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DATE: October 21, 2008

TO: Mayor and City Council

FROM: Director of Department of Development Services

SUBJECT: Utility Service Agreement (USA 08-01) – Timothy W. Roberts and Vella K. Black-Roberts (Applicants/Owners) – Authorize the City Manager to Execute a Utility Service Agreement for Water Service at 25655 Clover Road in the Castle Home Area of Fairview Area in Unincorporated Alameda County

RECOMMENDATION

That the City Council adopts the attached resolution authorizing the City Manager to execute Utility Service Agreement No. 08-01, to provide water service for the property at 25655 Clover Road (Assessor's Parcel Numbers 425-0080-004), and directing staff to file an application with the Alameda County Local Agency Formation Commission (LAFCO) for approval of that agreement.

BACKGROUND

The Castle Homes Water Service Agreement was executed in 1954 between the City and Castle Homes, Inc. That agreement requires the City to maintain sufficient water supply for approximately 800 acres of the Castle Homes area, subject to the execution of a Utility Service Agreement (USA) and reasonable conditions. The aforementioned property is located in the Castle Homes Water Service Area in the unincorporated area of Alameda County.

Pursuant to the City's practice, the applicants have executed a Public Street Improvement Agreement committing them to install roadway frontage improvements and tie-in pavement at a future date and agreeing to annex, if and when requested by the City. This is consistent with past agreements approved for providing utility services to properties outside the City jurisdictional boundaries, but within the boundaries of the Ultimate Water Service Area of the City of Hayward.

DISCUSSION

This property is located within the boundaries of the Castle Homes and the Ultimate Water Service Area of the City of Hayward (see attached Exhibit C); therefore, the City is obligated to provide it with water service. However, the City is required to apply to LAFCo for approval of the utility service agreement for providing utility services to properties outside of the City jurisdictional boundaries, but within the City of Hayward's sphere of influence (SOI). The City Council's

authorization is a prerequisite for filing an application with LAFCO. Many properties in the Castle Homes area, including those surrounding the properties, already have water connections to the Hayward water system (see attached Exhibit D).

Approval of a utility service agreement and related connection is not subject to environmental review pursuant to Section 15061(b) (3) of the 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 applied 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 property tax revenue generation, nor fiscal impact to, the City's General Fund, because the property is located in the unincorporated area of Alameda County. However, the applicants 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 fee schedule in effect at the time the utility service permits are issued.

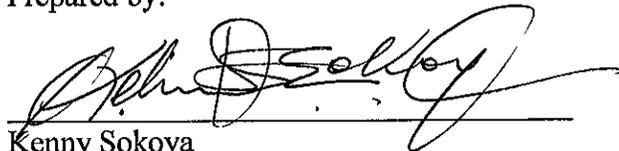
PUBLIC CONTACT

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

SCHEDULE

Should the Council authorize execution of the agreement, staff will apply to LAFCO for approval prior to providing water service. The applicants have expressed their desire to have water service by January of 2009.

Prepared by:



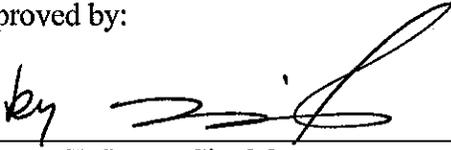
Kenny Sokoya
Development Review Specialist

Recommended by:



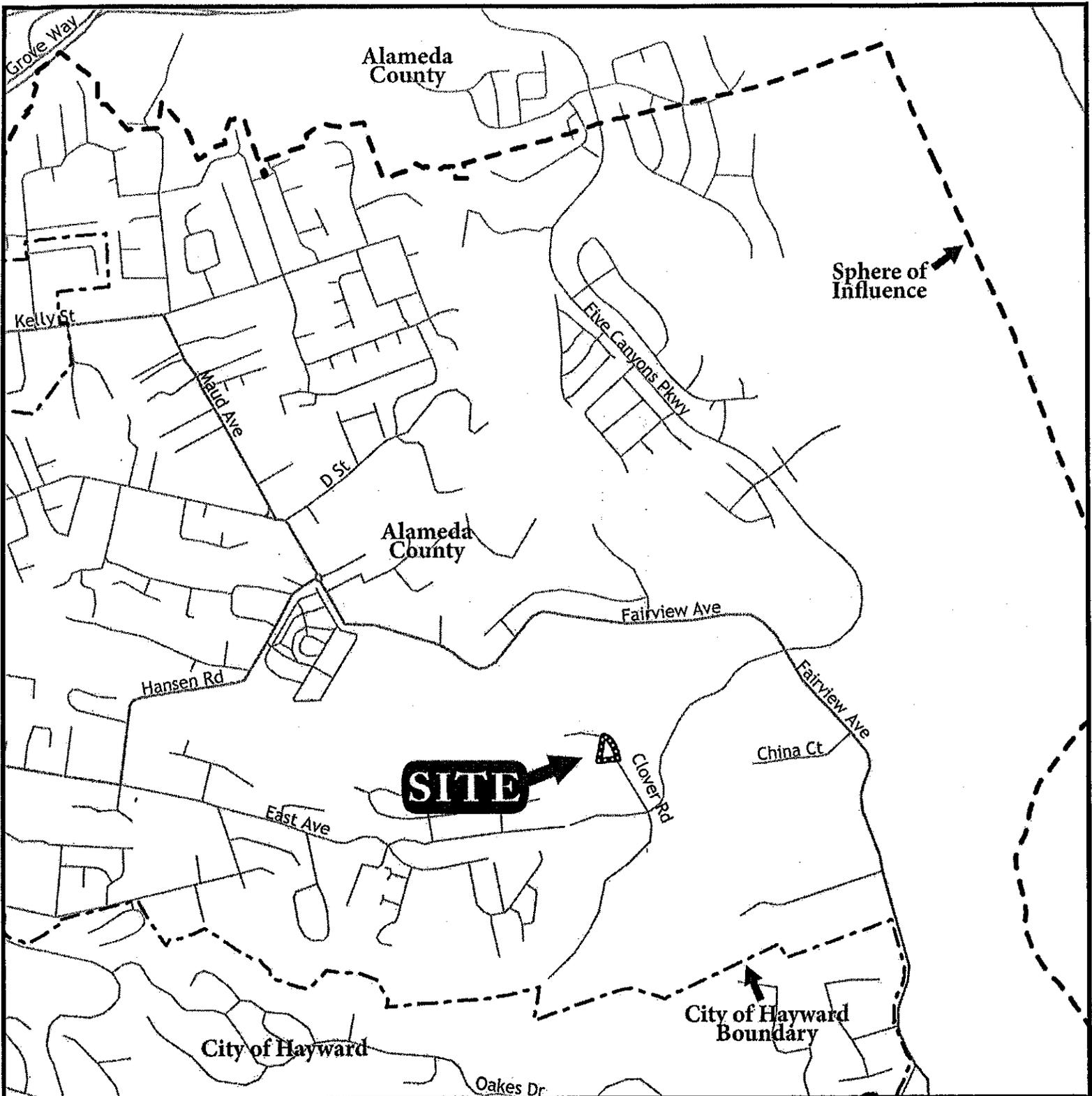
David Rizk, AICP
Director of Department of Development Services

Approved by:

by 

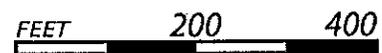
Gregory T. Jones, City Manager

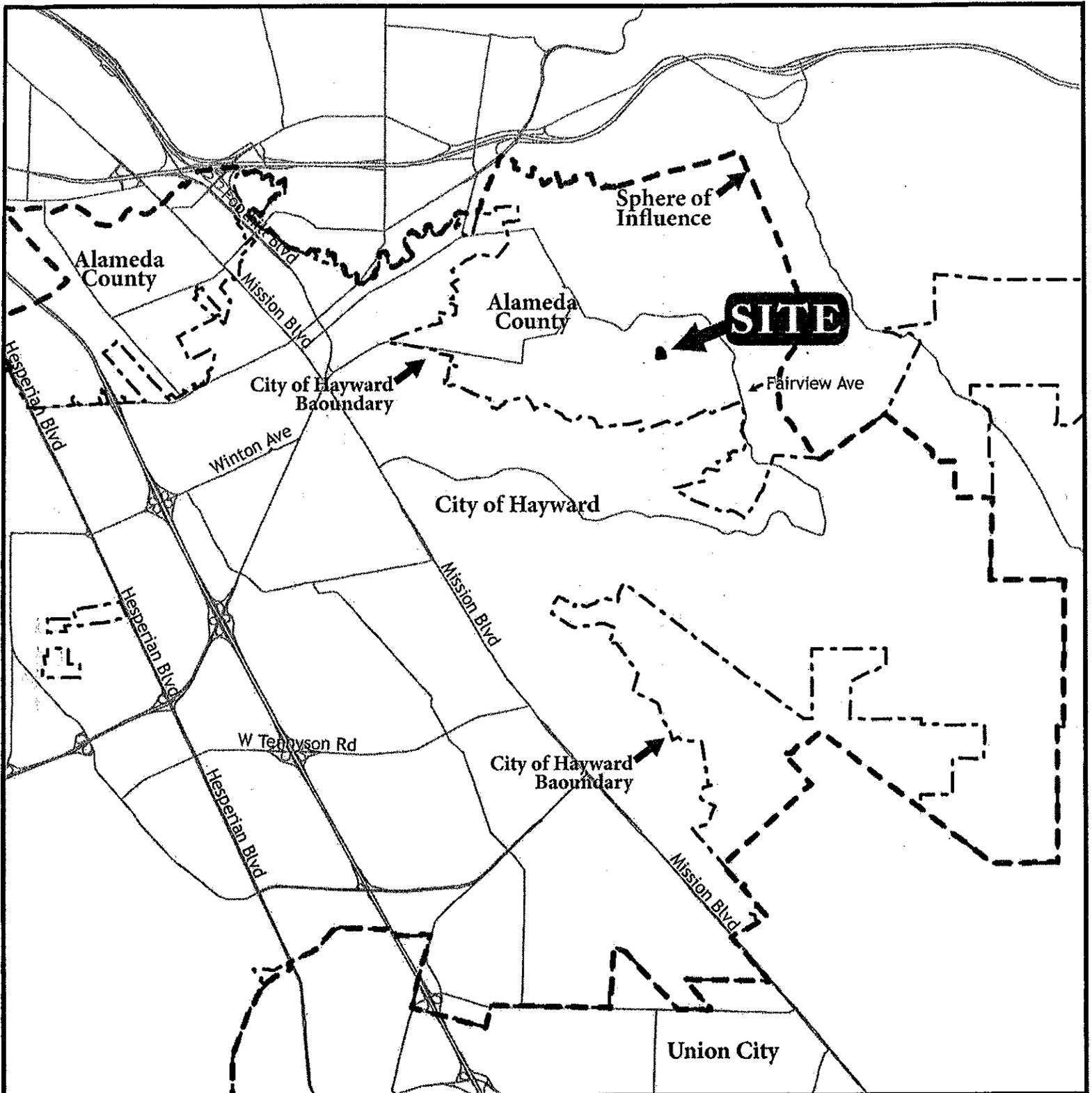
Attachments: Exhibit A. Project Location
Exhibit B. City of Hayward's Sphere of Influence Map
Exhibit C. City of Hayward's Ultimate Water Service Area Map
Exhibit D. Water Connections Map
Draft Resolution



