

SAN MATEO

**LOCAL AGENCY FORMATION COMMISSION**

455 COUNTY CENTER, 2ND FLOOR • REDWOOD CITY, CA 94063-1663 • PHONE (650) 363-4224 • FAX (650) 363-4849

December 12, 2018

To: LAFCo Commissioners
From: Martha Poyatos, Executive Officer
Subject: LAFCo File No. 18-06—Proposed Water Extension by City of Redwood City to Proposed Single-family home at 752 Hillcrest, (Unincorporated Emerald Lake Hills) pursuant to Government Code Section 56133

Summary

At the July LAFCo meeting, the Commission considered and approved an application to extend water service to 752 Hillcrest in Unincorporated Emerald Lake Hills conditioned upon execution of an annexation agreement between the property owner and the City. The July 10 staff report is attached for your reference (Attachment A). Since that time the City and property owner have proposed the attached deed restriction (Attachment B) in lieu of an agreement between the City and the property owner to allow City staff time to further develop the form of agreement that would be used in future cases. The deed restriction provides consent to annexation to the city and waiver of protest to annexation in the event the property is proposed for annexation to City.

Staff believes that the deed restriction substantially complies with the condition of approval from the July staff report and recommends that for this case only, the Commission authorize a letter to the City approving the water extension conditioned up recordation of the attached deed restriction. The approval of this deed restriction would be a non-precedent setting action. Future water or sewer extensions will not be scheduled for hearing until the City has provided to LAFCo the form of agreement they would implement that would include a provision in which the property owner agrees to future annexation.

California Environmental Quality Act

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3, relating to new construction of up to three single-family homes.

Recommendation

1. By motion, authorize the Executive Officer to send a letter of approval for LAFCo File 18-06-- Proposed Water Extension by City of Redwood City to 752 Hillcrest Way (APN 068-071-470) (Unincorporated San Mateo County) pursuant to Government Code Section 56133, conditioned upon execution and recording of the attached deed restriction.

Attachments

- A. July Staff Report for LAFCo File No. 18-06

December 12, 2018

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B. Proposed Deed Restriction for 752 Hillcrest Way, APN 068-071-470

C. California Office of the Attorney General Opinion

Distribution: Ahmad Haya, City of Redwood City
Prasanna Rasiah, Senior City Attorney, City of Redwood City
Javier Sierra, Water Department, City of Redwood City
Ron Grove, Grove Construction



LOCAL AGENCY FORMATION COMMISSION

455 COUNTY CENTER, 2ND FLOOR • REDWOOD CITY, CA 94063-1663 • PHONE (650) 363-4224 • FAX (650) 363-4849

July 11, 2018

To: LAFCo Commissioners
From: Martha Poyatos, Executive Officer
Subject: LAFCo File No. 18-06—Proposed Water Extension by City of Redwood City to Proposed Single-family home at 752 Hillcrest, (Unincorporated Emerald Lake Hills) pursuant to Government Code Section 56133

Summary

Pursuant to Government Code Section 56133, Commission approval is required for extension of service by local agencies to territory outside the agency's boundaries. This section requires that the public agency apply to LAFCo by resolution on behalf of the landowner. In this case, the City of Redwood City has applied by resolution for extension of water service to a proposed home on a vacant lot at 752 Hillcrest in Unincorporated Emerald Lake Hills. Water connections are a County of San Mateo condition of approval for the building permits. The project area is within the sphere of influence of the City of Redwood City and the City's water service area but is not contiguous to the City boundary. Commission approval is recommended, conditioned upon execution of an annexation agreement between the property owner and the City.

Staff Report

This proposal was submitted by resolution of the City of Redwood City as a condition of approval of San County Building Department permit for construction of a single family home. The subject area is within the sphere of influence (SOI) of the City of Redwood City and the City's water service area. The parcel proposed for water service is not contiguous to the City boundary and is not eligible of annexation at this time.

San Mateo County Environmental Health reports that the City of Redwood City provides water and that the County-governed Emerald Lake Hills Sewer Maintenance District provides sewer service in the area. The proposal has no adverse environmental health significance and there are no registered voters in the subject territory. The San Mateo County Assessor reports that the assessed value of land is \$1,009,800.

San Mateo County Planning Department submitted the following comments on the application:

The property is associated with San Mateo County Planning permit PLN2017-00321 and Building permit BLD2018-00202. Both the Planning and Building permit have been approved, conditioned upon approval of water extension. The permits would allow for the construction of a new four bedroom, four and half bathroom single-family house, totaling in 3,358 square feet in size. If the water extension application is approved, the

applicant shall provide the San Mateo County Planning and Building Department evidence that the City of Redwood City will be able to provide water to this property. The applicant will be required to secure all Planning and Building permits related to the on this parcel. If LAFCo does not grant the water extension, this approved development would be hampered due to the lack of a domestic water source.

