

SAN MATEO

**LOCAL AGENCY FORMATION COMMISSION**

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

November 10, 2004

TO: Members, Formation Commission

FROM: Martha Poyatos *Martha Poyatos*
Executive Officer

SUBJECT: LAFCo File No. 04-09--Proposed Annexation of 846
Portola Road to the West Bay Sanitary District and
waiver of conducting authority proceedings (1.39 acres)

Summary

This proposal, submitted by landowner petition by Sausal Creek Associates, requests annexation of 1.39 acres to the District. The proposal has 100% landowner consent. The annexing territory is within the boundaries of the Town of Portola Valley at 846 Portola Road and consists of one office building and one residence. Commission approval is recommended.

Departmental Reports

County Assessor: The net assessed valuation shown in the records of the County Assessor is \$1,055,889. The boundaries of the annexation as proposed do not conform to lines of assessment and ownership.

County Clerk: The territory has no registered voters. Annexation would not conflict with any political subdivision boundaries.

Public Works: The territory proposed for annexation consists of 1.4 acres. The map and legal description dated October 12, 2004 satisfy the requirements of the State Board of Equalization. The proposal would not necessitate removal from any other special districts. Natural boundaries, drainage basins or other topographical features would not affect and would not be affected by this proposal.



Environmental Health: The California Water Service Company and West Bay Sanitary District provide the available water and sewer service in the area. The proposal has no adverse environmental health significance.

Recommendation: Approval

Staff Report from Town of Portola Valley: The town's general plan designation is Commercial and Research/Administrative. The zoning is Community Commercial. In 1995, the Town of Portola Valley granted the property owners a conditional use permit for establishment of mixed-use residential/office as a planned unit development. The proposal is compatible with Town general and specific plans. An encroachment permit will be necessary to be reviewed and issued by the Town Public Works Director.

Recommendation: Approval

Staff Report from West Bay Sanitary District: The project proponent will bear the cost of all construction including a lateral connecting to the gravity sewer main currently being constructed in Portola Road fronting the property. The annexing territory is subject to the following fees: \$500 District annexation fee, a Class 1A sewer permit fee of \$100.00 each, connection fee of: single family residence \$2,955, minimum non-residential connection fee of \$13.43 per gallon per day, and two reimbursement agreements. Properties will also be subject to current annual sewer service charge of \$278.00 per residence and commercial rates based on type of business and discharge (minimum of \$278 per year). Proponents are responsible for all permitting, installation and construction costs.

Recommendation: Approval

Report and Recommendation:

This proposal has been submitted by landowner petition by Sausal Creek Associates and requests annexation to West Bay Sanitary District of the 846 Portola Road containing an existing commercial building and one residence.



The subject area is within the sphere of influence of the West Bay Sanitary District adopted by the Commission in 1984 and is consistent with the District's plans for extending service.

California Environmental Quality Act (CEQA)

In July of 2001, the West Bay Sanitary District prepared the "Portola Corridor Area Sewer Annexation Project" initial study and adopted a negative declaration pursuant to CEQA. The initial study and negative declaration cover gravity main and grinder pump construction for Portola Road, Wayside Road, Santa Maria Avenue, Wyndham Drive and Hayfields Road including the subject property. The initial study identifies less than significant impacts related to the project and incorporates mitigation measures related to sewer main construction.

Waiver of Conducting Authority Proceedings

Paragraph [c] of Section 56663 specifies that the Commission may waive conducting authority proceedings for annexations of uninhabited territory with 100% landowner consent provided there is written consent from all gaining agencies. The purpose of the conducting authority proceeding is to measure landowner or voter protest within the affected territory. Paragraph [c] was added to Section 56663 to streamline annexation proceedings in which landowners have already given consent to uninhabited annexation proceedings. The landowner requests, and the West Bay Sanitary District consents, to the Commission waiving the conducting authority proceedings if the proposal is approved.

Recommended Commission Action, by Motion

As responsible agency, certify that the Local Agency Formation Commission has considered the contents of the negative declaration prepared by the West Bay Sanitary District.

Recommended Commission Action, by Resolution: Approve LAFCo File No.04-09--Proposed Annexation of 846 Portola Road to West Bay Sanitary District and waive conducting authority proceedings.

€

€



()

()

**APPLICATION FOR A CHANGE OF ORGANIZATION OR REORGANIZATION
TO THE SAN MATEO LOCAL AGENCY FORMATION COMMISSION
(LANDS OF SAUSAL CREEK ASSOCIATES APNS: 076-261-120 AND 076-261-130)**

A. GENERAL INFORMATION

1. Briefly describe the nature of the proposed change of organization or reorganization.

Annexation into the West Bay Sanitary District to receive sanitary sewer service for two existing structures.

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

(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?

This proposal is for two existing structures on the property (one residential and one commercial) to receive wastewater collection services from the West Bay Sanitary District. The existing septic tank currently serving the structures will be abandoned. The property is currently going through the Town of Portola Valley's process for proposed development of five additional residential lots. This future development will be covered under a separate environmental review to be performed at a later time. In the meantime, the owner's propose to connect existing structures to sewer facilities being constructed in Portola Road.

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

Yes No

5. Estimated acreage: 1.39

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.

West Bay Sanitary District Boundary

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>Sewer</i>	<i>None</i>	<i>West Bay Sanitary District</i>	<i>Proponent</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.

Property address is 846 Portola Road, property fronts Portola Road and is adjacent to Sausal Creek.

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

Existing Commercial and Residential Land Use. There is a one story office building and a one story house on site.

3. How are adjacent lands used?

North: Single Family Residential

South: Public Right of Way

East: Single Family Residential

West: Commercial Use

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

A proposed five additional residential lots may be developed on the property. This project is currently in Tentative map stage and will be covered under a separate Environmental Review. In conversations with Town staff, connection to public sewer collection facilities will be a condition of approval for this development project.

