

**DATE:** December 7, 2007

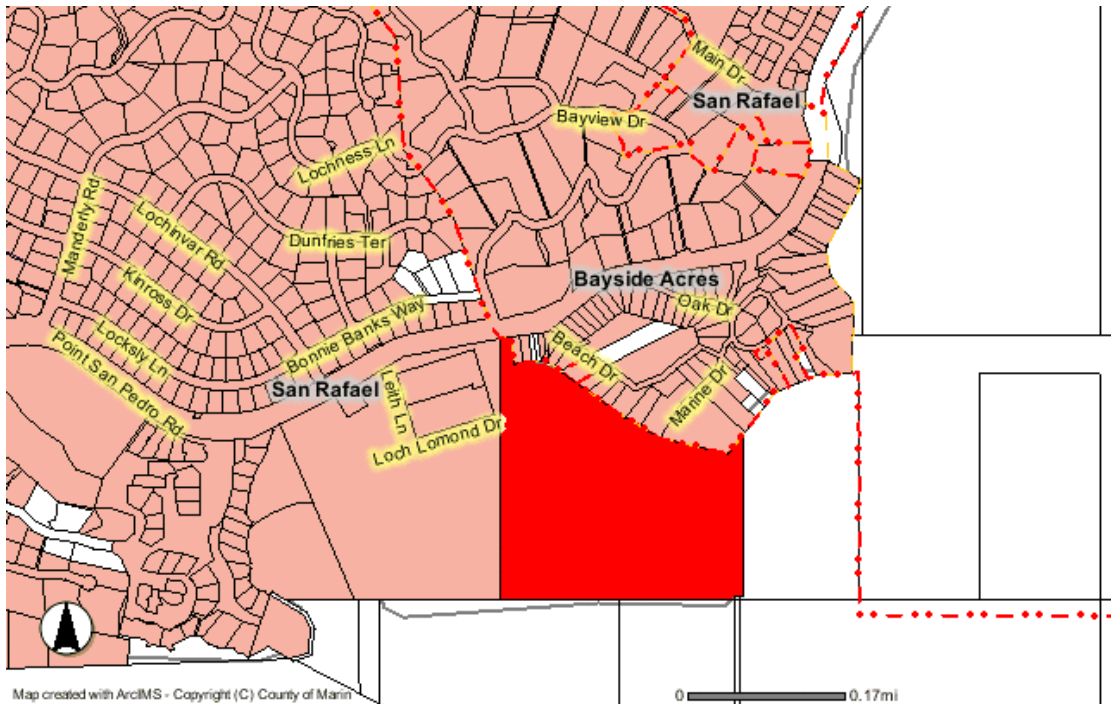
**TO:** Marin Local Agency Formation Commissioners

**FROM:** Peter Banning, Executive Officer

**SUBJECT:** Executive Officer's Report and Recommendation:  
**Proposed Annexation of the Lands of San Rafael Marina LLC  
to the San Rafael Sanitation District (File #1288)**

**Summary**

This proposal requests annexation of one parcel totaling 33.95 acres to the San Rafael Sanitation District (SRSD). The proposal area is a part of the San Rafael Marina project near Loch Lomond, recently approved for redevelopment by the City of San Rafael. The portion of the project area proposed for annexation to SRSD is located west of the primary development in the project area and contains six of the 81 approved housing units, a marine conservation area, berths for docking boats and open water. The balance of the project development area is already within the boundaries of SRSD as shown on the map below. San Rafael Sanitation District has consented in writing to the proposed boundary change. Staff recommends approval.



**General Information**

<b>Proposal Description:</b>	Annexation to San Rafael Sanitation District.
<b>Proposal Location:</b>	City of San Rafael, near the intersection of Point San Pedro Road and Lochinvar Road.
<b>No. of Parcels:</b>	1.
<b>Acres:</b>	33.95 acres.
<b>Development Potential:</b>	six residential units.
<b>Applicants:</b>	Keith Bloom, San Rafael Marina, LLC, One Harbor Point Drive, Sausalito, CA 94965
<b>Consent of Property Owner(s):</b>	100%.
<b>Public Hearing Required:</b>	No.
<b>Number of Registered Voters:</b>	0. The department report of the Registrar of Voters reports 39 voters, based on inaccurate listing of parcel numbers in the application questionnaire, since corrected. No registered voters are associated with the single parcel described by the map and legal description for this proposal as confirmed by the Registrar's Office on December 4 <sup>th</sup> .
<b>City or County:</b>	City of San Rafael.
<b>Assessed Value of Land:</b>	\$1,028,397.
<b>Property Tax Exchange:</b>	None.

**Current and Proposed Provision of Services**

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

### Comments of Affected Agencies

#### San Rafael Sanitation District

The District has consented in writing to the proposed annexation and to waiver of conducting authority proceedings.

#### City of San Rafael

The City of San Rafael has not commented specifically on this annexation proposal. City actions to approve the redevelopment project, which includes the affected area, are summarized in the discussion below.

#### Marin Municipal Water District

The District has “no comment”.

#### Marin County Committee on School District Organization

The Committee has “no comment”.

#### County Environmental Health Services

There is no record of failing septic systems and the area is not subject to County requirements for connection to public sewer.

### Discussion & Analysis

In August 2007, the City of San Rafael approved Resolution 12331 and Ordinance 1860 amending the City’s general plan and zoning ordinance for the purpose of development of the Village at Loch Lomond Marina, a mixed-use development of a 131 acre area near Loch Lomond Drive and Point San Pedro Road. The entire area is within the City’s boundaries. Most but not all of the site is within the boundaries of the San Rafael Sanitation District (SRSD). The purpose of the proposed annexation is to bring the remainder of the project area within the boundary of SRSD.

The area proposed for annexation to San Rafael Sanitation District is the eastern portion of the San Rafael Marina project site made up of a grassland conservation area, breakwater, parking, boat docking facilities and open water. Of the 81 residential units approved for the project by the City of San Rafael, 6 of the single family units will be located within the annexing area. All other developing and redeveloping portions of the site are already within the boundary of the District.

The proposed annexation is consistent with the sphere of influence adopted for the San Rafael Sanitation District.

**Environmental Review**

The City of San Rafael, acting as lead agency under the California Environmental Quality Act, has certified an environmental impact report and approved a mitigation and monitoring and reporting program for this project. The City's EIR and associated documents are contained in the attached compact disc for the Commission's consideration as a responsible agency under CEQA.

**Recommendation**

The proposed annexation is consistent with the spheres of influence adopted for the San Rafael Sanitation District and with other applicable LAFCO policies as shown on Attachment 1. The affected land parcel will require the services of the District. Staff recommends approval.

**Recommended Commission Action, by Resolution:**

1. The Commission certifies that it has reviewed and considered the environmental impact report prepared for this project by the City of San Rafael.
2. The Commission finds that changes or alterations to the project and mitigation measures to lessen environmental effects to less than significant levels as identified in the Mitigated Negative Declaration are within the responsibility of the City of San Rafael and not LAFCO. The City of San Rafael, acting as lead agency, has adopted a mitigation monitoring and reporting plan in which staff of the City of San Rafael is responsible for compliance and is empowered to sanction non-compliance.
3. Adopt a resolution making determinations approving the proposed Annexation of the San Rafael Marina to the San Rafael Sanitation District (File #1288) as shown on Exhibits A and B of the attached resolution.
4. Authorize staff to complete subsequent proceedings pursuant to Government Code §57000 without notice and hearing.

Respectfully submitted,

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Peter V. Banning  
Executive Officer