

**ALAMEDA LOCAL AGENCY FORMATION COMMISSION
RESOLUTION NO. 2018-06**

REAFFIRM THE SPHERE OF INFLUENCE FOR THE CITY OF EMERYVILLE

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 Emeryville'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 Emeryville provides law enforcement, lighting, parks and recreation, planning/building, and streets. Other services, such as fire and emergency response, library, and solid waste, are provided under contract with other service providers; and

WHEREAS, the City of Emeryville incorporated in 1896; and

WHEREAS, the City lies in the western portion of Alameda County, bordered to the north by the City of Berkeley and to the southwest by the City of Oakland; and

WHEREAS, Emeryville's SOI was established by LAFCo in 1983 and is coterminous with the City's boundaries; and

WHEREAS, no subsequent SOI changes have occurred; 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 the SOI for the City of Emeryville, which is coterminous with its boundary, as generally depicted in Exhibit A attached hereto.
3. 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 Emeryville plans for a variety of urban uses within its boundary, representing a continuation of the current mix of uses, including residential, commercial, industrial, marina, mixed use, parks and open space, and public. Present and planned land uses are adequate for existing residents as well as future growth, as demonstrated in the General Plan (2009). |
| <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 Emeryville. 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 Emeryville appears adequate. The City of Emeryville 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 Emeryville. |
| <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 Emeryville does not provide water or structural fire protection facilities and services within its SOI. Those facilities and services are provided under contract with East Bay Municipal Utility District and Alameda County, respectively. The City does provide sewer services. There are no DUCs within or contiguous to the SOI for the City and therefore no present or probable need for these facilities and services for DUCs. |

4. 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 Emeryville

