

**APPROVED**

## Action Minutes

### San Mateo Local Agency Formation Commission Meeting

November 18, 2015

In the Board of Supervisors' Chambers, 400 County Center, Redwood City, California, Chair Craig called the November 18, 2015 meeting of the Local Agency Formation Commission (LAFCo) to order at 2:30 pm.

#### 1. Roll Call

Members Present: Commissioners Joshua Cosgrove, Rich Garbarino, Don Horsley, Ric Lohman (Alternate Special District Member), Mike O'Neill, Warren Slocum (Alternate Board of Supervisors Member), and Chair Linda Craig

Members Absent: Joe Sheridan and Adrienne Tissier

Staff Present: Martha Poyatos, Executive Officer  
Rebecca Archer, Deputy County Counsel  
Jean Brook, Commission Clerk

#### 2. Consent Agenda

Chair Craig noted the supplemental map that was provided for Item 2b, LAFCo File No. 15-10.

Commission Action: Commissioner Garbarino moved approval of the consent agenda consisting of the Action Minutes for September 16, 2015 and LAFCo File No. 15-10—Proposed Water Extension by the City of Redwood City to a Proposed Single-family Home on Quetzal Court (Assessor Parcel Numbers 057-162-410 and -400). Commissioner Horsley seconded the motion, which passed unanimously. (Ayes: Commissioners Cosgrove, Garbarino, Horsley, Lohman, O'Neill, Slocum, and Chair Craig; Noes: None; Abstentions: None.)

#### 3. Public Comment for Items Not on the Agenda

None.

#### 4. Public Hearing: LAFCo File No. 15-08—Proposed amendment to the SOI of Montara Water and Sanitary District (MWSD) and Coastside County Water District (CCWD) and extension of water service by MWSD to the Big Wave Wellness Center and Office Park Project – North Parcel Alternative (Big Wave - NPA) (19.4 acres)

Ms. Poyatos noted the November 18 addendum report that corrects information on Page 4 of the November 11, 2015 staff report about how water will be connected to the project. She added that the addendum does not change the substance of the application nor any of the recommendations to the Commission.

She explained that the project requests (1) changing the sphere of influence for Coastside County Water District (CCWD) and Montara Water and Sanitary District (MWSD), (2) removing Big Wave – NPA from CCWD's sphere of influence and adding it to MWSD's sphere, and (3)

extending water service to Big Wave – NPA. She noted the Wellness Park would include housing and employment opportunities for developmentally disabled (DD) adults and their caretakers.

Ms. Poyatos noted the map in her presentation that illustrates the project location in relation to the special districts' boundaries. She referred to an illustration of the building footprint in the presentation. She cited the 2008 Municipal Service Review and Sphere of Influence Update for the City of Half Moon Bay and Unincorporated Midcoast, which discussed consolidation of water and sewer agencies and associated spheres of influence, and the jurisdictional and territorial boundaries of each special district. She said the project falls within the urban side of the urban/rural boundary outlined in the LCP and is therefore eligible for urban water and sewer services. She gave a brief history of the service areas of CCWD, MWSD, and Granada Community Services District (GCSD).

Ms. Poyatos referred to the November 11, 2015 staff report, which includes the factors that the Commission must consider in evaluating the proposal. She noted that the Commission had received links to the supporting environmental documents.

Commissioner Lohman asked if there would be a boundary change in addition to the change in sphere of influence. Ms. Poyatos said there is no recommended boundary change. She said the sphere of influence change includes a territorial amendment to allow MWSD to provide water service in the area.

Chair Craig asked about the Coastal Commission's restrictions on the CCWD. Ms. Poyatos said CCWD can only serve territory within its boundaries at the time of the CDP (coastal development permit) approval. She explained that this restriction places a moratorium on annexation to CCWD regardless of the LAFCo-adopted sphere.

Public Comment:

David Byers, attorney for Big Wave – NPA, said he initially applied for the project permits in 2005. He extended thanks to Ms. Poyatos for her work on the project. He noted that they settled litigation with MWSD so that they would have housing on the Coastside for DD adults. He asked for project approval by the Commission.

David Schricker, attorney for MWSD, said much of the past discussion on Big Wave was on whether MWSD has adequate capacity to serve the project. He said the system has been vastly improved since its acquisition by MWSD in 2001, with sufficient water for Big Wave and for future development as well. He commended Ms. Poyatos and the Commission for their work and requested that the project be approved.

Clemens Heldmaier, General Manager for MWSD, noted that MWSD has supported the Big Wave project since early on. He said the District purchased the service area from its predecessor, California American Water Companies. He said the District looked forward to supporting Big Wave and thanked LAFCo staff and Commission as well as the County for their ongoing support of the project.

Commission Action: Commissioner Horsley moved to close the public hearing. Commissioner Garbarino seconded the motion, which passed unanimously (Ayes: Commissioners Cosgrove, Garbarino, Horsley, Lohman, O'Neill, Slocum, and Chair Craig; Noes: None; Abstentions: None.)

