



## LOCAL AGENCY FORMATION COMMISSION

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

July 8, 2019

**To:** LAFCo Commissioners  
**From:** Martha Poyatos, Executive Officer *M. Poyatos*  
**Subject:** LAFCo File 19-04 - Proposed Emergency Sewer Extension by the City of Redwood City to an existing single-family home at 155 Harcross Road, Town of Woodside (APN 069-041-100) pursuant to Government Code Section 56133

### Summary

Pursuant to Government Code Section 56133, Commission approval is required for the extension of service by local agencies to territory outside the agency's boundaries. This proposal, submitted by resolution of the City of Redwood City, requests LAFCo approval of an Outside Service Agreement for sewer service to connect an existing residence at 155 Harcross Road within the city limits of the Town of Woodside. Commission approval is recommended.

### Departmental Reports

*County Assessor:* The net assessed land valuation shown in the records of the County Assessor is \$1,938,00. The boundaries of the annexation as proposed conform to lines of assessment and ownership.

*County Clerk:* The territory has two registered voters. The proposed extension of sewer would not conflict with any political subdivision boundaries.

*County Environmental Health Services:* County Environmental Health Services supports the proposal. In September 2017, the property owner was informed that the onsite septic system was failing. County Environmental Health Services prohibits the property owner from rebuilding the existing sewer system when there is a municipal wastewater collection system within 200 feet of structures and the property owner must attempt to obtain a sewer connection with the municipal wastewater collection system.

*County Public Works:* No comments.

*City of Redwood City:* On June 10, 2019, the City of Redwood City City Council approved a resolution requesting LAFCo approval of a sewer extension to 115 Harcross Road in Woodside.

**COMMISSIONERS:** ANN DRAPER, CHAIR, PUBLIC ▪ JOSHUA COSGROVE, VICE CHAIR, SPECIAL DISTRICT ▪ RICH GARBARINO, City ▪ DON HORSLEY, COUNTY ▪ MIKE O'NEILL, CITY ▪ WARREN SLOCUM, County ▪ RIC LOHMAN, SPECIAL DISTRICT

**ALTERNATES:** KATI MARTIN, SPECIAL DISTRICT ▪ HARVEY RARBACK, CITY ▪ JAMES O'NEILL, PUBLIC ▪ DAVE PINE, COUNTY

**STAFF:** MARTHA POYATOS, EXECUTIVE OFFICER ▪ REBECCA ARCHER, LEGAL COUNSEL ▪ ROB BARTOLI, MANAGEMENT ANALYST

*Town of Woodside:* The Town of Woodside is supportive of the proposed sewer connection.

### **Executive Officer's Report**

This proposal has been submitted by resolution by the City of Redwood City in order to connect an existing single-family residence at 115 Harcross, Town of Woodside, to a City of Redwood City sewer main.

The majority of the Town of Woodside is served by septic systems owing in part to the relatively large average parcel size as well as topography. The Town of Woodside provides limited sewer service to 141 residential parcels and 22 non-residential accounts located within the Town Center Sewer Assessment District. Other areas are served by West Bay Sanitary District or the County-governed Fair Oaks Sewer Maintenance District. 155 Harcross Road in the Woodside Hills Subdivision is not located within the service areas of these providers.

The property is adjacent to the City of Redwood City, is outside of the Sphere of Influence of the City of Redwood City as the property is located in the Town of Woodside. Per the Redwood City's municipal code, the City can only approve a sewer connection to a property located outside of the City's Sphere of Influence if the City finds "finds the existence of exceptional or extraordinary conditions affecting such premises" (Redwood City Municipal Code Section 27.53(B)).

In the staff report and resolution dated June 10, 2019, the Redwood City City Council found that the failed septic system poses a health and safety issue, the City's sanitary sewers are the only municipal wastewater lines that are nearby and available to provide direct service, and that the Town of Woodside supports the sewer connection. The property owner has entered into an agreement with the City regarding the construction and maintenance of the sanitary sewer improvements.

The City also stated that no additional properties would be served as part of this sewer extension at this time. Any additional connections to this sewer extension would require an Outside Service Extension that would need to be approved by the City and LAFCo.

Commission approval of this application is recommended.

### **California Environmental Quality Act**

The proposal is categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) exempt under State CEQA Guidelines Section 15303(d) (New Construction or Conversion of Small Structures)

### **Recommended Commission Action by Resolution**

Approve LAFCo File No. 19-04 — Proposed Emergency Sewer Extension by the City of Redwood City to an existing single-family home at 155 Harcross Road, Town of Woodside (APN 069-041-100) pursuant to Government Code Section 56133.

**Attachments**

- A. OSA Application for 155 Harcross Road, Town of Woodside (APN 069-041-100)
- B. Vicinity Map
- C. Staff Report and Resolution from City of Redwood City

cc: Ahmad Haya, Senior Civil Engineer, City of Redwood City  
Steven Turner, Acting Community Development Director, City of City Redwood City  
Sean Rose, Town Engineer/Director of Public Works, Town of Woodside  
Hin and Zaak Family Trust, Property Owner  
Dan Siegel, Applicant for Property Owner

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 sewer service by the City of Redwood City to 115 Harcross, Woodside, to mitigate an impending public health threat 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 sewer service to an existing home served by inadequate septic system.

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

Yes  No

5. Estimated acreage: 1.16

**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
<u>Sewer</u>	<u>Septic</u>	<u>"City of Redwood City"</u>	<u>proponent</u>	<u>fees</u>

**RECEIVED**

MAY 24 2019

**LAFCO**

**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.  
115 Harcross is located in the Woodside Hills neighborhood of Woodside. Surrounding areas are composed of single family lots in the City of Redwood City and Town of Woodside. The property is West of Highway 280 and East of Alameda de las Pulgas, near the Hetch Hetchy right-of-way
2. Describe the present land use(s) in the subject territory: Residential
3. How are adjacent lands used?  
North: Residential  
South: Residential  
East: Hetch Hetchy right-of-way and residential  
West: Residential
4. Will the proposed change of organization result in additional development? If so, how is the subject territory to be developed? Sewer extension will serve a single family home in Woodside and its associated permitted structures/uses. There is currently an existing single family home. Home will likely be replaced at some point with a single family home and associated permitted structures/uses.
5. What is the general plan designation of the subject territory? Residential
6. What is the existing zoning designation of the subject territory? Suburban 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? In addition to the City of Redwood City Sanitary Sewer Utilities Maintenance Agreement, Redwood City will need to issue an encroachment permit for construction and maintenance of the sewer utilities. Redwood City will likely accept some of the sewer improvements via resolution when they are complete. The Town of Woodside will issue an encroachment permit for the sewer lateral in its street.

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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, sewer service is necessary to provide sewer service to single-family home served by failing septic system. Sewer service will not increase the potential to develop more than a single family home and associated permitted structures/uses on this lot, but the sewer service could potentially allow for a remodel or construction project which would result in a larger single family home with additional bathrooms, as compared to the existing structure.

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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: Hin & Zaak Family Trust  
 ADDRESS: 1100 Alma St., Suite 210  
Menlo Park, CA 94025

PHONE: (650) 324-9300

ATTN: Dan Siegel By: WAI HUNG YIP, Trustee  
 Type name

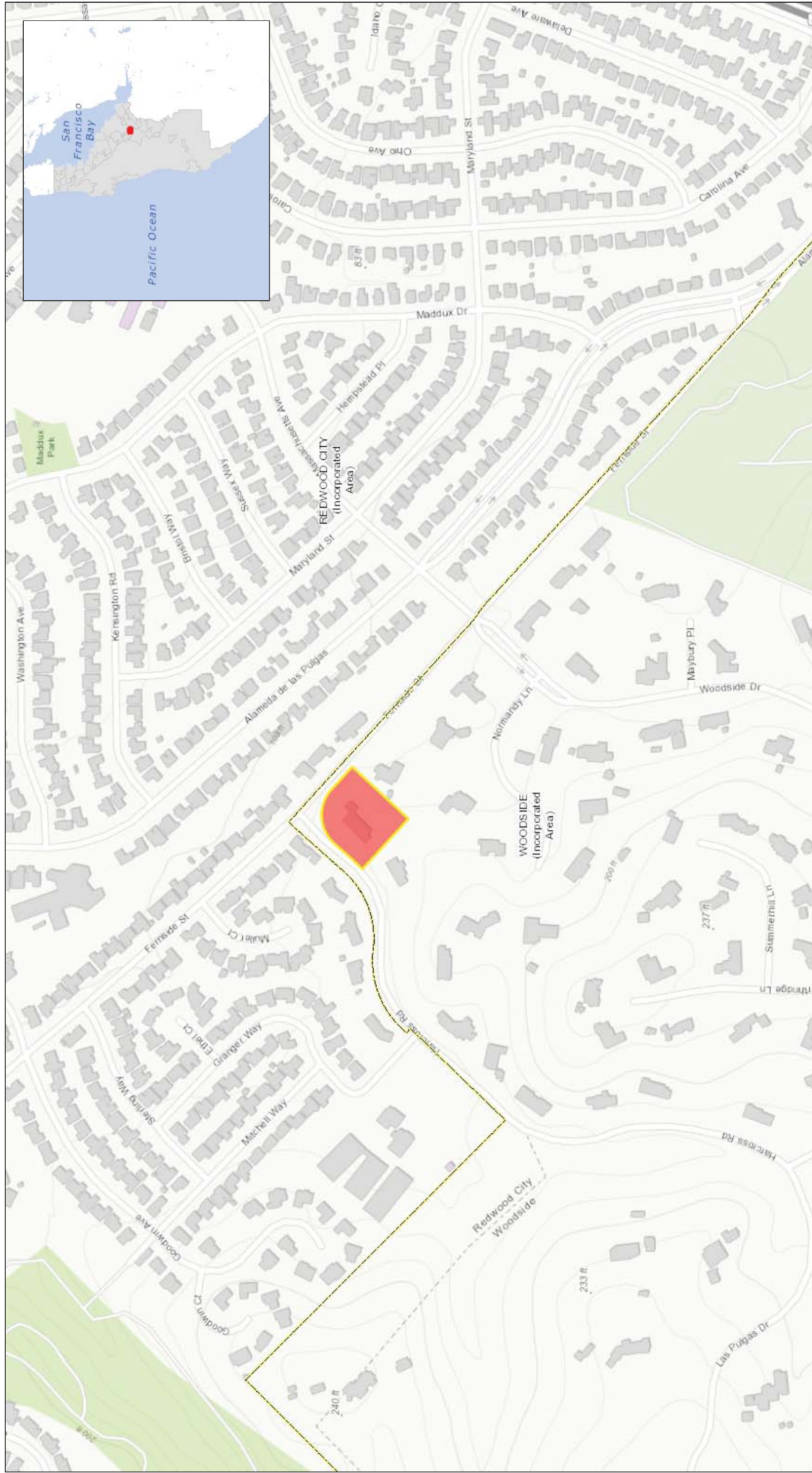
[Signature]  
 Signature of Proponent

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

Attachment B

Vicinity Map for 115 Harcross, Woodside (APN 069-041-100)

San Mateo County



0.15 0.07 0 0.15 Miles

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Latitude Geographics Group Ltd.

1: 4,618



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**



## STAFF REPORT

To the Honorable Mayor and City Council  
From the City Manager

**DATE:** June 10, 2019

### **SUBJECT**

Sanitary Sewer Connection and Service – 115 Harcross Road in Woodside, CA

### **RECOMMENDATION**

Adopt a resolution:

1. Finding that exceptional or extraordinary conditions support the authorization of a sewer connection permit to 115 Harcross Road (APN 069-041-100) in Woodside, CA (the Property) pursuant to Municipal Code Section 27.53.
2. Authorizing the City Manager to submit an application to LAFCo requesting approval of extension of sewer services outside the City's jurisdictional boundaries and outside the City's Sphere of Influence pursuant to Government Code Section 56133.
3. Establishing conditions to permit the extension of sanitary sewer service to the Property, including payment of applicable fees and submittal of construction plans.
4. Authorizing the City Manager to execute a Sanitary Sewer Utilities Maintenance Agreement with the owner of the Property.

### **STRATEGIC INITIATIVE**

Public Safety

### **BACKGROUND**

The Property located at 115 Harcross Road is situated entirely in the Town of Woodside (Woodside), immediately adjacent to the City of Redwood City (City) border. The Property contains an existing single family residential house and an underground septic system. The current property owner purchased the subject Property in July of 2017. In September 2017, the property owner was informed by San Mateo County Environmental Health Department that the onsite septic system failed.



City staff have communicated with the current property owner since they were in escrow to purchase the Property. City staff informed the owner that staff could not issue a connection permit per Redwood City Municipal Code (RCMC) Section 27.53.A, which generally prohibits service outside the City's jurisdiction and sphere of influence. The owner submitted an application for sanitary sewer connection to the City and requests that the City Council to grant an exception as referenced in RCMC 27.53.B to allow staff to process and finalize the permit application.

## **ANALYSIS**

The City does not currently provide sanitary sewer service to any property in the Town of Woodside. The City does own and maintain sanitary sewers that stop about 200 feet from the subject Property. These City sewers terminate within the City limits.

San Mateo County Environmental Health Services (County EHS) prohibits the property owner from rebuilding the existing sewer system when there is a municipal wastewater collection system within 200 feet of the property and the property owner must attempt to obtain a sewer connection with the municipal wastewater collection system. Even if County EHS were to allow the septic system to be repaired, the septic system would be sized for the current size of the home. However, the property owner wishes to expand or replace the existing home, which would require the service of a larger septic system. An expanded septic system would not be feasible due to the size and conditions of the Property.

Property owners within the Town of Woodside have several options when a septic system fails:

1. Rebuild the existing septic system. This is a viable option, however, in this case, the property owner wishes to enlarge or replace the existing home. This would require an expansion of the existing septic system. Unfortunately, the Property is not large enough for an expanded septic system.
2. The City, County of San Mateo Public Works Department (County), and Town of Woodside (Woodside) have a joint agreement to allow the Town Center Sewer Assessment District (TCSAD) to provide sewer service in two Woodside areas. The subject Property is not within the two service areas covered by TCSAD. TCSAD also does not have any nearby sewer infrastructure to provide sewer service to the subject property.
3. The County provides sanitary sewer service with Woodside through the Fair Oaks Sewer Maintenance District (FOSMD). FOSMD also does not have any nearby sanitary sewer infrastructure to provide sewer service to the subject Property.
4. Attempt a connection to the City of Redwood City's (City) wastewater collection system. However, the subject property is outside of the City's "sphere of influence." Redwood City Municipal Code (RCMC) Section 27.53.A. generally prohibits City staff from issuing sanitary sewer connection permits outside the City's sphere of influence. For context, the subject property is located within Sewer Service Area C, which is the area designated for premises located outside the City's sphere of influence. "Sphere of Influence" refers to the plan for the boundaries of the City of Redwood City as determined by the San Mateo County Local Agency Formation

Commission (LAFCo). An exception process is contained within RCMC Section 27.53.B. and is explained below.

The owner of the Property has opted to move forward with Option 4 and connect to the City's sanitary sewer system. The Municipal Code section that guides the City's decision-making process for sewer connections is below.

REDWOOD CITY MUNICIPAL CODE SEC. 27.53. - INTER-AREA CONNECTIONS:

- A. Prohibition: No sewer connection permit shall be issued after the effective date of this Article to serve any premises located in Sewer Service Area C, or to serve any premises located in one sewer service area from sewerage facilities located in another sewer service area.
- B. Exceptions: Notwithstanding the foregoing prohibition, and upon application, the City Council may authorize the issuance of a sewer connection permit to serve premises located in Sewer Service Area C, or to serve premises located in one sewer service area from sewerage facilities located in another sewer service area when it finds the existence of exceptional or extraordinary conditions affecting such premises. The authorization shall be made by resolution and may be made subject to such terms, conditions and fees as the Council deems necessary or appropriate.

As indicated in the Code section above, in order for the City to authorize a City connection to a property located within another sewer service area, the City Council must find an "existence of exceptional or extraordinary conditions affecting such premises." In this case, the following conditions are applicable:

1. An existing home with a failed septic system, which poses a health and safety issue
2. San Mateo County Environmental Health Services prohibits the property owner from rebuilding the septic system when there is a municipal wastewater collection system within 200 feet of the Property
3. The City's sanitary sewers are the only municipal wastewater sewers that are nearby and available to provide direct service
4. Support from the Town of Woodside for the City to provide sanitary sewer service
5. Existence of SFPUC waterlines that are downstream of the failed septic system, which would be at risk from any sewer overflows from the Property
6. Property Owner is willing to pay for installation of the sewer main extension within the Redwood City public right of way, and for installation and maintenance of the sewer lateral within the Woodside public right of way.
7. No additional properties may be served as a result of the extension of sewers

Even if the City determines there are exceptional or extraordinary circumstances to provide service to the subject property, there is no existing obligation for the City to provide service to the Property.

## AGREEMENT

The owner has signed a proposed agreement that would obligate the owner to pay for the construction and maintenance of sanitary sewer improvements and appurtenances required by the City for sewer service to their property. Upon execution by the City, the agreement would be recorded against the Property. The agreement obligates the property owner to construct the extension of sewer pipeline from the City's existing wastewater collection system to their property.

The agreement also obligates the property owner to maintain the facilities that are outside of the City's jurisdiction. The facilities outside of the City's jurisdiction are privately owned and are referenced as "private improvements" in the agreement. These private improvements function as a sewer service lateral to the single family home and thus no other property may connect to such facility.

The City would own and operate the additional sewers that are constructed within the City limits, which is consistent with municipal sewer service provided by the City elsewhere within the City's jurisdiction.

## ADDITIONAL APPROVALS

If the City allows the connection, the Town of Woodside would need to permit the construction of the sewer extension to the Property. Town of Woodside staff have indicated they do not object to the City providing service to the Property.

LAFCo must also approve of the City providing sewer services as the subject Property is outside of the City's jurisdictional limits. Included with this Staff Report is a draft resolution requesting that LAFCo approve the City providing sewer services outside of the City's jurisdictional limits pursuant to Government Code Section 56133.

The property owner is obligated to obtain any and all approvals necessary for the sewer extension to be constructed and maintained.

## **FISCAL IMPACT**

If the City Council chooses to authorize staff to process the sewer connection permit application, the applicant will pay all associated connection fees at the time permit is processed. Monthly sewer service charges will be collected after service is provided consistent with utility billing procedures within the City's jurisdiction for utility customers. There will be additional operational and maintenance costs for the extension of the wastewater collection system that are within the City, which would be offset by the monthly sewer charge the resident would pay. The maintenance agreement with the property owner obligates the owner to pay for the operational and maintenance cost for the remainder of the sewer extension.

## **ENVIRONMENTAL REVIEW**

The construction of a sewer main extension and sewer connection would be categorically exempt under CEQA pursuant to CEQA Guidelines Section 15303(d) for construction of new utility extensions to one single family home.

## **PUBLIC NOTICE**

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

## **ALTERNATIVES**

Council may find that there is no exceptional or extraordinary conditions affecting the Property and thus choose not to grant an exception to the prohibition of Inter-area Connections for sanitary sewer service as allowed by RCMC Section 27.52.B. Staff would not proceed with issuing a sanitary sewer connection permit.

Council may also direct staff to work on revising the existing agreements with either TCSAD or FOSMD to include an additional service area that would include the subject Property. There are two existing and separate sewer districts that provide sewer service within the Town of Woodside. The City may choose to support either district to expand their service areas and operate the new sewer infrastructure that may be needed to serve the subject property. Providing utility service by either agencies directly to the subject property would need to be agreed to by the County and/or Town.

