

SAN MATEO

**LOCAL AGENCY FORMATION COMMISSION**

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

**July 7, 2014**

**To:** LAFCo Commissioners  
**From:** Martha Poyatos, Executive Officer  
**Subject:** LAFCo File No. 12-06—Proposed Minor Amendment to the Sphere of Influence of West Bay Sanitary District and Annexation of 830 Los Trancos Road (APN 182-36-031), Palo Alto, Santa Clara County to West Bay Sanitary District

**Summary**

San Mateo LAFCo has received an application to amend the sphere of influence (SOI) of West Bay Sanitary District and annex a 9.43-acre residentially zoned parcel to the District. The parcel is located along Los Trancos Creek in the City of Palo Alto, Santa Clara County. Annexation to the District is requested to provide sewer service for a single-family home that is under construction.

Section 56123 of the Cortese-Knox-Hertzberg (CKH) Act sets forth that when a district is located in more than one county, the LAFCo of the county with the greatest assessed valuation of the district is the principal LAFCo with jurisdiction over all boundary changes to the District. San Mateo and Santa Clara LAFCos have an inter-agency agreement that provides for referral of annexations of Santa Clara parcels proposed for annexation to West Bay Sanitary District to Santa Clara LAFCo for consideration. Santa Clara LAFCo considered the application at their April 2 regular Commission meeting and recommended approval of the sphere amendment and annexation.

The proposal has 100 percent landowner consent and requests waiver of conducting authority proceedings. Commission approval is recommended.

**Report and Recommendation**

This proposal was submitted by 100 percent consent property owner petition and requests a minor sphere amendment and annexation to the District. As noted, the territory proposed for annexation is located in the City of Palo Alto, Santa Clara County, in the vicinity of other parcels that were added to the District's sphere in 2002. At that time, Santa Clara County Department of Environmental Health recommended annexation because the area was characterized by high groundwater and failing septic systems. While this parcel was not included in the sphere amendment and is not located adjacent to Los Trancos Creek as were the other parcels that were annexed in 2002, it is adjacent to them.

The City of Palo Alto's General Plan land use designation for the annexation area is Open Space/Controlled Development (OS), which includes residential development. The zoning

designation and size of the parcel preclude further subdivision. A new single-family home with a swimming pool has been permitted and is being constructed.

The proposed annexation is also consistent with state and local LAFCo policies, which state that special districts are the appropriate agencies to provide essential services in areas where only a limited range of services is required or where it is not feasible for those services to be provided by a city.

As an enterprise district, West Bay Sanitary District did not request an exchange of property tax revenue with any of the affected agencies. Therefore, resolutions of zero property tax exchange have been adopted by the City of Palo Alto and the County of Santa Clara as well as West Bay Sanitary District.

#### Sphere of Influence Amendment

The CKH Act requires that annexations be consistent with adopted SOIs. The territory proposed for annexation is outside the District's SOI that was amended in 2002.

Government Code Section 56425 requires that LAFCo, in determining SOIs, make determinations with respect to:

- Present and planned land uses in the area, including agricultural and open space
- Present and probable need for public facilities
- Present capacity and adequacy of public facilities, and
- Existence of any social or economic communities of interest

Staff recommends approval of the sphere amendment as proposed and that the Commission make the following determinations pursuant to Section 56425:

1. Present and planned land uses in the area, including agricultural and open space lands:

Existing land uses in West Bay Sanitary District are primarily residential with some commercial and industrial properties also served. The District serves both incorporated and unincorporated areas. The territory proposed for sphere amendment and annexation is located in the City of Palo Alto and is designated OS in the City's General Plan, which includes residential uses. The parcel does not include agriculture or open space lands as described in the CKH Act.

2. Present and probable need for public facilities and services in the area:

The parcel is within the boundaries of the City of Palo Alto and the City has permitted a single-family home and a swimming pool. The City of Palo Alto provides water service and police service. Emergency fire response is provided by the Woodside Fire Protection District.

3. Present capacity of public facilities and adequacy of public services that the District provides or is authorized to provide includes:

West Bay Sanitary District is authorized to provide sewer services. The addition of the proposed sphere amendment territory will not impact the capacity or adequacy of District facilities or services and is consistent with its plans for extending service.