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

Administrative Professional/Residential

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

Administrative Professional/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?

N/A.

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?

N/A

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?

A proposed five additional residential lots may be developed on the property. This project is currently in Tentative map stage and will be covered under a separate Environmental Review. In conversations with Town staff, connection to public sewer collection facilities will be a condition of approval for this development project.

* * * * *

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: Sausal Creek Associates, A California Limited Partnership

ADDRESS: 3301 El Camino Real, #200,
Atherton, CA 94027

TELEPHONE: (650) 365-0673

ATTN: Tom Lodato

Tom Lodato

Tom Lodato

Signature of Proponent

D. AFFECTED PUBLIC AGENCIES

Please complete this section if this application is submitted by resolution of one or more affected public agencies. Certified copies of resolutions listed below must accompany this application.

1. The names and resolutions of agencies applying for the change of organization or reorganization described above are as follows:

AFFECTED AGENCY	RESOLUTION NO.	DATE ADOPTED

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

 X Yes No (If Yes, include proof of consent.)

E. PLAN FOR PROVIDING SERVICES

1. Enumerate and describe the services to be extended to the affected territory.

Sewer main will be extended from existing sanitary sewer main in Portola Road and extend to the proposed structures. A total of 2 laterals will be constructed to serve two existing structures (one residential and one commercial) on the property.

2. Describe the level and range of those services.

Each lateral will serve only one structure.

3. Indicate when those services can feasibly be extended to the affected territory.

As soon as allowed. Construction should take no more than one month.

4. Indicate any improvements or upgrading of structures, roads, sewer or water facilities, or other conditions to be imposed or required within the affected territory.

Sewer main will be extended to serve the property.

5. Describe financial arrangements for construction and operation of services extended to the affected territory. (Attach proposed operations budget if available) Will the territory be subject to any special taxes, charges or fees? (If so, please specify.)

Territory will be subject to West Bay Sanitary District connection and permit fees. The territory will also be subject to an annual sewer service charge.

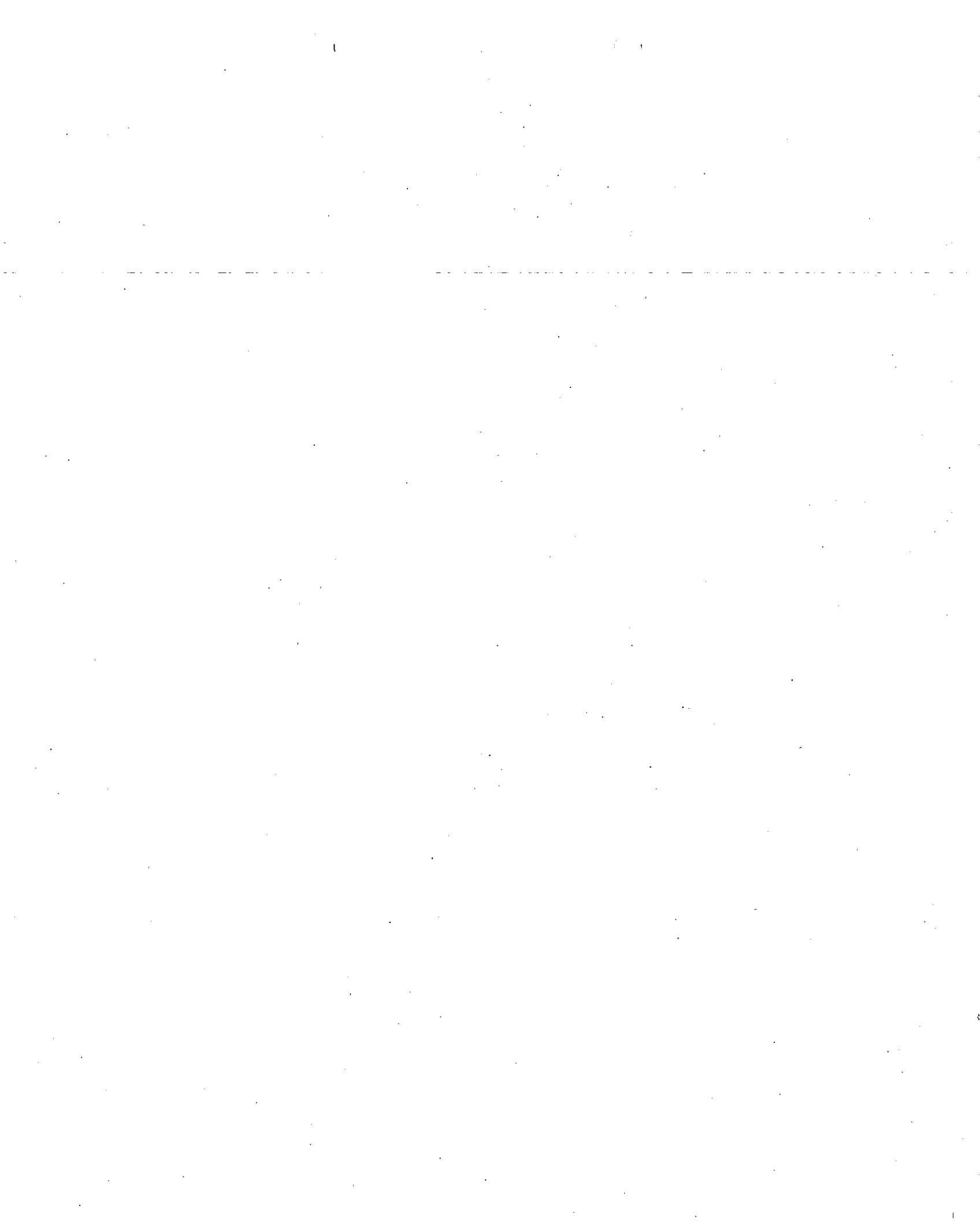
Proponent will arrange and finance main and lateral construction under the inspection of the West Bay Sanitary District.

6. In as much detail as required to give a clear explanation, explain why this proposal is necessary at this time.

Property owners wish to connect to existing sanitary sewer collection facility being constructed in the adjacent property.

This section completed by Richard Laureta, Freyer & Laureta, Inc. Vice President
(Name) (Title)

Applica_blk.doc
(10/6/2000)



Plot
DESCRIPTION OF 1.39 ACRE +/- PARCELS
LANDS OF THE SAUSAL CREEK ASSOCIATES,
A CALIFORNIA GENERAL PARTNERSHIP

That real property in the Town of Portola Valley, County of San Mateo, State of California, recorded in the Document #2002-148114, County of San Mateo Records being described as follows:

BEGINNING at the Southwesterly Corner of the parcel of land described in said Document #2002-148114, said corner also being a point on the northerly line of Portola Road and being the southerly-most corner of the boundary of the West Bay Sanitary District adopted December 26, 1989 by Resolution 1137(89); thence clockwise the following courses and distances and leaving said northerly line: (1) North 17°22'00" East a distance of 191.65 feet along the easterly boundary of the West Bay Sanitary District adopted December 26, 1989 by Resolution 1137(89); thence through a course (2) North 60°54'00" West a distance of 61.97 feet; thence through a course (3) North 52°29'00" East a distance of 197.18 feet; thence leaving said easterly boundary of the West Bay Sanitary District adopted December 26, 1989 by Resolution 1137(89) through a course (4) South 47°00'00" East a distance of 173.03 feet; thence through a course (5) South 17°50'00" West a distance of 80.00 feet; thence through a course (6) South 21°00'00" West a distance of 58.42 feet; thence through a course (7) North 82°38'00" West a distance of 86.00 feet; thence through a course (8) South 05°48'00" East a distance of 20.00 feet; thence through a course (9) South 82°38'00" East a distance of 20.00 feet; thence through a course (10) South 17°22'00" West a distance of 100.00 feet to a point on the northerly line of Portola Road; thence along said northerly line through a course (11) North 82°38'00" West a distance of 100.00 feet; thence through a course (12) South 17°22'00" West a distance of 2.00 feet; thence through a course (13) North 82°38'00" West a distance of 10.97 feet; thence through a course (14) North 76°04'00" West a distance of 39.03 feet to a point in the aforementioned District boundaries also being the POINT OF BEGINNING.

Containing 1.39 acres more or less.

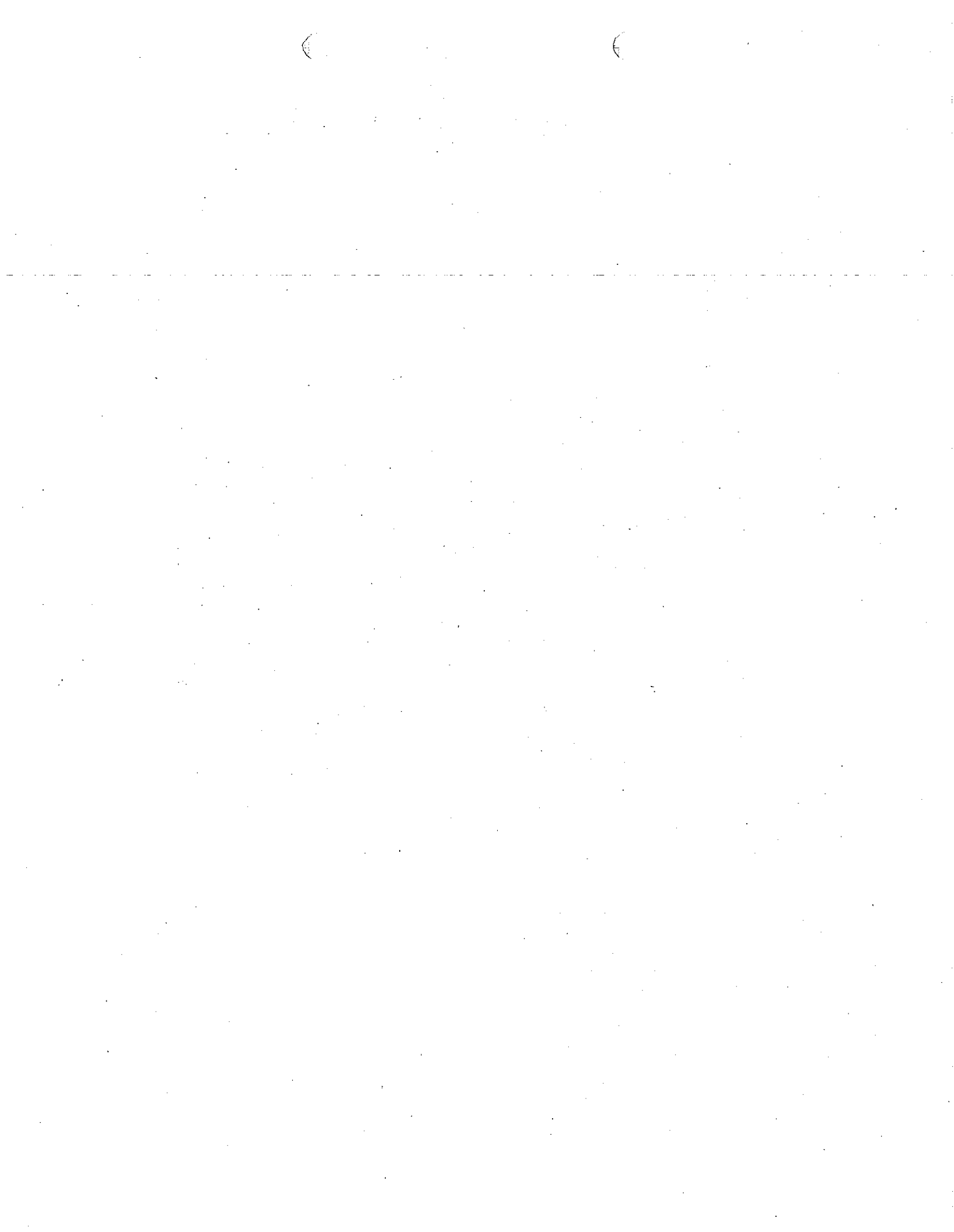
This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale or for the sale of the lands described herein.

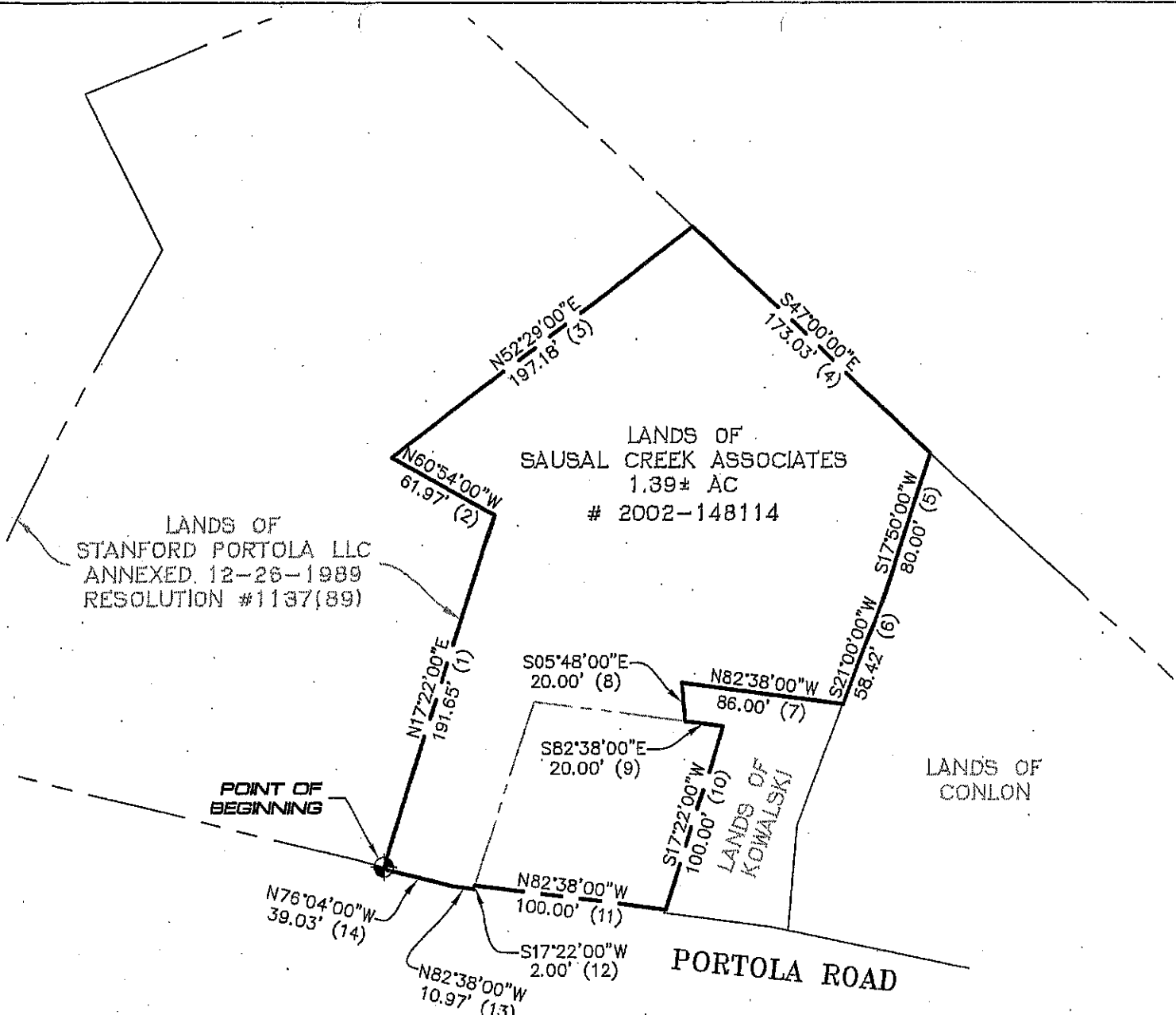
June 30, 2004²

Page 1 of 2

¹ Rev 10/12/04

² Rev 10/18/04



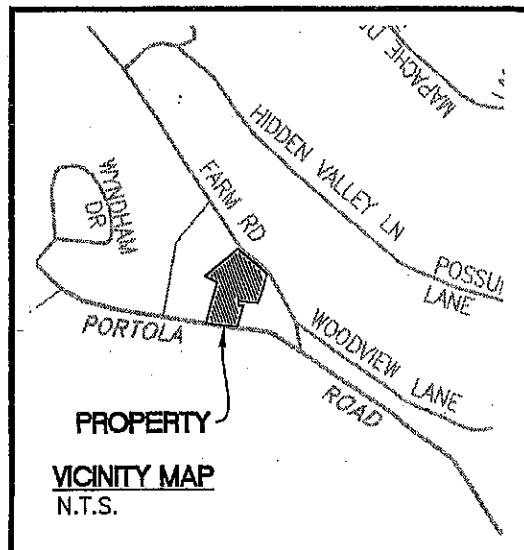


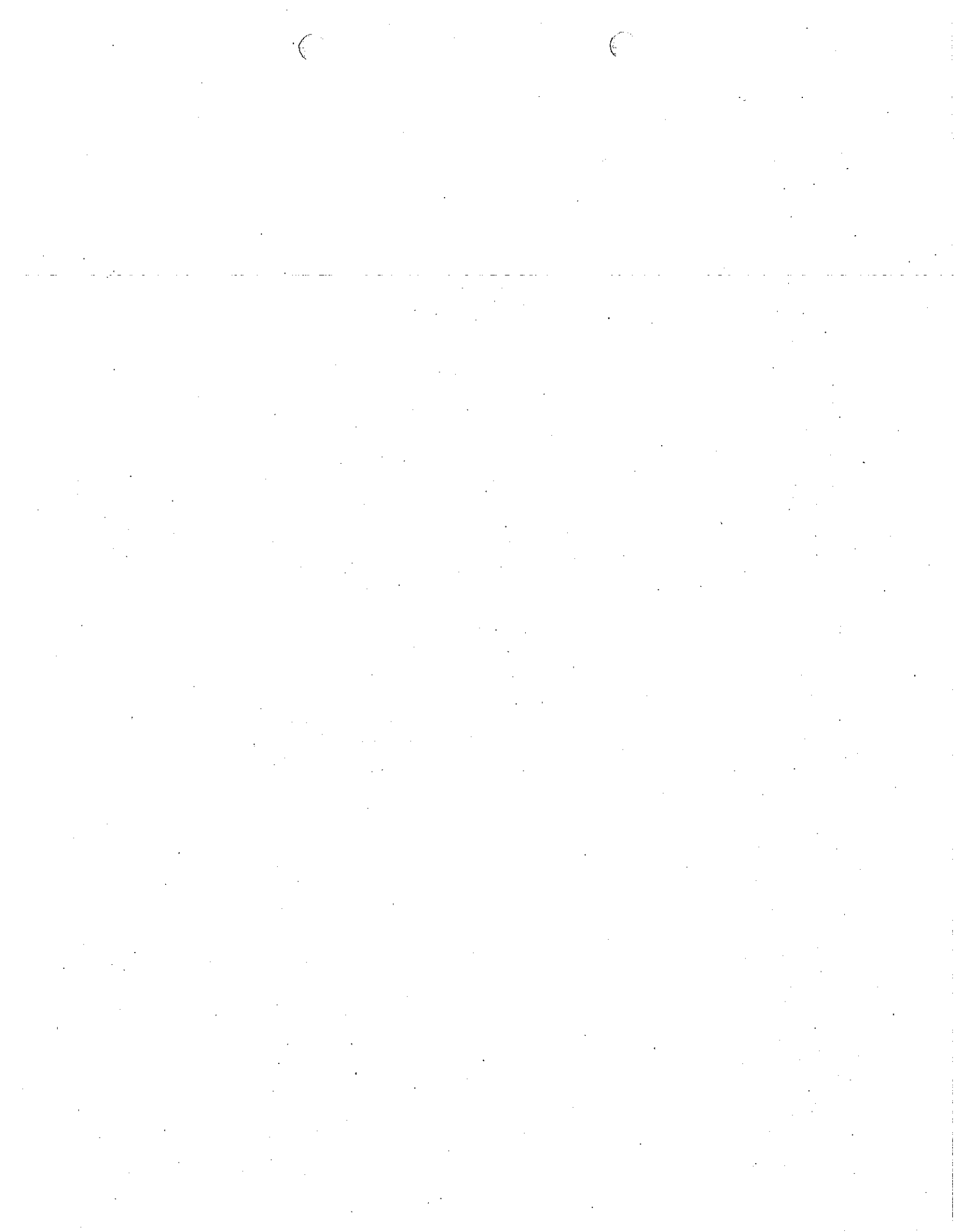
SCALE

1" = 80'

JUNE 30, 2004²
Page 2 of 2

¹Rev 10/12/04
²Rev 10/18/04





RESOLUTION NO. 1445 (01)**RESOLUTION ADOPTING NEGATIVE DECLARATION FOR THE PROPOSED PORTOLA CORRIDOR AREA SEWER ANNEXATION PROJECT AND AUTHORIZING FILING OF NOTICE OF DETERMINATION AND CERTIFICATE OF FEE EXEMPTION**

BE IT RESOLVED, by the District Board of West Bay Sanitary District, County of San Mateo, State of California, as follows:

WHEREAS, the West Bay Sanitary District (District) is the agency responsible for wastewater collection within portions of San Mateo County and Santa Clara County; and

WHEREAS, The project area is located in San Mateo County in the central district of the Town of Portola Valley. The project study area is referred to as the "Portola Corridor." Main streets in the project area include Portola Road, Wayside Road, Santa Maria Avenue, Wyndham Drive and Hayfields Road. Two creeks pass through the project area, including Bull Run Creek and Sausal Creek. The regional vicinity of the site is located midway between the Junipero Serra Freeway (US Highway 280) and Skyline Boulevard (State Route 35), and between Alpine Road and Sand Hill Road.

WHEREAS, The project improvements will consist of the replacement of the existing Village Square Septic Tank Effluent (STEP) System with a new solids handling pump station, installation of a new pump station near Portola Road and Hayfields Road, and installation of new wastewater collection system comprised primarily of gravity sewer mains and grinder pump systems with force mains, as well as laterals and cleanout structures to each lot or house to be served. Some on-site connections for downslope lots would require ejector pumps when gravity to the main sewer can not be achieved. The proposed improvements are within existing paved areas and landscaped areas, so part of the project will consist of restoration of surface areas to match existing. The proposed project consists of traffic, noise, and dust control elements to insure compliance with jurisdictional agencies requirements.

