

**LOCAL AGENCY FORMATION COMMISSION**

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

March 12, 2012

TO: Members, Formation Commission

FROM: Martha Poyatos *MP*  
Executive Officer

SUBJECT: LAFCo File No. 11-08—Minor Sphere Amendment and Proposed Annexation of APN 070-302-300/Lands of Sonmez to the Town of Atherton, City of Menlo Park, and Atherton Channel Drainage District and Detachment from the University Heights Drainage Maintenance District

**Summary**

This proposal, submitted by 100% consent land owner petition, requests minor sphere amendment for the Town of Atherton, City of Menlo Park and Atherton Channel Drainage District and annexation of a parcel totaling 0.12 acres to the Town of Atherton. The parcel is under the same ownership as the adjoining parcel within the Town of Atherton and may only be accessed from the main property. Annexation will place all parcels under the same ownership in Town jurisdiction. Commission approval is recommended.

**Departmental Reports**

County Assessor: The Assessor reports that the parcel containing an auxiliary structure is assessed at \$299,908, with value split equally between land and structure. The parcel would place lands under the same ownership in the same jurisdiction.

County Clerk: The territory has no additional registered voters beyond the two registered at the main residence. Annexation would not conflict with any political subdivision boundaries.

Public Works Mapping: The territory proposed for annexation consists of 0.123 acres. The map and legal description submitted with the proposal satisfy the requirements of the State Board of Equalization. The proposal would necessitate removal from any University Heights Drainage Maintenance District. Natural boundaries, drainage basins or other topographical features would not affect and would not be affected by this proposal.

Environmental Health: The proposal has no adverse environmental health significance. Approval is recommended.

Planning: San Mateo County General Plan designation is medium-low density. County General Plan Policy 7.24 encourages cities to annex urban unincorporated areas within their spheres of influence.

**Report and Recommendation:**

The applicants request, and the Town of Atherton supports, annexation. The Town has pre-zoned the land and agreed to property tax exchange with the County. The City of Menlo Park expressed no opposition to removing the parcel from the City of Menlo Park sphere of influence. The parcel includes an auxiliary structure, is adjacent to Town boundaries and sole access is via the main residence at 70 Camino por Los Arboles. Sphere of influence boundaries are coterminous with Town/City boundaries in the area and therefore require amendment of spheres of the City of Menlo Park, the Town of Atherton and the Atherton Channel Drainage District in order to approve the annexation. Detachment from the University Heights Drainage Maintenance District is not subject to sphere amendment due to the District's enabling legislation which excludes it from the requirement for LAFCo to establish spheres.

The proposal is exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that annexation will have a significant effect on the environment [Public Resources Code 15061(b)(3)].

The proposed annexation is uninhabited and has 100% landowner consent and the Town of Atherton does not oppose waiver of the protest hearing. The Commission may therefore waive protest proceedings pursuant to Section 56663[c] of the Cortese Knox Hertzberg Act.

**Recommendation:**

This annexation will provide for more logical boundaries and place land under the same ownership and use in the Town of Atherton's jurisdiction. Staff therefore respectfully recommends that the Commission certify that the proposal is exempt from the environmental review requirements of the California Environmental Quality Act under CEQA Guideline Sections 15319 and 15304 and approve by resolution amending the sphere of influence of the Town and approve the proposed annexation by taking the actions listed below.

**Recommended Commission Action, by Resolution:**

Approve LAFCo File No. 11-08 taking the following actions:

- a) Approve minor sphere amendment removing APN 070-302-300/Lands of Sonmez from the City of Menlo Park sphere of influence and adding it to the sphere of influence of the Town of Atherton and Atherton Channel Drainage District
- b) Approve annexation of APN 070-302-300/Lands of Sonmez to the Town of Atherton, and Atherton Channel Drainage District and detaching it from the University Heights Drainage Maintenance District
- c) Waive protest hearing pursuant to Section 56663 [c].

**APPLICATION FOR A 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.

Reorganization of APN 070-302-300/Lands of Sonmez, located at 70 Camino por los Arboles, and minor Sphere of Influence amendment involving removal of subject property from the City of Menlo Park Sphere of Influence and addition to the Town of Atherton Sphere of Influence, annexation to the Town of Atherton and the Atherton Channel Drainage District, and detachment from the University Heights Drainage Maintenance District.

