

Action Minutes

San Mateo Local Agency Formation Commission

January 18, 2012 Meeting

In the Board of Supervisors' Chambers, Hall of Justice and Records, Redwood City, California, Chair Craig called the regular meeting of the Local Agency Formation Commission to order at 2:32 p.m.

Members Present: Commissioners David Altscher, Iris Gallagher, Naomi Patridge, Sepi Richardson, Adrienne Tissier (arrived at 2:36 p.m.), and Chair Linda Craig

Members Absent: Commissioner Don Horsley

Staff Present: Martha Poyatos, Executive Officer
Rebecca Archer, Deputy County Counsel
Brenda Bennett, Executive Secretary

CONSENT AGENDA

- a. Approval of Action Minutes: November 16, 2011

Commission Action: M/S Richardson/Altscher to approve the minutes of November 16, 2011 as presented.

Motion carried 5-0 with Commissioner Tissier not yet in attendance.

PUBLIC COMMENT

There was none.

NEW MATTERS

Chair Craig suggested, and there was Commission consensus, to hear item 5 before item 4 to allow Commissioner Tissier, who was expected to arrive shortly, to participate in the discussion for item 4.

LAFCo File No. 11-06—Proposed Annexation of 1260 Westridge (Lands of Shorenstein/APN 077-050-200)) to the West Bay Sanitary District (Item 5 on agenda)

Executive Officer Poyatos said the proposal was submitted by landowner petition and requested annexation of 14.1 acres comprised of two parcels to the West Bay Sanitary District. She said the proposed annexation for sanitary sewer connection was a Town of Portola Valley Planning Commission condition of approval for a three-lot tentative subdivision map for the larger of the two parcels. She said in addition to annexation to

West Bay Sanitary District the parcels would need to subsequently annex to the District's Onsite Wastewater Disposal Zone. She said the District was requesting that the map and legal description submitted for the annexation include the roadway in which the sewer lines would be located as well as the parcels to be annexed.

(Commissioner Tissier arrived during the preceding report by the Executive Officer.)

Chair Craig opened the public hearing. There were no speakers.

Commission Action: M/S Tissier/Gallagher to close the public hearing.

Motion carried 6-0.

Commission Action: M/S Altscher/Gallagher to certify that the Commission has considered the 1260 Westridge Mitigated Negative Declaration and finds that the mitigation measures adopted by the Town of Portola Valley are within the responsibility and jurisdiction of the Town of Portola Valley and not LAFCo and such measures have been or should be adopted by the Town.

Motion carried 6-0.

Commission Action: M/S Tissier/Richardson to adopt a resolution approving LAFCo File No. 11-06-Proposed Annexation of 1260 Westridge (Lands of Shorenstein/APN 077-050-190 and -200) to the West Bay Sanitary District and subsequent annexation to the Onsite Wastewater Disposal Zone conditioned upon the submittal of the map and legal description including the roadway to West Bay Sanitary District's satisfaction and waiving conducting authority proceedings.

Motion carried 6-0.

LAFCo File No. 11-03—Proposed Annexation of Assessor's Parcel Numbers 006-392-050 through -070, 006-393-080, -090, -170, -190 and 200 to the City of Daly City and Detachment from Broadmoor Police Protection District, Colma Fire Protection District and the Colma Highway Lighting District (1.9 Acres)

Executive Officer Poyatos noted the Colma Fire Protection District's comments on the proposed annexation and detachment, a letter from the owners of 313-2nd Avenue expressing concerns with impacts to their property from the development project, and comment letter from the County's Department of Public Works. She said the proposal has 100 percent landowner consent for the annexation of seven parcels to the City of Daly City. She said six of the seven parcels were part of a development project that had been pre-zoned. She said the seventh parcel was included for annexation because otherwise it would be an unincorporated single parcel island surrounded by the City of Daly City. She said the proposed annexation would result in detachment of the parcels from the Broadmoor Police Protection District, Colma Fire Protection District, and County-governed Colma Highway Lighting District.

Executive Officer Poyatos said most of the concerns raised by the owners of 313-2nd Avenue related to the actual development project and not the annexation itself. She said they also asked about an environmental document for the project and noted that document was available on the LAFCo website.

Commissioner Tissier asked if there was anything the Commission could do to ensure the neighbor's concerns were addressed by the City of Daly City. Executive Officer Poyatos said while LAFCos did not regulate land use that there were ways conditions could be set through an agreement between a developer and property owner or between a city and property owner so that certain measures would be taken. She said however that conditions adopted by LAFCo had to be met before LAFCo could record a certificate of completion and finalize the annexation.

Executive Officer Poyatos said the detachment of the parcels from the three Districts would result in a minimal loss of revenue for those Districts and annexation to Daly City would result in elimination of the parcel tax for the property owners and addition of a utility tax levied by the City. She said Colma Fire Protection District expressed concern that emergency services would be delayed to these parcels upon their detachment from their district. She said there was adequate emergency response time from Daly City to these parcels.

Executive Officer Poyatos said the City of Daly City as the lead agency had prepared the Initial Study and prepared the Negative Declaration and in approving the project had approved the pre-zoning and the planned development that required the annexation for implementation. She said upon receiving notice of the LAFCo annexation application, the City and the County had prepared and adopted property tax exchange resolutions. She said the City has requested an agreement with the County for the pass through of property tax for the period from the effective date of annexation to the time the tax roll was changed by the State Board of Equalization because annexations with effective dates after December 1 result in a one year delay in changing the tax roll. She said the Commission was asked to consider the application, receive public comment and close the public hearing, and consider the application as submitted, with amendments or conditions. She suggested that the recommendation on the last page of the staff report be amended to include the City of Daly City's request for an agreement with the County relative to transfer of property tax revenue for the period from the date the annexation was complete to the date when the tax roll would officially change. She noted that the applicant and a City of Daly City representative were present but she did not see anyone from Colma Fire Protection District or Broadmoor Police District.