Commission Actions:

- 1) Commissioner Horsley moved to certify that the Commission has considered Addendum to the Certified 2010 Big Wave Wellness Center and Office Park Project Draft Environmental Impact Report (EIR) and the Final EIR (2010 EIR) for the Big Wave - North Parcel Alternative and find that the mitigation measures included as conditions of project approval by the County are within the responsibility and jurisdiction of the County of San Mateo and not LAFCo [CEQA Guidelines, Section 15091, subd. (a)(2)]. Commissioner O'Neill seconded the motion, which passed unanimously. (Ayes: Commissioners Cosgrove, Garbarino, Horsley, Lohman, O'Neill, Slocum, and Chair Craig; Noes: None; Abstentions: None.)
- 2) Commissioner Horsley moved to approve LAFCo File No. 15-08—Proposed Amendment to the SOI of Montara Water and Sanitary District and Coastside County Water District placing the project territory in the sphere of influence of the Montara Water and Sanitary District and Authorize Extension of Water Service by Montara Water and Sanitary District to the Big Wave Wellness Center and Office Park Project - North Parcel Alternative and direct staff to transmit a letter of approval to the Montara Water and Sanitary District and Big Wave LLC. Commissioner O'Neill seconded the motion, which passed unanimously. (Ayes: Commissioners Cosgrove, Garbarino, Horsley, Lohman, O'Neill, Slocum, and Chair Craig; Noes: None; Abstentions: None.)

**5. One-year Update on the Granada Community Services District (GCSD)**

Ms. Poyatos referred to her staff report with an update from Chuck Duffy, General Manager of Granada Community Services District (GCSD) since its reorganization on October 1, 2014. She noted that they have been partnering with the County Parks Department and have undertaken a survey to understand community needs.

Commissioner Horsley noted the existence of a subcommittee. Commissioner Lohman, speaking as a board member of GCSD, said there is a citizens' committee of around seven or eight people. He circulated a map of El Granada with proposed park projects. He said that the County would provide landscape designers to create a unified plan for the community.

Chair Craig asked Commissioner Lohman about the District building. Commissioner Lohman said they have received several plans and offers. He said the fire district bought a large portion of the Burnham Strip in front of El Granada and that the District was negotiating with the County to build an office/community center in the area adjacent to the fire district building.

Chair Craig noted that the District survey is very detailed and can be seen on the GCSD website.

## **6. Legislative Report**

Ms. Poyatos noted the November 11 staff report that includes chaptered bills that affect LAFCOs. She said the report also includes information about SB 239 (Hertzberg), which amends Government Code Sections 56133 and 56134. She said it wasn't clear among LAFCOs how the new law affects existing fire contracts. She said she would be working with Deputy County Counsel Rebecca Archer to look at specific situations where this law might affect San Mateo County fire agencies.

## **7. Appointment of Chair and Vice Chair for 2016**

Chair Craig noted that the appointments follow a standard rotation based on member type (City, Special District, Board of Supervisors, and Public). She opened the nominations for Commission Chair and Vice Chair for 2016.

Commission Action: Commissioner O'Neill moved to nominate Commissioner Cosgrove for Commission Chair for 2016. Commissioner Horsley seconded the motion, which passed unanimously (Ayes: Commissioners Cosgrove, Garbarino, Horsley, Lohman, O'Neill, Slocum, and Chair Craig; Noes: None; Abstentions: None.)

Vice Chair Cosgrove thanked Chair Craig for her support and for setting an excellent example as Chair.

Commission Action: Commissioner Garbarino moved to nominate Commissioner Horsley for Commission Vice Chair for 2016. Commissioner Lohman seconded the motion, which passed unanimously (Ayes: Commissioners Cosgrove, Garbarino, Horsley, Lohman, O'Neill, Slocum, and Chair Craig; Noes: None; Abstentions: None.)

## **8. Appointment of Budget Committee and Other Committees for 2016**

Chair Craig asked for volunteers to serve on the Budget Committee and the Legislative Committee for 2016-2017. Commissioners Horsley, Cosgrove, and Garbarino volunteered to be on the Budget Committee. Commissioners Lohman, Cosgrove, and O'Neill volunteered to be on the Legislative Committee.

Chair Craig noted that last year, CALAFCO adopted a series of policies for legislation at the beginning of the legislative year, which San Mateo LAFCo also adopted. She said when bills move forward and CALAFCO brings them to the Commission's attention, the Commission can decide whether or not to endorse them. She noted that the Legislative Committee can convene via email and respond in a timely manner to CALAFCO recommendations for action without having to wait until the Commission next meets if letters of position are needed beforehand.

## **9. Commissioner/Staff Reports**

Ms. Poyatos said she attended the November 17 meeting of the Menlo Park Fire Protection District (MPFPD). She said the agenda included a recommendation to annex a remnant of the unincorporated area off Alpine Road, which includes a portion of the neighborhood known as Weekend Acres. She noted that only a portion of the neighborhood is within the District. She

said the Fire Chief recommended to the District Board that the neighborhood be formally annexed to formalize the boundaries so that they could receive property tax that's generated in that area. She said one justification for the proposal that the Fire Chief brought up was that there were few automatic aid reciprocal opportunities for the County with MPFPD. She said the proposal was approved by the District and that an application is in progress, which will go through LAFCo. She said it would only go to the Commission for a hearing if there's a property tax agreement between the District and the County and resolution adopted by the Board of Supervisors.

Ms. Poyatos noted a pending application for an unincorporated area in West Menlo Park bounded by Sharon Drive, Alameda de las Pulgas, and Santa Cruz Avenue. She said the application is waiting for pre-zoning and an agreement between the City of Menlo Park and County Public Works about what the boundaries should be regarding inclusion of roads.

She said LAFCo will also be receiving an application from North Coast County Water District (NCCWD) for a water extension to Shamrock Ranch, located in an unincorporated area at the southern end of the City of Pacifica. She noted that the Ranch has operated on springs for decades and the recent work on the Devil's Slide tunnel and bridge has affected the viability of the water source. She said in response, the State Water Board has recommended that the Ranch be connected to a public water system. She said LAFCo, NCCWD, and County Planning have been in discussions about the California Environmental Quality Act (CEQA) and what kind of environmental review is needed.

#### **10. Adjournment**

The meeting was adjourned at 3:09 pm.