



Agenda Report

City Council

Date: September 28, 2021

To: Brian Saeki, City Manager

From: Kyle Cason, Director of Public Works
Cesar Rangel, Assistant Director of Public Works

Subject: Initiate Proceedings with Local Agency Formation Commission (LAFCO) – Resolution

RECOMMENDATION

Adopt Resolution No. 2021-67 declaring the Council's desire to attach territory from Unincorporated County of Los Angeles property to the City; and find that the proposed action is categorically exempt pursuant to Section 15301, Class 20 (Existing Facilities) of California Environmental Quality Act Guidelines.

BACKGROUND

The relinquishment process transfers ownership of a state highway to a City. On October 8, 2019, Governor Newsom signed Assembly Bill No. 1810, which included an amendment to Section 372 of the Streets and Highways Code authorizing the California Transportation Commission to enter into relinquishment negotiations with the City of Whittier for State Route 72 (Whittier Boulevard).

Since the adoption of AB 1810, the City has been negotiating with the California Department of Transportation (Caltrans) on relinquishment of Whittier Boulevard from Esperanza Avenue to Valley Home Avenue. Whittier Boulevard shares jurisdictional boundary with the City and pockets of Unincorporated County of Los Angeles. Under the present conditions, Caltrans requires Whittier Boulevard to be relinquished concurrently to the City and County of Los Angeles. This condition is unfavorable due to the complexity of having multiple jurisdictions coordinating a relinquishment agreement. Instead, at Caltrans suggestion and after consultation of the District 4 County Supervisor, the City proposes annexation of Unincorporated areas along the Whittier Blvd. corridor. Relinquishment of the entire corridor to the City first requires the City to annex the Unincorporated areas in question. This action must occur prior to execution of any the Relinquishment Agreement. Caltrans has funding obligations, which requires the Relinquishment Agreement to be executed prior to June 2022 or to avoid jeopardizing Caltrans financial contribution to the City.

DISCUSSION

Ongoing discussions with District 4 County Supervisor Hahn's office and the County of Los Angeles produced a proposed new City boundary (Attachment B). The City has received support to initiate an application with the Local Agency Formation Commission

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(LAFCO), the County, and Supervisor Hahn's office. The adoption of Resolution No. 2021-67 (Attachment A) initiates proceedings with LAFCO and is the first step in a multi-step process. The proposal to LAFCO is pursuant to the Cores-Knox-Hertzberg Local Government Reorganization Act of 2000 (California Government Code § 56000 *et seq.*). The adoption of Resolution No. 2021-67 (Attachment A) does not guarantee or require any party to enter in to or complete relinquishment of Whittier Boulevard or annexation of the approximately 57.8-acres of unincorporated land of the County, commonly known as West Whittier-Los Nietos.

With regard to the California Environmental Quality Act (CEQA), Whittier staff have determined that no additional environmental review is required for multiple reasons. First, the annexation is not a "project" that is subject to CEQA, as there is no potential that the annexation will result in either a direct physical change to the environment or a reasonably foreseeable indirect change to the environment. This change is purely governmental organizational or administrative activity, and the areas being annexed are largely "built out", and the annexation will not substantially revise the development potential of the annexed lands under the existing zoning. As such, it will not result in any direct or indirect changes to the environment. (Public Resources Code § 21065; State CEQA Guidelines §15378).

Second, even if the annexation were a "project" and subject to CEQA, it is exempt under State CEQA Guidelines section 15061(b)(3) (the "common sense exemption") as "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." There is no reasonably foreseeable change in the types, intensity, or manner of service within the annexation area as a result of any approval. Neither sewer nor water service is revised as a result of the annexation. The development potential of the properties remains largely the same.

Third, even if the annexation is a "project" subject to CEQA, it is categorically exempt under CEQA Guidelines § 15319(a) ("Annexations of Existing Facilities and Lots for Exempt Facilities"). The areas to be annexed contain existing public and private structures developed to a density allowed by the current Los Angeles County zoning and changing the zoning to Whittier's zoning has little to no impact, because zoning is quite similar. Further, the annexation will not add any new utility services to the existing facilities, and therefore "the extension utility services to the existing facilities would have a capacity to serve only the existing facilities."

Finally, there is no evidence that the annexation involves any unusual circumstances that might cause a significant effect on the environment. (CEQA Guidelines § 15300.2(c).) There is no evidence that the annexation will cause changes in the environment that would result in cumulative impacts.

