



Staff Report

MOTION SETTING A PUBLIC HEARING DATE OF JULY 28, 2009 TO ACT ON THE PROPOSED VACATION OF A PORTION OF ALHAMBRA DRIVE ADJACENT TO THE TWO PARCELS APN 043-232-080 and 043-232-230

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 public right-of-way which lies adjacent to the two parcels identified as APN 043-232-080 and 043-232-230. The public hearing date is set on July 28, 2009. State law requires a notice to be published not less than 15 days after the initiation of proceedings.

Background

The subject property is located in a single-family neighborhood developed primarily with one and two-story single-family homes. The property owner proposes to construct a new 2,922 square foot multi-level four bedroom/four bath single-family residence. Small retaining walls will be utilized that would terrace up the hillside. Because of the excessive width of the street, the walls would start within the right-of-way and wrap around the proposed driveway onto the subject property. All work within the right-of-way will be of a permanent nature (retaining walls and driveway pavers) and will be subject to review of the Public Works Department and approval of the City Council. A review of the site revealed the portion of the right-of-way to be vacated is on very steep hill and cannot be used for future roadway without substantial construction costs to the City. Instead of issuing a permanent encroachment permit for the new retaining walls, staff recommends a street vacation of this 16'-21' wide right-of-way. This will relieve the City from future maintenance and liability costs related to any future slope instability and erosion problems.

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 the portion of roadway to be vacated is on a very steep hill, a finding can be made that there is no existing benefit to the general public and that this portion of right-of-way cannot be used for

future roadway access without substantial construction costs to the City. Alhambra Drive fronting these two parcels is already paved and improved.

PG&E, AT&T, Comcast and Mid-Peninsula Water District have no objection to this street vacation. No easement will be reserved. This portion of public right-of-way will be reverted back to the adjacent property owner after the vacation.

General Plan/Vision Statement

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

- *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

The applicant has paid the fee for processing the street vacation.

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 for a minimum 15-day period after June 23, 2009, for the scheduled public hearing by the City Council on July 28, 2009.

Recommendation

It is recommended that the City Council make a motion to initiate proceedings for the vacation of a portion of Alhambra Drive and setting a public hearing of July 28, 2009 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,

Gilbert Yau, PE
Senior Civil Engineer

Karen Borrmann, PE
Interim Director of Public Works

Jack R. Crist
City Manager

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LAND SURVEYING
BRYAN G. TAYLOR, INC.

Serving the San Francisco Bay Area

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TEL: 650.212.1030 FAX: 650.212.1031

CA State Licensed Land Surveyor Number: 7351

January 20, 2009
Job: 08-149

LEGAL DESCRIPTION
FOR
STREET ABANDONMENT – ALHAMBRA DRIVE

Situate in the City of Belmont, County of San Mateo, State of California, and being a portion of Alhambra Drive (formerly Monte Cresta Drive) fronting Lots 8 and 9, Block 114, as shown on that certain subdivision map entitled, "Belmont Country Club Properties No. 10" which was filed for record in Book 15 of Maps at Pages 29-38, on March 24, 1927, San Mateo County records, said Lots being shown on that certain Record of Survey by BGT which was filed for record in Volume 24 of LLS Maps pages 40-41 on December 03, 2002, San Mateo County records, being more particularly described as follows:

BEGINNING at the most westerly corner of Lot 9;

1. thence along the northwesterly extension of the southwesterly line of said Lot, North 22°19'22" West, a distance of 15.98 feet, to the beginning of a nontangent curve to the left, to which a radial line bears South 18°57'16" East;
2. thence along said curve, having a radius of 107.00 feet, through a central angle of 35°34'18", an arc length of 66.43 feet, to a point of nontangency, being the northwesterly extension of the northeasterly line of Lot 8, a radial line to said point bears South 54°31'34" East;
3. thence along said extension, South 43°52'11" East, a distance of 21.17 feet, to the most northerly corner of said Lot, to which a radial line bears South 57°12'51" East;
4. thence along the curved general northwesterly line of Lots 8 and 9, having a radius of 75.00 feet, through a central angle of 34°54'11", an arc length of 45.69 feet, to a point of tangency;
5. thence along the general northwesterly line of Lot 9, South 67°41'21" West, a distance of 26.11 feet;
6. thence continuing along the general northwesterly line of Lot 9, North 88°30'39" West, a distance of 2.25 feet, to the Point of Beginning;

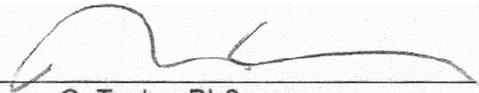
Containing an area of 1,356 square feet, more or less

The basis of bearings for this description was taken from said Record of Survey by BGT (24 LLS 40-41).

END OF DESCRIPTION

The herein described parcel is shown on the attached map, Exhibit B, of this legal description, and is made a part hereof.

This description was prepared by me or under my direct supervision.



Bryan G. Taylor, PLS
License No. 7551, Expires 12/31/09

10 FEBRUARY 2009
Date



(BEARINGS SHOWN TAKEN FROM THE RECORD OF SURVEY BY BGT, RECORDED IN VOLUME 24 OF LLS MAPS 40-41)

ALHAMBRA
(WIDTH VARIES)

DR.
 $\Delta = 35^{\circ}34'18''$
 $R = 107.00'$
 $L = 66.43'$

N22°19'22"W
 15.98' S18°57'16"E (R)

S54°31'34"E (R)
 21.17'

S43°52'11"E
 21.17'

S57°12'51"E (R)
 26.11'

POB
 26.11'
 S67°41'21"W
 N 88°30'39" W
 2.25'

$\Delta = 34^{\circ}54'11''$
 $R = 75.00'$
 $L = 45.69'$

TOTAL AREA:
 1,356 SQ. FT.±

LOT 46

LOT 9

LOT 8

LOT 6

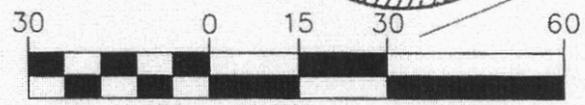
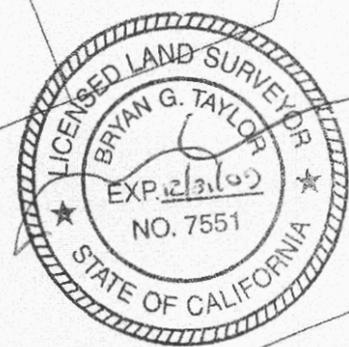
BELMONT COUNTRY CLUB PROPERTIES NO. 10
 BLOCK 114
 BOOK 15 MAPS 29-38

LOT 7

LOT 10

VOL. 24 LLS 40-41

MONTE CRESTA DRIVE
(WIDTH VARIES)



(IN FEET)
 1 INCH = 30 FEET

PLAT ACCOMPANYING LEGAL DESCRIPTION

STREET ABANDONMENT

BGT LAND SURVEYING
BRYAN G. TAYLOR, INC.
 270 PELICAN COURT - FOSTER CITY, CA 94404
 TEL: 650.212-1030 FAX: 650.212-1031

EXHIBIT "B"

CITY OF BELMONT	SCALE 1"=30'	SHEET 1 OF 1
SAN MATEO COUNTY CALIFORNIA	DATE 01/09	JOB 08-149



±

1 INCH = 50 FEET
JUNE 2009

VICINITY OF ALHAMBRA DRIVE
RIGHT-OF-WAY VACATION