

DATE: August 6, 2004

TO: Members, Local Agency Formation Commission

FROM: Peter Banning, Executive Officer

SUBJECT: Executive Officer's Report and Recommendation:
Proposed Reorganization of the Lands of 411 Margarita LP Including Annexations to the City of San Rafael and San Rafael Sanitation District (File #1230)

Summary

This proposal includes the annexation of two vacant parcels totaling 0.99 acres to the San Rafael Sanitation District and one of the two parcels (0.5 acre) to the City of San Rafael. The area affected by the proposed reorganization is located at the northern edge of the Country Club unincorporated area on Margarita Drive. The applicant seeks approval for development of one residence on both parcels. The purposes of the proposal are to process development approvals under the City's jurisdiction and to obtain access to sewer service for the new residence from the Sanitation District.

The proposal is consistent with applicable policies and spheres of influence. Staff recommends approval of the proposal, subject to conditions for modification of its boundaries. The modifications recommended by staff would:

- A. Exclude APN 15-241-14 from annexation to the San Rafael Sanitation District because this parcel is already with the District's boundaries.
- B. Include the full width of the Margarita Drive right-of-way in the annexation to the City of San Rafael pursuant to LAFCO Policies, Procedures and Guidelines Chapter III., Section B.3.

General Information

Proposal Description: Annexation to the City of San Rafael and San Rafael Sanitation District to obtain sewer service for construction of one single-family residence.

Proposal Location: On the east side of Margarita Drive north of its intersection with Highland Drive in the Country Club area of San Rafael.

No. of Parcels: 2.

Acres: 0.99 acres.

Development Potential: One single-family residence.

Applicants: 411 Margarita LLP, 1004 Lincoln Avenue, San Rafael, 94901.

Consent of Property Owner(s): 100%.

Public Hearing Required: No.

Number of Registered Voters: 0.

City or County: APN 15-241-01 – City of San Rafael;
APN 15-241-14 – County.

Assessed Value: \$943,500.

Property Tax Exchange: \$586.14.

Current and Proposed Provision of Services - APN 15-241-14

	<u>Current:</u>	<u>If Approved:</u>
Police:	County of Marin	City of San Rafael
Fire:	CSA #19	City of San Rafael
Water:	Marin Municipal Water District	No Change
Sewer:	None	San Rafael Sanitation District
Streets:	County of Marin	City of San Rafael
Planning:	County of Marin	City of San Rafael

Comments of Affected Agencies

City of San Rafael – Community Development Agency

The City has consented in writing to waiver of conducting authority proceedings. Planning staff has conveyed approval documents for rezoning actions taken by the City of San Rafael. The affected area is zoned/prezoned Single Family Residential – Hillside Overlay (R1a-H), one-acre minimum lot size. The two parcels together provide sufficient area for the development of one single-family residence.

San Rafael Sanitation District

The District has consented in writing to waiver of conducting authority proceedings.

Marin Municipal Water District

The district has returned the Request for Comment form indicating “No Comment”.

County of Marin – Department of Public Works

DPW responded, “In order to clearly define road maintenance responsibilities, DPW recommends that the annexation include all of Margarita Drive right of way ... Marin County currently maintains Highland Drive, but not Margarita Drive. As proposed, the annexation would result in an approximate 30-foot section of unincorporated Margarita Drive right of way that would not be maintain[ed] by any agency.”

Discussion & Analysis

The proposed reorganization affects two currently vacant parcels in common ownership. The two parcels are divided by the boundary of the City of San Rafael. The applicant requests annexation of the unincorporated parcel to the City and annexation of both parcels to the San Rafael Sanitation District in order to build one single-family residence. The City has completed rezoning of the unincorporated portion of the area as required for LAFCO to process the proposed reorganization.

The recommendation of the County Department of Public Works to amend the proposal boundaries to include the full width of the Margarita Drive right-of-way is consistent with LAFCO policy (Chapter III., Section B.3.) stating, “Whenever practicable, boundary lines of areas proposed to be annexed to cities and/or districts shall be so located that all streets and rights-of-way will be placed within the same jurisdiction as the properties which abut thereon and/or for the benefit of which such streets and rights-of-way are intended.” Staff notes, however that the Margarita Drive right-of-way is already within the City’s boundary and that DPW staff probably referred to the Highland Avenue right-of-way in

the fronting the proposal area's unincorporated parcel. Staff's recommendations include a condition of approval for compliance with the policy on Highland Avenue.

A second condition of approval is recommended to correct an error in the application. The application requests annexation of both APN 15-241-01 and APN 15-241-14 to the San Rafael Sanitation District. However, APN 15-241-01 is already within both City and District boundaries and should therefore be deleted from the proposal. The resulting reorganization would then include annexation of APN 15-241-14 to the City of San Rafael and to the San Rafael County Sanitation District.

With the inclusion of recommended terms and conditions of approval, the proposed reorganization is consistent with the applicable spheres of influence and other adopted LAFCO policies.

Environmental Review

This proposal is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15319 of the State CEQA Guidelines which provides exemption for annexations of small parcels where development potential would not exceed three residential units.

Recommendation

With the addition of recommended conditions of approval, the proposed annexation is consistent with the Commission's adopted policies and spheres of influence. Staff recommends approval.

Recommended Commission Action, by Resolution:

1. Adopt a resolution making determinations approving the proposed Reorganization of the Lands of 411 Margarita LP Including Annexations to the City of San Rafael and San Rafael Sanitation District (File #1230) subject to the following conditions:
 - A. The proposal boundary defining the reorganization area shall be amended to include the full width of the Highland Avenue right-of-way fronting on APN 15-241-14.
 - B. The proposal boundary defining the reorganization area shall be amended to delete APN Assessor's Parcel Number 15-241-01.

2. Authorize staff to complete subsequent proceedings pursuant to Government Code §57000 without notice and hearing.

Respectfully submitted,

Peter V. Banning
Executive Officer