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 petition form.)**

3. What are the reasons for the proposal?

The parcel is adjacent to, and under the same ownership as, a residential parcel (APN 070-302-110) also located at 70 Camino por los Arboles in the Town of Atherton. The parcel proposed to be annexed to the Town of Atherton has been treated as part of the larger parcel for purposes of building permits and land use approvals, and its utility services are also provided by the Town. The property owners recently learned that the parcels are located in two different jurisdictions, and that unless the parcels are merged, the proposed annexation may result in a nonconformity of the subject parcel. The property owners would like to merge the contiguous lots into a single parcel.

4. Does this application have 100% consent of landowners in the affected area?

Yes  No

5. Estimated acreage: 5,346 square feet

**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.

Town of Atherton

Atherton Channel Drainage District

University Heights Drainage Maintenance District

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>
Stormwater collection	Atherton Channel Drainage District	University Heights Drainage Maintenance District		

**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.

The subject territory is a small parcel located on Camino Por Los Arboles, between Valparaiso Avenue and Cam De Los Robles, in a residential neighborhood of West Atherton.

2. Describe the present land use(s) in the subject territory.

The territory is a small lot improved with an existing swimming pool and pool house, that is adjacent to, and has been treated as part of, a residential lot improved with a single family residence.

3. How are adjacent lands used?

North: Residential use

South: Residential use

East: Residential use

West: Residential use

4. Will the proposed change of organization result in additional development? If so, how is the subject territory to be developed?

The proposed change will not result in additional development. The subject territory is currently developed for single family residential use.

5. What is the general plan designation of the subject territory?

San Mateo County General Plan designation is medium low density residential 2.4 to 6.0 dwelling units per acre.

6. What is the existing zoning designation of the subject territory?

The existing zoning designation of the subject territory is One-Family Residential District/Combining District (West Menlo Park) R-1 / S-92 under the San Mateo County zoning.

7. What rezoning, environmental review or development approvals have already been obtained for development in the subject territory?

On October 19, 2011, the Town of Atherton approved a rezoning of the subject property to a single family residential zoning district.

8. What additional approvals will be required to proceed?

The property owners have filed an application for a lot merger with the Town of Atherton, which is currently being processed, and approval of the application will be required as a condition of the Town's consent to the annexation.

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?

The subject territory does not contain any 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?

The proposal will not increase the potential for development of the property.

• \* \* \* \* \*

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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: Brian Heffernan, Heffernan Seubert & French LLP  
On behalf of Zeynep Bozbag Sonmez and Murat Sonmez

ADDRESS: 1075 Curtis Street, Menlo Park, CA 94025 TELEPHONE: (650) 322-2947

ATTN: BRIAN HEFFERNAN

  
\_\_\_\_\_  
Signature of Proponent

Applica\_blk.doc  
(10/6/2000)

**PETITION  
FOR PROCEEDINGS PURSUANT TO  
THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION  
ACT OF 2000**

The undersigned hereby petition the Local Agency Formation Commission of San Mateo County for approval of a proposed change of organization or reorganization, and stipulate 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 changes of organization are:

Reorganization of APN 070-302-300/Lands of Sonmez (the "Parcel"), located at 70 Camino por los Arboles, and minor Sphere of Influence amendment involving removal of subject property from the City of Menlo Park Sphere of Influence and addition to the Town of Atherton Sphere of Influence, annexation to the Town of Atherton and the Atherton Channel Drainage District, and detachment from the University Heights Drainage Maintenance District.

3. The boundaries of the territory included in the proposal are as described in **Exhibit "A"** attached hereto and by this reference incorporated herein.

4. The territory included in the proposal is uninhabited.

5. This proposal is not consistent with the sphere of influence of the City of Menlo Park, Town of Atherton, and the Atherton Channel Drainage District, and therefore, a minor sphere amendment is requested for these agencies.

6. The reasons for the proposed reorganization are as follows:

The Parcel is adjacent to, and under the same ownership as, a residential parcel (APN 070-302-110) also located at 70 Camino por los Arboles in the Town of Atherton. The Parcel proposed to be annexed to the Town of Atherton has historically been treated as part of the larger parcel for purposes of building permits and land use approvals, and its utility services are also provided by the Town of Atherton. The property owner recently learned that the parcels are located in two different jurisdictions, and that unless the parcels are merged, the proposed annexation may result in a nonconformity of the subject parcel. The property owners would like to merge the contiguous lots into a single parcel, and complete an annexation of the Parcel so that the entire parcel is located in one jurisdiction.