WHEREAS, the project is entitled "Portola Corridor Area Sewer Annexation Project" (the "Project"); and

WHEREAS, the West Bay Sanitary District is the lead agency for the Project; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act ("CEQA;" Public Resources Code §21000, et seq.) a Negative Declaration entitled "Negative Declaration, Portola Corridor Area Sewer Annexation Project"; and

WHEREAS, on June 25, 2001, this Board established upon District Staff recommendation the date of July 23, 2001 for a Public Hearing on the "Intent to Adopt Negative Declaration for Portola Corridor Area Sewer Annexation Project" and

WHEREAS, on June 25, 2001, District staff advised agencies of the District's intent to adopt the Negative Declaration; and



WHEREAS, the District has received no requests to extend the review period and has received no written comments concerning the proposed project; and

WHEREAS, on July 23, 2001, a duly noticed public hearing was held by this Board on the question of the Negative Declaration for the Portola Corridor Area Sewer Annexation Project, at which hearing all persons interested were heard, or given the opportunity to be heard, on the matter and said hearing was closed;

NOW THEREFORE BE IT RESOLVED BY THE DISTRICT BOARD OF THE WEST BAY SANITARY DISTRICT AS FOLLOWS:

1. This Board hereby finds and determines that the foregoing recitals are true statements of fact.
2. Having considered all of the evidence, both documentary and oral, submitted in connection with the preparation of the Negative Declaration, and having considered the Negative Declaration, this Board finds that there is no substantial evidence that the Project will have a significant effect on the environment and that the Negative Declaration reflects the Lead Agency's independent judgement and analysis.
3. This Board hereby certifies that the Negative Declaration was presented to it as the Lead Agency and decision-making body for the Project, and that it has reviewed and considered the information contained in the Negative Declaration and intends to adopt the Negative Declaration.
4. Pursuant to the provisions of the Public Resources Code Section 21081.6, the location and custodian of the documents or other material which constitute the record of proceedings upon which this Board's decision is based are hereby specified as follows:

Custodian of Documents –District Manager of the West Bay Sanitary District

Location: West Bay Sanitary District, 500 Laurel Street, Menlo Park, CA
5. The District Manager of West Bay Sanitary District is hereby authorized and directed to file a Notice of Determination pursuant to the provisions of the State Guidelines implementing the California Environmental Quality Act adopted by Resolution No. 1105 of this District Board, and Certificate of Fee Exemption.

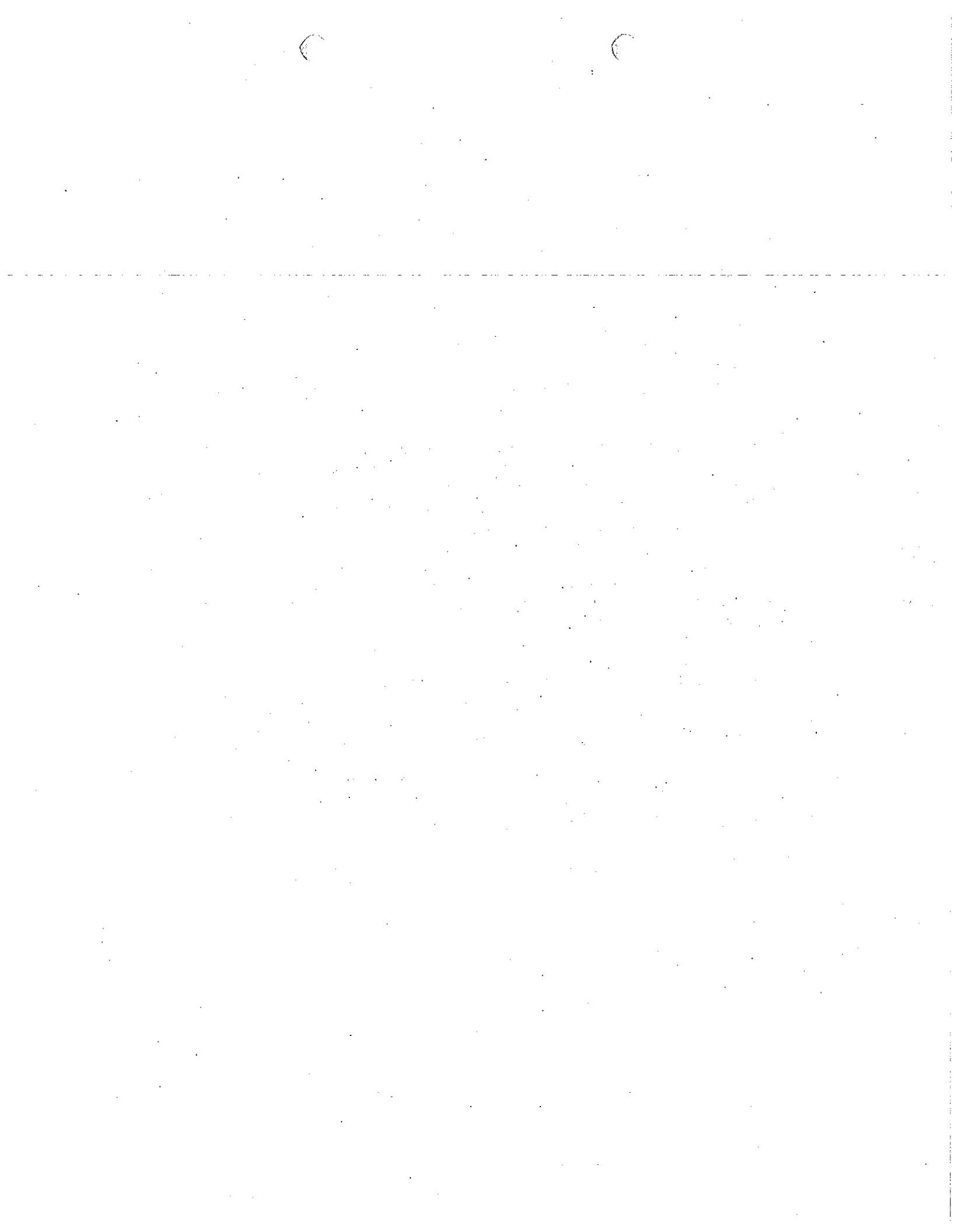
Passed and adopted by the District Board of West Bay Sanitary District at a regular meeting thereof held on the 23rd day of July 2001, by the following vote:

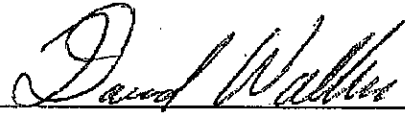
Ayes: WALKER, SHEPHERD, KNIGHT, LOMAX

Noes: NONE

Abstain: NONE

Absent: CARCIONE



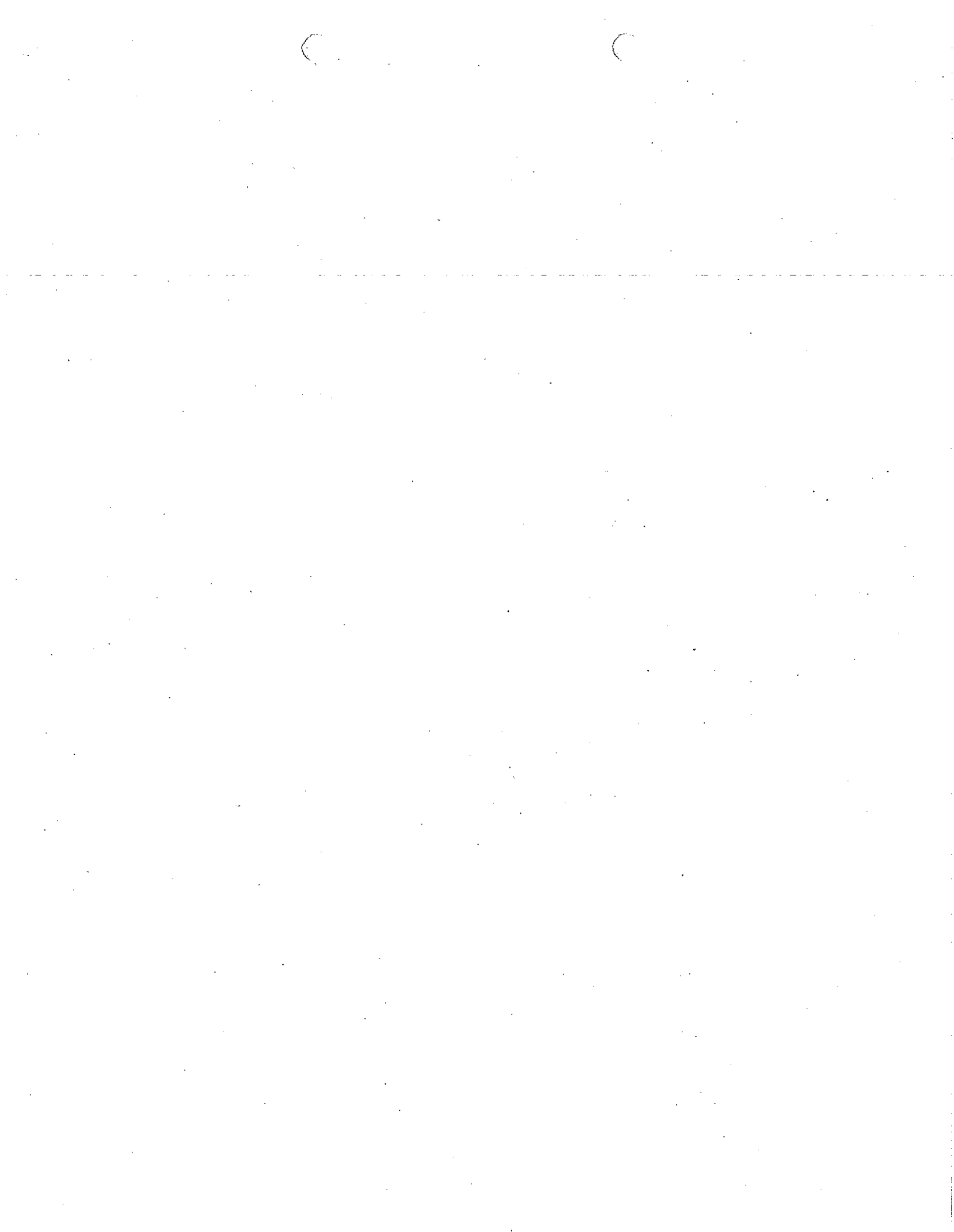


President of the District Board of the
West Bay Sanitary District of San Mateo
County, State of California

Attest:



Secretary of the District Board of the
West Bay Sanitary District of San Mateo
County, State of California



**NEGATIVE DECLARATION
FOR THE PROPOSED
PORTOLA CORRIDOR AREA SEWER ANNEXATION PROJECT**

PROJECT LOCATION AND DESCRIPTION SUMMARY

The project area is located in San Mateo County in the central district of the Town of Portola Valley. The project study area is referred to as the "Portola Corridor." Main streets in the project area include Portola Road, Wayside Road, Santa Maria Avenue, Wyndham Drive and Hayfields Road. Two creeks pass through the project area, including Bull Run Creek and Sausal Creek. The regional vicinity of the site is located midway between the Junipero Serra Freeway (US Highway 280) and Skyline Boulevard (State Route 35), and between Alpine Road and Sand Hill Road.

The project improvements will consist of the replacement of the existing Village Square Septic Tank Effluent (STEP) System with a new solids handling pump station, installation of a new pump station near Portola Road and Hayfields Road, and installation of new wastewater collection system comprised primarily of gravity sewer mains and grinder pump systems with force mains, as well as laterals and cleanout structures to each lot or house to be served. Some on-site connections for downslope lots would require ejector pumps when gravity to the main sewer cannot be achieved. The proposed improvements are within existing paved areas and landscaped areas, so part of the project will consist of restoration of surface areas to match existing. The proposed project consists of traffic, noise, and dust control elements to insure compliance with jurisdictional agencies requirements.

