



## **STAFF REPORT**

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### **Accepting Dedication of Eight Feet of Right-of-Way to Hiller Street from ARCO Products Company and Approving a Permanent Encroachment Agreement for Landscaping, 470 Ralston Avenue, APN 040-316-010**

February 24, 2004

Honorable Mayor and City Council:

#### **Summary**

The City Council is asked to accept dedication of an 8-foot wide strip of land from ARCO Products Company at 470 Ralston adjacent to Hiller Street between Masonic Avenue and Ralston Avenue. The Planning Commission required ARCO to grant this land to the City for use in widening the Hiller right-of-way as a condition of approval for recently remodeled gasoline and minimarket station. The City Council is also asked to approve a permanent encroachment agreement with ARCO for installation and maintenance of landscape within this dedicated land. The Planning Commission approved ARCO's landscaping plan for the dedicated land on December 16, 2003. The City will continue to hold the ARCO project construction performance bond until the landscaping work is satisfactorily completed.

#### **Background and Discussion**

On January 21, 2003, the Planning Commission approved a conditional use permit for remodel of the ARCO gasoline station at 470 Ralston Avenue. One condition of approval is that ARCO dedicate eight-feet of land to the City to widen Hiller Street right-of-way to 48 feet between Masonic Way and Ralston Avenue. This provides sufficient right-of-way such that the City may make street improvements in the future to increase traffic flow around the station. ARCO has provided a quitclaim deed from its parent company, BP West Coast Products LLC, granting to the City of Belmont the required eight-foot strip by legal description and by plot map. Staff has reviewed the description and map grant and find it meets the permit condition of approval and is acceptable for recording.

The Planning Commission also conditioned approval of the ARCO project upon an acceptable landscape plan for the site, including the land to be dedicated to the City. On December 2, 2003, the Planning Commission determined that this condition had not been met and that the existing landscaping did not provide sufficient screening. ARCO submitted a revised landscaping plan for this area that the Planning Commission approved on December 16, 2003.

The revised plan calls for removing existing hardscape in the dedicated area to create a landscaping bed. Existing trees will be relocated and additional trees, shrubs/perennials, and groundcover/vines planted to screen the building and improve the aesthetics of the site (see attached figure). A total of 13 Coast Redwoods, one Victorian Box (evergreen), and two Liquidambar (deciduous) will be placed as follows:

- Two existing Liquidambar (deciduous) trees will be relocated from the rear area of the building into the area to be dedicated to the City.
- Four new Coast Redwoods will be planted in the dedicated area.
- One additional Coast Redwood will be planted near the south side of the building between the existing Coast Redwoods such that a total of eight Coast Redwoods will surround the building.
- One additional Victorian Box evergreen tree will be placed on the north side of the building on ARCO property
- Twelve shrubs (Nandina and Pittosporum) and groundcover (purple leaf winter creeper) will be distributed through the two areas.

The landscape plans also describe the irrigation system for these plantings. ARCO will be responsible for irrigating and maintaining the landscaping on its land and on the land dedicated to the City.

The City has asked ARCO to enter into a permanent encroachment agreement for the landscaping in the area to be dedicated to the City. ARCO has submitted an encroachment application and has paid the applicable fees. ARCO's contractor previously posted a performance bond for the station reconstruction and has agreed to extend this bond to the installation of this landscaping. Belmont municipal code requires that the Council find that the encroachment provide public benefit and not unduly restrict the public right-of-way. The Planning Commission and staff have reviewed the landscape plans and believe landscaping will benefit the public by screening the building and improving the aesthetics of the site. The landscaping will not restrict the public right-of-way since it will not impact the existing sidewalk Hiller Street sidewalk or roadway.

### **Fiscal Impact**

There is no fiscal impact from this action.

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**Recommendation**

It is recommended that the City Council accept dedication of the eight-foot strip of land from ARCO Products Company, 470 Ralston Avenue, to the Hiller Street right-of-way. It is further recommended that the City Council approve a permanent encroachment agreement with ARCO for installation and maintenance of landscaping within this dedicated land.