7. The proposed reorganization is requested to be made subject to the following terms and conditions:

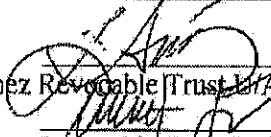
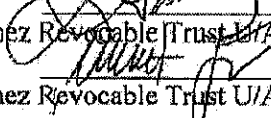
None.

8. The persons signing this petition have signed as owners of land within the subject territory.

Petition  
Page 2 of 2

Wherefore, petitioners request 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):

<u>Date:</u>	<u>Printed Name:</u>	<u>Signature/Residence address</u>	<u>APN*</u>
November <u>4</u> , 2011	Zeynep Bozbag Sonmez, as Co-Trustee of the Sonmez Revocable Trust U/A/D April 14, 2001	 70 Camino por los Arboles	070-302-300
November <u>4</u> , 2011	Murat Sonmez, as Co-Trustee of the Sonmez Revocable Trust U/A/D April 14, 2001	 70 Camino por los Arboles	

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



December 9, 2011

**PROPOSED ANNEXATION OF THE LANDS ON SONMEZ  
COUNTY OF SAN MATEO  
TO THE TOWN OF ATHERTON AND  
ATHERTON CHANNEL DRAINAGE DISTRICT  
BEING A PORTION OF THE PULGAS RANCHO, UNINCORPORATED  
70 CAMINO POR LOS ARBOLES  
A.P.N. 070-302-300**

All that certain real property situate in the County of San Mateo, State of California, being a portion of Lot 20 as shown on that map entitled, "Map of Linda Vista Tract, San Mateo County, Cal., filed April 6, 1905 in Book "D" of Maps at Page 26, also being all of Parcel 2 of the lands conveyed by Murat Kutsi Sonmez and Zeynep Sonmez to Sonmez Revocable Trust U/A/D April 4, 2001, by Deed recorded October 12, 2001 in Document # 2001-161712 of Official Records of said County; more particularly described as follows:

BEGINNING at the northerly corner of said Parcel 2; and also being a corner of the existing City Limits Line of the Town of Atherton as established by Ordinance Number 172 adopted November 29, 1949;

**Course 1.** THENCE southeasterly along the northeasterly line of said Parcel 2 and said City Limits Line South  $56^{\circ}42'11''$  East, 74.55 feet to the easterly corner of said Parcel 2;

**Course 2.** THENCE southwesterly along the southeasterly line of said Parcel 2 and leaving said City Limits Line South  $33^{\circ}19'00''$  West, 70.00 feet to the southerly corner of said Parcel 2;

**Course 3.** THENCE northwesterly along the southwesterly line of said Parcel 2 North  $56^{\circ}41'00''$  West, 78.22 feet to the westerly corner of said Parcel 2 and a point on the existing City Limits Line of the Town of Atherton as established by Ordinance Number 172 adopted November 29, 1949;

**Course 4.** THENCE northeasterly along the northwesterly line of said Parcel 2 and said City Limits Line North  $36^{\circ}19'02''$  East, 70.07 to the Point of Beginning.

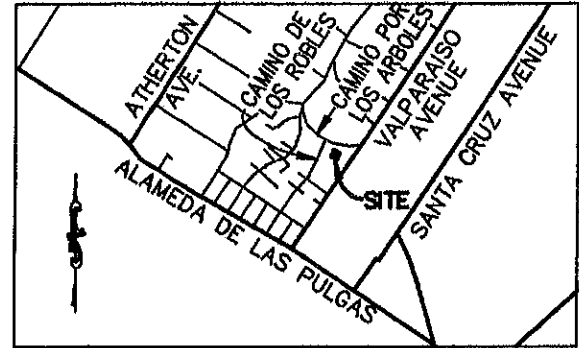
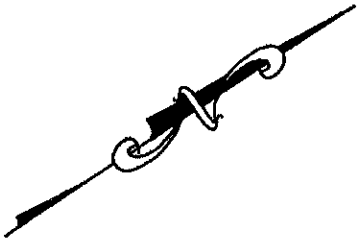
Containing 0.123 acres, more or less.