While County General Plan Policies support the annexation of parcels that are located within the Sphere of Influence of cities, the County recognizes that annexations of parcels that are requesting utility extensions may not always be practical. The subject parcel is not continuous to the existing boundaries of the City of Redwood and the annexation is not feasible at this time.

The following General Plan Policies support extension of water service to serve the proposed subdivision:

San Mateo County General Plan Policy 7.16 (Land Use Objectives for Urban Areas) promotes development in urban areas in order to: (1) maximize the efficiency of public facilities, services and utilities, (2) minimize energy consumption, (3) encourage the orderly formation and development of local government agencies, (4) protect and enhance the natural environment, (5) revitalize existing developed areas, and (6) discourage urban sprawl. The future development of this property would meet the goals of infill development in an urban area that maximizes the existing public utilities in the area.

General Plan Policy 8.30 (Infilling) encourages the infilling of urban areas where infrastructure and services are available. The parcel is located in an urban area surrounded by existing residential uses.

General Plan Policy 8.32 (Overcoming Constraints to Development) encourages efficient and effective infrastructure (e.g. water supply, wastewater, roads) necessary to serve the level of development allowable within urban areas. The City of Redwood City will be providing water to this project, as it currently does for all developed properties in the Emerald Lake Hill area.

General Plan Policy 10.10 (Water Supplier in Urban Areas and Wastewater Management) encourages the delivery of water via water systems as the preferred method in urban areas. This policy also discourages the use of wells to serve urban uses. The City of Redwood City will be providing water to this project via their existing water system, fulfilling this policy.

Discussion

As noted above, Government Code Section 56133 provides for LAFCo approval of water or sewer extension outside city or district boundaries in anticipation of annexation. At the Commission's May meeting, the Commission considered a similar proposal and

expressed concern that the numerous water extensions by the City of Redwood City did not include provisions or conditions that would enhance the likelihood of future annexation consistent with the intent of Section 56133. Staff noted that the City of Redwood City does have a provision for sewer extensions that the property owner must agree to future annexation when the parcel is contiguous. Since the May meeting this concern was communicated to City staff however action by the city did not include an annexation agreement with the landowner. Staff recommends conditioning approval of the water extension on further action by the City to require an annexation agreement. This condition would allow for a letter of approval to be issued by the Executive Officer when the City or property owner provide an executed annexation agreement.

California Environmental Quality Act

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, Class 3, relating to new construction of up to three single-family homes.

Recommendation

1. By motion, approve Proposed Water Extension by City of Redwood City to 752 Hillcrest Way (APN 068-071-470) (Unincorporated San Mateo County) pursuant to Government Code Section 56133, conditioned upon an executed annexation agreement between the City and the property owner.

Distribution: Javier Sierra, Water Department, City of Redwood City
Ron Grove, Grove Construction

RESOLUTION NO. 15680

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY AUTHORIZING APPLICATION BY THE CITY OF REDWOOD CITY TO THE LOCAL AGENCY FORMATION COMMISSION REQUESTING APPROVAL FOR EXTENSION OF WATER SERVICE OUTSIDE JURISDICTIONAL BOUNDARIES PURSUANT TO GOVERNMENT CODE SECTION 56133

WHEREAS, the property located at 752 Hillcrest Way, APN 068-071-470 (the "Property"), Unincorporated San Mateo County, California is outside the City's jurisdictional boundaries, but inside City's sphere of influence and water service area; and

WHEREAS, the County of San Mateo is processing an application for a building permit to construct a new single family home at the property that requires water service from the City of Redwood City; and

WHEREAS, the Property owner has requested that the City of Redwood City provide water service to the property at 752 Hillcrest Way; and

WHEREAS, the City owns an existing 4-inch water main along the frontage of the Property; and the Property owner is required to upgrade the water main to a minimum of 8-inches extended from the nearest 6-inch diameter or greater main; and

WHEREAS, this project is exempt from State CEQA Guidelines (Section 15303(d) of Guidelines).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF REDWOOD CITY, AS FOLLOWS:

1. The City Manager or his designee is hereby authorized and directed to submit an application to the Local Agency Formation Commission requesting approval of an extension of the water service outside the City's jurisdictional boundaries and within the

City's sphere of influence and water service area to the property at 752 Hillcrest Way, Unincorporated San Mateo County, California (APN 068-071-470) pursuant to California Government Code Section 56133 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

2. The water service connection proposed for the single family residence at the property is subject to the following conditions and fees:

- a) LAFCO approval of the application for the proposed water service connection;
- b) Property owner's payment of LAFCO fees;
- c) After approval of the construction drawings by the San Mateo County Building Department and upon application for new water service, property owner's payment of all applicable Redwood City fees, including connection fees associated with providing proposed water service;
- d) Property owner's payment of the city's water service annexation fees;
- e) Property owner's installation, or payment for the city to install, a new water service line;
- f) Property owner is responsible for the design, construction, and connection of any water main modifications or extensions necessary to provide adequate flow for domestic use and fire suppression, in accordance to City Code Section 38.26 and as determined by city;
- g) Property owner shall pay the fees for any construction permit in connection with all above improvements, and shall pay associated costs for plan review and inspections; and

h) The owner of the property shall adhere to all the review comments and conditions of service stated by the city.

3. The Local Agency Formation Commission of San Mateo County is hereby requested to take proceedings in the manner provided by California Government Code Section 56133.

* * *

Passed and adopted by the Council of the City of Redwood City at a
Joint City Council/Successor Agency Board/Public Financing Authority Meeting
thereof held on the 25th day of June 2018 by the following votes:

AYES: Aguirre, Borgens, Gee, Masur, Seybert and Mayor Bain

NOES: None

ABSENT: Howard

ABSTAINED: None

RECUSED: None



Ian Bain
Mayor of the City of Redwood City

Attest:



Pamela Aguilar
City Clerk of Redwood City

I hereby approve the foregoing
resolution this 26th day of June 2018.



Ian Bain
Mayor of the City of Redwood City

RESO. # 15680
MUFF # 802

APPLICATION FOR A CHANGE OF ORGANIZATION OR REORGANIZATION TO THE SAN MATEO
LOCAL AGENCY FORMATION COMMISSION

A. GENERAL INFORMATION

1. Briefly describe the nature of the proposed change of organization or reorganization.

Extension of water service by the City of Redwood City to a proposed single family home on APN 068-071-470 on 752 Hillcrest Way, (unincorporated San Mateo County) pursuant to Government Code Section 56133

2. An application for a change of organization or reorganization may be submitted by individuals in the form of a petition or by an affected public agency in the form of a certified resolution. This application is submitted by (check one):

Landowners or registered voters, by petition

An affected public agency, by resolution

3. What are the reasons for the proposal?

To provide water service to newly constructed single-family residence

4. Does this application have 100% consent of landowners in the affected area?

Yes No

5. Estimated acreage: 13,946 SQ. FT.

B. SERVICES

1. List the name or names of all existing cities and special districts whose service area or service responsibility would be altered by the proposed change of organization or reorganization.

N/A, proposal requests extension of service and does not propose boundary change

2. List all changes to the pattern of delivery of local services to the affected area. For each service affected by the proposed change(s) of organization, list the present source of service (state "none" if service is not now provided), the proposed source of service and the source of funding for construction of necessary facilities (if any) and operation. Examples are given on the first two lines of the space provided for your response.

SERVICE	PRESENT SOURCE	PROPOSED SOURCE	FUNDING SOURCE	
			CONSTRUCTION	OPERATING
<i>water</i>	<i>None</i>	<i>"City of Redwood City"</i>	<i>proponent</i>	<i>fees</i>

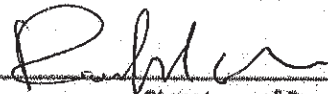
C. PROJECT PROPOSAL INFORMATION

1. Please describe the general location of the territory which is the subject of this proposal. Refer to major highways, roads and topographical features.
752 Hillcrest, near Lakeview in unincorporated Emerald Lake Hills
2. Describe the present land use(s) in the subject territory: Residential
3. How are adjacent lands used?
North: Residential
South: " "
East: " "
West: " "
4. Will the proposed change of organization result in additional development? If so, how is the subject territory to be developed? Water extension would serve a proposed single family residence under the jurisdiction of San Mateo County.
5. What is the general plan designation of the subject territory? Single Family Residential
6. What is the existing zoning designation of the subject territory? Single Family Residential
7. What rezoning, environmental review or development approvals have already been obtained for development in the subject territory? None
8. What additional approvals will be required to proceed? (Please Check with County of San Mateo Public Works Roads Department regarding right of way encroachment, etc. and COMPLETE THIS SECTION)

9. Does any portion of the subject territory contain any of the following --agricultural preserves, sewer or other service moratorium or wetlands subject to the State Lands Commission jurisdiction? NO
10. If no specific development projects are associated with this proposal, will the proposal increase the potential for development of the property? If so, how? As noted above, water service is necessary to serve proposed single-family home.

LAFCo will consider the person signing this application as the proponent of the proposed action(s). Notice and other communications regarding this application (including fee payment) will be directed to the proponent at:

NAME: Ron Grove
ADDRESS: 865 Sweeney RC, 94063 PHONE: 650-867-3531

ATTN: _____ By: Ron Grove 
Type name Signature of Proponent

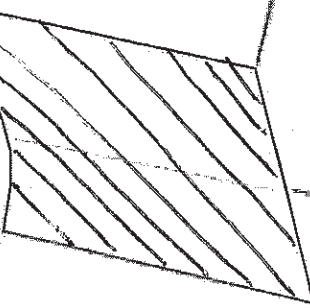
Must be accompanied by LAFCo fees, submit City resolution when adopted

752 Hillcrest Way

Hillcrest Wy

Lakemead Wy

Bay View Wy



RECORDING REQUESTED BY AND
AFTER RECORDING MAIL TO:

[Insert LAFCO information]

With a copy to:
CITY CLERK
CITY OF REDWOOD CITY
P.O. BOX 391
1017 MIDDLEFIELD ROAD
REDWOOD CITY, CA 94064

SPACE ABOVE RESERVED FOR RECORDER'S USE
Exempt from recording fee per Gov. Code § 27383.

DECLARATION OF RESTRICTION

THIS DECLARATION OF RESTRICTION (“Declaration”) is made and entered into this ____ day of _____, 2018, by the Property Owner _____, a _____, (“Owner”).

WITNESSETH:

WHEREAS, Owner owns all that certain real property situate in the County of San Mateo, State of California, commonly known as 752 Hillcrest Way, APN 068-071-470 (the “Property”), as more particularly described in Exhibit “A” attached hereto and incorporated herein by this reference; and

WHEREAS, the Property is located outside the jurisdictional boundaries of the City of Redwood City, a charter city and municipal corporation of the State of California, (“City”), and not contiguous to the City’s boundary, but within the City’s Sphere of Influence as determined by the San Mateo County Local Agency Formation Commission (the “Commission”); and

WHEREAS, on June 25, 2018, the City Council of the City adopted Resolution No. 15680, authorizing the application by the City to the Commission requesting

approval for extension of water service to the Property pursuant to Government Code Section 56133; and

WHEREAS, on _____, the Commission _____; and

WHEREAS, as a condition to said water service connection, the Commission required the Owner to evidence consent to annexation to City and waiver of protest to such annexation in the event the Property were to be proposed for annexation to City; and

WHEREAS, Owner desires to evidence such consent and waiver as aforesaid; and

WHEREAS, Owner understands that any future annexation to City is subject to any and all City rights and determinations, whether legislative, quasi-judicial, administrative, or however characterized, with respect to any proposed annexation of the Property to City.

A G R E E M E N T :

NOW, THEREFORE, Owner agrees as follows:

1. **CONSENT.** In the event the Property shall be proposed for annexation to the City, Owner hereby consents to said annexation, and hereby waives Owner's rights to protest such annexation pursuant to the provisions of law governing such annexations.

2. **TAXES, OTHER CHARGES.** In the event annexation of the Property to City shall be duly approved by all agencies having jurisdiction thereof, Owner agrees that the Property shall be subject to any and all general, special, extraordinary, or additional taxes or assessments or any and all general, special extraordinary, or additional service charges, fees, or rates, levied against, imposed upon, or otherwise pertaining to the

Property by any and all agencies, including the City, having jurisdiction thereof in the same fashion as other like property located within the territorial limits of City.

3. **SUCCESSORS**. This Declaration and all of the terms, conditions, covenants and declarations herein contained shall be binding upon, and shall inure to the benefit of, Owner, and Owner's administrators, heirs, assigns, and transferees.

4. **RUNS WITH THE LAND; RECORDATION**. This Declaration pertains to and shall run with the Property. Upon execution, this Declaration shall be recorded in the Official Records of San Mateo County.

5. **CAPTIONS**. Paragraph headings as used herein are for convenience only, and shall not be deemed to affect the meaning or intent of the paragraph headed thereby.

IN WITNESS WHEREOF, Owner has executed this Declaration the date and year first hereinabove written.

OWNER

_____, a _____,

[Signature must be notarized]