

Staff Report

PUBLIC HEARING TO CONSIDER A RESOLUTION VACATING A PORTION OF ALHAMBRA DRIVE AND RESERVE A 5' PUBLIC UTILITY EASEMENT ADJACENT TO THE TWO PARCELS (APNs 043-232-080 and 043-232-230)

Honorable Mayor and Council Members:

Summary

The City Council is requested to adopt a resolution vacating a portion of Alhambra Drive and reserve a 5 foot public utility easement along the frontage of the two parcels APN 043-232-080 and 043-232-230.

Background

The property owner of APN 043-232-080 & 043-232-230 proposed to construct a new 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 a portion of the right-of-way to be vacated is on a 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.

At the time this report was written, the Planning Commission was scheduled to review the proposed vacation and make a determination whether the disposal of this public right-of-way (Alhambra Drive fronting APN 043-232-080 & 043-232-230) does conform to the General Plan (Government Code Section 65402). 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 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. However, a 5' public utility easement will be reserved per City Ordinance. This portion of public right-of-way will be reverted back to the adjacent property owner after the vacation.

After the vacation, the right-of-way shall have enough width (295') for the installation of curb, gutter, two travel lanes and one parking lane per City Ordinance 7-13. Section 7-13(8) authorizes rights-of-way narrower than forty feet as required by Section 1805 of the California Streets & Highways Code. Staff does not recommend the construction of a parking lane with this project since the existing roadway has not parking lane and the properties in the [neighborhood](#) [are](#) on steep hills. Future widening of the roadway would be cost prohibitive and required construction of retaining walls and substantial paving.

Deleted: neighborhood are

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.

Public Contact

The agenda was posted as required by the California Government Code. Notice to the public was conducted in accordance with the State and City ordinance of posting the area proposed to be vacated and notification by mail to property owners within 300 feet radius of the site.

The City has placed a public notice display advertisement in the local newspaper of general circulation (The Examiner) for the scheduled public hearing by the City Council on July 28, 2009.

Recommendation

It is recommended that the City Council approve the vacation of a portion of Alhambra Drive and reserve a 5’ public utility easement adjacent to the two parcels APN 043-232-080 and 043-282-230.

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.
3. Direct a legal description and plat to be prepared for a smaller area for vacation that will allow more room for future street improvement.

Formatted: Indent: Left: 0", Hanging: 0.25", Tabs: 0.25", List tab + Not at 0.5"

Attachments

- A. Resolution Vacating the Right-of-way
- B. Exhibit A – Legal Description for Abandonment of [Right-of-way](#)
- C. Exhibit B – Plat for Abandonment of [Right-of-way](#)

Formatted: Bullets and Numbering

Deleted: Alleyway

Deleted: Alleyway

Respectfully submitted,

Deleted: <#>Exhibit C – Overhead Utility Relocation Map¶
<#>Exhibit D – Aerial Map for Abandonment and Easement Location¶
<#>Exhibit E – Legal Description for Public Utility Easement¶
<#>Exhibit F – Plat for Public Utility Easement¶
¶

Gilbert Yau, PE
Senior Civil Engineer

[Karen Borrmann, PE](#),
[Interim](#) Director of Public Works

Jack R. Crist
City Manager

Deleted: Raymond E. Davis III

Deleted: , PTOE

Deleted: Ray Davis

Deleted: Public Works Directo

Deleted: 7459

Deleted: rdavis@belmont.gov¶

Staff contact:
[Gilbert Yau](#)
[Senior Civil Engineer](#)
(650) 595-[7467](#)
gyau@belmont.gov

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT VACATING A PORTION OF ALHAMBRA DRIVE AND RESERVE A 5' PUBLIC UTILITY EASEMENT ADJACENT TO THE TWO PARCELS (APNs 043-232-080 and 043-232-230)

WHEREAS, that certain map entitled "BELMONT COUNTRY CLUB PROPERTIES NO. 10" filed in the Office of the Recorder of the County of San Mateo, State of California, on March 24, 1927 in Volume 15 of Maps at Pages 29 to 38 showing Alhambra Drive, adjacent to APN 043-232-080 and 043-232-230; and,

WHEREAS, a public hearing was held on the 28th day of July 2009 at the hour of 7:30 p.m., or as soon thereafter as the matter could be heard, in the Belmont City Hall, One Twin Pine Lane, Belmont, California as provided by a motion adopted July 8, 2008 expressing the Council's intention to vacate and abandon a portion of Alhambra Drive and reserve a 5' public utility easement adjacent to the two parcels, APN 043-232-080 and 043-232-230); and,

WHEREAS, a 5' public utility easement will be retained for future utilities within the portion of right-of-way to be abandoned; and,

WHEREAS, notice of said public hearing was mailed, posted and published in the manner and for the time prescribed by law; and,

WHEREAS, all interested persons were given the opportunity to be heard at said public hearing, and the Council has taken into consideration all evidence adduced in the record in that said hearing; and,

WHEREAS, after hearing and considering all of said evidence, the public hearing was closed and the matter was taken into the hands of the council; and,

WHEREAS, the City Council of the City of Belmont, in accordance with the provisions of the Streets and Highways Code of the State of California, Section 8300 Division 9, Part 3, Chapter 4, thereof, elects to vacate and abandon said alleyway.

NOW, THEREFORE, BE IT RESOLVED, that the City Council having given due consideration to all the evidence presented at the public hearing, and all other evidence and reports submitted as part of the record of this matter, and upon such consideration and evidence, makes the following decisions.