Project Location

PL-2008-0306 USA 08-01
25655 Clover Road





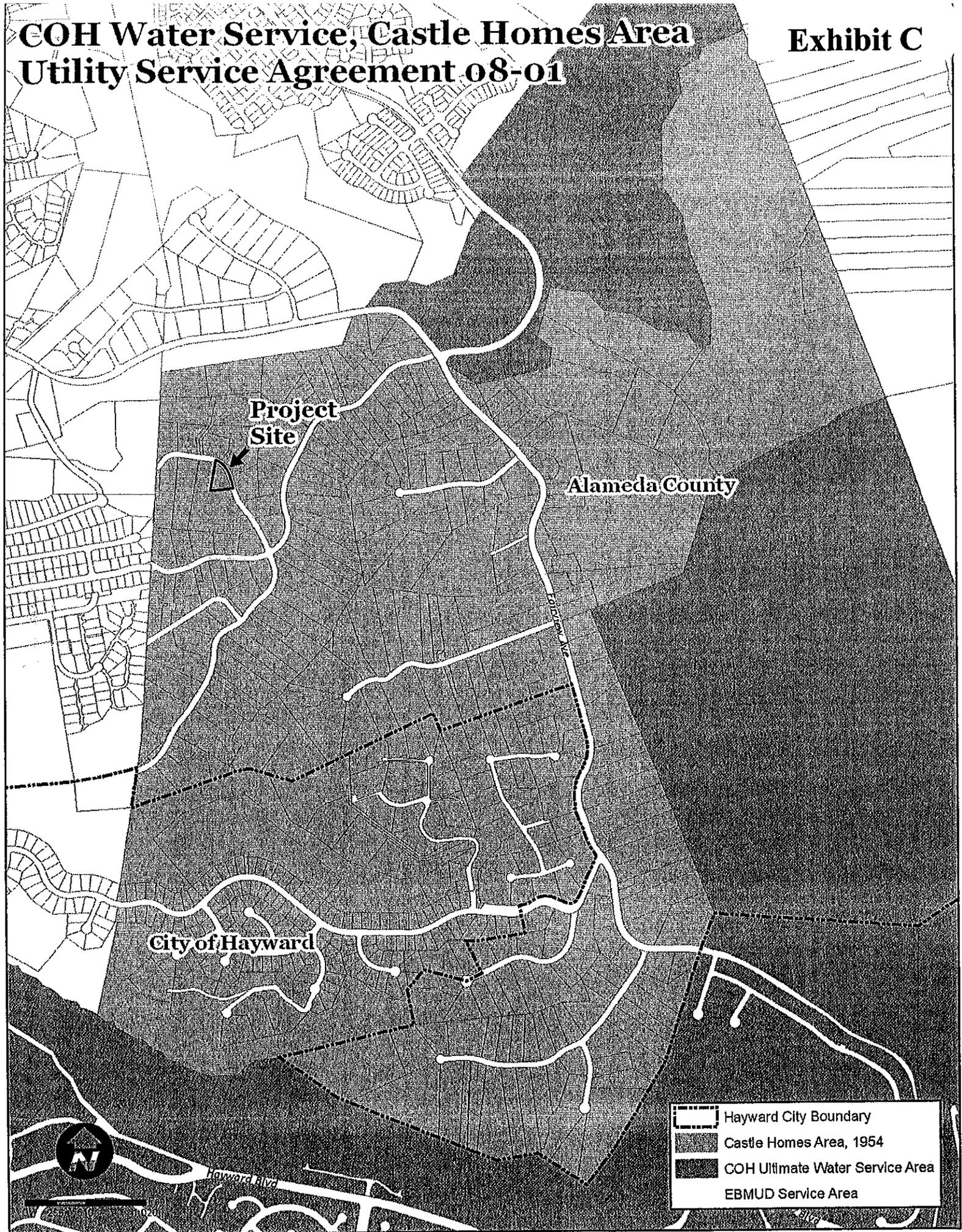
City of Hayward's Sphere of Influence

PL-2008-0306 USA 08-01
25655 Clover Road



COH Water Service, Castle Homes Area Utility Service Agreement 08-01

Exhibit C



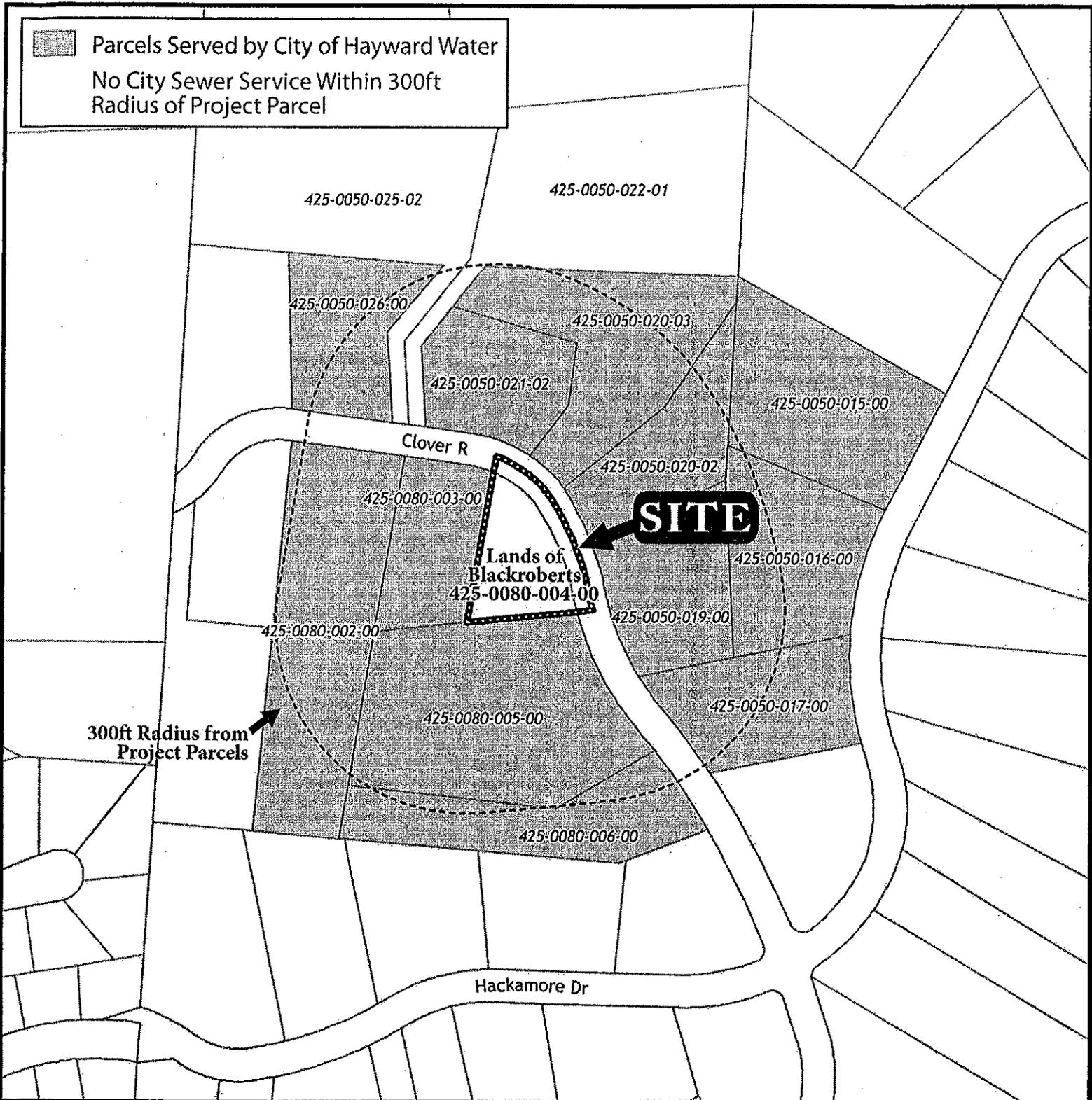
Project Site

Alameda County

City of Hayward

- Hayward City Boundary
- Castle Homes Area, 1954
- COH Ultimate Water Service Area
- EBMUD Service Area

Parcels Served by City of Hayward Water
No City Sewer Service Within 300ft
Radius of Project Parcel



Water & Sewer Connections

PL-2008-0306 USA 08-01
25655 Clover Road

FEET 200 400



ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward