

SAN MATEO



# LOCAL AGENCY FORMATION COMMISSION

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

March 14, 2018

**To:** LAFCo Commissioners  
**From:** Martha Poyatos, Executive Officer  
**Subject:** LAFCo File 17-17—Proposed Minor Sphere of Influence Amendment and Detachment of a Portion of 501 Palmer Lane (APN 060-162-130) from the Town of Atherton (less than one acre)

## Summary

This proposal, submitted by the landowner's petition, requests detachment of a portion of 501 Palmer Lane from the Town of Atherton. Detachment is requested in order to subdivide the property to allow for construction of a single-family residence and second unit. The Town has consented to detachment, which will place the entire property in County jurisdiction. Commission approval is recommended.

## Departmental Reports

*County Assessor:* The net assessed land valuation of the detachment area shown in the records of the Assessor is \$114,898. The boundaries of the proposal do not divide lines of ownership. Upon detachment, the lines of assessment for the entire parcel would be in unincorporated San Mateo County. The Town of Atherton has never received a share of the 1 percent property tax because the entire parcel is located in a tax rate area that does not include the Town of Atherton. The detachment would therefore result in zero property tax exchange between the Town and the County.

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

*County Public Works:* 501 Palmer Lane is already included in the two County-governed special districts: Fair Oaks Sewer Maintenance District (FOSMD) and Menlo Park Highway Lighting District. The road right-of-way boundaries do not appear to be altered as part of the proposed detachment. The State Board of Equalization map and legal description have not been included for review. Any future subdivision of the parcel and development will require sewer lateral connections, plan review, and approval from the FOSMD.

*County Environmental Health:* The proposal appears to have no adverse environmental health significance.

**COMMISSIONERS:** MIKE O'NEILL, CHAIR, City ▪ ANN DRAPER, VICE CHAIR, Public ▪ JOSHUA COSGROVE, Special District ▪ RICH GARBARINO, City  
 DON HORSLEY, County ▪ JOE SHERIDAN, Special District ▪ WARREN SLOCUM, County

**ALTERNATES:** KATI MARTIN, Special District ▪ HARVEY RARBACK, City ▪ SEPI RICHARDSON, Public ▪ DAVE PINE, County

**STAFF:** MARTHA POYATOS, EXECUTIVE OFFICER ▪ REBECCA ARCHER, LEGAL COUNSEL ▪ JEAN BROOK, COMMISSION CLERK

*County Planning and Building:* The County’s General Plan designation is Single-family Residential and zoning is Residential, minimum 10,000 square feet per dwelling unit (R-1/S-93). If the proposal is approved, the County will amend the zoning map and General Plan to include the detached portion of the property, which must be approved by the Board of Supervisors. General Plan Policy 7.24 encourages cities to annex urban unincorporated areas within designated spheres of influence. In this case, however, detachment is favored so as to have a single service delivery jurisdiction for the parcel.

The property is currently developed with one single-family dwelling unit served by water from the California Water Service Company (Cal Water) and sewer connection from the Fair Oaks Sewer Maintenance District, and the detachment would not increase the need for any County services. The detachment process has no additional impacts on multiple jurisdictions or regional resources.

San Mateo County General Plan Policy 8.33 (Cooperation Toward Annexation) speaks to working with residents and adjacent cities to increase an understanding of the implication of annexation. This particular LAFCo application is for detachment of a portion of the parcel located in Atherton. The County Planning and Building Department has historically issued permits for development on this property. Detachment would clarify which agency has land use jurisdiction and provide for consistent application of land use regulations by one agency over the whole of the property.

*Town of Atherton:* The Town’s General Plan designation is Low-density Single-family Residential and zoning is Residential, minimum 43,560 square feet (one acre) per dwelling unit (R-1A) for the detachment territory, which consists of a portion of a parcel that is otherwise already in unincorporated San Mateo County and developed with an existing residence.