FISCAL IMPACT

There is no fiscal impact to initiate the proceedings with LAFCO.

STRATEGIC PLANNING GOAL

Goal 4: Transparent & Open Government

ATTACHMENTS

- A. Resolution No. 2021-67
- B. Proposed City Boundary Map

RESOLUTION NO. 2021-67

A RESOLUTION OF APPLICATION BY THE CITY OF WHITTIER, CALIFORNIA, REQUESTING THE LOCAL AGENCY FORMATION COMMISSION FOR THE COUNTY OF LOS ANGELES (LAFCO) TO INITIATE PROCEEDINGS FOR CHANGE OF ORGANIZATION OF TERRITORY

RECITALS

- A. The City of Whittier desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for a change of organization that would annex approximately 58-acres territory into the City of Whittier.
- B. This annexation is being proposed upon a Resolution of Application to Initiate Proceedings for annexation filed by the City of Whittier.
- C. The territory proposed to be annexed is inhabited.
- D. The boundaries of the proposed area are depicted on the corresponding Exhibit "A", for annexation, which are incorporated herein by reference.
- E. pursuant to the provisions of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the City of Whittier's Local CEQA Guidelines, the proposed action is not a project under State CEQA Guidelines section 15378 because it does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.
- F. the proposed action is further exempt under State CEQA Guidelines section 15061, subdivision (b)(3) because it can be seen with certainty that there is no possibility the proposed action may have a significant impact on the environment as a result of the annexation boundary change.
- G. Even if the proposed action were considered a project, it is categorically exempt from environmental review under State CEQA Guidelines section 15319 (Class 19) as an annexation to a city containing existing private and public structures developed to the density allowed by the current Los Angeles County zoning where the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities. The properties that would receive water and sewer services contain a combination of single family residences, multiple-family residences, a mobile home park, commercial uses and open space (McNees Park) consistent with the Los Angeles County's zoning for the properties as R-A, Residential Agricultural, R-1, Single-Family Residence, R-2, Two-Family Residence, R-3, Limited Density Multiple Residence, C-3-BE, General

Commercial with Billboard Exclusion, C-3-DP-BE, General Commercial with Development Program and Billboard Exclusion and C-M, Commercial Manufacturing and only existing structures would be served. None of the exceptions to the exemptions found in State CEQA Guidelines section 15300.2 apply.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are a substantial part of this resolution.

SECTION 2. The proposal is hereby made to LAFCO for an annexation of approximately 58 acres of land as follows:

a. This proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.).

b. The nature of the proposed change of organization is the annexation of the territory to the City of Whittier.

c. The affected territory proposed to be annexed is inhabited.

d. The boundaries of the proposal area are reflected in the Exhibit "A".

e. The affected territory is within the City of Whittier's Sphere of Influence.

f. It is desired that the proposed annexation be made subject to the following terms and conditions:

i. The property tax revenue for the annexed parcels be made consistent with a negotiated property tax revenue between affected agencies.

ii. The annexed territory be subject to all existing and future Whittier fees, services charges, assessments, and taxes.

iii. Any taxes, fees, charges, or assessments for the City of Whittier may be collected by the County of Los Angeles Tax Collector in the same manner as ad valorem property taxes or otherwise allowed by law.

g. The description of the proposal area is as follows:

The approximately 58-acre project area is commonly known as part of the West Whittier-Los Nietos community. It is comprised of a combination of existing single-family residences, multiple-family residences, a mobile home park, commercial uses and open space (McNees Park).

h. This proposal facilitates the City of Whittier eventually accepting a transfer of ownership of Whittier Boulevard from Esperanza Avenue to Valley Home Avenue through the legislative relinquishment process with the California Department of Transportation (Caltrans).

SECTION 3. The City of Whittier consents to waiver of protest proceedings pursuant to Government Code Sections 56662(a)(1) through 56662(a)(3), inclusive.

SECTION 4. This Resolution of Application to Initiate Proceedings is hereby adopted and approved by City of Whittier, and LAFCO is hereby requested to initiate proceedings for the annexation of territory as authorized and in the manner provided by the Cortese-Know-Hertzberg Local Government Reorganization Act of 2000.