4. Existence of any social or economic community of interest:

The affected area is accessed via the Town of Portola Valley, which is also served by West Bay Sanitary District. The area is physically separated from other neighborhoods of Santa Clara County by open space lands.

5. Present and probable need for water, wastewater, and structural fire protection facilities and services for any disadvantaged unincorporated communities within the sphere of influence.

There are no disadvantaged unincorporated communities within the District's service area.

#### Nature, Extent and Location of Services Provided by the District

Sphere amendment or update requires that LAFCo establish the nature, extent and location of services provided by the District. West Bay Sanitary District services are limited to sanitary sewer service in the communities of Menlo Park, Atherton, East Palo Alto, Portola Valley, portions of Woodside and the surrounding unincorporated areas, and a limited southern portion of Santa Clara County. The District provides for garbage collection in unincorporated West Menlo Park.

#### Environmental Review

The proposed project is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15319(a): Annexation of existing public or private structures developed to the density allowed by current zoning and served by infrastructure that would have a capacity to serve only the existing facilities.

#### 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 percent landowner consent provided there is no written opposition from landowners or voters within the annexation area. The purpose of the conducting authority proceeding is to measure landowner or voter protest within the affected territory. Paragraph (c) was added to Government Code Section 56837 by the legislature in 1993 to streamline annexation proceedings in which landowners had already given consent to uninhabited annexation proceedings. At the request of the landowners, staff

recommends that the Commission waive the conducting authority proceedings if the proposal is approved.

Recommended Commission Action:

1. By Motion:

Staff recommends that the Commission certify that the project is exempt from CEQA under CEQA Guidelines Section 15319(a): Annexation of existing public or private structures developed to the density allowed by current zoning and served by infrastructure that would have a capacity to serve only the existing facilities.

2. By Resolution:

Staff recommends that the Commission approve File No. 12-06—Proposed Minor Amendment to the Sphere of Influence of West Bay Sanitary District and Annexation of 830 Los Trancos Road to West Bay Sanitary District and waive conducting authority proceedings pursuant to Government Code Section 56837(c).

cc: Neelima Palacherla, Executive Officer, Santa Clara LAFCo  
Phil Scott, General Manager, -West Bay Sanitary District  
James Keene, City Manager, City of Palo Alto  
Albert Bower and James Shaw, Property Owners

Attachments: Santa Clara LAFCo resolution  
Application, map, and legal description

**RESOLUTION NO. 2014-02**

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION  
OF SANTA CLARA COUNTY WITH RECOMMENDATIONS FOR THE SAN MATEO  
LOCAL AGENCY FORMATION COMMISSION REGARDING THE AMENDMENT  
OF WEST BAY SANITARY DISTRICT'S SPHERE OF INFLUENCE AND  
ANNEXATION OF CERTAIN PROPERTY TO THE WEST BAY SANITARY  
DISTRICT**

**WEST BAY SANITARY DISTRICT SPHERE OF INFLUENCE AMENDMENT AND  
ANNEXATION (830 Los Trancos Road)**

**WHEREAS**, in September 2013, San Mateo Local Agency Formation Commission forwarded a proposal to LAFCO of Santa Clara County, which requested the inclusion of 9.43 acres (APN: 182-36-031) located in the City of Palo Alto into the West Bay Sanitary District (WBSD) Sphere of Influence and annexation of subject parcel into the District; and

**WHEREAS**, the proposal was filed with the San Mateo LAFCO because it is the principal LAFCO for the WBSD, as San Mateo County has the greater portion of the entire assessed value of taxable property within the District.

**WHEREAS**, the San Mateo LAFCO forwarded this proposal to LAFCO of Santa Clara County (LAFCO) for an advisory recommendation because the affected territory is located in Santa Clara County; and

**WHEREAS**, the Executive Officer has reviewed the proposal and prepared a report, including her recommendation, the proposal and report having been presented to and considered by this Commission; and

**WHEREAS**, it has been determined to the satisfaction of LAFCO that all owners of the land included in this proposal consent to the proposal; and

**WHEREAS**, LAFCO of Santa Clara County as the referring agency has complied with the California Environmental Quality Act (CEQA) incident to its consideration of this request, as described below; and

**NOW, THEREFORE**, LAFCO of Santa Clara County, does hereby resolve, determine and order as follows:

**SECTION 1:**

LAFCO of Santa Clara County hereby finds that the project is categorically exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15319 (a) & (b) and Section 15303(d).