# EXHIBIT MAP

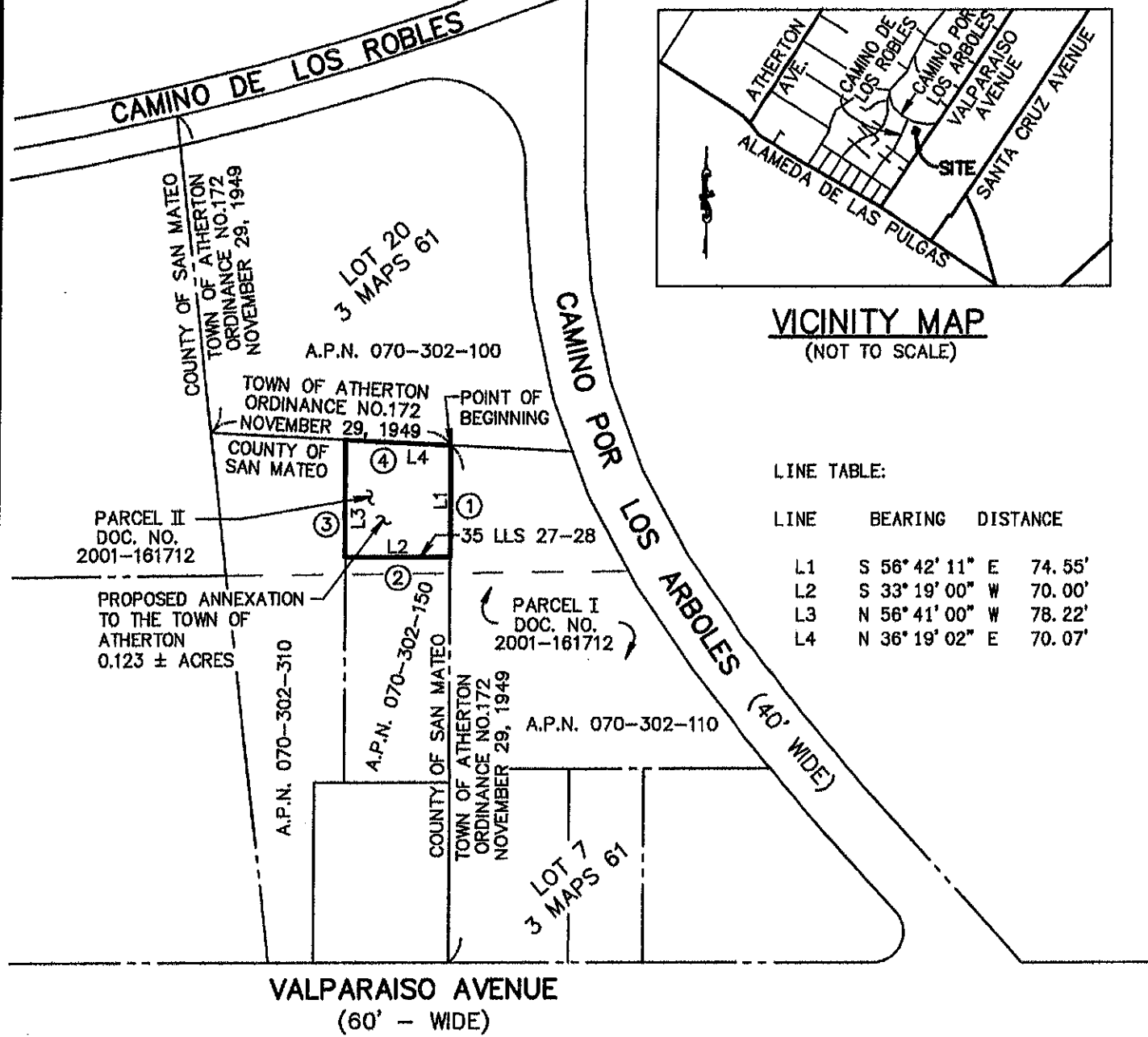
LANDS OF SONMEZ  
ANNEXATION TO THE TOWN OF ATHERTON  
BEING A PORTION OF  
THE PULGAS RANCHO

SCALE: 1" = 100'

SHEET 1 OF 1



**VICINITY MAP**  
(NOT TO SCALE)



**LINE TABLE:**

LINE	BEARING	DISTANCE
L1	S 56° 42' 11" E	74.55'
L2	S 33° 19' 00" W	70.00'
L3	N 56° 41' 00" W	78.22'
L4	N 36° 19' 02" E	70.07'



Scale 1" = 100 ft