### **Executive Officer’s Report**

Submitted by petition with 100 percent landowner consent, this proposal requests detachment of a portion of a parcel that is split by the County/Town of Atherton boundary. The territory consists of a portion of an existing parcel. It is located in the Town of Atherton and is contiguous with the unincorporated County on one side and fronts Palmer Lane. The parcel directly behind the area to be detached (98 San Benito) and in the Town of Atherton, was once under the same ownership as 501 Palmer and was sold in 1951 resulting in the irregular shape of 501 Palmer.

The requested minor sphere amendment and detachment will allow the property owners to subdivide and construct a single-family home and second unit that would not otherwise be permitted with split land use jurisdictions or if the entire parcel were to be annexed to the Town of Atherton.

The County of San Mateo and Town of Atherton have adopted resolutions agreeing to zero property tax exchange pursuant to Section 99 of the Revenue and Tax Code.

### Factors in Consideration of a Proposal

The following addresses factors to consider in review of a proposal pursuant to Government Code Section 56668:

- (a) *Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years*

As reported by the San Mateo County Planning Department, 501 Palmer is currently developed with one single-family residence with the majority of the structure located in unincorporated North Fair Oaks. As of the 2010 US Census, the population of unincorporated North Fair Oaks was 14,687. The average size of an American household is 2.58 persons. For the portion of the parcel that is located in the Town of Atherton, the County will go through a process of an amendment to the Zoning Map and General Plan. This process will require approval by the Board of Supervisors. These amendments will expanding the existing zoning (R-1/S-93) and General Plan designation (Single-Family Residential) to the detached portion of the property. Any future development on this parcel would have a minimal impact to the overall population of the area due to the likely zoning and General Plan designation the property will have.

- (b) *The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. "Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.*

The proposed detachment would not change service delivery patterns for water, street lighting, and sewer service. The majority of the residence is currently located in unincorporated North Fair Oaks. Future construction permitted as a result of subdivision would include a single-family residence and second dwelling unit, which would have minimal impact on municipal service demand.

- (c) *The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county*

The proposal is consistent with existing residential uses in the surrounding neighborhood and would have negligible, if any, impact on adjacent areas, social and economic interests, and the local government structure of the county.

- (d) *The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377*

The proposed boundary change is consistent with existing service delivery patterns and urban development in adjacent areas and clarifies service delivery boundaries in the area.

- (e) *The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016*

There are no agricultural lands affected by the proposal.

- (f) *The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries*

The boundaries of the proposed detachment are definite and certain and place all of the parcel in the jurisdiction of the County of San Mateo.

- (g) *Consistency with city or county general and specific plans*

General Plan Policy 8.35 (*Zoning Regulations*) ensures that development is consistent with land use designations and that the County continues to use zoning to regulate development on properties in the unincorporated area. This LAFCo application would allow the property to be wholly located within one jurisdiction and be subject to one set of zoning regulations. The annexation would clarify which jurisdiction the property is under for both the property owner and for government agencies. This detachment would allow for the consistent application of land use regulations by one agency over the whole of the property.

- (h) *The sphere of influence of any local agency which may be applicable to the proposal being reviewed*

The proposal as submitted requests a minor sphere of influence amendment for the Town of Atherton.

- (i) *The comments of any affected local agency or other public agency*

None.

- (j) *The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change*

The County of San Mateo provides general administration, land use and code enforcement, public works, sewer, sheriff, library, and regional parks in unincorporated areas, including North Fair Oaks.<sup>1</sup> The parcel is within the boundaries of Menlo Park Fire Protection District and Cal Water. Potential construction of a single-family home and second dwelling unit would result in

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<sup>1</sup> Some unincorporated areas are included in the boundaries of independent sewer or recreation districts.

additional revenues to the County and special districts while resulting in minimal increased service demand.

- (k) *Timely availability of water supplies adequate for projected needs as specified in Section 65352.5*

Cal Water is the water provider in the area. Potential development is within the projected demand for Cal Water.

