



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

Cover Memo

File #: CONS 15-102, **Version:** 1

DATE: September 15, 2015

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT

Request for Water Service for a Property at 26526 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; Utility Service Agreement Application No. USA 15-02; Charanjit Kahlon (Owner)

RECOMMENDATION

That the City Council adopts the attached resolution (Attachment I) approving the Utility Service Agreement 15-02, and authorizing the City Manager to direct staff 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 to effectuate the development upon receiving LAFCo's approval.

BACKGROUND AND DISCUSSION

The property owner has submitted an application to Alameda County for a Building Permit for a new single family residence located at 26526 Fairview Avenue in unincorporated Alameda County. The property is located within the City of Hayward's Sphere of Influence (City's SOI) and Water Service Area (Attachment II). The City's 8-inch water main located in Fairview Avenue 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 City's standards at a future date and agreeing to a future annexation of the property, if and when 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."

FISCAL IMPACT

There will be no fiscal impact to the City's General Fund. The owners will pay into the City's Enterprise Fund for all the expenditures, added maintenance costs, and applicable fees associated with the water service, in accordance with the City's fee schedule in effect at the time of issuance of the utility service permits.

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 filing an application with LAFCo, staff will submit an application within the next 30 days so that this utility service agreement can be presented at LAFCo's November 12, 2015 hearing. Upon receiving LAFCo approval, the agreement will be executed and the property owner can commence the water connection upon paying the applicable water fees.

Prepared by: Peter Rei, PE, Contract Development Review Engineer

Recommended by: David Rizk, AICP Development Services Director

Approved by:



Fran David, City Manager

Attachments:

Attachment I
Attachment II

Resolution
Project Location Map