## **ATTACHMENTS**

Attachment A: Project Location Map

Attachment B: Proposed Resolution

Attachment C: Proposed Agreement

## **REPORT PREPARED BY:**

Ahmad Haya, Senior Civil Engineer

ahaya@redwoodcity.org

(650) 780-7397

## **APPROVED BY:**

Steven Turner, Acting Community Development Director

Melissa Stevenson Diaz, City Manager

**RESOLUTION NO. 15776**

**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 SEWER SERVICE OUTSIDE JURISDICTIONAL BOUNDARIES PURSUANT TO GOVERNMENT CODE SECTION 56133 TO THE PROPERTY LOCATED AT 115 HARCROSS ROAD IN WOODSIDE**

**WHEREAS**, the City of Redwood City (the "City") has been requested to provide sewer service to an existing residence located at 115 Harcross Road, Woodside, California, APN 069-041-100 (the "Property"); and

**WHEREAS**, the Property is located in Town of Woodside (the "Town") and not within the sphere of influence of the City; and

**WHEREAS**, the County of San Mateo Environmental Health Division has determined that the septic system serving the home on the Property is failing and that the home should be connected to the nearest sewer line; and

**WHEREAS**, the Town has informed the City that it has no objection and approves of the City providing sewer service to the Property; and

**WHEREAS**, the nearest existing municipal sewer line is the City's sewer main located in Fernside Road; and

**WHEREAS**, under Redwood City Municipal Code Section 27.53(B), the City Council may authorize the issuance of a sewer connection permit outside of the City's sphere of influence ("Sewer Service Area C" under Municipal Code Section 27.50) when

the City Council finds the existence of exceptional or extraordinary conditions affecting such premises. The authorization shall be made by resolution and may be made subject to such terms, conditions and fees as the Council deems necessary or appropriate; and

**WHEREAS**, pursuant to Government Code Section 56133(c), the Local Agency Formation Commission of San Mateo County (LAFCO) may authorize a city or district to extend service outside the city or district's sphere of influence to respond to an existing or impending public health threat; and

**WHEREAS**, the project is exempt from the California Environmental Quality Act ("CEQA) under CEQA Guidelines Section 15303(d).

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

1. Findings. Pursuant to Redwood City Municipal Code Section 27.53(B), the City Council hereby finds that exceptional or extraordinary conditions support the authorization of a sewer connection permit to the Property, in that the septic system serving the home on the Property is failing and the nearest available sewer service is provided by the City, as further described in the staff report.

2. The recitals set forth above, and all defined terms set forth in such recitals, are hereby incorporated into this resolution as if fully set forth herein.

3. The City Manager or her designee is hereby authorized and subject to the conditions listed below, directed to submit an application to LAFCO requesting approval of an extension of the sewer service outside the City's jurisdictional boundaries and outside of the City's sphere of influence to the Property pursuant to California

Government Code Section 56133 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

4. Conditions for application for sewer connection and sewer service:

a) LAFCO approval of the application for the proposed sewer service connections;

b) Property owner's payment of LAFCO fees;

c) Submittal of Construction Plans for the sewer improvements (Plans) by the Property owner to the City;

d) After approval of the Plans by the City's Community Development Department and upon application for new sewer service, property owner's payment of all applicable Redwood City fees, including connection fees associated with providing proposed sewer services;

e) Property owner's payment of the City's sewer service annexation fees;

f) Property owner's installation of a new sewer service lateral, private manhole and a new sewer main extension as shown on Plans approved by the 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.

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

i) Execution and recordation of a Sanitary Sewer Services Utilities Maintenance Agreement for the Property

j) The owner agrees to abide with all of the above conditions.

5. LAFCO is hereby requested to commence proceedings in the manner provided by California Government Code Section 56133.

6. This resolution shall be effective immediately upon adoption.

\* \* \*



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 10<sup>th</sup> day of June 2019 by the following votes:

AYES: Aguirre, Borgens, Hale, Masur, Reddy and Vice Mayor  
Howard  
NOES: None  
ABSENT: Mayor Bain  
ABSTAINED: None  
RECUSED: None



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Diane Howard  
Vice Mayor of the City of Redwood City

Attest:



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Pamela Aguilar, CMC  
City Clerk of Redwood City

I hereby approve the foregoing  
resolution this 11<sup>th</sup> day of June 2019.



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Diane Howard  
Vice Mayor of the City of Redwood City