- (l) *The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7*

The regional housing needs allocation (RHNA) for the Bay Area and its sub-regions including San Mateo County, is determined by the Bay Area Association of Governments (ABAG). Future construction of one single-family residence and second dwelling unit will be included the County's new housing stock in meeting the County's RHNA.

- (m) *Any information or comments from the landowner or owners, voters, or residents of the affected territory*

None.

- (n) *Any information relating to existing land use designations*

Detachment will result in expanding the existing zoning (R-1/S-93) and General Plan designation (Single-family Residential) to the detached portion of the property.

- (o) *The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services.*

N/A

#### Other Factors

Section 56668.3 provides that if the proposed change of organization or reorganization includes a city detachment or district annexation, and the proceeding has not been terminated based upon receipt of a resolution requesting termination, factors to be considered by the Commission shall include:

- (a) *Whether the proposed detachment will be for the interest of the landowners or present or future inhabitants within the city and within the territory proposed to be detached from the city*

While the parcel is split by the Town/County boundary, the entire parcel is located in a tax rate area in which the share of the 1 percent property tax is distributed solely to the County and thus the detachment will have no fiscal impact on the Town. Locating the entire parcel in the

land use jurisdiction of the County allows for construction of additional dwelling units helping to meet a need for additional housing.

- (b) *Any resolution raising objections to the action that may be filed by an affected agency based on financial or service related concerns*

No resolutions have been filed with the Commission.

#### Minor Sphere of Influence Amendment

The sphere of influence of the Town of Atherton is coterminous with Town corporate boundaries. Detachment of the portion of 501 Palmer requires a minor sphere amendment removing the portion of the parcel from the Town's sphere because boundary changes must be consistent with spheres of influence.

In adopting a sphere amendment, Section 56425(e) of the Cortese-Knox-Hertzberg Act requires that the Commission consider the following factors:

- (1) *The present and planned land uses in the area, including agricultural and open-space lands.*
- (2) *The present and probable need for public facilities and services in the area.*
- (3) *The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.*
- (4) *The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.*

In this case, staff recommends that the Commission adopt the following determinations:

1. Present and proposed land use is consistent with land use of adjacent property in nearby areas within Unincorporated North Fair Oaks;
2. The territory proposed for detachment currently receives County services and proposed new construction would require sewer service from Fair Oaks Sewer Maintenance District;
3. The County of San Mateo has the capacity to serve the proposal area consistent with service provided elsewhere in Unincorporated North Fair Oaks; and
4. A community of interest exists to the extent that the proposed sphere amendment facilitates detachment and promotes implementation of land use consistent with the surrounding unincorporated area.

#### California Environmental Quality Act

The proposal is categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) because it does not change the geographical area in which previously existing powers are exercised (Categorical Exemption 15320).

**Waiver of Conducting Authority Proceedings**

Section 56663 of the Cortese-Knox-Hertzberg Act specifies that the Commission may waive conducting authority proceedings for annexations of uninhabited territory with 100 percent landowner consent provided there is no opposition from gaining agencies. The purpose of the conducting authority proceeding is to measure landowner or voter protest within the affected territory. Paragraph (c) was added by the legislature in 1993 to streamline annexation proceedings in which landowners had already given consent to uninhabited annexation proceedings.

**Executive Officer’s Recommendation**

The subject area is currently split by the Town/County boundary. Detachment is consistent with the County General Plan and would promote orderly growth by facilitating development and service delivery under a single jurisdiction. Staff therefore respectfully recommends that the Commission approve the proposed sphere amendment and detachment by taking the following actions by resolution:

1. Adopt the sphere of influence determinations found on Page 6 and amend the sphere of influence of the Town of Atherton to exclude the portion of 501 Palmer Lane proposed for detachment.
2. Approve LAFCo File No. 17-17—Proposed Minor Sphere Amendment and Detachment of a Portion of 501 Palmer Lane from the Town of Atherton.
3. Waive conducting authority proceedings pursuant to Government Code Section 56663(c).

cc: George Rodericks, City Manager, Town of Atherton  
René A. and Doris Ann Girerd, Property Owners  
Melissa Ross, Senior Planner, San Mateo County Planning Department

Attachments: Application, petition & map

**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.
  
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 form *Petition for Proceedings Pursuant to the Cortese-Knox-Hertzberg Act of 2000*)**

3. What are the reasons for the proposal?
  
  
  
  
  
4. Does this application have 100% consent of landowners in the affected area?

\_\_\_\_\_ 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.
  