## RESOLUTION NO. 2014-02

### SECTION 2:

LAFCO of Santa Clara County hereby recommends to San Mateo LAFCO that the West Bay Sanitary District Sphere of Influence be amended to include APN 182-36-031, as depicted in Attachment 1, based on the following Sphere of Influence Determinations:

**1. The nature, location, extent, functions, and classes of services provided.**

West Bay Sanitary District provides sanitary sewer services and solid waste collection services to the City of Menlo Park, portions of the Cities of East Palo Alto and Redwood City, the Towns of Atherton, Woodside, and Portola Valley, portions of unincorporated south San Mateo County, and several parcels in Santa Clara County near Los Trancos Creek.

**2. Present and planned land uses in the area, including agricultural and open-space lands.**

The subject parcel is located in the City of Palo Alto and is designated Open Space/Controlled Development in the City's General Plan. This land use designation includes residential uses. A new single-family residence and pool is being constructed on the parcel. No change in land uses are proposed or planned for the parcel. The parcel does not include agricultural and open space lands as defined in the CKH Act.

**3. Present and probable need for public facilities and services in the area.**

The subject parcel is located in the City of Palo Alto and the property owners are in the process of constructing a new single-family residence on the parcel. The parcel originally had a residence on it which was served by a septic system. The property owners would like to connect their new residence to the WBSD's sewer system that is located nearby. The City of Palo Alto provides water and police services to the subject parcel.

**4. Present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.**

The West Bay Sanitary District has the ability to provide sanitary sewer services to the subject parcel. The District's present capacity of public facilities and services is adequate.

**5. Existence of any social or economic communities of interest in the area if the Commission determines that they are relevant to the agency.**

The parcel is located in the City of Palo Alto, but access to the parcel is through the Town of Portola Valley which is served by the West Bay Sanitary District. The parcel and surrounding rural estates are separated from other neighborhoods in Santa Clara County by open space preserves and parklands.

**6. Present and probable need for water, wastewater, and structural fire protection facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.**

There are no disadvantaged unincorporated communities within the District's service area in Santa Clara County based upon mapping information provided by the State of

**RESOLUTION NO. 2014-02**

California Department of Water Resources. It is anticipated that San Mateo LAFCO will make a determination concerning disadvantaged unincorporated communities within the District's existing sphere of influence in Santa Mateo County.

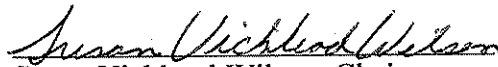
**SECTION 3:**

LAFCO of Santa Clara County hereby recommends the annexation of APN 182-36-031 located at 830 Los Trancos Road in the City of Palo Alto, to the West Bay Sanitary District, as described and depicted in Attachment 2 (Exhibits "A" and "B") attached hereto and incorporated herein by reference, with the following condition:


1. Resolutions of a zero percent property tax exchange reflecting the annexation of the parcel to the West Bay Sanitary District are adopted by the West Bay Sanitary District and the City of Palo Alto.

**PASSED AND ADOPTED** by the Local Agency Formation Commission of Santa Clara County, State of California, on April 2, 2014, by the following vote:

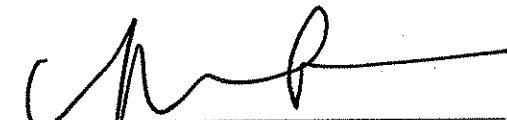
**AYES:** CHAVEZ, KHAMIS, KISHIMOTO, ABE-KOGA, WASSERMAN, VICKLUND  
WILSON  
**NOES:** HALL  
**ABSENT:** None  
**ABSTAIN:** None

