

SAN MATEO



# LOCAL AGENCY FORMATION COMMISSION

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

May 13, 2020

**To:** LAFCo Commissioners

**From:** Martha Poyatos, Executive Officer *M. Poyatos*

**Subject:** LAFCo File No. 19-11 - Proposed Outside Service Agreement for water by the City of Redwood City to a proposed single-family home at APN 068-092-190, Unincorporated San Mateo County, pursuant to Government Code Section 56133 (less than one acre)

## 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 APN 068-092-190 on Temescal Way, unincorporated San Mateo County in the Emerald Lake Hills area. 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. The property owner has recorded a document consenting to future annexation of the property to the City. Commission approval is recommended.

## Departmental Reports

**County Assessor:** The net assessed land valuation shown in the records of the County Assessor is \$975,000. The boundaries of the annexation area as proposed conform to lines of assessment and ownership.

**County Clerk:** The territory has no registered voters. The Outside Service Agreement would not conflict with any political subdivision boundaries.

**County Public Works:** The property is located within the Emerald Lake Hills Sewer Maintenance District. The developer or homeowner will be responsible for obtaining a sewer connection and paying the appropriate fees. An encroachment permit will be required for any work in the public right-of-way. The proposed water line shall not be installed in any new or existing sanitary sewer easements.

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

**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  
ANGELA MONTES, CLERK

*City of Redwood City:* The City's General Plan designation is residential – low density. The Outside Service Agreement and application to LAFCo for the water connection was approved by the Redwood City City Council on March 23, 2020. The property owner will record a document consenting to any future annexation of the property to the City.

*County Planning Department:* The property is zoned RH/DR and has a General Plan Designation of low density residential - urban. The property is currently undeveloped. Permits from County Planning and Building will be required for any development on the property. County Planning recommends approval of the proposal.

*County Environmental Health Services:* The City of Redwood City and the Emerald Lake Hills Sewer Maintenance District provide the available water and sewer service in the area. Environmental Health Services recommends approval of the proposal.

### **California Environmental Quality Act**

The proposal is categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) under Section 15303, Class 3, as it consists of a service extension for an exempt facility (up to three single-family residences and utilities, including water, to serve them).

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

This proposal has been submitted by resolution by the City of Redwood City in order to connect a proposed single-family dwelling to cCity water. The water extension is consistent with Section 56133 and the existing policies of San Mateo LAFCo. The subject property is within the Sphere of Influence of the City of Redwood. The parcel is not, however, contiguous to the City boundary. As such, annexation of this parcel is not feasible at this time. As required by San Mateo LAFCo policy, the property owner will be required to record an agreement consenting to future annexation to the City and waive protest of the annexation if an annexation was proposed.

### **Condition of Approval**

1) The applicant shall record the differed annexation agreement with the San Mateo County Recorder's Office, and provide a copy of the recorded document to LAFCo, prior to the issuance of the approval letter for the Outside Service Agreement for APN 068-092-190.

### **Recommended Commission Action**

By motion, approve LAFCo File No. 19-11 – Proposed Outside Service Agreement for water by the City of Redwood City to a proposed single-family home at APN 068-092-190, Unincorporated San Mateo County, pursuant to Government Code Section 56133 (less than one acre) with the condition of approval.

### **Attachments**

- A. Outside Service Application for APN 068-092-190
- B. Vicinity Map
- C. Copy of City of Redwood City Resolution and Draft Agreement

Distribution: Javier Sierra, City of Redwood City  
Dan Lennon, Applicant  
Kanoa Kelley, San Mateo County Planning Department  
John Brennan, San Mateo County Building Department

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

A. GENERAL INFORMATION

- 1. Briefly describe the nature of the proposed change of organization, reorganization, or outside service agreement.

For the City of Redwood City to grant water service to parcel located in County of San Mateo. Parcel APN is 068-092-1902

- 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):

X Landowners or registered voters, by petition
An affected public agency, by resolution

(If this application is submitted by petition of landowners or registered voters in the affected territory, complete the petition form.)

- 3. What are the reasons for the proposal?