Chair Craig opened the public hearing.

Mr. Brian Desler, Callan Properties, briefly explained the project. He said they would work with the neighbor who had just submitted correspondence expressing concerns with the project.

Commissioner Altscher asked if the project would be phased or built out at one time. Mr. Desler said it would likely be phased.

Commissioner Tissier said she would like to see an agreement between the developer and the City on behalf of the neighboring property owner or between the development company and the neighbor related to the insulation and wall exposure. Mr. Desler said he would have to talk to the neighbors. Commissioner Tissier said she would like some failsafe accomplished before the annexation was completed. Executive Officer Poyatos said such a condition would have to occur and be possible to complete before annexation was recorded as LAFCo had no jurisdiction to oversee if an agreement was being fulfilled after recordation. Mr. Desler indicated that there were unknowns at this point, and was not clear what an agreement would entail. Commissioner Tissier said the project would demolish the home on the outer wall of this neighbor's house and some protection measure needed to be in place for them. Executive Officer Poyatos suggested that rather than an agreement the City might create a condition to protect the neighbor from impacts.

Ms. Jeannie Naughton, Associate Planner, City of Daly City, said the neighbor's property was located in Daly City and they had the ability to demolish and rebuild that parcel. She said for projects involving demolition and construction there were requirements related to protecting neighboring properties and that if there was damage as a result of the construction work, the project owners were legally required to correct the damage. She said these homes have zero lot lines which required certain fire rated materials. She said the walls on the property lines were made to stand on their own without another residence right next to it. She said the neighbors were concerned that the loss of the neighboring home would mean an increase in noise. She said most of the concerns in the neighbors' letter would be addressed when the project came forward for subdivision and design review entitlements such as the shared wall and landscaping along the rear lot line. She said she did not know if the City could require the developer to paint the wall or make changes to the foundation as requested by the neighbor. She said there would be a significant landscape buffer along the neighbors' property line. Ms. Naughton asked whether the Commission could author a letter stating the concerns it had. She said she would incorporate that into her staff report to the City Council so they could consider conditions to address those concerns.

Executive Officer Poyatos suggested that rather than a LAFCo condition that the letter transmitting the LAFCo resolution to the City would include a copy of the neighbors' letter and would have discussion dedicated to the concerns raised by the neighbors and Commissioner Tissier.

Commission Action: M/S Tissier/Richardson to close the public hearing.

Motion carried 6-0.

Commission Action: M/S Tissier/Altscher certifying that the Commission reviewed and considered the Garden Valley (PD-67) Initial Study and Negative Declaration prepared

by the City of Daly City as lead agency.

Motion carried 6-0.

Commission Action: M/S Gallagher/Patridge to adopt a resolution approving reorganization with a condition of an agreement between the County and City of Daly City for pass through of property tax pursuant to adopted tax resolutions from the effective date of annexation of Assessor's Parcel Numbers 006-392-050 through -070, 006-393-080, -090, -170, -190 and 200 to the City of Daly City and detachment from Broadmoor Police Protection District, Colma Fire Protection District and the Colma Highway Lighting District (1.9 Acres) to the time that the tax roll is changed by the State Board of Equalization, waiving protest proceedings based on 100 percent landowner consent and no opposition to the waiver by the affected agencies.

Motion carried 6-0.

Commission Action: M/S Tissier/Gallagher to include in the letter to the City of Daly City transmitting the resolution of annexation the Commission's intent that the concerns of the property owners of 313 2nd Avenue be addressed to the extent possible by the City in subsequent permitting for the development of the project and that a copy of the letter of concern written by the property owners of 313 2nd Avenue be included as well.

Motion carried 6-0.

Preliminary Municipal Service Review and Sphere of Influence Update for Highlands Recreation District

Executive Officer Poyatos said the preliminary Municipal Service Review and Sphere of Influence Update for the Highlands Recreation District was not ready for consideration by the Commission.

Applications Received and not Certified as Complete and Ready for Hearing:

- a) LAFCo File No. 11-07—Minor Sphere Amendment and Proposed Annexation of a Portion of APN 041-101-290 Known as Proposed Lots 1-4 of the Ticonderoga LLP/Chamberlain Group to County Service Area 1 (Highlands)
- b) LAFCo File No. 11-08—Minor Sphere Amendment and Proposed Annexation of APN 070-302-300/Lands of Sonmez to the Town of Atherton and Atherton Channel Drainage District and Detachment from the University Heights Drainage Maintenance District
- c) LAFCo File No. 11-09—Proposed Annexation of Lands of Dunne to the West Bay Sanitary District and the District's On-site Waste Water Disposal Zone

This item was informational only.

Legislative Report and Update on Chaptered Bills Affecting LAFCo

Executive Officer Poyatos noted planned outreach with mutual water companies and other small water providers in the County to make them aware of requirements to include mutual water companies in service reviews and outreach to the County and city planning departments concerning application of SB244 Wolk requiring LAFCo to identify deficiencies in disadvantaged unincorporated communities in or adjacent to spheres of influence.

Legislative Analyst's Office Evaluation of the Efficiency of Small Special Districts, Accountability of Small Special Districts and Effectiveness of LAFCOs

Informational only.

Commissioner/Staff Reports

There were none.

Adjournment

Chair Craig adjourned the meeting in memory of Ms. Marion Softky, who had been a reporter for The Almanac for many years.

Meeting adjourned at 3:32 p.m.