MITIGATING MEASURES INCORPORATED INTO THE PROPOSED PROJECT

Mitigating measures have been incorporated into the proposed project to minimize project impacts. These measures are discussed in detail in the section "Comments for the Initial Study Checklist."

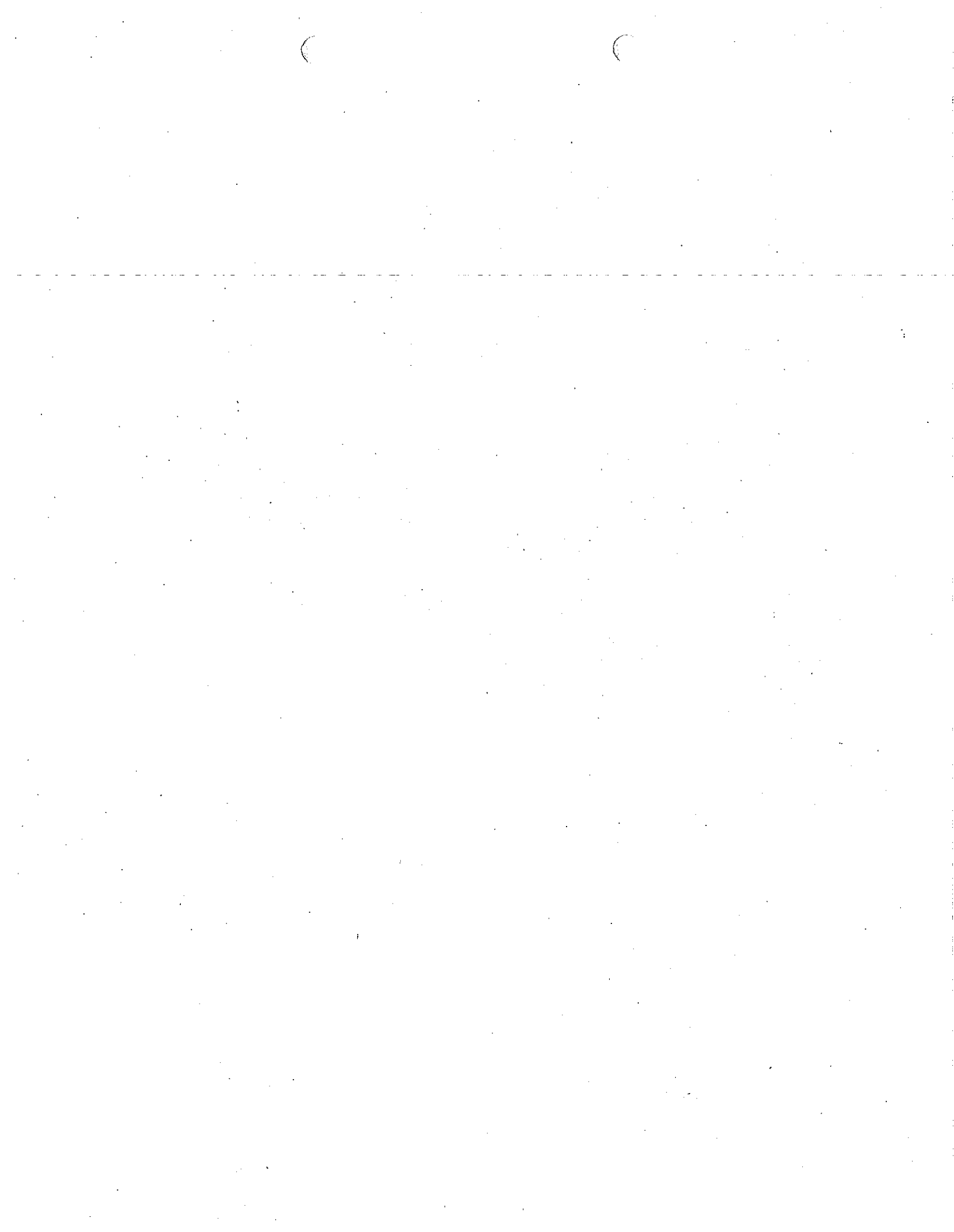
FINDINGS

As a Lead Agency, the District has conducted an Initial Study of the proposed project to determine if the project may have a significant effect on the environment. The Initial Study was prepared by Grasseti Environmental Consulting.

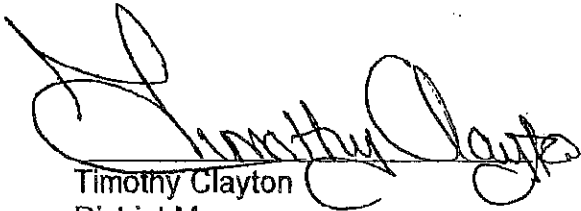
A public hearing on this project was held before the District's Board of Directors on July 23, 2001 at 7:00 p.m. in the District Boardroom.

Approval of this Negative Declaration by the District Board indicates the Board finds:

- 1) the attached Initial Study adequately, accurately, and objectively evaluates the proposed project's effect on the environment;
- 2) on the basis of the whole record before it (including the Initial Study and any comments received during the public review process), there is no substantial evidence that the project will have a significant effect on the environment;



- 3) the Negative Declaration reflects the District's independent judgement and analysis; and
- 4) Public Resources Code Section 21081.6 regarding a mitigation monitoring program is not applicable to this project since no changes or conditions of project approval are required to mitigate potentially significant effects.



Timothy Clayton
District Manager
West Bay Sanitary District

July 24, 2001
Date

Approved Pursuant to Resolution No. 1445