  
Susan Vicklund Wilson, Chairperson  
LAFCO of Santa Clara County

**ATTEST:**

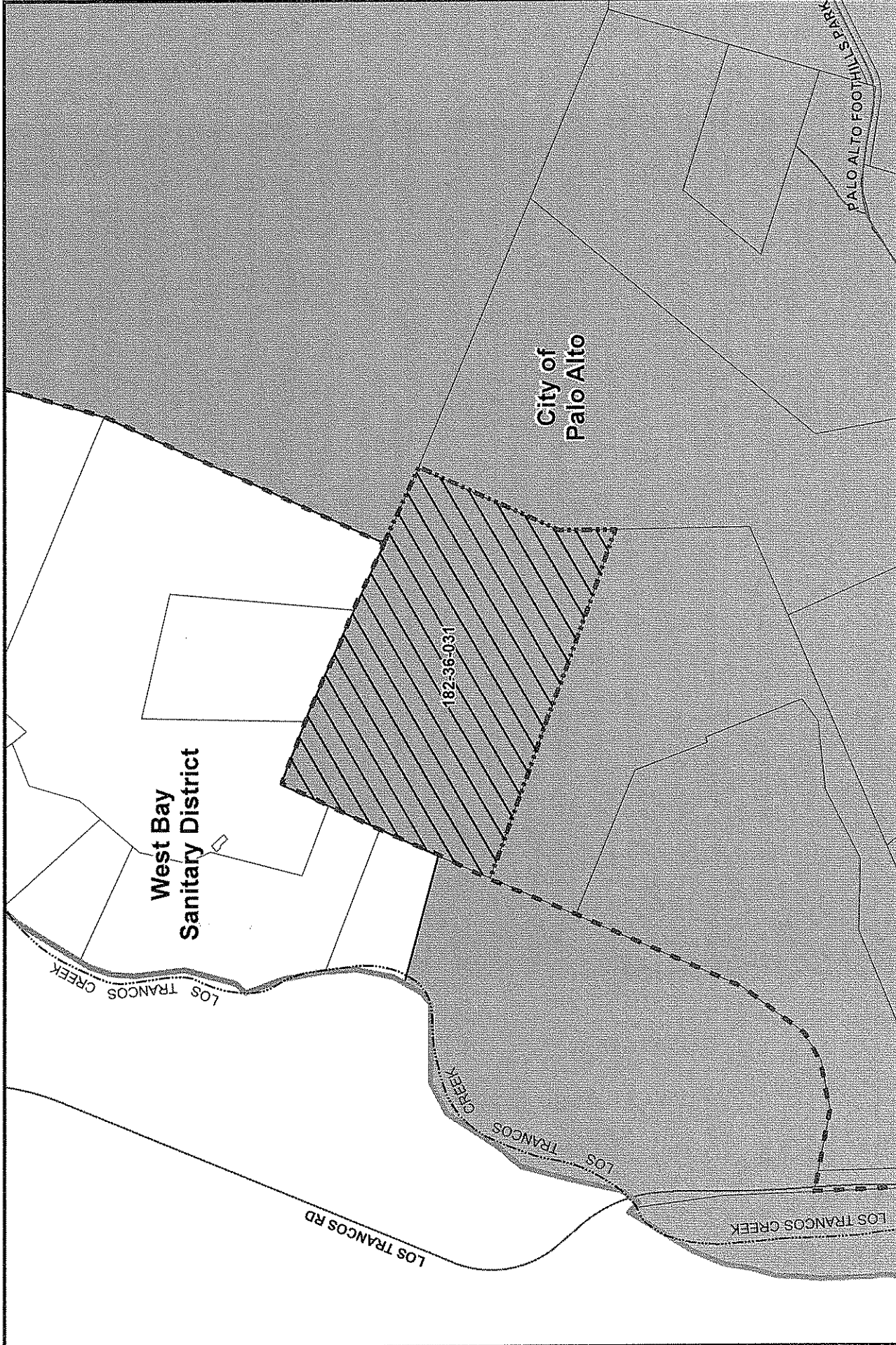
  
Emmanuel Abello, LAFCO Clerk

**APPROVED AS TO FORM:**

  
Malathy Subramanian, LAFCO Counsel

Attachments to Resolution No. 2014-02:

1. Map of WBSD SOI Amendment (800 Los Trancos Road)
2. Legal Description (Exhibit A) and Map (Exhibit B) of WBSD Annexation (830 Los Trancos Road)



**LEGEND:**

- Existing West Bay Sanitary S.O.I. Boundary
- Proposed West Bay Sanitary S.O.I. Boundary
- County Boundary
- City of Palo Alto
- Proposed Annexation Area

182-36-031 Assessor's Parcel Number

Scale: 0 50 100 150 200 Feet


North Arrow

**TITLE:** West Bay Sanitary District Sphere of Influence Amendment and Annexation 2012-01

9.43 Acres ±

Prepared by the Office of the County Surveyor  
November 7, 2012  
Gwendolyn Gee, County Surveyor