1. The City Council does hereby order that under the provisions of Section 8300 of Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code to vacate and abandon a portion of Alhambra Drive and reserve a 5' public utility easement adjacent to the two parcels APN 043-232-080 and 043-232-230 as shown on Exhibits A and B attached hereto and made a part hereof.

Formatted: Font: Bold
Deleted: OF THE 20' ALLEYWAY KNOWN AS CIVIC LANE ADJACENT ¶ TO 1300 EL CAMINO REAL (APN 045-244-010)
Deleted: BAY VIEW HEIGHTS
Deleted: October 18, 1926
Deleted: 4
Deleted: 3
Deleted: and
Deleted: 40
Deleted: "20 FT. ALLEY"
Deleted: 1300 El Camino Real (
Deleted: 5
Deleted: 44
Deleted: 1
Deleted:)
Deleted: 1
Deleted: Aug
Deleted: st
Deleted: 8
Deleted: the 20' alleyway known as Civic Lane adjacent to 1300 El Camino Real
Deleted: (
Deleted: 5
Deleted: 44
Deleted: 1
Deleted: an access
Deleted: by the City over the portion of the Civic Lane alleyway to be abandoned for
Deleted: access for additional underground parking opportunities envisioned as part of the Firehouse Square Economic Development Target Site; and, ¶
Deleted: ¶ WHEREAS, a temporary utility easement will be retained for the existing utilities within the
Deleted: alley
Deleted: WHEREAS, no devel(... [1]
Deleted: ¶ ... [2]
Deleted: THAT:¶ ... [3]
Deleted: to vacate a portion of t ... [4]

2. A 5' public utility easement is hereby reserved pursuant to the provision of Section 8340 of the Street and Highway Code, upon, over and across a portion of Alhambra Drive being abandoned as shown on Exhibits A & B attached hereto and made a part hereof.

3. From and after the date of recordation of this resolution, the vacation portion of roadway will no longer constitute a public right-of-way except the reserved public utility easement.

* * * * *

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 July 28, 2009.

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

Deleted: n access

Formatted: Indent: Left: 0.25", Hanging: 0.25"

Deleted: <#>for ingress and egress to and from Lots 1 through 38 and the '20 FT. ALLEY' in Block 3 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 Volume 14 of Maps at Pages 39 and 40, is hereby reserved, pursuant to the provisions of Section 8340 of the Streets and Highways Code, upon, over and across that portion of the 20' alleyway being abandoned. ¶

Formatted: Bullets and Numbering

Deleted: A temporary utility easement is hereby reserved, pursuant to the provision of Section 8340 of the Street and Highway Code, upon, over and across that portion of the 20' alleyway being abandoned. No development shall be allowed within the portion of the alleyway to be abandoned until the temporary utility easement has expired. Said easement shall expire 120 calendar days after the recordation of this resolution or after all the utility relocation work has been signed off by the utility companies, whichever date is earlier. All utility relocations must be completed by the utility companies within the prescribed time frame. ¶

From and after the date of recordation of this resolution, the vacated alleyway will no longer constitute a public right-of-way except the reserved access easement and temporary utility easement.

Deleted: ¶

¶
¶
¶

Deleted: A

Deleted: gus

Deleted: t

Deleted: 1

Deleted: 8

Deleted: -----Page Break-----

Deleted: RESOLUTION NO. _____ ¶

RESOLUTION OF THE CITY ... [5]

Formatted: Justified

WHEREAS, no development shall be allowed within the portion of the alleyway to be abandoned until the temporary utility easement has expired; and,

WHEREAS, said temporary utility easement will expire 120 calendar days after the recordation of this resolution or after all the relocation works have been signed off by the utility companies, whichever date is earlier; and,

WHEREAS, all utility relocations must be completed by the utility companies before the expiration of said temporary utility easement; and,

WHEREAS, said easement shall not affect the construction of the development outside the alleyway to be abandoned; and,

WHEREAS, substantial evidence in the record shows that adequate alternative access is available to all of the properties formerly served by said alleyway; and,

THAT:

to vacate a portion of the 20' alleyway known as Civic Lane adjacent to 1300 El Camino Real (APN 045-244-010)

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT ACCEPTING THE DEDICATION OF A PUBLIC UTILITY EASEMENT ON THE OLD BELMONT FIRE STATION PROPERTY AT 875 O'NEILL AVNUE (APN 045-244-160)

WHEREAS, on June 24, 2008, the Belmont City Council approved a tentative map and conceptual development plan amendment for the construction of a new four story mixed-use building at 1300 El Camino Real; and,

WHEREAS, completion of the project requires the vacation of a portion of Civic Lane to create a site large enough to accommodate the new mixed-use building; and,

WHEREAS, a public hearing is scheduled for the August 12, 2008 Belmont City Council meeting to vacate a portion of Civic Lane adjacent to the new development at 1300 El Camino Real; and,

WHEREAS, the portion of the 20' alleyway proposed to be vacated includes existing electrical, gas, and tele-communication utilities; and,

WHEREAS, PG&E, AT&T and Comcast Cable are preparing their construction documents to relocate and underground the existing electrical, telecommunications and gas lines within this area; and,

WHEREAS, a new utility joint trench needs to be installed along the south side of the Old Belmont Fire Station parking lot at 875 O'Neill Avenue, and a new public utility easement is required.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Belmont:

Accepts the dedication of a 10' public utility easement from the Belmont Redevelopment Agency on the Old Belmont Fire Station property at 875 O'Neill Avenue (APN 045-244-160) as shown on Exhibits E and F attached hereto and made a part hereof.

From and after the date of recordation of this resolution, the said public utility easement will be accepted by the City of Belmont.

* * * * *
*

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 August 12, 2008.

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