The new owner of the land wants to build a new single-family home for his family.

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

X Yes No

- 5. Estimated acreage: .16 acre (7361 sq. ft.)

RECEIVED
DEC 17 2019
LAFCO

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.

City of Redwood City
County of San Mateo

- 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. Example is given on the first two lines of the space provided for your response.

SERVICE	PRESENT SOURCE	PROPOSED SOURCE	FUNDING SOURCE	
			CONSTRUCTION	OPERATING
<i>Police (example)</i>	<i>Co. Sheriff</i>	<i>City Police</i>	<i>N/A</i>	<i>Taxes</i>
<i>Sewer (example)</i>	<i>None</i>	<i>City of . . .</i>	<i>Proponent</i>	<i>Fees</i>
<i>Water</i>	<i>San Mateo County</i>	<i>City of Redwood City</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.

Property is located next to 733 Temescal Way, Emerald Hills, CA

2. Describe the present land use(s) in the subject territory.

*land is vacant and undeveloped.*

3. How are adjacent lands used?

North: Residential

South: Residential

East: Residential

West: Residential

4. Will the proposed change of organization result in additional development? If so, how is the subject territory to be developed?

Yes. Construction of a new home.

5. What is the general plan designation of the subject territory?

Low density residential

6. What is the existing zoning designation of the subject territory?

RHOS18

7. What rezoning, environmental review or development approvals have already been obtained for development in the subject territory?

Current zoning on file with County of San Mateo.

8. What additional approvals will be required to proceed?

As per standard issue to build in Emerald Hills.

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?

Buyer will move forward with purchase and development of parcel to single family home.

Any cost associated with this process to be the responsibility of Mr Mustafa

DS LLRT

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: Linda L. Roudsbush, Trustee 12/5/2019 EMAIL:

ADDRESS: 2136 Stockbridge, Woodside TELEPHONE: 650-743-0603

ATTN:

5. What is the general plan designation of the subject territory?

\_\_\_\_\_  
\_\_\_\_\_

6. What is the existing zoning designation of the subject territory?

\_\_\_\_\_  
\_\_\_\_\_

7. What rezoning, environmental review or development approvals have already been obtained for development in the subject territory?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. What additional approvals will be required to proceed?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\* \* \* \* \*

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: Yousef H. Mustafa EMAIL: Yousef1964@yahoo.com  
ADDRESS: 13682 Quito RD saratoga TELEPHONE: 650-333-7485  
CA 95070  
ATTN: DAN LENNON - dan@almconstruction.com / (650) 380 0901

December 15, 2019

**RECEIVED**  
DEC 17 2019  
**LAFCO**

County of San Mateo  
LAFCo Commission  
455 County Center  
2<sup>nd</sup> Floor  
Redwood City CA 94063