**County of Santa Clara**  
Department of Planning and Development  
Office of the County Surveyor  
County Government Center, East Wing  
70 West Hedding Street, 7th Floor  
San Jose, California 95110





**GEOGRAPHIC DESCRIPTION  
WEST BAY SANITARY DISTRICT  
SPHERE OF INFLUENCE AMENDMENT AND ANNEXATION 2012-01  
APN: 182-36-031 (830 LOS TRANCOS ROAD, PALO ALTO)**

All that real property situated in the City of Palo Alto in the County of Santa Clara, State of California, being a portion of Rancho El Corte De Madera, described as follows:

Being Parcel 3 as shown on that certain map entitled "Parcel Map of a Resubdivision of a Portion of Volume 39 Maps Page 25, Also Being Described in, D199 O.R. 581 Records of Santa Clara County" recorded on July 28, 1980 in Book 468 of Maps at Pages 1 and 2 in the Office of the Recorder of the County of Santa Clara, State of California, and described in the Grant Deed recorded on April 22, 2011 as Document No. 21154179 in the Office of said Recorder and being more particularly described as follows:

BEGINNING at the northerly corner of said parcel and on the existing West Bay Sanitary District Boundary as established by Resolution No. 98-14 recorded on February 4, 1999 as Document No. 14640165 in the Office of said Recorder; thence, proceeding clockwise the following courses and distances:

- (1) South 70°00'00" East, 175.24 feet; thence,
- (2) South 67°30'00" East, 148.44 feet; thence,
- (3) South 66°53'00" East, 283.25 feet; thence leaving said existing boundary,
- (4) South 66°53'00" East, 192.06 feet; thence,
- (5) South 23°06'00" West, 356.76 feet; thence,
- (6) South 00°54'00" East, 130.00 feet; thence,
- (7) North 71°26'57" West, 853.96 feet to a point on said existing boundary; thence along said boundary,

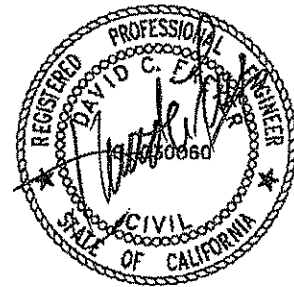
(8) North 22°14'00" East, 130.00 feet; thence,

(9) North 23°20'00" East, 402.38 feet to the POINT OF BEGINNING.

Containing 9.434 acres more or less.

For assessment purposes only. 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 of the land described.

