

RESOLUTION NO. 2009-030

**A RESOLUTION OF THE CITY OF SAN CARLOS REGARDING THE LOCAL
AGENCY FORMATION COMMISSION (LAFCo) APPLICATION 09-06 – PROPOSED
ANNEXATION OF LANDS OF GROVE, DOBEL, ET AL. TO
THE CITY OF SAN CARLOS**

RESOLVED, by the City Council of the City of San Carlos, State of California,
that

WHEREAS, the City of San Carlos is the Lead Agency with respect to the California Environmental Quality Act (CEQA), California Public Resources Code Section 21000 et seq., and

WHEREAS, the City of San Carlos had prepared in accordance with the California Environmental Quality Act ("CEQA"), a Final Focused Environmental Impact Report (FFEIR) for the Lands of Dobel, Cameron & Grove on Winding Way (Assessor's Parcel Numbers: 049-020-010, 049-141-690, 049-141-680, 049-141-670, 049-141-660) in the County of San Mateo (County) to the City of San Carlos ("City"), and

WHEREAS, on April 27, 2009, this City Council held a public meeting, after which the City Council voted to certify the FFEIR;

WHEREAS, at the same time this City Council voted to certify the FFEIR, the City Council voted to adopt the Mitigation Monitoring and Reporting Program for biological resources mitigation updated in the FFEIR and which supersedes mitigation for Biological Resources referenced within the Initial Study/Mitigated Negative Declaration and in the Mitigation Monitoring Plan dated March 4, 2005, adopted by the City Council in Resolution # 2004-31; and

WHEREAS, at the same time this City Council voted to certify the FFEIR and to adopt the Mitigation Monitoring and Reporting Program, the City Council specified that Site Plan Option 2 dated 2/20/03 is the environmentally preferred alternative; and

WHEREAS, the Lands of Dobel, Cameron and Grove is undeveloped property comprised of 3.41 acres pre-zoned for 5 single family residences in the unincorporated Devonshire Canyon area and the property owners have requested annexation by petition to the Local Agency Formation Commission, dated March 3, 2009; and

WHEREAS, the property is eligible for annexation by virtue of the City of San Carlos Ordinance Number 1333, an Ordinance for the City Council of the City, adopted April 12, 2004, pre-zoning the properties to the R-1/L-D Zoning District and the actions for annexation have been initiated; and

WHEREAS, an Initial Study/Mitigated Negative Declaration (IS/MND) for the Zoning District Boundary Amendment/Prezoning and an accompanying Mitigation Monitoring Plan were approved by Resolution 2004-31 of the City of San Carlos City Council, March 8, 2004; and

WHEREAS, Ordinance Number 1333, included, Zoning District Boundary Conditions of Approval for Annexation, and such conditions are required to be met in order to develop the property; and

WHEREAS, new and revised Conditions of Approval are required for any future development and such conditions are required to be met in order to develop the property and were adopted by the City Council through Resolution No. 2009-28; and

WHEREAS, the City Council of the City of San Carlos desires to specify the time frame and subsequent review mechanisms for compliance with Conditions of Approval for any future development of the property; and

WHEREAS, Governmental Code Section 56886 authorizes LAFCo to approve organizational changes subject to terms and conditions; and

WHEREAS, the City Council of the City of San Carlos desires to specify the time frame, subsequent review mechanisms and conditions for the development of Lands of Dobel, Cameron and Grove, on Winding Way (Assessor's Parcel Numbers: 049-020-010, 049-141-690, 049-141-680, 049-141-670, 049-141-660) which would occur under the jurisdiction of the City of San Carlos; and

WHEREAS, the City Council of the City of San Carlos, pursuant to Governmental Code Section 56886 adopts Exhibit A setting forth the terms and conditions under which a change of organization can proceed under City jurisdiction; and

NOW, THEREFORE, THE CITY OF SAN CARLOS DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

The Terms and Conditions set forth in Exhibit A to this Resolution shall be transmitted to LAFCo and serve as the position of the City Council of the City of San Carlos with regard to LAFCo application 09-06 for the proposed annexation of Lands of Grove, Dobel, et al. to the City of San Carlos, Winding Way (Assessor's Parcel Numbers: 049-020-010, 049-141-690, 049-141-680, 049-141-670, 049-141-660.)

BE IT FURTHER RESOLVED:

The City Council requests that LAFCo not record a Certificate of Completion for annexation of application 09-06 for the proposed annexation of Lands of Grove, Dobel, et al. to the City of San Carlos, Winding Way (Assessor's Parcel Numbers: 049-020-010, 049-141-690, 049-141-680, 049-141-670, 049-141-660) until the provisions of Exhibit A are satisfactorily met and approved by the City of San Carlos.

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of San Carlos at a regular meeting thereof held on the 27th day of April 2009 by the following vote:

AYES, COUNCIL MEMBERS: AHMAD, GRASSILLI, GROCOTT, LEWIS

NOES, COUNCIL MEMBERS: ROYCE

ABSENT, COUNCIL MEMBERS: NONE

Christina Boland
City Clerk of the City of San Carlos

APPROVED:

[Handwritten Signature]
MAYOR of the City of San Carlos

EXHIBIT A

Resolution 2009-30

Terms and Conditions for Annexation of Lands of Grove, Dobel, et al. to the City of San Carlos, Winding Way (Assessor's Parcel Numbers: 049-020-010, 049-141-690, 049-141-680, 049-141-670, 049-141-660)

Prior to the Effective date of annexation of Lands of Grove, Dobel, et al. to the City of San Carlos, Winding Way (Assessor's Parcel Numbers: 049-020-010, 049-141-690, 049-141-680, 049-141-670, 049-141-660) the applicant(s) shall submit in a form acceptable to the City Engineer and City Attorney, and receive approval of:

- 1) Reciprocal easement and maintenance agreement between the five lots, for road, culvert repair, pedestrian path, trail easement across APN # 049-020-010 and driveway interfaces.
- 2) Reciprocal easement and maintenance agreement between the five lots, for utility improvements.
- 3) Reciprocal easement and maintenance agreement to Implement Mitigation Monitoring and Reporting Plans.