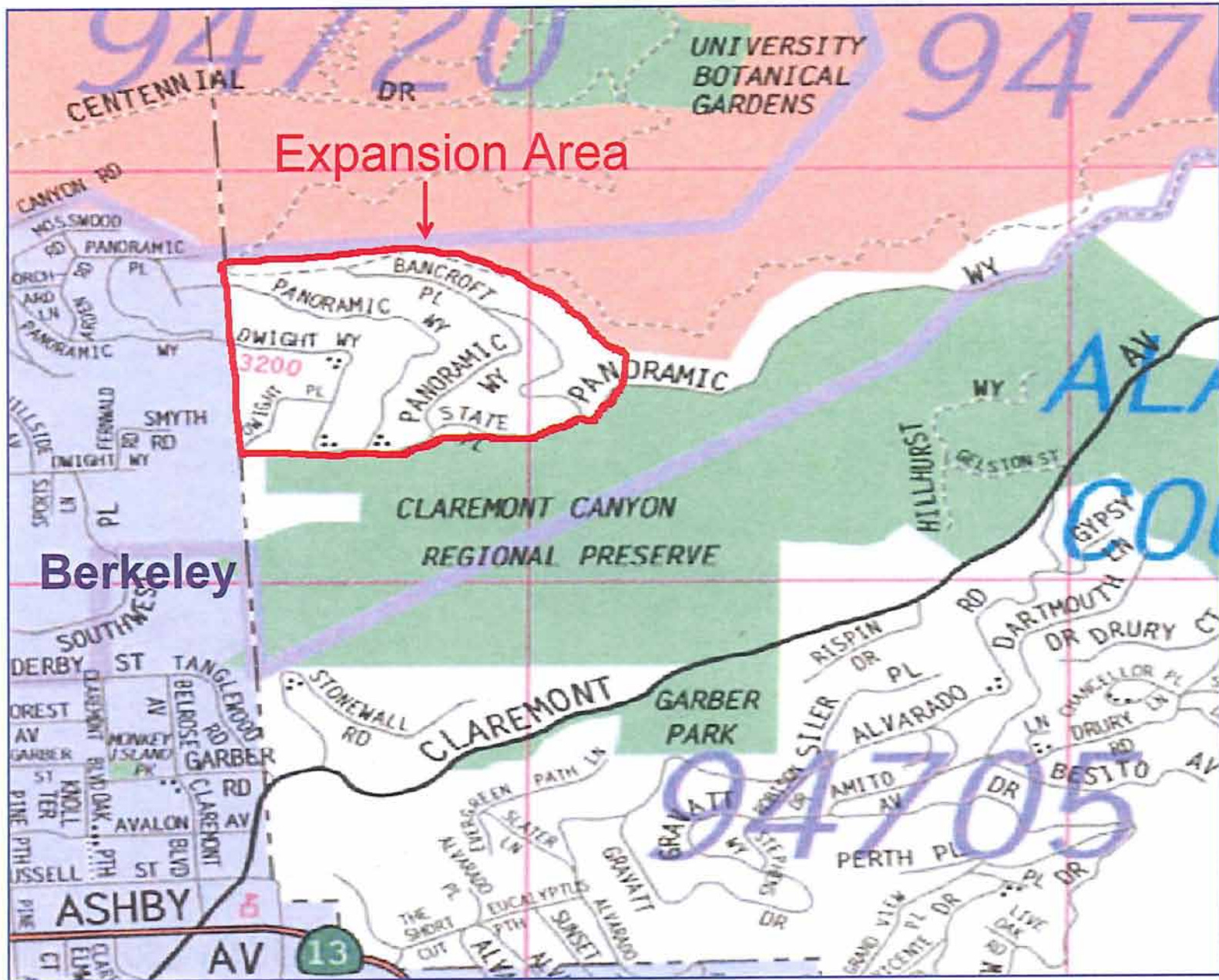
By: 
Brian Washington, LAFCo Legal Counsel

CERTIFICATION: I hereby certify that the foregoing is a correct copy of a resolution adopted by the Alameda Local Agency Formation Commission, Oakland, California.

Attest: 
Crystal Hishida Graff, LAFCo Executive Officer

Date: 11/15/06

City of Berkeley Option 1



Berkeley SOI Options

- 1 Panoramic Way area would be included in SOI
- 2 Retain Existing Coterminous SOI

