

**ALAMEDA LOCAL AGENCY FORMATION COMMISSION
RESOLUTION NO. 2018-04**

REAFFIRM 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(g) requires that LAFCo review and update the adopted SOI boundaries, as necessary, 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 Cities Municipal Services Review of the services provided by the 14 cities in Alameda County and adopted written determinations as required by Government Code Section 56430 on January 11, 2018; and

WHEREAS, the update of the City of Berkeley's sphere of influence is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) which states that an activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The sphere update is further exempt from CEQA pursuant to Section 15378(b)(5) which states that organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment are not considered projects under CEQA; and

WHEREAS, the City of Berkeley provides animal control, fire and emergency response, law enforcement, library, lighting, parks and recreation, planning/building, stormwater, and streets. Other services, such as solid waste, are provided under contract with other service providers; and

WHEREAS, the City of Berkeley incorporated in 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 originally established by LAFCo in 1983 and is mostly coterminous with its boundaries; 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; and

WHEREAS, the SOI update was duly considered at a public hearing held on January 11, 2018; and

WHEREAS, at the public hearing 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. Finds this SOI update is categorically exempt under Section 15061(b)(3) and Section 15378(b)(5) of the CEQA Guidelines.
2. Reaffirms the existing SOI for the City of Berkeley, which is mostly coterminous with its boundary except for a portion of the SOI that extends into Oakland in the Panoramic Hill area, as generally depicted in Exhibit A attached hereto.
3. Adopts the following SOI Policy:

Policy Recommendation #1: LAFCo should 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 the territory.

4. Considered the criteria set forth in Government Code Section 56425(e) and determines as follows:

Criteria	Determination
<i>The present and planned land uses (including agricultural and open-space lands)</i>	The City of Berkeley plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses, including residential, business, commercial, manufacturing, and open space. Present and planned land uses are adequate for existing residents as well as future growth, as demonstrated in the General Plan (2002).
<i>The present and probable need for public facilities and services</i>	There are no anticipated changes in the type of public services and facilities required within the SOI for the City of Berkeley. The level of demand for these services and facilities, however, will increase commensurate with anticipated population growth over the next five years.
<i>The present and probable future capacity of public facilities and services</i>	The present capacity of public facilities in the City of Berkeley appears adequate. The City of Berkeley anticipates it will continue to have adequate capacity during the next five years.
<i>The existence of any social or economic communities of interest if the commission determines that they are relevant to the agency</i>	All communities of interest within the City's municipal boundary are included within the SOI. Alameda LAFCo has not identified specific social or economic communities of interest relevant to the City of Berkeley.
<i>For an update of an SOI of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence</i>	The City of Berkeley provides structural fire protection and sewer facilities and services within its SOI; water is provided by East Bay Municipal Utility District. There are no DUCs within or contiguous to the SOI for the City of Berkeley and therefore no present or probable need for these facilities and services for DUCs.

5. Direct staff to file a Notice of Exemption as lead agency under Section 15062 of the CEQA Guidelines.

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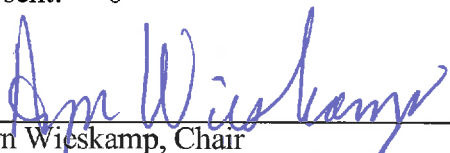
This Resolution was approved and adopted by the Alameda Local Agency Formation Commission at a regular meeting held on January 11, 2018 at the Dublin San Ramon Services District, 7051 Dublin Boulevard in Dublin, California on the motion made by Commissioner Sblendorio, seconded by Commissioner Miley, and duly carried.

Ayes: 7 (Haggerty, Johnson, Marchand, Miley, Sblendorio, Thorne, Wieskamp)

Noes: 0


Abstain: 0

Absent: 0



Ayn Wieskamp, Chair
Alameda Local Agency Formation Commission

Approved as to Form:

By: 
Andrew Massey
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, Alameda County, Oakland, California.

Attest: 
Mona Palacios, LAFCo Executive Officer

Date: 1/12/2018

City Limits and Sphere of Influence Boundaries for the City of Berkeley

Exhibit A

- Other Major Streets and Roads
- Highways
- ▨ City of Berkeley SOI
- ▨ City of Berkeley
- ▨ Cities
- - - Alameda County Boundary

Date: July 2017
Source: Alameda County LAFCo