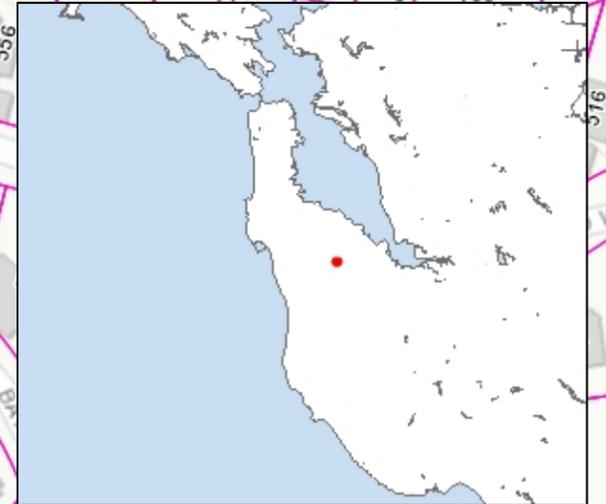
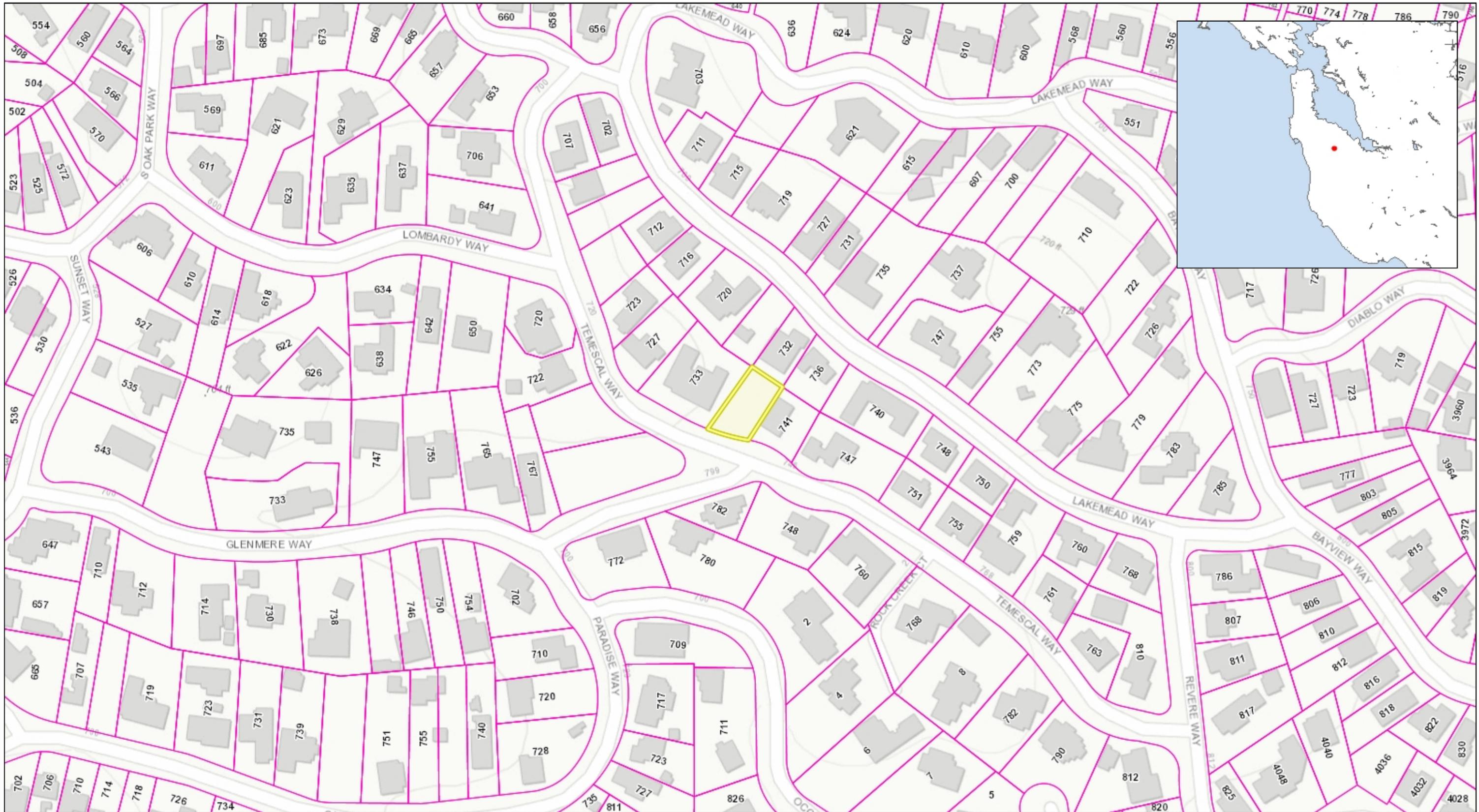
Dear Rob Bartoli,

I hereby authorize the County of San Mateo permission to process the LAFCO application submitted by Yousef and Esther Mustafa, the buyers of my Temescal parcel #068-092-190. The Mustafa's are responsible for all fees. Thank you.

