



Staff Report

MOTION SETTING A PUBLIC HEARING DATE OF AUGUST 12, 2008 TO ACT ON THE PROPOSED VACATION OF A PORTION OF THE 20' ALLEYWAY KNOWN AS CIVIC LANE ADJACENT TO 1300 EL CAMINO REAL (APN 045-244-010)

Honorable Mayor and Council Members:

Summary

The City Council is requested to make a motion setting a public hearing for review of the proposed vacation of a portion of the 20' alleyway known as Civic Lane which lies adjacent to 1300 El Camino Real. The public hearing date is set on August 12, 2008 because State law requires a notice to be published not less than 15 days after the initiation of proceedings.

Background

On June 24, 2008, the City Council approved a tentative map and conceptual development plan amendment for the construction of a new 29,008 square foot three and four story mixed-use building within a vacant 8,563 square foot lot and adjacent Civic Lane right-of-way area. The proposed building includes a sub-grade basement level containing 14 parking spaces and storage area, a ground floor containing commercial space, and second, third, and fourth floors containing a total of nine residential units.

The project would include an access ramp extending along the existing Civic Lane right-of-way from O'Neill Avenue to the sub-grade level. Completion of the project includes the vacation of the portion of Civic Lane to create a site large enough to accommodate the new mixed-use building at 1300 El Camino Real. The portion of the alleyway proposed to be vacated includes electrical, gas, tele-communications, sewer and water utilities. Staff is working with each utility for relocating their facilities from this area.

On June 17, 2008, the Planning Commission also reviewed the proposed vacation and determined that the disposal of this public right-of-way (Civic Lane alleyway) adjacent to 1300 El Camino Real does conform to the General Plan (Government Code Section 65402) and there are no adverse environmental effects. State law requires the Planning Commission determine the proposed vacation of right-of-way is consistent with the City's General Plan.

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 all the existing utilities will be relocated from this area and that access will still be maintained from the south end of the alleyway, a finding can be made that there is no existing benefit to the general public on this portion of street.

The City will maintain an access easement through the Civic Lane alleyway that is to be utilized for the project down-ramp to the subterranean/parking level. This easement will allow for future access for construction of additional underground parking opportunities envisioned as part of the Firehouse Square Economic Development Target site. The Belmont/San Carlos Fire Department have reviewed and approved the circulation plan for the proposed project.

After the vacation, one half of the alley will be reverted back to the owner at 1300 El Camino Real. The City is approaching completion of negotiations with the developer to sell the west half of Civic Lane to the applicant in order to accommodate the proposed development expansion; the effective lot size would be increased approximately by 2,000 square feet.

General Plan/Vision Statement

Staff has reviewed the General Plan and concluded that the following goals and policies are relevant to the request:

- *General Goal 10. To provide for safe and efficient movement of people and goods within the community and between the community and other areas of the region with a minimum of disruption and adverse environmental effects.*
- *General Policy 4-g. Safe access to the public road system of the community shall be provided.*
- *Circulation Element- Goal 1. To provide a transportation system consistent with the residential, small character and physical setting of Belmont.*
- *Circulation Element- Trafficways Policy 5. Streets and roads should be designed for safe travel at moderate speeds and for low maintenance costs.*

Fiscal Impact

None at this time. The west half of the vacated alleyway will be sold to the developer for the construction of the new building. Staff is approaching completion of negotiations with the developer for modifications to the project, the sale of a portion of Civic Lane, granting of access/easement rights on Civic Lane, financial considerations for the ramp improvements, and utility relocations within Civic Lane.

Public Contact

The agenda was posted as required by the California Government Code. 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 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 12, 2008, for the scheduled public hearing by the City Council on August 12, 2008.

Recommendation

It is recommended that the City Council make a motion to initiate proceedings for the vacation of a portion of the public alleyway at Civic Lane and setting a public hearing of August 12, 2008 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. Exhibit A – Legal Description
- B. Exhibit B – Vacation Plat

Respectfully submitted,

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Jack R. Crist
City Manager

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EXHIBIT A

PORTION OF ALLEY
TO BE ABANDONED

A portion of the "20 FT. ALLEY" which lies adjacent to Lots 17, 18, 19, 20, 21 and 22 in Block 3, as said lots and alley are shown on that certain map entitled "BAY VIEW HEIGHTS", filed in the office of the Recorder of the County of San Mateo, State of California on October 18, 1926 in Book 14 of Maps at Pages 39 and 40, said portion being more particularly described as follows:

Beginning at a point on the southeasterly line of O'Neill Avenue as shown on the above said map, said point being the most northerly corner of said Lot 20; thence, along the northeasterly line of Lots 20, 21 and 22, South 44°02'00" East, 91.20 feet to the most easterly corner of Lot 22; thence North 45°58'00" East, 20.00 feet to the most southerly corner of Lot 17; thence North 44°02'00" West, 92.41 feet to the southeasterly line of O'Neill Avenue; thence South 42°30'00" West, 20.04 feet to the Point of Beginning.

Containing 1836 square feet, more or less.



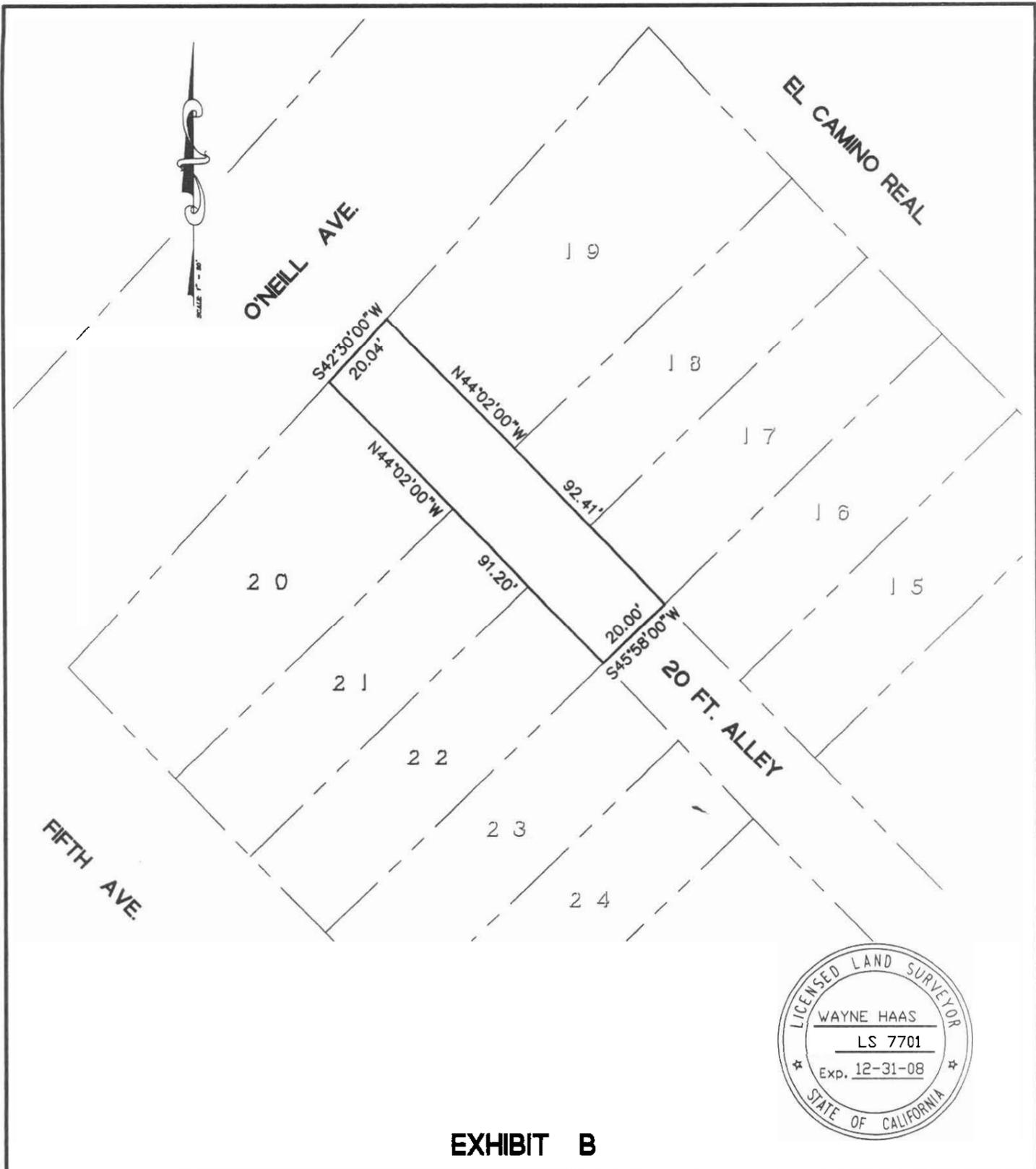


EXHIBIT B

B & H SURVEYING, INC. 901 WALTERMIRE ST., BELMONT, CA 94002 (650) 637-1590			
TITLE: PARTIAL ALLEY ABANDONMENT IN BLOCK 3 OF 14 MAPS 39 - 40			
CITY: BELMONT		COUNTY: SAN MATEO COUNTY	
CITY: BELMONT		CALIFORNIA	
SURV:	SCALE: 1" = 30'	FOR:	JOB NO. 5509-07
PLAT: W.H.	DATE: NOV. '07		DWG NO. 5509-EXHIBIT-B