**Alternatives**

1. Refer back to staff for further information.
2. Deny the request.

**Attachments**

1. Resolution
2. Landscape Figure

Respectfully submitted,

Kathleen Phalen, PE  
City Engineer

Raymond E. Davis III, PE, PTOE  
Public Works Director

Jere A. Kersnar  
City Manager

**RESOLUTION NO.**

**CITY OF BELMONT  
San Mateo County, California**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT ACCEPTING  
DEDICATION OF EIGHT FEET OF RIGHT-OF-WAY TO HILLER STREET FROM  
ARCO PRODUCTS COMPANY AND APPROVING A PERMANENT  
ENCROACHMENT AGREEMENT FOR LANDSCAPING, 470 RALSTON AVENUE  
APN 040-316-010**

**WHEREAS**, BP West Coast Products LLC, parent company of ARCO Products Company, offers to grant to the City of Belmont an 8-foot side strip of land fronting on Hiller Street from its property at 470 Ralston, APN 040-316-010; and,

**WHEREAS**, BP West Coast Products LLC has provided a grant deed; legal description and plot map for the City's use in recording this grant; and,

**WHEREAS**, City staff have reviewed the grant deed, legal description, and plot map and find they satisfy the Planning Commission condition of approval and are acceptable for recording; and,

**WHEREAS**, ARCO Products Company will landscape this dedicated land and will maintain the landscaping until such time as the City completes the Hiller street widening project; and,

**WHEREAS**, on December 16, 2003, the Planning Commission approved the ARCO Products Company landscape plans for the lands to be dedicated to the City; and,

**WHEREAS**, ARCO Products Company has applied for a permanent encroachment agreement to install and maintain the landscaping in the land to be dedicated to the City.

**NOW, THEREFORE BE IT RESOLVED**, that:

1. BP West Coast Products LLC, owner of property at 470 Ralston Avenue, in the City of Belmont, County of San Mateo, State of California hereby grants to the City an 8-foot wide strip of land adjacent to Hiller Street described in Exhibits "A" and "B" attached hereto, said parcel of land further described as APN 040-316-010, being a portion of Lot 9 in Block 3 as shown on the map entitled "Sterling Downs Unit #2, Belmont California, filed in Book 35 of the Recorder of San Mateo County on September 15, 1952.
2. The parties hereto shall execute and record the Grant Deed attached hereto as Exhibit "A" and "B" (legal description and plot map).

3. The City approves a permanent encroachment agreement with ARCO Products Company for installation and maintenance of landscaping in this dedicated land in accordance with the landscaping plan approved by the Planning Commission.

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I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on February 24, 2004.

AYES, COUNCIL MEMBER(S): \_\_\_\_\_

NOES, COUNCIL MEMBER(S): \_\_\_\_\_

ABSENT, COUNCIL MEMBER(S): \_\_\_\_\_

ABSTAIN, COUNCIL MEMBER(S): \_\_\_\_\_

\_\_\_\_\_  
City Clerk, City of Belmont

APPROVED:

\_\_\_\_\_  
Mayor, City of Belmont

**EXHIBIT "A-1"**  
**LEGAL DESCRIPTION**

That certain parcel of land situated in the City of Belmont, County of San Mateo, State of California, described as follows:

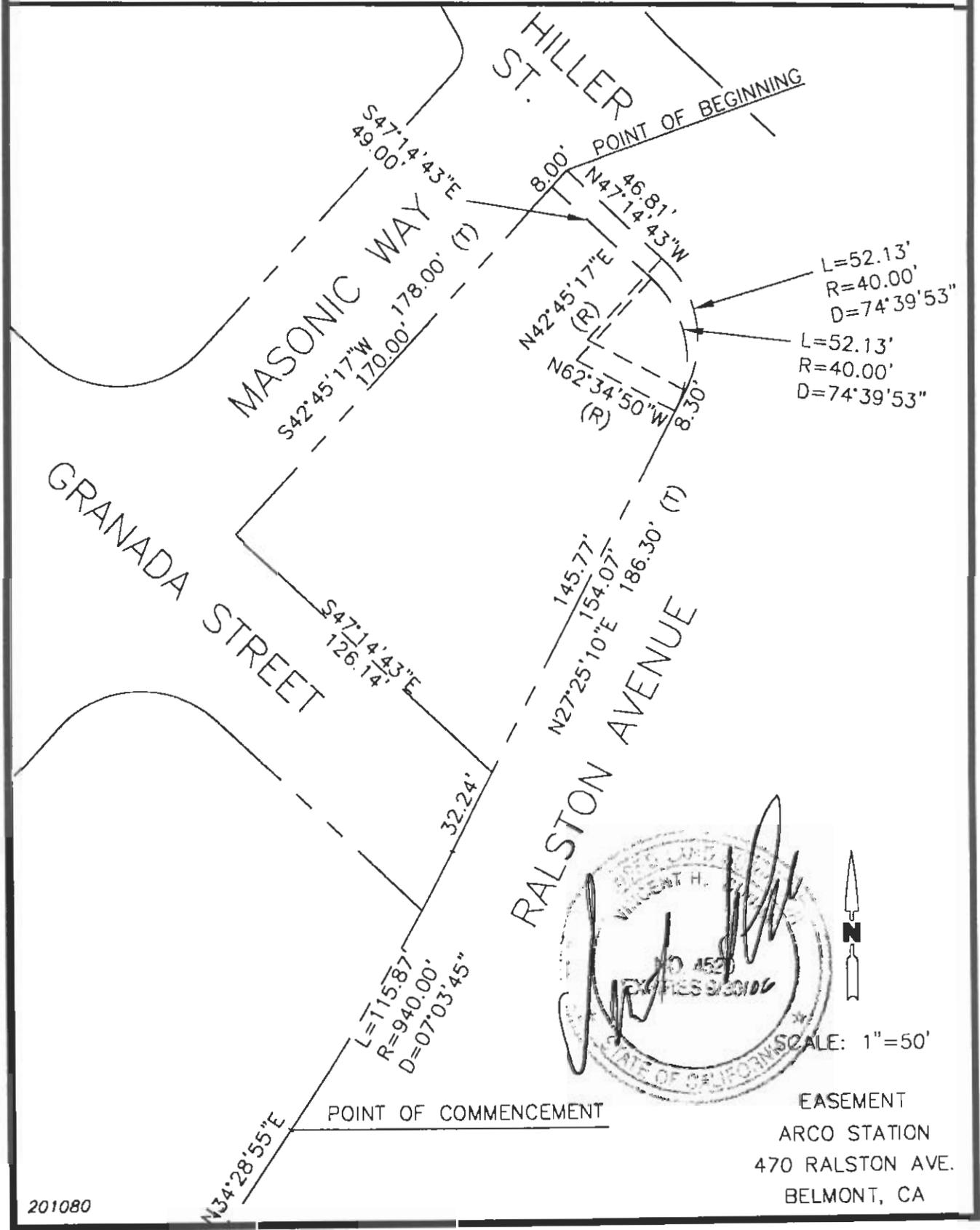
Being a portion of Lot 9 in Block 3, as designated on the map entitled "Sterling Downs Unit #2, Belmont, California", which map was filed in the office of the Recorder of the County of San Mateo, State of California, on September 15, 1952, in Book 35 of Maps at Pages 42 and 43, more particularly described as follows:

Commencing at a point on the Northwesterly line of the lands described in the Deed from Hillside Manor Corporation of San Francisco to the State of California, dated March 17, 1952 and recorded April 25, 1952, in Book 2234 of Official Records of San Mateo County at Page 695 (1775-K), for the Bayshore Freeway, distant thereon, along the arc of a curve to the left from a tangent which bears North 34°28'55" East, said curve having a radius of 940.00 feet and a central angle of 7°03'45", a distance of 115.87 feet and North 27°25'10" East 32.24 feet from the intersection of said Northwesterly line with the Northeasterly line of the lands described in the Deed from Lawrence Basso et al, to Wm. Zappettini Company, dated march 21, 1948 and recorded April 19, 1948 in Book 1459 of Official Records of San Mateo County at Page 290 (26766-H); thence from said point of beginning, along said line of the lands of the State of California, North 27°25'10" East 186.30 feet, along the arc of a curve to the left, tangent to the last mentioned course, said curve having a radius of 40.00 feet and a central angle of 74°39'53", a distance of 52.14 feet; thence tangent to said curve, North 47°14'43" West 46.81 feet to the TRUE POINT OF BEGINNING at the southerly intersection of Masonic Way and Hiller Street;

Thence southwesterly along the southeastern line of Masonic Way, South 42°45'17" West 8.00 feet; thence southeasterly and parallel with the southwestern line of Hiller Street South 47°14'43" West 49.00 feet; to a tangent curve to the right having a radius of 40.00 feet; thence along the arc of said curve 52.13 feet, through a central angle of 74°39'53" to a point of cusp on the northwestern line of Ralston Avenue; thence northeasterly and non-tangent to said last curve along said line of Ralston Avenue North 27°25'10" West 8.30 feet to a tangent curve to the left having a radius of 40.00 feet; thence along the arc of said curve 52.13 feet, through a central angle of 74°39'53" to a point on the southwesterly line of Hiller Street; thence North 47°14'43" West 46.81 feet to the Point of Beginning.



EXHIBIT "A-2"



EASEMENT  
ARCO STATION  
470 RALSTON AVE.  
BELMONT, CA