SECTION 5. The City Clerk of the City of Whittier is hereby authorized and directed to file a certified copy of this Resolution with the Executive Officer of the Local Agency Formation Commission for the County of Los Angeles.

SECTION 6. The City Clerk shall certify to the passage and adoption hereof.

APPROVED AND ADOPTED this 28th day of September 2021.

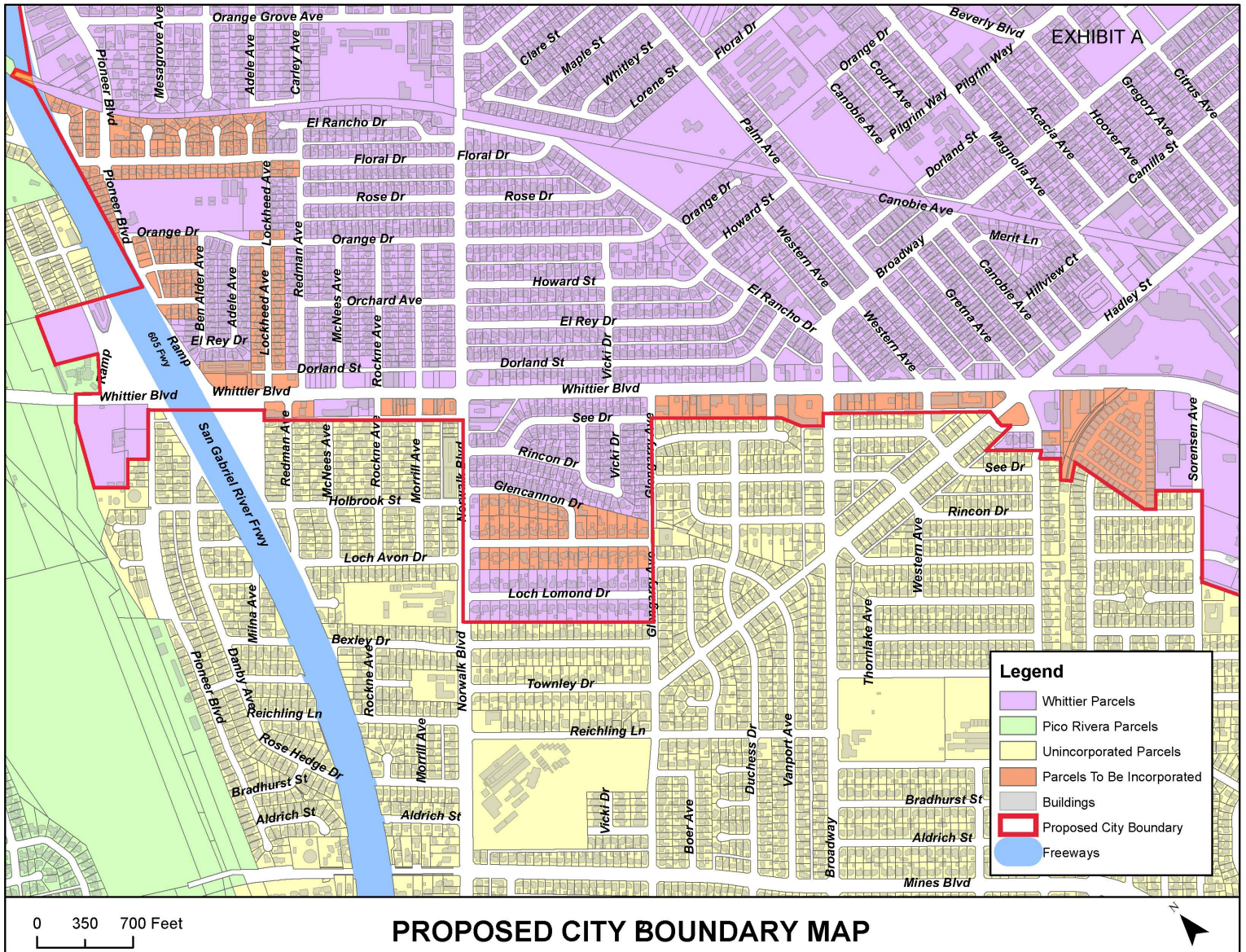
JOSEPH A. VINATIERI, Mayor

ATTEST:

RIGOBERTO GARCIA JR., City Clerk
(seal)

