



**DATE:** April 17, 2018

**TO:** Mayor and City Council

**FROM:** Interim Development Services Director

**SUBJECT** Request for Sewer Service for a Property at 27489 Fairview Avenue in Unincorporated Alameda County, requiring Adoption of a Resolution Authorizing the City Manager to File an Application with the Alameda County Local Agency Formation Commission for Approval of an Out-of-Service Area Agreement and to Execute Utility Service and Public Street Improvement Agreements; Application No. USA 18-01; Reina Murray (Owner)

### **RECOMMENDATION**

That the City Council adopts the attached resolution (Attachment II) approving the Utility Service Agreement 18-01 and authorizing the City Manager to file an application with the Alameda County Local Agency Formation Commission (LAFCo) for approval of an out-of-service area agreement and execute Utility Service and Public Street Improvement Agreements.

### **SUMMARY**

The property owner intends to submit an application to Alameda County for a Building Permit to covert the existing single-family residence located at 27489 Fairview Avenue in unincorporated Alameda County from a septic tank system to be connected to the City's sanitary sewer system. The property is located within the City of Hayward's Sphere of Influence (City's SOI) and Sewer Service Area (Attachment III). The City's 6-inch sewer main located in Oakes Drive will need to be extended by the property owner and the main has capacity to accept additional sewer service.

Approval of the resolution would authorize the City Manager to file an application with LAFCo for approval of an out-of-service area agreement, and execute a Utility Service and Public Street Improvement agreement. Upon LAFCo approval of the out-of-service area agreement, the applicant would be able to move forward with applying for a permit to extend the City's sewer main to the property and connect to the sewer system as well as apply for the necessary Building Permits with Alameda County.

### **BACKGROUND**

The property owner, Reina Murray, of 27489 Fairview Avenue in Unincorporated Alameda County intends to apply for a building permit from Alameda County to connect to the City's

sanitary sewer system. Additionally, the sewer connection would allow her to remove the existing septic sewer tanks on her property. The property is located within the City of Hayward's Sphere of Influence (City's SOI) and Sewer Service Area (Attachment II). The City's 6-inch sewer main located in Oakes Drive has capacity to accept additional water service.

Longstanding City policy allows parcels located in the unincorporated portion of the County to connect to the City water system where parcels are within the City's SOI and Service Area. Furthermore, State law requires that a city file a resolution application to the applicable LAFCo for approval of an out-of-area service agreement prior to providing utility connections/service by that city for properties located within its Sphere of Influence but outside its jurisdictional boundaries.

Pursuant to the City policy, the owner has signed a Public Street Improvement Agreement committing to improve Fairview Avenue to meet the City's standards at a future date and agreeing to a future annexation of the property, if requested by the City. Requiring such an agreement is consistent with past practice for providing utility services to properties outside City of Hayward's jurisdictional boundaries, but within the boundaries of the City's Water Service Area.

Approval of a utility service agreement and related connection is not subject to environmental review, pursuant to Section 15061(b) (3) of the California Environmental Quality Act (CEQA) Guidelines. Section 15061(b) (3) states that a project is exempt from CEQA if, "the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

### **ECONOMIC IMPACT**

This action would not have any economic impact.

### **FISCAL IMPACT**

Consistent with the FY2017-18 Master Fee Schedule, the applicant has provided a refundable initial deposit of \$5,000 to the City that will be used to cover staff time and materials expended to process this application. Should Council approve this action and thereafter LAFCo approve the out-of-service area application, the applicant would submit an application and additional deposit to the City for review and approval of a Major Street Improvement Plan.

### **STRATEGIC INITIATIVES**

This agenda item is a routine operational item and does not relate to one of the Council's Strategic Initiatives.

## **SUSTAINABILITY FEATURES**

Allowing the applicant to connect to the City's sewer system would allow the property to disconnect and remove its current septic tank system that requires regular maintenance and monitoring.

## **PUBLIC CONTACT**

A public hearing is not required for the filing of a utility service agreement. Staff also sent a copy of this report to the owner.

## **NEXT STEPS**

Should the Council authorize the filing of an out-of-service area application with LAFCo, staff will submit an application within the next 30 days so that this utility service agreement may be presented at LAFCo's next available hearing. Upon receiving LAFCo approval, the agreement will be executed and the property owner may commence the sewer connection upon having improvement plans reviewed and approved by the City Engineer, submitting any necessary surety, and paying the applicable sewer fees.

*Prepared by:* Allen Baquilar, Senior Civil Engineer

*Recommended by:* Stacey Bristow, Interim Development Services Director

Approved by:



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Kelly McAdoo, City Manager