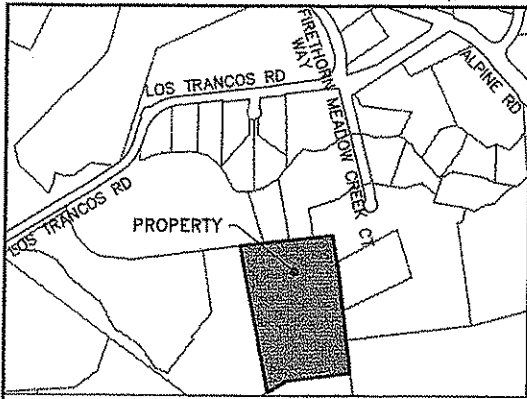
November 5, 2012



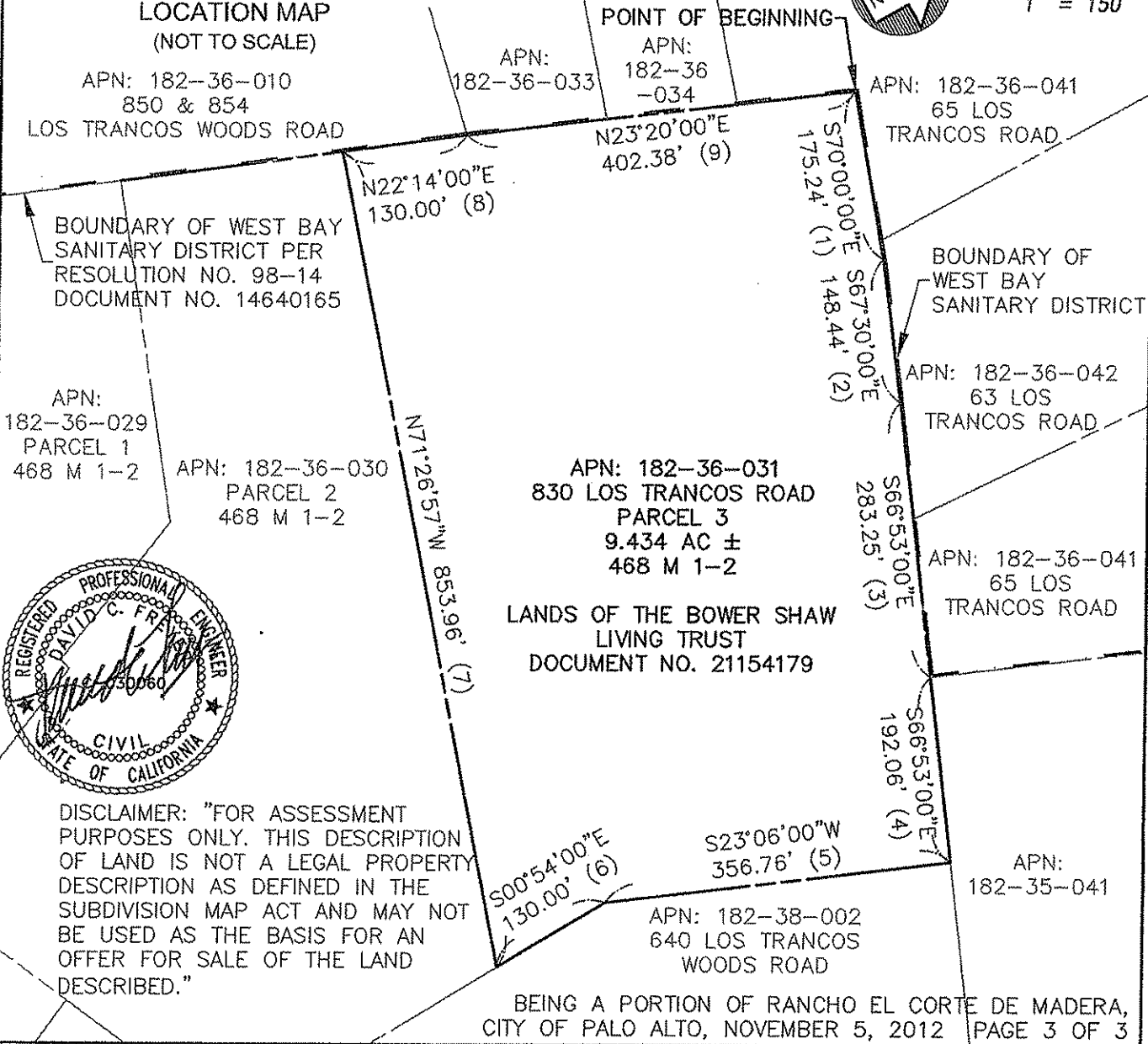
**EXHIBIT B**

**LEGEND**

- PROPOSED S.O.I. AND ANNEXATION BOUNDARY LINE
- EXISTING PROPERTY LINE
- EXISTING WEST BAY SANITARY DISTRICT BOUNDARY LINE AND S.O.I.
- S.O.I. SPHERE OF INFLUENCE



SCALE  
1" = 150'



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**WEST BAY SANITARY DISTRICT S.O.I.  
 AMENDMENT AND ANNEXATION 2012-01  
 LANDS OF THE BOWER SHAW LIVING TRUST  
 APN: 182-36-031 (830 LOS TRANCOS ROAD)**

RECEIVED

AUG 02 2012

LAFCO

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

A. GENERAL INFORMATION

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

Sphere of Influence Amendment and Annexation into the West Bay Sanitary District to receive wastewater collection services. 830 Los Trancos Road Santa Clara Co

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?

To obtain wastewater collection service from the West Bay Sanitary District for a proposed single family residence.

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

Yes No

5. Estimated acreage: 9.43 ac

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

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

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

Single Family Residential

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

Single Family Residential

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

N/A

8. What additional approvals will be required to proceed?

Building Permit, Connection Permit

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?