EXHIBIT "A" – Map of Proposed Boundary

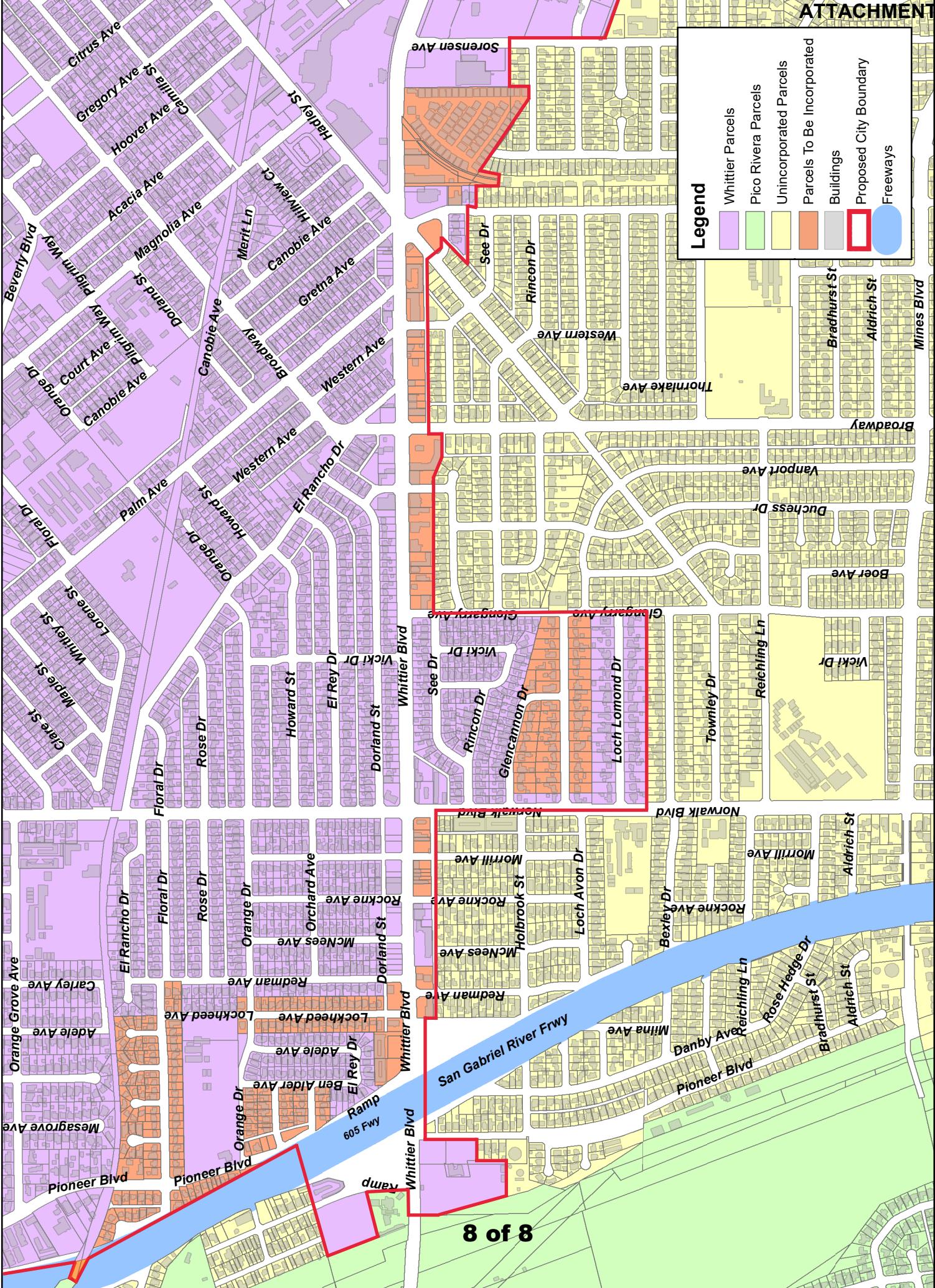
EXHIBIT "A" – Map of Proposed Boundary





Legend

- Whittier Parcels (Purple)
- Pico Rivera Parcels (Green)
- Unincorporated Parcels (Yellow)
- Parcels To Be Incorporated (Orange)
- Buildings (Grey)
- Proposed City Boundary (Red outline)
- Freeways (Blue)



PROPOSED CITY BOUNDARY MAP

0 350 700 Feet