  
  
  
  
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>

**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.
  
2. Describe the present land use(s) in the subject territory.
  
3. How are adjacent lands used?  
 North: \_\_\_\_\_  
 South: \_\_\_\_\_  
 East: \_\_\_\_\_  
 West: \_\_\_\_\_
  
4. Will the proposed change of organization result in additional development? If so, how is the subject territory to be developed?
  
5. What is the general plan designation of the subject territory?

6. What is the existing zoning designation of the subject territory?
  
7. What rezoning, environmental review or development approvals have already been obtained for development in the subject territory?
  
8. What additional approvals will be required to proceed?
  
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?
  
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?

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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: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 CITY, STATE, ZIP: \_\_\_\_\_  
 ATTN: \_\_\_\_\_

PHONE: \_\_\_\_\_  
 EMAIL: \_\_\_\_\_

*Rene A. Friend*

**Signature of Proponent**

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:

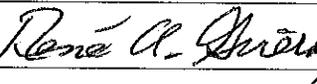
1. This proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code (commencing with Section 56000, Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000).
2. The specific change(s) of organization proposed (i.e., annexation, detachment, reorganization, etc.) is/are:  
Minor sphere of influence amendment for the Town of Atherton and detachment of a portion of 501 Palmer Lane from the Town.
3. The boundaries of the territory(ies) included in the proposal are as described in the 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)                      X Uninhabited
5. This proposal is \_\_\_\_\_ / is not X consistent with the sphere of influence of the affected city and/or district(s).
6. The reason(s) for the proposed annexation \_\_\_\_\_ / detachment X / reorganization \_\_\_\_\_ / other \_\_\_\_\_ is/are:

The reason for the proposal is: To place all of the parcel in one land use jurisdiction (Unincorporated County) because currently the Town of Atherton boundary divides the parcel with the majority of the parcel located in unincorporated County.

7. The proposed annexation \_\_\_\_\_ / detachment X / reorganization \_\_\_\_\_ / other \_\_\_\_\_ is/are requested to be made subject to the following terms and conditions:  
None.
8. The person(s) signing this petition has/have signed as:  
\_\_\_\_\_ Registered voter(s) OR X Owner(s) of land within the subject territory.

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*
10/10/2017	Doris Ann Girard	 Doris Ann Girard 200 Iris Way, Palo Alto, CA 94303	
10/10/2017	RENÉ A. GIRARD	 René A. Girard, 200 Iris Way, Palo Alto, CA 94303	94-303

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

Petition

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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*
10-3-2017	GERALD A. ASHBECK	<u>GERALD A. ASHBECK</u> 312 KENMUR Dr. Flat Rock, NC 28731	
_____	_____	_____	
_____	_____	_____	

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

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*
10-10-2017	Roberta J. Fiete		7790 Kelly Dr., Dublin, OH 43016
_____	_____	_____	_____
_____	_____	_____	_____

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

Petition

Page 5 of 5

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):

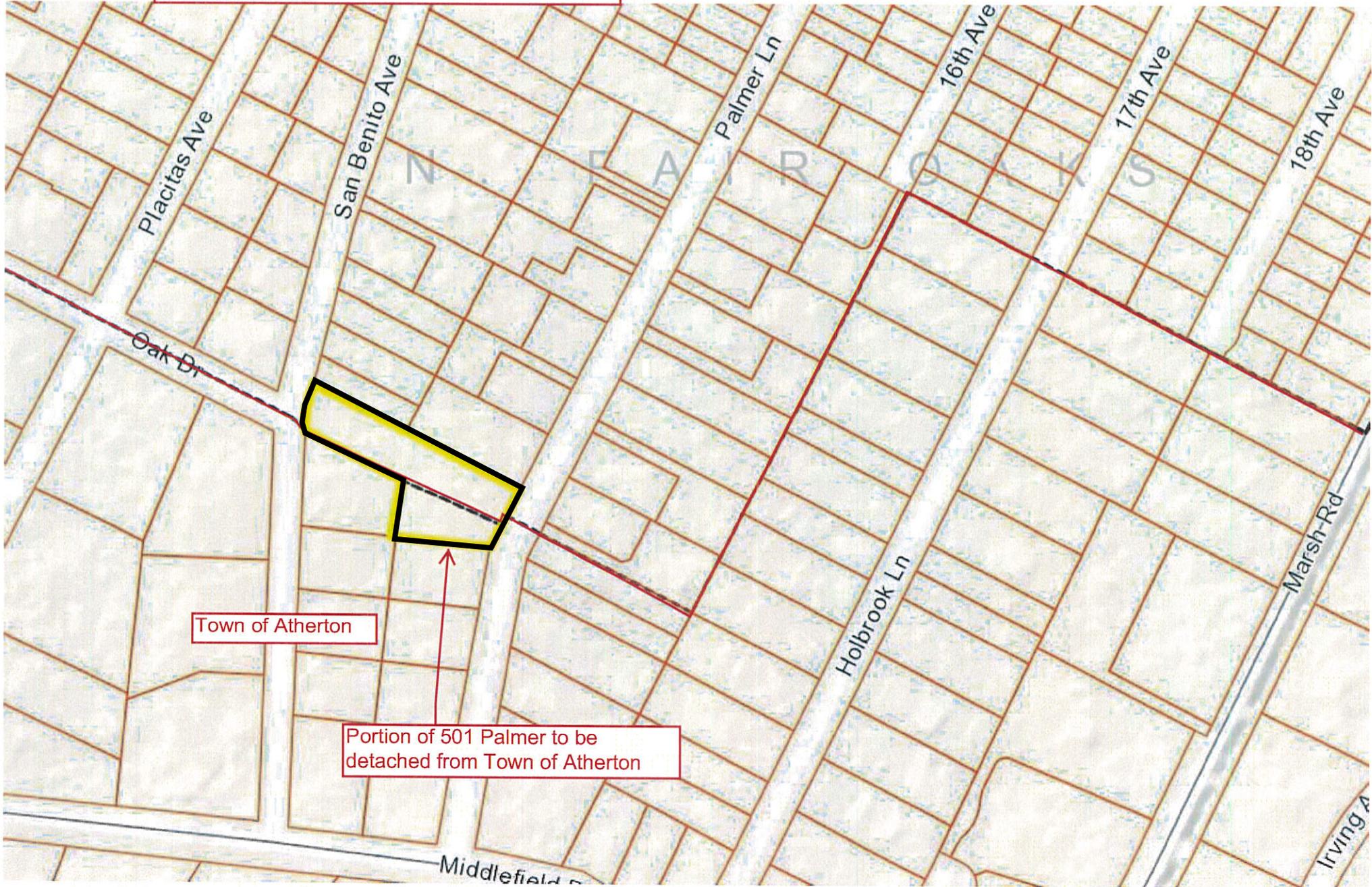
Date: Printed Name: Signature/Residence address APN\*

10/3/17 Andre R. Girard Andre R. Girard / 4848 Almirante Ave, La Canada, CA 91011

\_\_\_\_\_  
\_\_\_\_\_

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

Detachment of a portion of 501 Palmer from the Town of Atherton



Town of Atherton

Portion of 501 Palmer to be detached from Town of Atherton