No

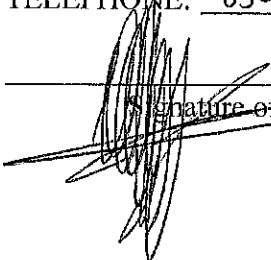
\* \* \* \* \*

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: Albert J. Bower

ADDRESS: 401 Pratt Lane, Palo Alto, CA TELEPHONE: 650.255.9442

ATTN: 94306

  
Signature of Proponent

RECEIVED

AUG 02 2012

LAFCO

PETITION  
FOR PROCEEDINGS PURSUANT TO  
THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF  
2000

The undersigned hereby petition(s) the Local Agency Formation Commission of San Mateo County for approval of a proposed change of organization or reorganization, and stipulate(s) as follows:

1. This proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with Section 56000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000

2. The specific change(s) of organization proposed (i.e., annexation, detachment, reorganization, etc. is/are:

Sphere of Influence Amendment and Annexation into the West Bay Sanitary District.

3. The boundaries of the territory(ies) included in the proposal are as described in Exhibit(s) attached hereto and by this reference incorporated herein.

4. The territory(ies) included in the proposal is/are:

inhabited (12 or more registered voters)  Uninhabited

5. This proposal is  is not  consistent with the sphere of influence of the affected city and/or district(s).

6. The reason(s) for the proposed annexation (annexation, detachment, reorganization, etc.) is/are:

- To obtain wastewater collection services from the West Bay Sanitary District

7. The proposed annexation is requested to be made subject to the following terms and conditions: N/A



8. The persons signing this petition have signed as:

registered voters **or**  Owners of land (check one) within the subject territory.

Petition  
Page 2 of 2

Wherefore, petitioner(s) request(s) that proceedings be taken in accordance with the provisions of Section 56000, et seq. Of the Government Code and herewith affix signatures as follows:

Chief Petitioners (not to exceed three):

Date:	Printed Name:	Signature/Residence address	APN*
<u>7-26-12</u>	<u>Albert J. Bower</u>	 <u>401 Pratt Lane, Palo Alto, CA 94306</u>	<u>182-36-031</u>
<u>7-26-12</u>	<u>Jerome M. Shaw</u>	 <u>- same</u>	<u>182-36-031</u>

\*Assessor's Parcel Number of parcel(s) proposed for annexation.

## LEGAL DESCRIPTION

### ANNEXATION TO THE WEST BAY SANITARY DISTRICT APN: 182-36-031 (830 LOS TRANCOS ROAD, PALO ALTO)

All that real property situated in the City of Palo Alto in the County of Santa Clara, State of California, described as follows:

Being Parcel 3 as shown on that certain map entitled "Parcel Map of a Resubdivision of a Portion of Volume 39 Maps Page 25, Also Being Described in, D199 O.R. 581 Records of Santa Clara County" recorded on July 28, 1980 in Book 468 of Parcel Maps at Pages 1 and 2 in the Office of the Recorder of the County of Santa Clara, State of California, and described in the Grant Deed recorded on April 22, 2011 as Document No. 21154179 in the Office of said Recorder and being more particularly described as follows:

BEGINNING at the northerly corner of said parcel; thence, proceeding clockwise the following courses and distances:

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- (3) South 66°53'00" East, 475.31 feet; thence,
- (4) South 23°06'00" West, 356.76 feet; thence,
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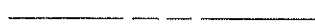



This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale or for the sale of the lands described herein.

