

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. 20-03 - Proposed Outside Service Agreement for water by the City of Redwood City to a new single-family home at 841 Bayview Way (APN 068-184-410), 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 at 841 Bayview Way (APN 068-184-410), 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 \$796,289. 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

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
MARTHA POYATOS, EXECUTIVE OFFICER ▪ REBECCA ARCHER, LEGAL COUNSEL ▪ ROB BARTOLI, MANAGEMENT

STAFF: ANALYST ▪ ANGELA MONTES, CLERK

May 13, 2020

File No. 20-03 – Proposed OSA for Water to 841 Bayview Way

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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.

Outside service agreement
New House

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
[X] 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?

Requesting new water service connection

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

[X] Yes [] No

5. Estimated acreage: []

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.

new connection with city of Redwood city

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>None</i>	<i>city of h.c.</i>	<i>F. Burkhardtson</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.

841 Bayview way Emerald Hills

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

single fam. sec.

3. How are adjacent lands used?

North: *single fam*

South: *single fam*

East: *single fam*

West: *single fam.*

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

NONE

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

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

RM dt

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

Bld 2016-01353 Building/Planning permit
PLN 2016 00213

8. What additional approvals will be required to proceed?

R.C. City council

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?

NONE

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?

N/A

* * * * *

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: Felix Sushoritsky

EMAIL: Felix99@comcast.NET

ADDRESS: 841 Bayview way

TELEPHONE: 415-385-1524

ATTN: _____

Signature of Proponent

Applica_blk.doc
(10/6/2000)

RESOLUTION NO. 15829

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 841 BAYVIEW WAY (APN 068-184-410) OUTSIDE JURISDICTIONAL BOUNDARIES PURSUANT TO GOVERNMENT CODE SECTION 56133

WHEREAS, the property located at 841 Bayview Way (APN 068-184-410) (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 (County) has issued a building permit to construct a new single family home on the Property; and

WHEREAS, the County'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, the property owner has obtained an encroachment permit from the City to construct a water main extension in accordance with Redwood City Municipal Code Section 38.26; and

WHEREAS, the water main extension is under construction; 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 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 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 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 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) Property owner shall adhere to all of the review comments and conditions of service stated by the City; and
- i) Property owner shall submit a signed Declaration of Restriction Agreement to the City and record it with the County.

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 23rd 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



Diane Howard
Mayor of the City of Redwood City

Attest:



Pamela Aguilar, CMC
City Clerk of Redwood City

I hereby approve the foregoing
resolution this 25th day of March 2020.



Diane Howard
Mayor of the City of Redwood City

RESO. # 15829
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

2020-029542

County
11:33 am 03/31/20 DR Fee: NO FEE
Count of Pages 5
Recorded in Official Records
County of San Mateo
Mark Church
Assessor-County Clerk-Recorder



5

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 26 day of March, 2020, by the Property Owner, Feliks Sukhovitsky, ("Owner").

WITNESSETH:

WHEREAS, Owner owns all that certain real property situate in the County of San Mateo, State of California, commonly known as 841 Bayview 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 23, 2020, the City Council of the City adopted Resolution No. 15829, 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



Feliks Sukhovitsky, Owner

Date: 3-26-20

[Signature must be notarized]

EXHIBIT "A"
Legal Description

APN: 068-184-410

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:

PARCEL B, AS DESIGNATED ON THE MAP ENTITLED "PARCEL MAP 1058", WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, ON FEBRUARY 27, 2008 IN VOLUME 78 OF PARCEL MAPS AT PAGES 23 AND 24.

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

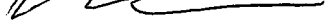
State of California
County of San Mateo)

On 03/26/2020 before me, Vladimir Mozeson, Notary Public
(insert name and title of the officer)

personally appeared Feliks Sukhovitsky,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)

