



## **Staff Report**

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MOTION SETTING A PUBLIC HEARING DATE OF AUGUST 14, 2007 TO ACT ON THE PROPOSED VACATION OF PORTIONS OF SIXTH AND O'NEILL AVENUES (EMMETT HOUSE SITE) – APPLICATION NO. 2006-0090

Honorable Mayor and Council Members:

### **Summary**

The City Council is requested to make a motion setting a public hearing date of August 14, 2007 for review of the proposed vacation of portions of public right-of-way on Sixth and O'Neill Avenues for the Emmett House site.

### **Background**

The City of Belmont Redevelopment Agency proposes to relocate an existing building (the Emmett House) from a site located at 843 Ralston Avenue (APN 045-182-230) to 1000 O'Neill Avenue (APNs: 045-261-010, -020 and -030) at the northwest corner of Sixth Avenue and O'Neill Avenue. The Belmont Redevelopment Agency owns both the donor and receiver sites.

Completion of the project includes the vacation of portions of Sixth Avenue and O'Neill Avenue to create a site large enough to accommodate the rehabilitated Emmett House. The portions proposed to be vacated are excess right-of-way; however, the Sixth Avenue portion proposed to be vacated includes an underground culvert that carries Belmont Creek and two protected trees.

The Planning Commission reviewed the matter at their July 3, 2007 meeting, and provided a recommendation for the Agency to vacate portions of O'Neill and Sixth Avenues. The 7/3/07 Commission staff report, summary of their discussion, and meeting minutes will be provided as part of the August 14, 2007 Council staff report for the associated street vacation public hearing.

### **Discussion**

Vacation proceedings must be conducted in accordance with Division 9, Part 3, Chapter 3 of the Streets and Highways Code. To vacate a public street, the City must be able to make the necessary findings that the street to be vacated is unnecessary for present or prospective public use and that there is public benefit derived from the vacation. Relief from the burden of maintenance of a roadway has been determined to be of sufficient public benefit. Because these portions of Sixth and O'Neill are not used by vehicular traffic and do not serve as access to any property other than the Emmett House property, a finding can be made that there is no existing benefit to the general public on this portion of street.

### **General Plan/Vision Statement**

The action associated with setting the public hearing date for the Emmett House Street Vacation proceedings further the City's General Plan Goals as follows:

#### **General Plan Goal 1015.4**

*“To maintain and enhance the appearance of the City through controlling the location, timing, design and landscaping of new development and encouraging renovation of older areas.”*

#### **General Plan Goal 1015.3**

*“To preserve significant open spaces, trees, views, waterways, wildlife habitats, and other features of the natural environment.”*

### **Fiscal Impact**

None at this time. However, the final end use of the donor site will need to be specified by the Redevelopment Agency/City Council, including whether or not the Redevelopment Agency/City Council will retain ownership of the Emmett House property, while selling the airspace rights to the units to qualifying residents. Fiscal analysis would be completed upon direction by the Redevelopment Agency on the preferred uses.

Furthermore, if the individual Emmett House units are sold as below-market rate condominiums or rented as below-market rate apartment units, a fiscal impact analysis would be performed to provide information to guide the Redevelopment Agency/City Council in their decision-making process.

### **Public Contact**

1. Notice to the public will be conducted in accordance with the State and City ordinance of posting the area proposed to be vacated and notification by mail of property owners within 300 feet of the site. The agenda was posted as required by the California Government Code.
2. The City will place a public notice display advertisement in the local newspaper of general circulation (San Mateo Times) for a minimum 15-day period beginning on July 28, 2007, for the scheduled public hearing by the City Council on August 14, 2007.

### **Recommendation**

Staff recommends the City Council make a motion to initiate proceedings for the vacation of a portion of public street right-of-way on Sixth and O'Neill Avenues and setting a public hearing of August 14, 2007 to consider and act on said street vacation.

### **Alternatives**

1. Take public testimony and continue the item, directing any questions to staff for research and response. A staff memorandum would be prepared for consideration at a future meeting.

2. Take no action.

**Attachments**

A. Project parcel map (Council only)

Respectfully submitted,

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