June 28, 2012

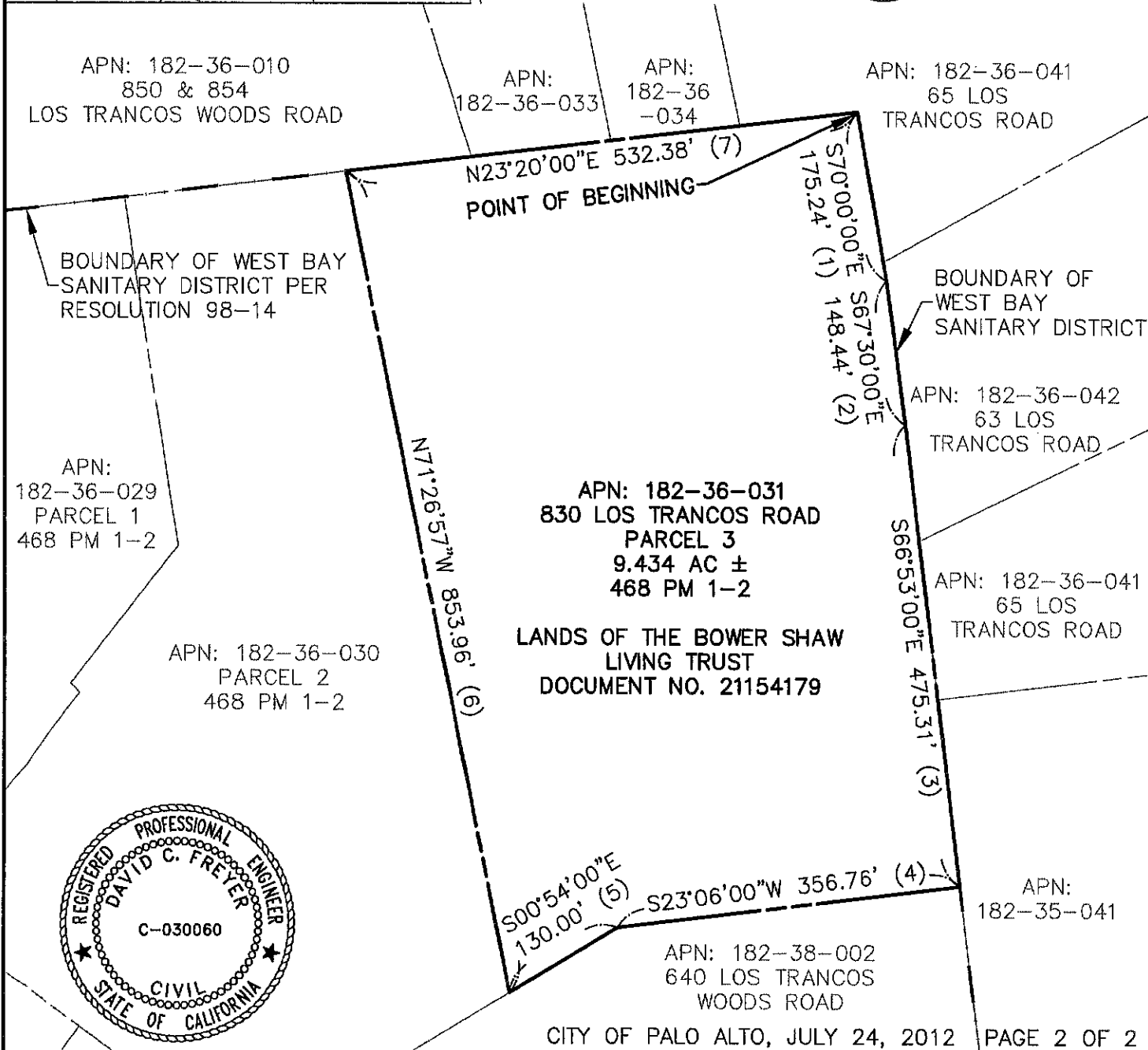
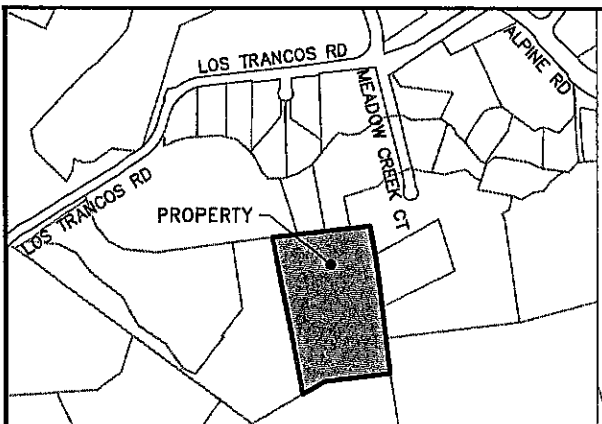


**LEGEND**

-  ANNEXATION BOUNDARY LINE
-  EXISTING PROPERTY LINE
-  WEST BAY SANITARY DISTRICT BOUNDARY LINE



SCALE  
1" = 150'



CITY OF PALO ALTO, JULY 24, 2012 PAGE 2 OF 2



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**PROPOSED ANNEXATION TO  
THE WEST BAY SANITARY DISTRICT  
LANDS OF THE BOWER SHAW LIVING TRUST  
APN: 182-36-031 (830 LOS TRANCOS ROAD)**