Sincerely,

*Linda L. Roudebush TTE*

Linda L. Roudebush Trustee  
Roudebush Family Bypass  
and Survivors Trust  
Dated December 4, 1991  
2136 Stockbridge Ave.  
Woodside CA 94062  
Phone 650-743-0603



0.07 0 0.04 0.07 Miles

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

1: 2,257



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

**RESOLUTION NO. 15828****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY AUTHORIZING AN APPLICATION TO THE LOCAL AGENCY FORMATION COMMISSION REQUESTING APPROVAL FOR EXTENSION OF WATER SERVICE TO PROPERTY ON TEMESCAL WAY (APN 069-092-190) OUTSIDE JURISDICTIONAL BOUNDARIES PURSUANT TO GOVERNMENT CODE SECTION 56133**

**WHEREAS**, the property located on Temescal Way, APN 068-092-190 (the "Property"), Unincorporated San Mateo County, California is outside the jurisdictional boundaries of the City of Redwood City (City), but inside the City's sphere of influence and water service area; and

**WHEREAS**, the Property is an undeveloped parcel; and

**WHEREAS**, the County of San Mateo is processing an application for a building permit to construct a new single family home on the Property; and

**WHEREAS**, the County of San Mateo's approval of the building permit is conditioned upon the property owner obtaining a new water connection and service for the proposed residence from the City; and

**WHEREAS**, the property owner has requested that the City provide water service to the Property; and

**WHEREAS**, this project is categorically exempt under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15303(d) (New Construction or Conversion of Small Structures).

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

1. The City Manager or her designee is hereby authorized and directed to submit an application to the Local Agency Formation Commission ("LAFCO") requesting approval

ATTY/RESO.0016/CC RESO APPROVING REQUEST TO (LAFCO) FOR EXTENSION OF WATER SERVICES – TEMESCAL WAY

of an extension of water service outside the City's jurisdictional boundaries and within the City's sphere of influence and water service area to the Property 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) Property owner's payment of all applicable City fees, including connection fees associated with providing proposed water service, after approval of the construction drawings by the San Mateo County Building Department and upon application for new 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;

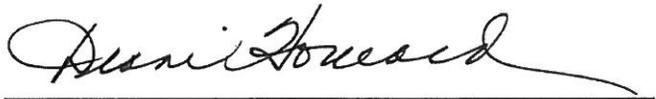
- h) Property owner shall adhere to all the review comments and conditions of service stated by the City; and
- i) Property owner shall submit a signed Declaration of Restriction to the City and record it with the County of San Mateo.

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 23<sup>rd</sup> day of March 2020 by the following votes:

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



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Diane Howard  
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 25<sup>th</sup> day of March 2020.



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Diane Howard  
Mayor of the City of Redwood City

RESO. # 15828  
MUFF # 802

**RECORDING REQUESTED BY AND  
AFTER RECORDING MAIL TO:**

**LOCAL AGENCY FORMATION COMMISSION  
455 COUNTY CENTER  
REDWOOD CITY, CA 94063**

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

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**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 \_\_\_\_\_, 2020, by the Property Owner(s), Yousef H. Mustafa and Esther Mustafa, ("Owner").

**WITNESSETH:**

**WHEREAS**, Owner owns all that certain real property situate in the County of San Mateo, State of California, commonly known as APN 068-092-190, Temescal Way (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 March 9, 2020, the City Council of the City adopted Resolution No. \_\_\_\_\_, 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 in compliance with Redwood City Municipal Code Chapter 38 (Water System Regulations); 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; 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**

\_\_\_\_\_  
Yousef H. Mustafa, Owner /Trustee

Date: \_\_\_\_\_

\_\_\_\_\_  
Esther Mustafa, Owner /Trustee

Date: \_\_\_\_\_

***[Signature must be notarized]***

**EXHIBIT "A"**  
**Legal Description**

**APN: 068-092-190**

**THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF SAN MATEO, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:**

**LOT 29 IN BLOCK 407, AS DESIGNATED ON THE MAP ENTITLED "HIGHLANDS OF EMERALD LAKE, SUBDIVISION FOUR", WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, ON JANUARY 19, 1927 IN BOOK 15 OF MAPS**

**AT PAGES 11 THROUGH 14.**

**JPN 068-009-092-19**